

## Special Meeting

The 1489<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, May 7, 2013, at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:05 PM. Present for the meeting were Commissioners Bob Mercer, Ben Tamsky, John Prue, and Frances Hoffman; Alternates Curtis Lynch and Gardner Young; and Town Planner Keith A. Brynes. Alternate Eric Beverly was absent.

Seated for the meeting were Rob Marseglia, Bob Mercer, John Prue, Ben Tamsky, and Curtis Lynch (until 7:10pm at which time Frances Hoffman was seated).

**Commission Initiatives:**

Discussion of 2014 Plan of Conservation and Development: Mr. Brynes summarized the last POCD meeting, indicating the next meeting is scheduled for May 13, 2013.

Discussion of policy regarding development of legally non-conforming, vacant commercial lots: The commission is letting this topic play out in court to see how it is settled, and can review this later if they so choose. Mr. Prue moved to remove this item from this commission's initiatives. Mr. Tamsky seconded. After discussion, the motion was unanimously approved, 5-0.

Discussion of draft regulations and Zoning Map Amendment for a new Zoning Heritage Mill (HM) District: Mr. Tamsky moved to table this item until next meeting. Mr. Prue seconded. Mr. Brynes will include maps of the two areas in question for the next meeting. The motion was approved, 5-0.

Ms. Hoffman was seated for the remainder of the meeting.

**Meeting Minutes:**

Ms. Hoffman moved to accept the minutes from the April 16, 2013 meeting. Mr. Tamsky seconded. The motion was approved 4-0-1.

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

**Reports:****Zoning Enforcement & Violations:**

There was discussion between the commission and First Selectman Ed Haberek about The Handlebar Café signage issue and if the proper permitting channels were followed.

Mr. Marseglia shared the commission's frustration with how things are being run at Town Hall and what the root cause of the turmoil is. Mr. Haberek stated there have been some personnel issues. As agreed at the last meeting, any professional disagreement concerning an application should be brought before this commission immediately. The commission asked Mr. Haberek for assurance that no application will go forward without going through the proper steps. Mr. Haberek agreed to this request.

Mr. Haberek shared the short-term plan for the position of a part-time Director of Planning. He said this position can't be filled until January 2014. The Board of Finance would need to appropriate more funds to get this position filled earlier.

There was additional discussion on whether there was a need for an Executive Session to discuss personnel issues and expectations. Mr. Brynes read the reasons that warrant an Executive Session. Mr. Haberek shared the law as it relates to the employees and union. It was agreed that the Commissioners will have their

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expectations of staff and Town Hall written for the next meeting, with a discussion scheduled for the June 4, 2013 meeting.

Mr. Tamsky recognized Joe Larkin for his contributions as the Town's Zoning Enforcement Officer. Mr. Mercer also expressed his thanks to Mr. Larkin and said Ledyard is lucky to get him.

**Administrative Review:**

**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.

Mr. Brynes provided an update on this application, stating the existing sign is 75 sq. ft. and the new proposed sign is same size just a different configuration. Mr. Mercer moved to approve the application with two stipulations. Ms. Hoffman seconded. The motion was approved unanimously 5-0.

## Stipulations:

1. Prior to signature of the Zoning Permit, revised final plans shall be recorded in the Land Evidence records after commission signature along with the Special Use Permit.
2. Proposed sign shall be a maximum of 75 square feet.

**PZ0463ZC, SPA & CAM & PZ0714ZC MIRG Mystic Harbour, LLC-**Informal presentation of proposed changes to approved Master Plan and site plan. Edgewood Mac, LLC is new property owner. Property located at 2 Harry Austin Drive Mystic, CT. Assessor's Map 160 Block 4 Lot 8. Zone IHRD-2.

Attorney Ted Ladwig presented the applicant's proposed changes to the project. Changes include building four smaller residential buildings surrounding a central court rather than one large building. Each building will include 12 to 15 units each. The number of dwelling units would remain at 55. The proposal will include smaller units and will consist of less total square footage. The buildings will be close to the height of the original proposal depending on the requirements of the new flood hazard maps. Tim Wentz, architect, provided further details in relation to FEMA regulations. It was noted that remediation of the site is almost complete. The existing tower is not in a condition to be salvaged. The western building will incorporate a similar tower in its design. After a brief discussion, the commission indicated its support for the project to move forward. Submitting Master Plan and site plan applications to the Commission is the next requirement.

**13-081ZON Pechje, LLC (Matt Eckenroth)-** Zoning permit for change of use from Retail to Personal Services. The applicant is requesting to move his business from a different space in the same location as previously approved by the PZC on 12/18/12 (12-263ZON).Property located at 37-39 West Broad St. Pawcatuck. Assessor's Map 1, Block 4, Lot 6 Zone DB-5.

Mr. Tamsky moved to approve the application. Mr. Prue seconded. The vote to approve was unanimous, 5-0.

**12-272ZON 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.

Staff reminded the commission what the issues were concerning signs from the last meeting, in which 2 of the 4 proposed signs had been approved. Mr. Brynes provided a handout of the proposed sign under consideration for approval tonight. Mr. Marseglia expressed frustration that there was no sign package with both internal use and exterior signs presented to the Commission as a whole, noting that it would have made it much clearer for

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the Commission to evaluate this business's sign requests in its entirety. Mr. Tamsky moved to approve the application. Ms. Hoffman seconded. The motion was approved, 4-1.

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

**Correspondence:**

Mr. Patrick Gallagher, developer for a previously approved application, shared with the commission that his application was approved in mid-April and he is still waiting for the Town Attorney to respond to some easement documentation under his review. Mr. Gallagher has a 5/10/13 deadline to close on this property and needs his plans signed and documents filed. Mr. Marseglia and Mr. Haberek stated they will do whatever they can to help him meet his deadline. Mr. Brynes will assist Mr. Marseglia.

**Old Business:**

**PZ1303SPA & CAM Latimer Point Condominium Assoc., Inc.-** Site Plan application & Coastal Area Management Review for proposed relocation & 2<sup>nd</sup> floor addition to existing house; demolition & reconstruction of existing cottage; and new decks, deck additions, & shed. Properties located at 16 North Shore Way, 55 East Shore Rd., & 106 Latimer Pt. Rd., Stonington, CT. Assessor's Maps/Blocks/Lots: 154/2/10, 154/6/10, 154/2/17. Zone RM-20.

Mr. Brynes recommended the Commission table this application, pending comments from the DEEP. Mr. Prue moved to table the application. Mr. Tamsky seconded. The motion was approved, 5-0.

**Public Hearing:**

Ms. Hoffman read the call for the public hearing at 9:50pm.

**PZ1302RA Town of Stonington PZC (FEMA) -** Regulation Amendment for proposed revisions to Flood Hazard Regulations to conform to new FEMA Flood Hazard Coastal Maps which will be effective August 5, 2013.

Mr. Prue moved to continue this application to the May 21, 2013 meeting. Mr. Tamsky seconded. The motion was unanimously approved.

Mr. Tamsky moved to adjourn meeting. Ms. Hoffman seconded. The motion was unanimously approved.

The meeting was adjourned at 9:55pm.

  
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Frances Hoffman, Secretary