

## Regular Meeting

The 1485<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, February 19, 2013 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:00 PM. Present for the meeting were Commissioners Robert Marseglia, Bob Mercer, and Ben Tamsky; Alternates Gardner Young and Eric Beverly; and Town Planner Keith A. Brynes. Commissioners Frances Hoffman and John Prue, and Alternate Curtis Lynch were absent.

Seated for the meeting were Rob Marseglia, Bob Mercer, Ben Tamsky, Eric Beverly, and Gardner Young.

### Commission Initiatives:

Keith Brynes stated they have received changes to zoning regulations for flood maps. The required changes are minimal and are listed in the staff report given to the commission. Mr. Brynes said a draft has been sent to the DEEP for comment. He will submit this as a new application in March; at which time, the PZC will review the application for approval by August 2013. Chairman Marseglia asked staff to make a CD of the flood maps, or provide a link to access.

Mr. Brynes said the ZBA agreed they should handle the A-2 survey waiver procedure but had not as yet come up with a method to handle it. Mr. Marseglia and Mr. Tamsky noted there should be a public hearing for this issue.

### Meeting Minutes:

Mr. Marseglia suggested tabling approval of the 2/5/13 meeting minutes.

### Administrative Review:

**ZON13-022 Sea Dog Realty, LLC (Allen Fee)** - Zoning Permit application for change of use (Retail to Bait & Tackle sales) & associated signage for Shaffer's Marina. Property located at 111 Masons Island Rd., Mystic. Assessor's Map 160, Block 7, Lot 15. Zone MC-80

Mr. Brynes explained that the existing signage exceeds the allowable square footage, the banners on the building are not permitted, and the signage lighting is not down lit.

Allen Fee, owner of Shaffer's Marina, stated it is beneficial to have light on the sign as Mason's Island Road is very dark. He noted that he has added plants around the sign area. He would like to keep the sign with the date but is willing to remove the temporary banners and will change lighting to conform to regulations.

Commissioners suggested Mr. Fee incorporate the "Since 1936" into the existing Shaffer's Marina sign. Mr. Tamsky motioned to approve this application with two stipulations. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

### Stipulations:

1. Prior to the Zoning Official's signature of this Zoning Permit the detached sign shall be brought into compliance by removing the panel reading "Since 1936," and removing the banner sign on the building.
2. Sign lighting shall be full cutoff and downward facing.

**PZ1201SUP & CAM- TOS Water Pollution Control Authority**—Request for minor revisions to approve Special Use Permit & Coastal Area Management Review applications for the upgrade & restoration of existing Water Pollution Control Facility. Property located at 22 Edgemont St., Mystic. Assessor's Map 174 Block 20 Lot 1. Zones RC-120 & M-1.

WPCA Director, Tom Gilligan stated the proposal will relocate an electrical transformer and 2 parking spaces to provide better access to the transformer for CL&P. These revisions don't expand the project, increase its impact, or reduce the number of parking spaces. Mr. Tamsky expressed concern about the early morning hours of

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operation, citing a complaint he received from a resident on the same road. Mr. Gilligan said he'll look into this matter. Mr. Mercer motioned to approve the applications. Mr. Tamsky seconded. The motion to approve was unanimous.

**Old Business:**

**PZ1232BR LCS Westminster, LLP (StoneRidge)**- Request for release of \$14,000.00 cash bond posted for activities associated with PZ0031SUP development of property located at 186 Jerry Brown Rd., Assessors Map 150 Block 1 Lots 15, 16 & 25, Zone RA-40. Original bonding of \$350,000.00 was reduced to \$175,000.00 on 1/10/05, further reduced to \$14,000.00 on 6/13/05.

Mr. Byrnes explained that StoneRidge is requesting full release of the remaining \$14,000.00 performance bond. The Building Official, Town Engineer, and the Old Mystic Fire Marshal had no issues or comments on this application. Mr. Tamsky motioned to approve the application. Mr. Mercer seconded. The motion was unanimously approved.

**PZ1301CAM Thomas & Lorraine Pandolfe (Amity Construction & Design)** – Coastal Area Management Review for demolition of existing single family residence and construction of new single family residence. Property located at 14 Quarry Path, Stonington. Assessor's Map 129 Block 6 Lot 4. Zone RM-20 & RC-120.

Russ Smith of Amity Construction, representing the applicants, gave an overview of the application. Mr. Mercer asked if the Town Engineer had any comments. Mr. Smith said none had been returned to him and DEEP found the CAM to be consistent with the Connecticut Coastal Management Act.

Mr. Byrnes explained that the property is a legally pre-existing, undersized 8,694SF lot in the RM-20 zone. The proposed house conforms to the RH-10 bulk requirements and coastal height limit. Mr. Brynes said neither staff nor the town have any issues with this application. Mr. Tamsky motioned to approve the application with the one stipulation recommended by Staff. Mr. Mercer seconded. The motion was approved unanimously.

**Stipulation:**

1. Final plans shall depict location of the zoning district boundary and RC-120 Non-Infringement Area.

Commissioners discussed the possible cancellation of the March 5, 2013, PZC special meeting. It was agreed that there would be no meeting on 3/5/13.

**Public Hearing(s): 7:30 p.m.**

**PZ1230SD & GPP Rowley, LLC (Allied Dev. Ptrnrs. LLC)** – Subdivision and Groundwater Protection Permit applications for an 11-lot Open Space Development Subdivision with a 742'± cul-de-sac. Property located at 615 North Stonington Rd., Stonington. Assessor's Map 115 Block 1 Lot 1. Zone GBR-130. *Continued from 2/05/13 meeting.*

Mr. Brynes explained that this public hearing was continued from the 2/5/13 meeting and is resuming in the rebuttal phase.

Project Engineer Pat Lafayette, of Development Solutions, representing Allied Development Partners, addressed the items that were requested at the last meeting, noting the following:

- Were this to be a conventional subdivision, the open space set aside would be 14.8 acres, consisting of 18.8% wetlands. This conservation subdivision proposes approximately 53 acres of open space set aside.
- The additional conservation easement area on Lot #6 will be deeded to the lot.
- Drawings now show access from Route 201 to the open space via walking paths.

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- Lot #1 has been reconfigured to meet the setback requirements for a conventional subdivision.
- As per Public Health Code, the well on Lot #3 has been relocated to meet the required setback from the proposed septic system.
- As previously discussed, Lot# 6 will have a deeded conservation easement.

Mr. Marseglia asked what the applicant's plan for transferring the designated open space is. Mr. Gallagher asked for clarification on the word "transfer." Mr. Brynes explained that it means deeded over to the entity taking ownership, noting that the developer has an additional option to retain it put a conservation easement on it. Mr. Gallagher stated his plan is to transfer the land to a land trust, as it abuts Avalonia. After a discussion about the new, less restrictive requirements for the public improvements performance bond, Mr. Brynes explained that the town and neighboring properties are protected from a contractor going bankrupt via the Erosion & Sedimentation Bond as it is collected up front. The performance bond must be posted when the roadway construction is started. Mr. Marseglia stated that enough new information had been presented that allowed for additional public comment.

**General Comments:**

Carlene Donnarummo asked if there was Public Act# (PA) for this change in State Statute regarding bonding. Mr. Brynes replied that it was PA#12-182. She stated her concern for the potential lack of protection for the town if a contractor goes bankrupt prior to completing public improvements.

Mr. Tamsky asked if Mr. Brynes had any additional comments. Mr. Brynes noted that the Town Engineer stated that his comments had all been met, and the Town Sanitarian's request to see the location of the existing well and septic system on Lot# 1 had been provided. If any additional test pits or percolation tests are required then they will be requested by the Building Office to ensure septic systems are fully compliant with the Public Health Code.

Mr. Tamsky motioned to close the public hearing. Mr. Young seconded. The motion was unanimously approved. After a discussion on lighting, Mr. Tamsky motioned to approve the requested waivers for curbs, sidewalks, and lighting requirements for the application. Mr. Young seconded. The motion was unanimously approved.

Mr. Tamsky motioned to approve the Groundwater Protection Permit for PZ1230SD & GPP. Mr. Mercer seconded. The motion was approved unanimously.

Mr. Tamsky motioned to approve the Subdivision application for PZ1230SD & GPP with 7 stipulations listed in the staff report and an 8<sup>th</sup> stipulation by the Town Engineer. Mr. Mercer seconded. The motion was approved unanimously.

**Stipulations:**

1. The applicant shall post a Performance Bond per Section 8.6 of the Zoning Regulations. The bond amount shall be established by the Town Engineer after an estimate of the construction cost, including site landscaping, is provided by the applicant and approved by the Town Engineer.
2. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits per Section 8.6 of the Zoning Regulations. The bond amount shall be established by the Town Engineer after an estimate of the construction cost is provided by the applicant and approved by the Town Engineer.
3. The applicant shall submit an inspection fee equal to 5% of the total cost of site improvements for inspection services relative to erosion and sediment control and public improvements. The developer is responsible for any inspection costs that exceed this 5% amount.

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4. Open space shall be transferred and conservation easement shall be recorded prior to the recording of final plans.
5. Final plans shall include new addresses and Assessor's lot numbers to be assigned by the Town.
6. Final plans shall be reviewed to the satisfaction of the Town Engineer and Town Sanitarian regarding outstanding engineering and Public Health Code issues.
7. Final plans shall include street trees every 50' per side per Section 11.1.4 of the Subdivision Regulations.
8. The applicant shall post a maintenance fee in order for the Town to inherit the future responsibility of maintaining the storm water management basin over a 20 year time period. The annual maintenance cost for the storm water management basin will be estimated at 3% of the construction cost. The construction cost associated with the detention basin shall be provided to the Town Engineer in order for the maintenance fee to be calculated by that office.

Mr. Tamsky motioned to adjourn the meeting. Mr. Mercer seconded. The motion was unanimously approved. The meeting adjourned at 8:50 pm.



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Ben Tamsky, Acting Secretary