

## Special Meeting

The 1495<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, August 6, 2013 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Vice Chairman John Prue at 7:00p.m. Also present for the meeting were Commissioners Bob Mercer, Ben Tamsky, and Frances Hoffman; Alternates Curtis Lynch, Eric Beverly, and Gardner Young; and Town Planner, Keith A. Brynes. Chairman Robert Marseglia was absent.

Seated for the meeting were Ben Tamsky, John Prue, Bob Mercer, Eric Beverly, & Frances Hoffman.

**Meeting Minutes:**

Ms. Hoffman moved to approve the minutes of the May 7, 2013 meeting. Mr. Tamsky seconded. Motion unanimously approved, 5-0.

Ms. Hoffman moved to approve the minutes of the July 16, 2013 meeting. Mr. Mercer seconded. Motion unanimously approved.

**Commission Initiatives:**

Mr. Prue chose to pass over discussion of any Commission Initiatives.

**Administrative Review:**

**13-154ZON Stonington Community Center** - Zoning Permit application for construction of paddle/platform tennis courts with a 14' x 24' warming hut. Property located at 45 Cutler St., Stonington. Assessor's Map 101, Block 25, Lot 6. Zone DB-5.

Mr. Brynes shared a handout for the proposed tennis courts and warming hut to be located in the area next to the thrift shop parking lot. The Town Engineer has no issues with the proposal. Mr. Brynes described the proposal, noting the requirements for the Flood Hazard regulations, and discussed the available parking, proposed lighting, and hours of operation.

Beth Ann Stewart and Russ Burgess, COMO staff, gave a brief overview of the request and were present and available to answer questions from the commission.

Ms. Hoffman motioned to approve the application with two stipulations. Mr. Mercer seconded the motion. Motion unanimously approved.

**Stipulations:**

1. The structure must conform to flood hazard requirements per Town Engineer's comments.
2. Use of the courts will be no earlier than 8:00am and no later than 10:00pm.

**PZ1213SUP Sea Research Foundation** - Modifications to previously approved Special Use Permit application for construction of a two-story, 7060 SF office/laboratory building with associated site improvements including relocation of walk-in freezer, relocation & expansion of propane tanks, parking, and landscaping. Property located at 55 Coogan Blvd., Mystic. Assessor's Map 164 Block 3 Lot 2, Zone TC-80.

Mr. Brynes shared the proposed changes with the commission. Architect David Holmes, responded to questions from the commissioners. Mr. Mercer moved to approve the application. Mr. Tamsky seconded. Motion unanimously approved.

**Correspondence:**

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Letter from Town Attorney Tom Londregan regarding the demolition of historic properties. Mr. Brynes said the letter states when you can and cannot destroy historic properties. Attorney Londregan's letter was in response to an inquiry letter from another attorney.

**Old Business:**

**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.

Mr. Brynes recommended tabling this application. Ms. Hoffman moved to table the application. Mr. Tamsky seconded. Motion unanimously approved.

**Public Hearing(s):**

Ms. Hoffman read the call for the first public hearing at 7:30pm.

**PZ1307RA Peg Moran** - Regulation Amendment to permit the keeping of hens as an accessory to residential uses in all zoning districts. Continued from 7/16/13.

The public hearing resumed with Public Comment.

Speaking in Opposition: James Tennant, resident & owner of 5 properties in Mystic, stated concerns over smell, maintenance, and vermin. Nancy d'Estang also expressed her concerns with this application and submitted her comments as an exhibit.

Mr. Brynes provided follow-up to the commissioner's concerns raised at the last meeting (i.e. lot size vs. setback options, enforcement, and other town regulations). He offered amended language which clarifies the keeping of hens in residential areas vs. commercial areas.

Rebuttal: Peg Moran spoke, referencing the article, *Illegal Fowl...*, to frame her rebuttal statement. She stated the following: lot size should not be restricted; the minimum side yard setback would be five (5) feet; the maximum flock size would be six (6) for smaller lots, but increased to a maximum of 10 for ½ acre lots; and there would be no requirement for any permitting process. She submitted illustrations of setback requirements as an exhibit. She noted that, over the last 12 years there have been only 3 complaints filed regarding raising chickens.

Additional people spoke in light of new information provided by the applicant: Speaking in Opposition: Gail Shea, a Pawcatuck resident, stated her concerns and asked for stringent regulations relating to lot size and number of household members. She suggested rewording the proposed amendment.

Mr. Prue stated there is still significant work to be done on this application before the PZC can act on it. Mr. Mercer shared a similar view. Mr. Mercer motioned to continue this public hearing to August 20, 2013. Ms. Hoffman seconded. Motion unanimously approved.

The Meeting recessed at 8:35pm and reconvened at 8:43pm.

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

**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.

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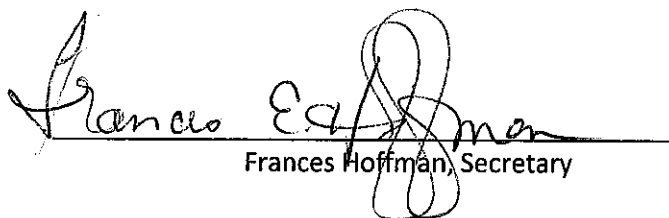
Attorney Tom Collier provided introductory remarks and a development timeline of Old Mystic Estates. He submitted a number of exhibits into the record. Ted Hart, engineer from Milone & MacBroom gave a comprehensive slide presentation of the revised drainage plan, submitting a paper copy as an exhibit. Engineer John Milone spoke to the due diligence process and stated that Toll Brothers and the engineering firm are working to correct the earlier mistake. Greg Kamedulski, Toll Bros. Division President, stated the homeowners association will be managing the basins and the work will be funded by all the lot owners.

Speaking in favor: Kim McGee, representing owners waiting to build in the subdivision; Ben Amdur, an engineer and potential homeowner; Sam Geiger, Mark Dupont, and Richard Bradshaw, all current owners of homes in the subdivision.

Speaking in Opposition: Attorney William Sweeney, representing residents on Whitehall Ave., whose property borders 3 lots of this subdivision. He submitted into the file a series of photographs of the residents' property showing the issues created to their yard due to drainage problems. He submitted his written comments as to why the commission should deny the modification request. Mr. Donald Gerwick, Chief Engineer at Gerwick Mereen, highlighted the lack of a storm water management plan and a recommended maintenance plan. Other concerns included: size of the swale, the inadequacy of a 12" pipe for a 100 year storm, lack of drainage rate calculations for these basins, and the less than current rainfall data from the State of Connecticut.

Mr. Tamsky moved to continue this public hearing to August 20, 2013. Ms. Hoffman seconded. Mr. Prue stated that the Town engineer will address the engineering comments raised and the Town Attorney will investigate the legal concerns presented by Attorney Sweeney. Motion unanimously approved.

Mr. Tamsky motioned to adjourn the meeting. Mr. Mercer seconded. Motion unanimously approved. The meeting adjourned at 11:15pm.

  
Frances Hoffman, Secretary