

Special Meeting

The 1498th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, September 3, 2013 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Robert Marseglia at 7:05pm. Present for the meeting were Commissioners Bob Mercer, Ben Tamsky, and John Prue; Alternates: Gardner Young, Curtis Lynch, and Eric Beverly; and Town Planner, Keith Brynes. Commissioner Frances Hoffman was absent.

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

Meeting Minutes:

Mr. Prue motioned to approve the minutes from August 20, 2013 meeting. Mr. Mercer seconded. The vote was unanimous, 5-0.

Administrative Review:

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.

Mr. Brynes received a request from the applicant to withdraw the application until further information can be gathered. Mr. Prue motioned to withdraw application. Mr. Tamsky seconded. All in favor.

ZON13-194 Antonio Mastroianni - Zoning Permit application to construct an 18' x 10' 3rd floor deck & a 20' x 10' 2nd floor deck. Property located at 59 Williams Ave., Mystic. Assessor's Map 161, Block 20, Lot 7. Zone LS-5.

Mr. Brynes noted that the office is still waiting for the Fire Marshal's comments and recommends tabling the application. Mr. Prue motioned to table the application. Mr. Tamsky seconded. All in favor.

ZON13-196 C & H Smith (Stonington Vineyards) - Zoning Permit to replace temporary deck with stone steps to terrace with 29' x 14' pergola. Property located at 523 Taugwonk Rd., Stonington, CT. Assessor's Map 68, Block 8, Lot 1 Zone GBR-130.

Mr. Brynes supplied handouts of the applicant's proposal, stating that it conforms to the regulations. Mr. Tamsky motioned to approve the application. Mr. Prue seconded. Motion unanimously approved.

PZ1222SPA Samuel R. Piotrkowski (J. Arruda) – Request modifications to approved Site Plan application to construct an 884 SF 2nd story addition, create additional parking, and provide signage for a change of use from residential to office. Property located at 41 Williams Ave., Mystic, CT. Assessor's Map 161 Block 14 Lot 4. Zone LS-5.

Mr. Brynes summarized the application stating they are seeking a slight modification to the location of the privacy fence. No plantings shall be located the area of the drywells. Mr. Arruda suggested a bike rack for that area to prevent parking there. Mr. Tamsky motioned to approve the application with two stipulations. Mr. Prue seconded. All in favor 5-0.

1. Item A of the request (reduction of the left side buffer) is not approvable.
2. There shall be no parking in 20-foot rear buffer.

The meeting recessed at 7:35pm and reconvened at 7:49pm.

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. *Continued from 8/20/13*

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Attorney Collier provided clarification on issues brought up in previous meeting on 8/20/13.

Speaking in Favor: David Crompton

Speaking in Opposition: Dexter White

General Comments: John Swenarton

Ted Hart, Professional Engineer for the applicant, reviewed the following:

8/29/13 Milone & MacBroom letter to Larry Sullivan, Town Engineer, and clarifying design of the basins.

- A Hydrogeologist report
- Milone & MacBroom 8/29/13 letter to the Town Engineer regarding the modification of the catch basin to increase capacity and prevent clogging, along with increasing the stormwater pipe size to 15 inches.
- A 9/3/13 memo from Larry Sullivan, supporting the modification plan to the basin and the pipe size.
- Email from Art Christian, supervising civil engineer Inland Water Resources DEEP, stating no dams are required for the basins.

Mr. Brynes shared a memo from CLA Engineering, stating Mr. Russo's conclusion that based on the heavy rains that occurred on September 2 & 3, 2013, the swale functions properly.

The meeting recessed at 9:16pm and reconvened at 9:26pm.

Ted Hart demonstrated the reduction in the amount of water runoff to the McGlinchey's property with a map/drawing of their home, pre-development and post-swale, 2012. At Mr. Mercer's request, Attorney Collier explained the maintenance plan, stating that it will be 2-3 years before the entire site will be built out. During that time, it will be Toll Brothers responsibility to maintain the drainage system. Andrew Karl, Project Manager for Toll brothers, explained the budgeted monies allocated to maintain the drainage system, as well as the Homeowners Association fees being collected also for said purpose.

Since new information was submitted at the meeting; Attorney Sweeney responded to the new information. He submitted exhibits, including pictures of the McGlinchey's property after heavy rains these past two days. Included were responses from Mr. Gerwick, P.E., regarding modification to the basin design, a Hydrogeologist report describing different types of bedrock in that area with different infiltration rates. Attorney Sweeney asked the Commission to deny the applicant's request and take the 65 days, by law, to review all the material in depth.

Based on this new information shared tonight, the public was allowed to speak.

Speaking in Opposition: Steve Small, resident, spoke about constant water in the existing basin and no safety warning signs or landscaping to the existing retention pond on Route 27.

Resident Dexter White, stated the need for all information to be reviewed by the Commission and Town Engineer.

The meeting recessed at 10:50pm and reconvened at 10:55pm.

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Rebuttal: Attorney Collier cited several engineers have spoken on this application, noting that Toll Brothers has been working on this project for 2½ years and have responded to all comments and suggestions to fix the drainage problem. There have been several letters from the Town's own consultants stating this drainage system meets the 100-year storm requirements. John Malone, P.E., spoke to letters submitted by Atty. Sweeney and the process for pumping out of the existing basin.

Mr. Prue motioned to close the public hearing. Mr. Tamsky seconded. Mr. Marseglia asked staff if the commission could consult the town engineer & attorney during their deliberations. Mr. Brynes answered in the affirmative. Mr. Lynch expressed the desire to speak. Mr. Prue withdrew the motion. After Mr. Lynch's comments, the Commission agreed they would like the Town Engineer and the Town Attorney at the next meeting. Mr. Prue motioned to close the public hearing. Mr. Tamsky seconded. Motion unanimously approved.

Mr. Prue motioned to adjourn the meeting. Mr. Tamsky seconded. Motion unanimously approved. The meeting adjourned at 11:40pm.



Ben Tamsky, Acting Secretary