

Special Meeting

The 1491st meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, June 4, 2013, at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:00 PM. Also present for the meeting were Commissioners Bob Mercer, Ben Tamsky, John Prue, and Frances Hoffman; Alternates Eric Beverly, Curtis Lynch and Gardner Young; and Town Planner Keith A. Brynes.

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

Commission Initiatives:**Discussion of 2014 Plan of Conservation and Development:**

Mr. Marseglia noted that another member, Alisa Morrison, has resigned from the POCD committee, suggesting that the open positions be advertised. It was suggested that if Mr. Prue is unable to attend the POCD meeting, then someone else should fill in to represent the PZC. Mr. Tamsky asked Mr. Prue if Ms. Morrison would be interested in sharing the reasons for her resignation with the PZC. Mr. Prue indicated he would encourage her to do so. Mr. Brynes noted that replacing the members would be beneficial. Mr. Prue motioned to have the Selectmen advertise for candidates to replace the two vacancies on the 2014 POCD Subcommittee. Ms. Hoffman seconded. The vote was unanimously approved, 5-0.

Discussion of policy/commission interpretation regarding potential conflict between Zoning Regulations 7.7.8.2.1, 7.7.8.3.2 and FEMA regulations related to additions to legally non-conforming buildings that are not "substantial improvements" in flood hazard areas.

Mr. Brynes provided the commission with revised wording (see pages 7-8 of staff report). He highlighted 2 options to address substantial improvement. There was discussion over definitions, zoning & FEMA regulation language and this commission's interpretation of the regulations going forward. Mr. Brynes will see if there are any more examples to help the commission with this initiative.

Discussion of draft regulations and Zoning Map Amendment for a new Zoning Heritage Mill (HM) District:

Mr. Brynes noted that there was no new input to the Commission, at the last meeting they wished to have more time to review the information they have. Several commission members stated they are not ready to discuss this initiative at this meeting. It was decided that the PZC will revisit this in July.

Meeting Minutes:

Ms. Hoffman moved to accept the minutes from May 21, 2013 with one correction. Mr. Tamsky seconded. Motion was approved, 4-0-1

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

The May 7, 2013 minutes are still being addressed by Ms. Hoffman.

Reports:**ZEO-Pending Variances, A-2 survey waiver requests:**

ZBA #13-06 Stephen & Jill Plant - Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 40' to 30' 6" for an addition. Property located at 202 South Anguilla Rd., Pawcatuck. Assessor's Map 48 Block 2 Lot 13 Zone RR-80 (RA-40 applies).

Mr. Brynes gave a brief review of the application. Mr. Mercer motioned to approve the A-2 survey waiver request. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

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Administrative Review:

Sea Research Foundation, Inc & Waterstone Retail - Informal discussion of proposed zoning map amendment from M-1 (Manufacturing) to TC-80 (Tourist Commercial). Properties located at Maritime Drive and Coogan Blvd. Assessor's Maps/Blocks/Lots: 150/1/28A, 150/1/28 & 150/1/-28B.

Attorney Bill Sweeney, representing both the property owner and the potential property developer, presented background on the proposal and the properties involved, and sought input from the commission on issues that need to be addressed before proceeding to the Commission with the necessary applications. Thoughts and concerns shared by the PZC included:

- whether PZC would support a zone change for the property
- concern over potential uses of the 2 vacant properties
- preservation of green/open space and low-impact on the corridor
- at some point the identity of this marine-themed retailer will need to be revealed in order to protect future of the area
- an impact statement should include how this proposal would benefit the community, as well as the usual impact points of traffic flow, parking, etc.

The Commission took a 3-minute break, resuming the meeting at 8:24pm.

13-114 ZON Harrison Associates (Christine Prejean) – Zoning Permit for change of use from retail to personal services (dog grooming) and associated signage. Property located at 39 Whitehall Ave., Mystic. Assessor's Map 164, Block 1, Lot 9. Zone GC-60.

Mr. Brynes presented the request, recommending a stipulation that the existing illegal restaurant signs be removed. Mr. Tamsky motioned to approve the application with the advised stipulation. Ms. Hoffman seconded. After a discussion on whose responsibility it was to enforce the restaurant sign violations and the responsibilities of the tenants versus the building owner, the motion was withdrawn. Mr. Prue motioned to approve the application without the stipulation recommended by staff. Ms. Hoffman seconded. The motion was approved, 4-1.

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

Mr. Prue motioned to instruct Staff to bring the property located at 39 Whitehall Ave. into compliance. The vote was unanimously approved, 5-0.

13-120 ZON Ravie, LLC - Zoning permit for external staircase to 2nd floor of rear building. Property located at 21 East Main St., Mystic. Assessor's Map 174 Block 2 Lot 5. Zone DB-5.

Mr. Brynes provided a handout and stated that no parking on the site will be displaced. The applicant offered an exhibit of the staircase location to the commission. She stated that the Fire Marshal visited the property and had no issues with this second method of egress. Mr. Prue motioned to approve the application with a stipulation. Ms. Hoffman seconded. The motion was unanimously approved.

Stipulation:

1. The proposed stairs shall be acceptable to the Building Official.

Correspondence:

Mr. Brynes noted the following items had been received:

- Letter from the attorney for Masons Island Marina requesting placement on the 7/16/13 PZC agenda

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- Letter from the Town Attorney regarding dirt bikes and noise disturbances
- Letter from 21 Hatch St. resident Kelly McMahan regarding enforcement issues with Pita Spot restaurant. Mr. Marseglia asked staff to inform both the building owner and the operator of Pita Spot that this ongoing issue will be discussed at the next PZC meeting. Mr. Brynes will inform the Commission of any current violations and potential next steps might be

Old Business:

PZ1303SPA & CAM Latimer Point Condominium Assoc., Inc.- Site Plan application & Coastal Area Management Review for proposed relocation & 2nd 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 tabling this application. Mr. Prue moved to table the application. Mr. Tamsky seconded. The vote was unanimous in favor.

Public Hearings:

Ms. Hoffman called the public hearing at 9:20pm. The order of the two public hearings was reversed.

PZ1305RA Town of Stonington (PZC) – Regulation Amendment to give the Zoning Board of Appeals the authority to review the adequacy of variance applications that come before them, thus allowing the ZBA to waive the requirement for an A-2 survey rather than the Planning & Zoning Commission.

Mr. Brynes stated he and Mr. Prue consulted with the ZBA and said that commission was comfortable with the process. No significant comments were received from any agencies. Commission members shared positive comments on giving the ZBA the ability to waive the A-2 survey requirement for applications before them.

No one spoke in favor or in opposition to this application.

Ms. Hoffman motioned to close the public hearing. Mr. Prue seconded. The motion was unanimously approved. Mr. Prue moved to approve the application. Mr. Tamsky seconded. After a brief discussion, the motion was withdrawn and an amended motion was entered by Mr. Prue. Ms. Hoffman seconded the motion. The motion was unanimously approved.

Amended Text: Strike the words, "and variance applications," from ZR Section 8.3.5.5.

The Effective Date of the Regulation is 6/24/13.

Mr. Prue excused himself from the meeting. Mr. Young was seated for the remainder of the meeting.

Ms. Hoffman called the second public hearing at 9:30pm.

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. Brynes stated that staff's original intention was to take the recommendation of DEEP and approve the amendment. However, the more staff looked at the new maps and the designation of the Limit of Moderate Wave Action areas, it became apparent that the delineation is too vague. After a discussion with DEEP regarding this issue, they recommended that the town adopt only the required revisions. Mr. Brynes stated the Coastal AE zone is very unclear and recommended not to adopt the changes to the AE zone. Therefore this zone would be treated just like the A zone.

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Speaking in favor: Carlene Donnarummo stated which revisions she thinks should be approved. She expressed her challenges with several phrases and grammar within the text.

General comments: Blunt White-(resident) spoke to the issue of rebuilding, especially in a mass destruction event.

Comments in opposition: None

Ms. Hoffman moved to close the public hearing. Mr. Tamsky seconded the motion. The motion was unanimously approved.

Mr. Tamsky motioned to approve the application with the changes proposed by Staff on pages 17-20 of the staff report. Ms. Hoffman seconded. The motion was unanimously approved.

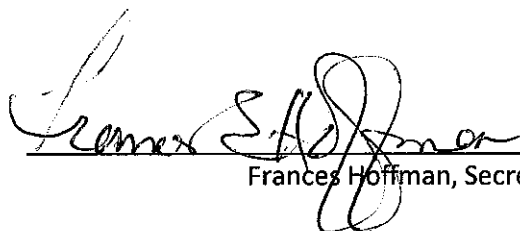
The Effective Date of the Regulation is 8/5/13.

The Commission returned to the Reports section of the agenda to allow for First Selectman Ed Haberek's report.

Staff: First Selectman Ed Haberek provided the following updates to previously discussed Department of Planning issues:

- An advertisement for the Zoning Enforcement Officer position will be put out this week
- Mr. Haberek asked for the endorsement of the PZC to request additional appropriation of funds from the Board of Finance for the Director of Planning position
- A Noise Task Force has been created to address a future Town Noise Ordinance

Mr. Tamsky moved to adjourn the meeting. Mr. Mercer seconded. The motion was unanimously approved. The meeting was adjourned at 10:35pm.



Frances Hoffman, Secretary