

TOWN OF STONINGTON
SPECIAL TOWN MEETING
July 16, 2009

A Special Town Meeting of the Town of Stonington was called to order at 7:00 p.m. on July 16, 2009 at the Stonington High School commons area, 176 South Broad St., Pawcatuck, CT, by First Selectman Ed Haberek, Jr. Also, in attendance were Selectmen Peter Balestracci and William Brown and Town Attorney Jeffrey Londregan.

Police Chief Darren Stewart nominated Theodore Ladwig for Moderator and being properly seconded by Mrs. Patricia Haberek, was unanimously elected Moderator of the meeting. Town Clerk, Cynthia Ladwig served as Clerk. Approximately 27 people attended.

There being no objection the Moderator dispensed with the reading of the Call of the meeting, recorded immediately preceding these minutes and asked for a resolution to waive the reading of the first item on the Call. First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED, That the reading of the resolution to be presented to this Special Town Meeting under the first item of the Call be waived, and the full text of the resolution, a copy of which has been made available to all those in attendance at this meeting, be incorporated into the text of this meeting.

Being properly seconded, the Moderator asked for a motion on the first item on the Call. First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on a resolution to adopt an Ordinance of the Town of Stonington, Connecticut amending the Town's existing ordinance regarding Regulating Oversized Vehicle Traffic.

WHEREAS, the Town of Stonington (hereinafter "Town") has an existing ordinance which regulates Through Truck Traffic within the Town; and

WHEREAS, the wording of said ordinance is in conflict with General Statute §14-298, which provides that Through Truck Traffic in Connecticut is within the control of the State Traffic Commission; and

WHEREAS, pursuant to General Statute §7-148(c)(7)(B)(i) and General Statute §7-148(c)(7)(H)(xii), the Town has the power and authority to regulate traffic, and the operation of vehicles, in addition to regulating the use of streets, highways, and public places; and

WHEREAS, the Town wishes to ensure the public health, safety and welfare of the residents of the Town of Stonington by regulating oversized vehicle traffic in and around the Town; and

WHEREAS, the Town wishes to amend its ordinance so that it may carry out its powers and authorities pursuant to General Statute §7-148(c)(7)(B)(i) and General Statute §7-148(c)(7)(H)(xii), without being in conflict with the powers of the State Traffic Commission which preempt the powers of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED. THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

Section 1.

1.1 The Board of Police Commissioners shall have the power to prohibit oversized vehicle traffic on any Town-owned street or any portion of any Town-owned street or any publicly owned parking lot, which street or parking lot is located wholly within the Town of Stonington, where such oversized vehicle traffic would endanger or impede vehicle or pedestrian traffic. The Board of Police Commissioners shall consider the following:

- a. Width, horizontal, and vertical alignment of the street in question;
- b. Pavement, construction and ability of the street to withstand heavy vehicles;
- c. The availability of alternate routes for oversized vehicle traffic other than the street being considered;
- d. Land use on the street in question;
- e. Neighborhood stability; and
- f. Such other standards as are recognized and accepted by professional traffic engineers.

1.2 Before designating any such Town-owned street or portion thereof or any publicly owned parking lot for no oversized vehicle traffic, the Board of Police Commissioners shall conduct a public hearing. Testimony at this hearing shall be considered in addition to the criteria listed in Paragraph 1.1 above. Notice of the hearing date, time and location shall be published in a newspaper having circulation within the Town of Stonington at least fifteen (15) days, but not more than thirty (30) days in advance of the hearing. The Board of Police Commissioners shall cause such street, portion of street, or parking lot to be posted with "No Oversized Vehicles or Truck Traffic" signs or such signs that comply with the manual on uniform traffic control devices.

1.3 As used in this Ordinance, "oversized vehicle" shall include, but not be limited to, a commercially operated or licensed vehicle having a gross weight of 18,000 lbs. or more. "Oversized vehicle" shall not include public safety, educational or municipal vehicles.

1.4 Emergency – Nothing in this Ordinance shall prevent the use of any said street, portion of street, or parking lot on a temporary basis in a declared emergency. The Chief of Police and/or Board of Police Commissioners for the Town of Stonington shall have the power to act in an emergency to reroute oversized vehicle traffic on any of the posted roads on a temporary basis not to exceed five (5) days.

1.5 Nothing in this Ordinance is intended to usurp the state and/or federal laws regarding transportation requirements, or to usurp the State's power to regulate through truck traffic pursuant to General Statute §14-298.

1.6 Nothing in this Ordinance shall prevent the use of any such restricted street or portion thereof by such oversized vehicle having a destination on such street for purposes of the delivery of goods or services to such destination.

1.7 Penalty – Any person violating the terms of this Ordinance shall be fined One Hundred Dollars (\$100.00) for each offense.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

Section 4. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation within the Town.

Being properly seconded by Mrs. Tracy Swain, the Moderator opened the floor to discussion. The motion was discussed by Ms. Fran O'Neil, Police Chief Darren Stewart, Messrs. Vincent Faulise, Richard Stanton, Kevin Bornstein and Mrs. Tracy Swain.

With no further discussion, the motion was passed by voice vote unanimously.

The Moderator asked for a resolution to waive the reading of the second item on the Call. First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED, That the reading of the resolution to be presented to this Special Town Meeting under the second item of the Call be waived, and the full text of the resolution, a copy of which has been made available to all those in attendance at this meeting, be incorporated into the text of this meeting.

Being properly seconded, The Moderator asked for a motion on the second item on the Call. First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on a resolution to adopt an Ordinance of the Town of Stonington, Connecticut providing for the establishment of a permanent Architectural Design Review Board.

Whereas, the Town of Stonington wishes to provide guidance with regard to the design of buildings, structures, landscaping and site layout for commercial, industrial, institutional, and multi-family residential developments;

Whereas, said guidance is intended to promote development projects that are in harmony with Stonington's architectural heritage, and which preserve and improve the appearance, beauty and character of the community; and

Whereas, Section 3-3(5) of the Stonington Town Charter enables the creation of a permanent Board by Special Town Meeting in furtherance of the general powers given to the Town by the Connecticut General Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED THAT AN ARCHITECTURAL DESIGN REVIEW BOARD BE ESTABLISHED AS FOLLOWS:

Section I. Purpose:

There shall be an Architectural Design Review Board in the Town of Stonington, the purpose of which shall be to provide guidance with regard to the design of buildings, structures, landscaping and site layout, with the objective of promoting development projects that are in harmony with Stonington's architectural heritage, and which preserve and improve the appearance, beauty and character of the community.

Section II. Powers and Duties:

- A. The Architectural Design Review Board shall function in an advisory capacity to the Planning and Zoning Commission, providing commentary on submitted site plan and special permit applications for commercial, industrial, institutional, and multi-family residential developments, with regard to the scale, massing, colors and proportions of buildings, landscaping, public spaces, lighting and signage.
- B. The Architectural Design Review Board shall not conduct its review relative to Zoning Regulations governing use of a property, the granting of variances, inland wetlands and watercourses, or building code compliance. Furthermore, the Board's recommendations shall not be binding; rather, they are of an advisory nature only, and a plan's endorsement by the Architectural Design Review Board

will not imply or guarantee subsequent approval of an application by the Planning and Zoning Commission.

- C. The Architectural Design Review Board shall establish and promulgate by-laws and guidelines to enable it to fulfill its duties, and shall meet at such times as it deems appropriate to carry out its duties and responsibilities pursuant to this ordinance.

Section III. Membership and Terms of Appointment:

- A. The Architectural Design Review Board shall consist of seven (7) members which shall be appointed by the Board of Selectmen. The initial appointments to this Board shall be as follows: three (3) members for three years; two (2) members for two years; and two (2) members for one year. Thereafter members of the Board shall be appointed for a period of three years from July 1st in the year of their appointment. Any vacancy occurring in the membership of the Board shall be filled by an appointment of the Board of Selectmen for the unexpired portion of the vacated term. Members of the Architectural Design Review Board shall be residents of the town especially qualified by reason of training or experience in architecture, landscape architecture, land use planning, or historic preservation.
- B. At the first meeting after July 1st of each year, the Board shall elect a Chairman, Vice Chairman and Secretary from among its members. Said appointments shall be by a vote of the majority of the Board members.

Section IV. Conflict of Interest:

No member of the Architectural Design Review Board shall participate in the review or deliberations upon any matter in which he/she is directly or indirectly interested in a personal or financial sense. Members of the Architectural Design Review Board shall not concurrently be a member of the Planning and Zoning Commission, Inland Wetland and Watercourse Commission, or the Zoning Board of Appeals.

Section V. Miscellaneous Provisions:

- A. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of the ordinance which can be given effect without the invalid provisions of applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.
- B. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

C. That this ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town of Stonington.

Being properly seconded by Mr. Rob Marseglia, the Moderator opened the floor to discussion. The motion was discussed by Planning Director Bill Haase, Ms. Fran O'Neil, Ms. Lynn Young, Mr. Rob Marseglia, Ms. Molly Burton, Mrs. Tracy Swain, Messrs. Kevin Bornstein, Gerard Candeloro and First Selectman Ed Haberek.

With no further discussion, the motion was passed by voice vote unanimously.

There being no further business on the Call of the meeting, upon motion properly made, seconded, and unanimously passed, the Moderator declared the meeting adjourned at 7:45 p.m.

Cynthia Ladwig
Clerk of the meeting

Received for record this 17th day of July, 2009.

/s/ Cynthia Ladwig
Town Clerk