

Regular Meeting

The 1492nd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, June 18, 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 Commissioner Ben Tamsky; Alternates Eric Beverly, Curtis Lynch and Gardner Young; and Town Planner Keith A. Brynes. Commissioners Bob Mercer, Frances Hoffman, and John Prue were absent.

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

Commission Initiatives:

- Discussion of 2014 Plan of Conservation and Development: The POCD Subcommittee 6/17/13 meeting was cancelled. The next meeting is scheduled for 7/15/13.
- Discussion of Director of Planning position: The Commission discussed First Selectman, Ed Haberek's, request for an endorsement to transfer funds to hire a Director of Planning this summer rather than in January of next year. Mr. Marseglia expressed that Mr. Haberek is right in proceeding to hire someone in July. Mr. Lynch recommended waiting until January 2014 to fill the position, with Mr. Haberek continuing to cover the position along with increasing Ms. Palmer's responsibilities. The extra time can be used to take a closer look at the department and hire a consultant to decide whether filling of the position is necessary. Mr. Tamsky agreed. After this discussion, the commission stated how they felt about moving forward on this issue: Mr. Marseglia & Mr. Beverly felt the town should move forward in hiring someone for the position this summer. Mr. Lynch, Mr. Young, & Mr. Tamsky felt we should wait until Jan. 2014. Mr. Marseglia will share the commission's perspective on this issue at the Board of Finance meeting on 6/19/13.

Meeting Minutes:

Approval of past minutes was tabled.

Reports:**Administrative Review:**

PZ0360SD, SUP & GPP Meehan Group, LLC - Request approval for modification of drainage design for previously approved Clairemont subdivision, now Old Mystic Estates (Toll Brothers). Property located at Whitehall Ave., Jerry Browne Rd., & Pequot Trail, Old Mystic. Zones RA-40 & RR-80.

Attorney Tom Collier, representing Toll Brothers, referred to the summary of the new plan provided to Town staff that addresses the ongoing stormwater drainage issue caused by an error in the previous developer's approved plans. This plan includes installation of 3 additional on-site detention basins resulting in the loss of 1 building lot. No stormwater would be directed across Route 27. The proposal has been approved by the Inland Wetlands and Watercourses Commission and the Town Engineer. There will be no increase in stormwater rate or volume. Project engineer, Dan Kroeber of Milone & MacBroom, provided more detail on the basins and stated there is an erosion control plan that the Town Engineer has reviewed. There are also weekly inspections by CLA and an engineering firm hired by Toll Bros.

Mr. Marseglia asked what caused recent flooding problems at the site. Mr. Tamsky suggested that the Commission take a site walk of the area to aid in understanding the drainage issues. Mr. Collier stated that a swale built to address stormwater and erosion problems down the slope to Route 27 was incorrectly installed and is being repaired as soon as weather permits. The swale is not part of this application. Mr. Marseglia directed staff to issue a Notice of Violation for the non-functioning swale. The Commission asked for public comment.

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Attorney Bill Sweeney, representing the McGlincheys, residents who own two properties on Whitehall Ave. affected by the drainage issue, suggested tabling this modification request until the Commission is able to do a site walk to see the condition of the site. He was of the opinion that a public hearing should be held to address this modification request. Mr. Sweeney stated that there have been widespread failures over the past 2 years regarding construction of the site. The slope above Whitehall Ave. has been stripped bare and is not stabilized. Additional development up the hill will lead to further drainage and erosion problems.

The Commission asked to hear from concerned residents in attendance at the meeting: Resident Joe Sellinger of Pequot Trail provided a history of the development and spoke of the need for a drainage plan and fewer homes on the ridge of the site. He agreed with tabling the request until the Commission is able to do a site walk. Route 27 resident Jim Franklin expressed concern over water coming off cleared hillside and also supported tabling the application.

Mr. Collier reminded the Commission that this subdivision application was approved and the subsequent appeal was upheld in court. The new owner, Toll Brothers, is charged with fixing the drainage problem they inherited and are here with a plan to address this problem. Mr. Marseglia requested information on additional erosion and sedimentation control bonding for the new basins and a deed restriction to prevent future homeowners from dismantling or filling the swale.

Mr. Lynch motioned to table this modification request until after a site walk by the Commission, with the Town Engineer present, can be done. Mr. Tamsky seconded. Motion unanimously approved, 5-0.

The meeting resumed at 9:07pm after a 3-minute break.

Correspondence:

Discussion of correspondence from Kelly McMahan regarding zoning enforcement issues at 45 Williams Ave., Mystic.

Mr. Brynes stated that a Notice of Violation was given to property owner today requiring the replacement of dead shrubs and adding mulch to the 10-foot buffer from the northern property line. Owner has 15 days to comply. There was discussion over how to enforce buffer issue.

Kelly McMahan, adjacent homeowner at 21 Hatch St, stated her frustration with Town Hall and the lack of enforcement regarding the buffer zone. Loading often occurs in the buffer area and cars drive on it. The site has never looked like the approved plan.

Vivian Torregrosa, owner of the Pita Spot restaurant addressed this issue from her perspective. Mr. Marseglia suggested the trucks park on the street for loading/unloading. Staff offered the approved site plan and definition of buffer zone.

Lynn Young of Wamphassuc Point stated that the Commission cannot rescind its previous approval and can only enforce what was approved. A previous Commission decision included a crushed stone buffer that was to be driven over.

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Mr. Marseglia summarized the issue that the Commission has approved a site plan that can not be rescinded or modified. The 10' buffer must be enforced. Ms. McMahan can appeal enforcement issues to the ZBA if she is unsatisfied with the ZEO's decision. The commission explained the procedure to her. The Commission asked staff to write the property owner requesting further enhancement and/or demarcation of the buffer to create a partition between the two parties although it is not required. The restaurant will ask delivery trucks to park in the street.

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.

Charles Clift, land surveyor with Ed Lally and Associates, represented the applicant. Mr. Clift provided detail on the proposed 3 projects including replacement of a house at 106 Latimer Point Rd, relocation and addition of a house on 16 North Shore Way and a new deck at 106 Latimer Point Road. Staff reviewed stipulations for the application approval, and comments from DEEP and the Sanitarian which have been addressed. After discussion, Mr. Tamsky moved to approve the Site Plan Application with 2 stipulations recommended by staff. Mr. Lynch seconded. All in favor 5-0. Mr. Tamsky moved to approve CAM application. Mr. Lynch seconded. All in favor 5-0.

Stipulations:

1. All improvements shall comply with all relevant Flood Hazard requirements of Section 7.7; exterior stairs for 16 Latimer Point Rd. shall be open with no risers.
2. Prior to the issuance of a Zoning Permit for Unit #1, final plans shall be revised to show the deck for Unit #1 meeting the side yard setback as measured from the CT Coastal Jurisdiction Line per Section 7.5.2 of the Regulations.

The next meeting is at Mystic Middle School on 7/16/13.

Mr. Tamsky moved to adjourn the meeting. Mr. Young seconded. All in favor, 5-0. Meeting adjourned at 10:40pm.



Frances Hoffman, Secretary