

Regular Meeting

The 1494th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, July 16, 2013 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:05p.m. Also present for the meeting were Commissioners Bob Mercer, Ben Tamsky, John Prue, and Frances Hoffman; Alternates Curtis Lynch and Gardner Young; Town Planner, Keith A. Brynes, and Town Attorney Thomas Londregan. Alternate Eric Beverly was absent.

Seated for the meeting were Rob Marseglia, Ben Tamsky, John Prue, Bob Mercer & Frances Hoffman. Mr. Young was seated for the approval of minutes where Mr. Prue was absent from the meeting.

Meeting Minutes:

Ms. Hoffman motioned to approve the meeting minutes from both 6/4/13 & 6/18/13 (with a minor correction to the 6/18/13 minutes). Mr. Tamsky seconded. Motion approved, 4-0-1.

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

Ms. Hoffman motioned to approve the minutes of the June 27, 2013 (site walk) meeting. Mr. Prue seconded. Motion approved, 4-0-1.

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

Commission Initiatives:

Mr. Marseglia motioned to table Commission Initiatives to a future meeting. Mr. Tamsky seconded. Motion unanimously approved, 5-0.

Reports:**Commission:**

Designation of 2014 Plan of Conservation and Development Subcommittee to a 7-member subcommittee pending appointment of additional members. Mr. Prue motioned to make the subcommittee 7-member panel until more members can be recruited. Ms. Hoffman seconded. Motion unanimously approved.

ZON12-106 Mystic River Marina, Inc. (Flo Klewin) – Discussion of approved Zoning Permit for change of user (Blue Door Restaurant to Kitchen Little). Property located at 36 Quarry Rd., Mystic. Assessor's Map 181, Block 1, Lot 8 Zone RM-15.

Staff introduced the application. Attorney Londregan summarized his opinion, stating that after reviewing past approvals and the 1982 Stipulated Judgment, there were no limits on hours of operation or seasonality to the restaurant. This is a legal permit as it is on file. Mr. Tamsky asked when limitations on businesses are enforceable. Mr. Londregan responded that if the Commission needs to add conditions of approval for aspects it feels should be enforced. Mr. Marseglia asked whether the Commission can overturn their permit. Mr. Londregan responded that the Commission cannot.

Resident Michael Wall of Old North Rd. stated that the restaurant has added 10 more seats and is possibly operating under an expired permit (issued May 2012 for 1 year). It was requested that staff look into the number of seats and permit issue and report back the commission. Mr. Mercer summarized that the residents are unhappy because it was a seasonal operation with a permit which turned into a year round business. Ms. Hoffman stated that it's all regulated by stipulations with the permit. Resident Mary Oberhelman stated that the restaurant should be made to follow the Town's rules. Mr. Marseglia stated that tonight's meeting serves as a zoning complaint regarding the number of seats at Kitchen Little. No further action was taken.

Administrative Review:

13-152ZON Mystic Landing Condominiums – Request permit to construct platforms to accommodate HVAC compressors as needed to meet FEMA BFE requirements. Property located at 5 Holmes Street, Mystic. Assessor's Map 174 Block 1 Lot 6 Zone DB-5.

Regular Meeting

Staff presented the application and recommended that if commission approves this application, they should add a stipulation that staff can review and approve similar applications on the remaining buildings. After discussion, Mr. Tamsky motioned to approve the application for the one building proposed. Mr. Prue seconded. Motion unanimously approved.

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 Thomas Collier represented the applicant. Mr. Collier submitted 5 exhibits for the file and reviewed Staff's report on this modification. The Project Engineer from Milone & McBroom, Ted Hart, P.E., summarized the previous four options intended to deal with the drainage problem inherent in the original developer's approved plans. The design being presented includes eliminating Lot#41 and constructing 3 large basins. After a lengthy discussion between all parties, the Commission expressed a desire for a comprehensive explanation of the plan for the site. Mr. Prue motioned to schedule a public hearing on the proposed modification. Ms. Hoffman seconded. Attorney William Sweeney, representing abutting homeowners on Whitehall Ave., shared his thoughts on the town's administrative process and this commission's responsibilities. A few residents and commissioners shared comments/requests for the content and expectations of a public hearing. The Commission voted unanimously to schedule a public hearing. The hearing was scheduled for 8/6/13, 7:30PM at Mystic Middle School.

Attorney Londregan departed.

Old Business:

PZ1308BR Allied Dev. Prtnrs., LLC - Application for release of Performance & Maintenance Bond posted to satisfy requirements of proposed construction activity related to PZ1021SD & GPP, a 3-lot subdivision of a 6.67± acre parcel. Original P&M bond instrument was a Letter of Credit for \$85,000.00 and was reduced from \$85,000 to \$8,500 on 4/17/12.

Staff presented the application. Patrick Gallagher of Allied Development was present to respond to any questions. Mr. Prue motioned to approve the application. Mr. Tamsky seconded. Motion unanimously approved.

PZ1309CAM Eleanor & Colin McKay - Coastal Area Management Review for demolition of existing single family residence, foundation, and portions of septic system, and construction of new SFR and septic system. Property located at 52 Old North Rd., Mystic. Assessor's Map 175 Block 2 Lot 1. Zone RM-15.

Staff recommended tabling this application. Mr. Prue motioned to table the application. Mr. Tamsky seconded. Motion unanimously approved.

Public Hearings:

Ms. Hoffman read the call for the first public hearing.

PZ1306SUP Pawcatuck Business Park (Alfred Furtado) – Special Use Permit application to permit a Clinic focusing on manual and rehabilitative medicine. The Clinic would share space in the permitted Mystic Sport & Spine location. Property located at 100 Mechanic Street, Pawcatuck. Assessor's Map 4 Block 7 Lot 16. Zone M-1.

Andrew Cellemme represented Mystic Spine & Sport and addressed the application's conformance with the standards for granting a Special Use Permit. He stated that the applicant will work with staff regarding allowable signage. There are no exterior changes to the building with minimal changes to the interior.

There was no public comment. Ms. Hoffman moved to close the public hearing. Mr. Tamsky seconded. Motion unanimously approved.

Regular Meeting

Ms. Hoffman motioned to grant the request for waivers. Mr. Tamsky seconded. Motion unanimously approved. Ms. Hoffman motioned to approve the Special Use Permit with two (2) stipulations. Mr. Tamsky seconded. Motion unanimously approved.

Stipulations:

1. Signage shall meet Town regulations and shall be approved by staff.
2. Traffic flow and parking on-site will avoid interference with loading bays.

Ms. Hoffman read the call for the second public hearing at 9:40p.m.

PZ1307RA Peg Moran - Regulation Amendment to permit the keeping of hens as an accessory to residential uses in all zoning districts.

Peg Moran gave a presentation of the background of the CLUC*K organization (Chicken Lovers United for Change), and trends regarding local produce. Several other Connecticut communities including New Haven have adopted similar regulations. She discussed the town's current regulations on chickens, which regulates them as grazing animals and not fowl, which is incorrect. The proposal is to permit a maximum of 6 chickens per household or 2 per household member, whichever is greater. Mr. Tamsky suggested that a set maximum number of hens per household may be better since it is hard for enforcement staff to ascertain how many people live in a household. Mr. Prue suggested establishing a minimum lot size for keeping hens. A minimum setback may be beneficial in the high density village areas. Ms. Moran stated that the number should be based on providing a food source rather than based on lot sizes.

Jennifer Herbst of CLUC*K spoke as an owner of hens and dispelled myths regarding raising chickens. Many residents now own hens with few complaints from neighbors. Helen Jankowski of CLUC*K shared the positive experiences from other municipalities that have allowed the raising of hens. Veterinarian, Dr. Cindy Brown, addressed the size requirement for coops and yard space. Mr. Brynes stated he has received many letters and emails, totaling 15, which have been entered into the file as exhibits.

Public Comment:

Speaking in favor: Barbara Barrett, Ibby Archer, Deborah Dempsey, Alexis Dempsey, Peggy Brissette, Frank Eppinger, Amanda Kettle, and John Babin

Speaking in Opposition:

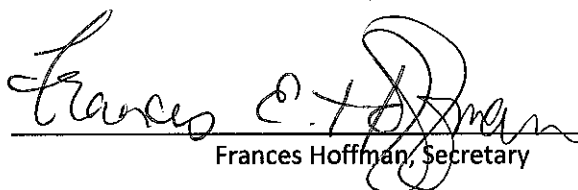
Resident David Domnarski, sharing his experiences of having a neighbor who kept hens, stated his concerns over a decline in both property values and quality of life.

General Comments:

Carlene Donnarummo provided a handout highlighting 7 items she would like the commission to take into account when acting on this amendment. Mr. Brynes read a letter from Dora Hill with questions about the language of the amendment. Resident Ken Sherwood recounted negative experiences with a neighbor's hens and requested the amendment be carefully written and that it take into consideration parcel size and zoning district.

Mr. Tamsky moved to continue this hearing to the next meeting. Ms. Hoffman seconded. Motion unanimously approved.

Mr. Tamsky motioned to adjourn the meeting. Mr. Prue seconded. Motion unanimously approved. The meeting was adjourned at 11:35pm.



 Frances Hoffman, Secretary