

Special Meeting

The 1514th meeting of the Town Of Stonington's Planning and Zoning Commission was held on Tuesday, April 1, 2014 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:03pm. Also present were Commissioners John Prue, Frances Hoffman, and Curtis Lynch; Alternate Gardner Young, and Town Planner, Keith A. Brynes. Commissioner Bob Mercer was absent.

Seated were Ben Tamsky, John Prue, Frances Hoffman, Gardner Young, and Curtis Lynch.

Minutes:

There were no minutes for review.

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development: Mr. Prue & Mr. Lynch attended the recent POCD meeting, noting that the next meeting is scheduled for 4/7/14.

Discussion of policy / Commission interpretation regarding potential conflict between Zoning Regulations 7.7.8.2.1, 7.7.8.3.2 and FEMA regulations related to additions to legally non-conforming buildings that are not "substantial improvements" in flood hazard areas: Mr. Brynes shared the draft text showing two different options on how to treat non-substantial improvements to a non-conforming property. FEMA requirements do not require such additions to meet current standards but the Town can adopt more stringent regulations. The issue will be discussed at the next meeting.

Discussion of retail uses in the M-1 zone: Mr. Prue expressed his concern about permitted retail uses in M-1 zones. His preference is for the Commission to repeal the regulation amendment that permitted certain retail uses in the M-1 zone and examine more appropriate zoning for the Maritime Drive area. Mr. Tamsky asked for the Commission's opinions. Consensus of the Commission was to direct staff to submit a regulation amendment on behalf of the Commission eliminating retail uses in the M-1 zone.

Administrative Review:

ZON14-039 Mystic Fire District - Zoning Permit application for reconfiguration of existing interior space to permit change of use from two retail and one office to three retail. Property located at 10 Cottrell St., Mystic. Assessor's Map 182, Block 1, Lot 3. Zone DB-5.

Staff presented the application, stating it is not a "substantial improvement" per the Building Official. Mr. Prue motioned to approve. Mr. Lynch seconded. All in favor 5-0.

ZON14-041 Lattizori Development, LLC - Zoning Permit application for change of use from office (Weichert Real Estate) to retail (Scrapbook Cove) and associated signage. Property located at 80 Stonington Rd., Mystic. Assessor's Map 153, Block 3, Lot 1. Zone GC-60.

Staff summarized the application and history of the lot. The sign conforms and there are no issues with parking. Ms. Hoffman motioned to approve. Mr. Young seconded. All in favor 4-0-1.

Roll Call: Tamsky - approve, Hoffman - approve, Young - approve, Lynch - approve, Prue - abstain.

PZ1214SUP & CAM Noank Shipyard - Commission review of Stipulation of Approval #6 regarding internal use signage.

Mr. Brynes provided background information on the request. Harry Boardsen, representing Noank Shipyard, spoke on the issue and answered questions from the commission. There was a discussion on the locations of the motorcycle signs. Mr. Prue moved to approve. The motion was withdrawn to clarify.

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Ms. Hoffman moved to accept the response to stipulation #6 for the application and provide an additional sign at the entrance to curb motorcycle noise. All in favor 5-0.

Consideration of Certificate of Zoning Compliance for 2nd floor office space. Property located at 232 Greenmanville Ave., Mystic. Assessor's Map 171, Block 2, Lot 3. Zone TC-80:

Mr. Brynes shared new information in the staff report on this issue. Attorney Scott Sawyer spoke of behalf of the applicant. He has previously submitted many letters & an affidavit from a prior owner to the town on this issue. A letter from former Zoning Official, Joe Larkin, shows his intent to approve the applicant's existing 2nd story office space on the east side of the building. Mr. Sawyer stated that the applicant's sign is legally non-conforming at 36sf. The applicants, Robert & Camille Taylor, spoke to the commission. The Commission debated whether the applicants should have applied for a Special Use Permit.

Ms. Palmer, Zoning Enforcement Officer, presented information on the building's gross floor area and past signage approvals including a 1975 variance for an 18sf detached sign. Town Attorney, Tom Londregan, discussed his legal opinion on this case which is that the existing 2nd story office space was approved. The Commission would have to determine whether the sign is legally non-conforming. Mr. Prue stated that no evidence has been presented that a 36 sq. ft. sign is legally non-conforming, and the applicant should pay the additional fee to update their application to permit an allowed 24 sq. ft. sign. Following discussion, the Commission was in agreement that the Certificate of Zoning Compliance should be granted if the detached sign is reduced in size to 24sf. Mr. Prue stated that the Certificate should read "No further renovations on the 2nd floor will be permitted west of the staircase without a Special Use Permit." No vote was taken.

The meeting recessed at 8:35pm and reconvened at 8:40pm.

Public Hearing(s):

Ms. Hoffman read the call for the public hearing at 8:40pm.

PZ1401SD & GPP Standard Oil Co. of South Minster (Craig White) - Subdivision and Groundwater Protection Permit applications for a 3-lot re-subdivision of a 17.18 acre parcel. Property located at 248 New London Tnpk., Stonington. Assessor's Map 138 Block 3 Lot 10A. Zone GBR-130.

Pat Lafayette, PE presented the application, using the site plan to describe the 3 lot re-subdivision, noting that the application was approved by the IWWC on 3/6/14. Development of Lot 2 must return to that Commission for additional review.

Mr. Brynes noted that a fee-in-lieu of open space was recommended by the Conservation Commission, and both the Town's engineering consultant and Town Sanitarian approved the application. The Fire Marshal has not commented on the plan. The Commission discussed site drainage.

There were no public comments in favor, opposition or general comments for this application.

Mr. Prue motioned to close the public hearing. Mr. Young seconded. All in favor 5-0.

Mr. Prue motioned to approve the Groundwater Protection Permit application. Mr. Lynch seconded. All in favor 5-0.

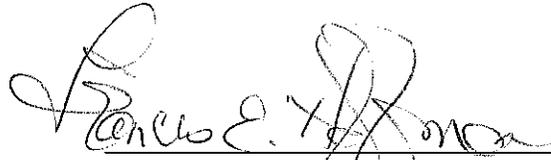
Mr. Prue moved to approve Subdivision application with the 2 stipulations stated in the staff report and 2 additional stipulations. Mr. Young seconded. All in favor 5-0.

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Stipulations:

1. Final plans shall include new address and Assessor's lot numbers as assigned by the Town.
2. The applicant shall hire a state certified real estate appraiser, acceptable to the Department of Planning, to conduct an appraisal of the land. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$_____ [*amount shall be determined prior to final plans are recorded on the land records*] was approved by the Planning & Zoning Commission, each new lot shall be assessed [*1/3 of the 10% value*]."
3. Non-infringement zone shall be clearly marked before & at all times during construction period.
4. Coconut bark berm will be used rather than a silt fence.

Mr. Young motioned to adjourn the meeting. Ms. Hoffman seconded. The meeting adjourned at 9:22pm.



Frances Hoffman, Secretary