

Regular Meeting

The 1496th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, August 20, 2013 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Rob Marseglia at 7:05pm. Present for the meeting were Commissioners Bob Mercer, Ben Tamsky, Frances Hoffman, and John Prue (late); Alternates Eric Beverly and Gardner Young; and Town Planner, Keith A. Brynes. Alternate Curtis Lynch was absent.

Seated for the meeting were Rob Marseglia, Ben Tamsky, Bob Mercer, Frances Hoffman, and Alternate Gardner Young (until John Prue's arrival).

Meeting Minutes:

Ms. Hoffman moved to approve the August 6, 2013 meeting minutes. Mr. Tamsky seconded. Unanimously approved, 5-0.

Commission Initiatives:

- Discussion of 2014 Plan of Conservation and Development: Mr. Brynes updated the Commission on the last POCD subcommittee meeting and current progress. Ms. Hoffman stated she attended the last meeting and was impressed with the level of discussion and participation. Chairman Marseglia and Mr. Tamsky asked questioned regarding the schedule and deadline for completion.
- Discussion of draft regulations and Zoning Map Amendment for a new Zoning Heritage Mill (HM) District: Sara Lathrop noted POCD subcommittee endorses the concept of the HM District but is not giving approval of the draft regulation at this time.

Administrative Review:

13-171ZON West Broad Pawcatuck, LLC (Belli) - Zoning Permit application for change of use (computer repair/services to retail) and associated signage. Property located at 38 West Broad St., Pawcatuck. Assessor's Map 3, Block 28, Lot 3. Zone DB-5.

Mr. Brynes summarized the application noting that the building is legally non-conforming for wall signage. He stated that both the Building Official and Fire Marshal had no issues with the change of use. Mr. Tamsky motioned to approve the application. Ms. Hoffman seconded. Unanimously approved, 5-0.

ZON13-176 Mystic Landing Condominiums – Request permit to install flood vents and construct platforms to accommodate HVAC compressors as needed to meet FEMA BFE requirements for Buildings C & D. Property located at 5 Holmes Street, Mystic. Assessor's Map 174 Block 1 Lot 6 Zone DB-5.

Mr. Brynes gave an overview of the request, noting that it conforms to the regulations. Mr. Mercer motioned to approve the application. Ms. Hoffman seconded. Unanimously approved.

ZON13-183 Town of Stonington / WPCA - Install 40' high wireless data network antenna mast at pumping station. Property located at Extrusion Dr. @ Constitution Dr., Pawcatuck, CT. Assessor's Map 36, Block 4, Lot 2J. Zone M-1. Mr. Brynes summarized the proposed increase in antenna height from 30' to 40'. Mr. Tom Gilligan, WPCA Director responded to questions from commissioners regarding the need to correct the height of the antenna to improve the signal. Ms. Hoffman motioned to approve a 46' high wireless data network mast and antenna. Mr. Tamsky seconded. Unanimously approved.

ZON13-159 Garbarino & Garbarino V-4 Enterprises - Zoning Permit application for change of use (tire garage to office/R&D) and associated signage. Property located at 32 Williams Ave., Mystic. Assessor's Map 161, Block 16, Lot 2. Zone LS-5.

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Mr. Tamsky moved to table this application. Ms. Hoffman seconded. The commission would like to hear from the applicant for clarification of the proposed R&D space vs. retail use. Unanimously approved.

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.

Architect Peter Springsteel presented the application. Mr. Mercer moved to approve the application with the stipulation recommended by Staff. Ms. Hoffman seconded. Unanimously approved.

Stipulation:

1. Construction must comply with all relevant Flood Hazard requirements.

The meeting recessed at 7:50pm for a 5-minute break.

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

Public Hearing(s):

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.

Mr. Brynes recapped where this public hearing ended at the last meeting, noting comments and suggestions from commissioners regarding lot size, set backs, and number of hens allowed, and the outstanding issues still remaining. Mr. Marseglia proposed that the application be denied with the promise that the Commission will be the applicant in the near future for a well-written application, addressing all the issues of concern for both sides. Mr. Marseglia noted that the Town should have an ordinance in addition to regulations for keeping hens. Commissioners shared supportive comments for moving forward to draft an amendment for keeping chickens in town. Mr. Tamsky suggested that CLUC*K, working with Staff, draft the amendment.

Rebuttal: Peg Moran, representing CLUC*K, liked the positive comments from the commission and the idea creating a subcommittee to work toward a regulation for keeping hens. Rae-Jean Davis, Stonington Animal Control Officer; Amanda Kettle, and James Tennant spoke to the issue of raising hens, ensuring the wording in the regulation is correct, and enforcement issues.

Ms. Hoffman moved to close the public hearing. Mr. Prue seconded. Unanimously approved.

Mr. Prue moved to deny the application because the PZC feels a more comprehensive look at the amendment and its many aspects is needed. Mr. Tamsky seconded. Unanimously approved.

Mr. Prue motioned for Staff to draft a regulation with input from CLUCK. This item will be added to the Commission Initiatives. Mr. Tamsky seconded. Unanimously approved.

The second public hearing began at 9:03pm.

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. Continued from 7/16/13

Attorney Tom Collier shared previously submitted exhibits. Ted Hart, PE, recapped the revised retention basin design, which meets extreme precipitation levels. A watershed map comparison was submitted as an exhibit.

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Speaking in Opposition: Steve Small, who gave a detailed PowerPoint presentation highlighting residents' concerns. Betty Tylaska, Ann Collier, Molly McKay, and Jim Franklin also spoke. Attorney Bill Sweeney, representing the McGlincheys, stated that Town Engineer Larry Sullivan submitted a memo without any mention of the swale concerns or the required maintenance plan. He submitted his presentation as an exhibit and addressed Mr. Londregan's memo on this application. Don Gerwick, PE, also representing the McGlincheys, stated a number of significant concerns still not addressed by Toll Bros., specifically maintenance of the basins and the rate of exfiltration. He suggests onsite testing should be done to document the drainage rate.

General Comments: Rob Valenti, Joe Salinger, Ken Scott, Linda Brower.

Staff Comments: Attorney Londregan stated there is a declaration of covenant on record for maintenance of town drainage systems and responded to questions from commissioners. Mr. Brynes addressed comments about the timing and approval dates of the wall that has been built. Several commissioners expressed serious concern over the entire drainage plan, wall issue, and erosion.

Rebuttal: Attorney Tom Collier suggested his client request an extension of time in order to continue the public hearing. He submitted the existing maintenance plan as an exhibit, noting that, based on concerns expressed tonight, it would be amended for the next meeting. Atty. Collier provided a written request for an extension of the public hearing.

Mr. Prue motioned to continue this public hearing to the September 3, 2013 meeting. Mr. Tamsky seconded. Unanimously approved.

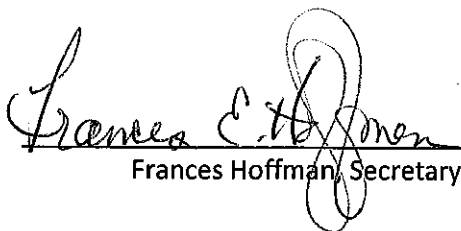
Ms. Hoffman read the call for the public hearing:

PZ1310RA Sea Research Foundation, Inc. & Waterstone Retail, Inc. – Zoning Regulation Text Amendment to allow retail sales by Special Use Permit within the M-1 Zoning District under certain conditions. Said sales and associated displays must be situated entirely within a building no greater than 15,000 sq. ft. in gross floor area and be located no more than one (1) mile from an interstate highway interchange.

Mr. Prue motioned to continue this public hearing at a special meeting to be held on Tuesday, August 27, 2013 at 7:00 pm at a location to be determined. Ms. Hoffman seconded. The motion was approved, 4-1.

Roll call: Mercer - approve, Hoffman - approve, Marseglia - approve, Prue - approve, Tamsky - deny

Mr. Mercer motioned to adjourn the meeting. Mr. Tamsky seconded. All in favor, 5-0. Meeting adjourned at 11:33pm.



Frances Hoffman, Secretary