

Special Meeting

The 1488th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, April 16, 2013 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 6:35 PM. Present for the meeting were Commissioners Ben Tamsky, John Prue, and Frances Hoffman; Alternates Curtis Lynch, Eric Beverly, and Gardner Young; and Town Planner Keith A. Brynes. Commissioner Bob Mercer was absent.

Seated for the meeting were John Prue, Curtis Lynch, Ben Tamsky, Rob Marseglia, and Frances Hoffman.

A moment of silence was observed to remember all those affected by the tragedy in Boston this week.

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development – Mr. Prue stated there are no new developments to report. Mr. Lynch asked the POCD to consider planning for economic development opportunities that support and focus on the retirement age environment and citizenry of the town.

Meeting Minutes:

Ms. Hoffman moved to accept the minutes from April 2, 2013 with two wording. Mr. Tamsky seconded. The motion was approved 4-0-1.

Roll Call: Marseglia – approve, Tamsky – approve, Hoffman – approve, Prue – approve, Lynch - abstain

Reports:**Commission**

1. Discussion of policy regarding development of legally non-conforming, vacant commercial lots. Town Attorney Thomas Londregan reviewed the non-conforming, vacant commercial lots issues referenced in the lawsuits against the town. His recommended options to the Planning and Zoning Commission are:
 - a. do nothing and let the courts decide;
 - b. clarify/amend the regulations and make all such property owners of nonresidential lots go to the ZBA for an area variance;
 - c. recognize preexisting non-conforming, vacant, nonresidential lots as a "lot of record" subject to development restrictions as to side yard setbacks and rear yard setbacks (not frontage), and amend the definition of bulk to include lot area.

After discussion, Mr. Prue motioned to move this item on the agenda to Commission Initiatives for further discussion. Mr. Lynch seconded. The motion was unanimously approved, 5-0.

2. Discussion of policy/Commission interpretation regarding potential conflict between Zoning Regulations 7.7.8.3.1, 7.7.8.3.2, and FEMA regulations related to additions to legally non-conforming buildings that are not "substantial improvement" in flood hazard areas. Attorney Londregan stated the "new construction" definition dates back to 1961, but flood hazard regulations were not adopted by the Town until 1977. He noted that the Town Building Official is applying FEMA and DEEP requirements, and the ZEO is applying the Town zoning regulations, thus creating a disagreement between Staff. First Selectman Ed Haberek expressed his concern that all parties involved in this particular application have provided their input and given their opinion, yet the applicant has been waiting for a very long time for a decision. After some discussion, Mr. Haberek and the Planning and Zoning Commission agreed that any professional disagreement between staff in the interpretation of the zoning regulations will be brought before the commission at the earliest opportunity. Mr. Prue motioned to recognize that FEMA regulations supersede Town regulations when there is a conflict. Mr. Lynch seconded. Mr. Marseglia asked Mr. Brynes to update the zoning regulations to meet FEMA requirements so applicants are aware of the process and staff

Special Meeting

understands as well. The motion was approved, 4-0-1.

Roll Call: Marseglia – approve, Tamsky – abstain, Hoffman – approve, Prue – approve, Lynch - approve

3. Discussion of Watrous v Town of Preston IWWC Federal Ct. decision. At Mr. Marseglia's request, Attorney Londregan provided a handout with an update on this case. This brief was shared with the commission to inform and remind them of the law.
4. Discussion of CT State Statue 8-3(e) related to zoning enforcement and permitting. This item was tabled for discussion at a later meeting.
5. Discussion of policy regarding modifications to approved Special Use Permits. This item was tabled for discussion at a later meeting.

Administrative Review:

Director of Public Works Joe Bragaw / Highway Supervisor Lou DiCesare request for Planning & Zoning Commission approval to perform necessary repairs to Town roadways designated as scenic roads.

Mr. Brynes referred to the memo from the DPW and the Scenic Road ordinance. Mr. DiCesare stated there would be no widening of roads, just a re-sculpting of them to prevent ponding/icing and enhance water runoff. Mr. Tamsky moved to approve the request. Mr. Lynch seconded. The motion was unanimously approved.

ZON13-052 Martin Olson Irrev. Trust (Chris Regan) - Zoning Permit to construct addition to existing structure (Olde Mystic Village Cinemas) for a live performance theater. The addition is a reduction in size from PZ0753SUP approval, 1/15/08. Property located at Coogan Blvd., Mystic. Assessor's Map 164, Block 3, Lot 1 Zone TC-80.

The commission still has questions regarding the size of the existing sign. Mr. Tamsky motioned to table this application. Mr. Prue seconded. The motion was unanimously approved.

ZON12-272 Mystic River Marina, Inc. (Flo Klewin) - Zoning permit for Kitchen Little signage. Property located at 36 Quarry Rd., Mystic. Assessor's Map 181, Block 1, Lot 81 Zone RM-15.

Mr. Brynes clarified existing permitted signage and stated some signs are considered "internal use signs" that don't count toward the maximum allowed signage square footage. He showed options that would allow the applicant to meet the signage requirements. The applicant stated that they were unaware of the internal use sign exclusion. Area residents spoke against the signage proposal, citing concerns of increased traffic on narrow streets, year round operation of the restaurant, and the residential area becoming commercial in nature. Mr. Marseglia shared the zoning enforcement process with the residents. He also indicated the town's attorney is still researching the history of this application and special use permit. This issue will be discussed within the next two meetings. After discussion, Ms. Hoffman motioned to approve the oval sign facing south and the modification to the Route 1 sign, with any lighting of the signs to be directed downward and be full cutoff. Mr. Prue seconded. The motion was unanimously approved.

The applicant shall come back before the Commission with more information on the remaining proposed signs.

The Commission returned to the Reports/Commission:

6. Discussion with the Economic Development Commission regarding M-1 District Zoning Strategies. The Chairman of the EDC stated that commission hired Planimetrics to evaluate the M-1 zone, impediments of

Special Meeting

these spaces, and present a proposal for strategic development and growth. Glen Chalder of Planimetrics, shared a plan to modify uses and dimensional standards on all 3 types of buildings/parcels in the town. Their suggestion is to divide all M-1 into 3 different areas, and change the permitted use and regulations applying to these areas. Three different categories suggested are:

- Heritage Mill District - two properties in Pawcatuck & Mystic
- M-1 District - Larger zoning area proposed to remain the same
- M-2 District - Smaller parcels district

The idea is to make it easier to set up a business in Stonington and promote growth. The EDC recommends the PZC go forward with the Heritage Mill District, as it is ready to go. Staff would be overseeing applicants for permits based on the number of parking spaces currently available. The PZC would be the applicant. There was discussion of a master plan. Glen Chalder stated there may be opportunity for a short term plan to provide some revenue to the town before moving to a master plan. Some residents spoke to this proposal. After discussion, Ms. Hoffman motioned to have staff draft text for regulation and zoning amendments to create a Heritage Mill Zone (HM Zone), based on studies provided by the EDC and Planimetrics. Mr. Lynch seconded. The motion passed with a vote of 3-2.

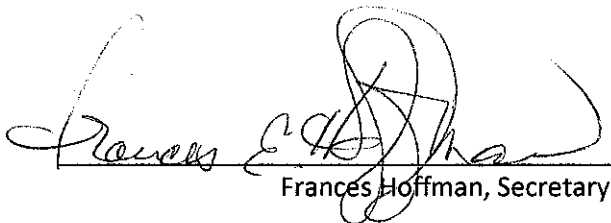
Roll Call: Marseglia – approve, Tamsky – deny, Hoffman – approve, Prue – deny, Lynch - approve

Meeting recessed at 8:55pm and reconvened at 9:05pm.

ZON13-062 Sun Seaport RV Campground (Norton Wheeler) - Zoning Permit application to remove and redesign existing front roof line, extend rear roof, and add 8' x22.5' covered porch to front of building. Property located at 45 Campground Rd. Mystic. Assessor's Map 167, Block 1, Lot 3 Zone GBR-130 & GC-60.

Mr. Brynes provided a handout of applicant's plan and explained the proposal, noting that it is not an expansion of the site's Special Use Permit or an increase in impact to the neighborhood. Commissioners discussed the recent ZEO's zoning compliance letter to a lending institution and the zoning regulation that doesn't permit campers to remain on site more than 105 days. The new owners/operators stated they don't have any of the previous owner's records. There have been no complaints/violations against the site, and the green shed in question has been removed. Mr. Tamsky motioned to approve the application. Ms. Hoffman seconded. The motion was unanimously approved.

Mr. Prue motioned to adjourn the meeting. Mr. Tamsky seconded. The meeting was adjourned at 10:35pm.



 Frances Hoffman, Secretary