

Regular Meeting

The 1540th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, April 21, 2015, at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:02pm. Also present for the meeting were Commissioners Frances Hoffman, Bob Mercer, and John Prue; Alternate Gardner Young, and Zoning Enforcement Officer Candace Palmer. Commissioner Curtis Lynch and Alternates David Rathbun and Shaun Savoie were absent.

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

Minutes:

Ms. Hoffman moved to approve the minutes for the April 7, 2015 meeting, seconded by Mr. Prue, all in favor 5-0, motion approved.

Commission Initiatives:

Discussion of 2015 Plan of Conservation and Development – The Board of Selectmen are scheduled to hold a public hearing on the plan tomorrow, April 22, 2015.

Reports:

Administrative Review:

Glenn and Constance Frishman – Request for Zoning Map Interpretation of property located at 1219 Pequot Trail, Assessor's Map 135, Block 2, Lot 2. Zone GBR-130 (proposed zone RA-40)

No representative was present to explain the request.

Mr. Prue moved to request the applicant apply for a zoning map amendment, seconded by Mr. Mercer, all in favor 5-0, motion approved.

James V. Rossman – Request for Zoning Map Interpretation regarding application of Non-Infringement Area Regulations. Property located at 298 Osbrook Pt. Assessor's Map 31, Block 1, Lot 7. Zone RC-120 (RA-40 applies).

Ms. Palmer explained the question brought forward by the applicant. Mr. Rossman gave the history on his client's lot. The difference in the State's measurement of the Coastal Jurisdiction Line and the Town's interpretation places the Non-Infringement Area to be closer to the home. The homeowner wishes to construct a patio as well as repair the septic system that will be affected by the interpretation of the measurement. Typically the CJL are in sync however, on this lot there is a difference of 15'. Mr. Prue explained that normally the commission would select the stricter interpretation, questioning whether the patio was aesthetic. Mr. Rossman explained it is also used for accessibility to the back of the property and the lower level. The commission agreed the measurement would be made using the State CJL.

Mr. Mercer moved to interpret the setback from the mean high water elevation, seconded by Mr. Prue, all in favor 5-0, motion approved.

Mr. Prue moved to add to an item Commission Initiatives to provide clarification to the Coastal Jurisdiction Line v. Mean High Water Elevation, seconded by Mr. Mercer, all in favor 5-0, motion approved.

Old Business

Proposed settlement of CT Superior Court appeal: Toll CT Limited Partnership and Toll Bros., Inc. v. Stonington Planning and Zoning Commission (Docket No. KNL-CV-14-6020016-S) – Modification of drainage design for Toll Brothers' Old

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Mystic Estates Subdivision (PZ0360SD, SUP & GPP Meehan). Property located at 12 Michelle Lane, 102 Whitehall Ave. & 6 Whitehall Pond. Assessor's Map 165 Block 3 Lots 1A & 2 and Map 148 Block 3 Lot 3B; Zone GC-60

Town Attorney Tom Londregan opened stating that after working with staff they have come up with a motion for the appeal. This motion deals with the concerns brought forward at the public hearing. The settlement is contingent on approval from DEEP.

Mr. Prue moved to approve the motion regarding the settlement proposal, amended to change references to Ben Tamsy to read Chairman of the Planning and Zoning Commission. Motion seconded by Mr. Mercer, all in favor 5-0, motion approved.

Chairman Tamsky recused himself from the following application.

PZ1504SPA Mechanic Street Associates (David Snediker) – Site Plan application for construction of a 4,854 SF structure to accommodate the expansion of existing assembly use, and associated parking, drive, utilities, and landscaping site improvements. Property located at 22 Mechanic St., Pawcatuck. Assessor's Map 4 Block 7 Lot 2. Zone DB-5.

Soil Scientist Demian Sorrentino, presented the application and site plan. The building has changed since initial application in order to accommodate FEMA regulations. The new building requires five parking spaces including an ADA compliant space, as included on the plan. There will be some landscaping improvements added to the sides of the existing building and the entrance to the site.

David McKay, project engineer, addressed the maintenance of the storm water trench. Mr. Prue requested the maintenance narrative be included on the site plan. Ms. Hoffman questioned the effectiveness of the sediment fence. Mr. McKay assured the fence will be staked in and secure.

Architect Peter Springsteel, presented drawings of the proposed building, two stories with the ground floor raised meet FEMA flood hazard requirements, and the first floor used for production. There is no fixed equipment below the base flood elevation per FEMA regulations.

Attorney Ted Ladwig, submitted the certificate of zoning compliance issued in 2001 regarding an assembly operation in an existing building. The project was originally approved in 2000, stating that the primary use would be for wood assembly, church steeples, and/or cabinetry. Mr. Ladwig stated Mr. Snediker has stayed within the type of production allowed. The proposed structure was approved by the Architectural Design Review Board and application conforms with the POCD. Mr. Prue raised concern over whether boat repair or restoration is taking place. Mr. Ladwig further defined what is considered repair versus restoration.

Owner David Snediker, spoke to the amount of hazardous waste that will be generated by the business. Waste is collected and carted out in a cabinet approved by the fire marshal. Ms. Hoffman questioned whether the site has been in compliance. Mr. Snediker stated they have been found compliant by several agencies. Ms. Palmer also stated at the time she was the sanitarian and found the site compliant. Ms. Palmer stated two additional stipulations regarding maintenance narrative to be included in the final plan and staff to inspect sediment and erosion control prior to construction.

Mr. Young moved to approve the application with stipulations recommended by staff, seconded by Ms. Hoffman, all in favor 4-0, motion approved.

Mr. Tamsky was re-seated.

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PZ1507SPA & CAM Latimer Point Condominium Association – Site Plan and Coastal Area Management Review applications for proposed deck addition, replacement shed, and enclosure of stairs and landing. Properties located at 15 Center Dr., 1 Center Dr., and 1 Reid Rd., Stonington, CT. Assessor's Maps/Blocks/Lots: 154/4/24, 154/4/20 & 154/4/7. Zone RM-20.

Ed Riley, presented the application and the proposed changes and additions to the units. A revision has been submitted to DEEP. There is only a small amount of hard surface area being added to the site, 150 s.f. Ms. Palmer suggest a stipulation regarding proof of a compliant septic system prior to issuing a zoning permit.

Ms. Hoffman moved to approve the SPA application, seconded by Mr. Prue, all in favor 5-0, motion approved.

Ms. Hoffman moved to approve the site plan application with the stipulation that septic approval be received for 15 Center Dr. and 1 Center Dr. prior to a zoning permit being issued, seconded by Mr. Prue, all in favor 5-0, motion approved.

Public Hearing

Ms. Hoffman read the call for public hearing at 8:48pm.

PZ1506SUP & CAM Gwenmor Marina, Inc. – Special Use Permit and Coastal Area Management applications for construction of an 11' x 24' restroom/shower facility with six parking spaces (together with additional parking at 12 Roseleah Dr.), associated landscaping, and lighting to provide upland support for a 29-slip marina. Properties located at Roseleah Dr. & 12 Roseleah Dr., Mystic. Assessor's Map 175 Block 1 Lot 31 & Assessor's Map 174 Block 21 Lot 1. Zone MC-80.

Ted Harris, attorney spoke on behalf of the applicant summarized the items presented to the commission. The lot is a pre-existing non-conforming lot and has been owned by the McGugan family since the 1960s. The lot has since been constructed to fall in line with the MC-80 zone for commercial marine. The request for parking includes the parking provided at the main marina site. There will be a covenant to confirm the parking will remain available for use. This will be a satellite marina to Gwenmor with 29 slips and will have minimal facilities for restroom and shower with primary use at the main facility. The proposed site was brought to the zoning board of appeals for variances and has been designed to accommodate the flood hazard zone. Between setbacks and buffers the site would be inaccessible without variances. The neighbors requested landscaping buffers as opposed to a fence on the borders of the property. They have received a variance on height for the bathroom facility due to handicap accessibility. They have also received a variance regarding the coastal jurisdiction line. They have also received a waiver from the state building official for the facility. The parking area will be gravel with the exception of pavers used for the handicap space. The Coastal Area Management has been reviewed several times both by DEEP and the ZBA and was found to have no adverse impacts. Mr. Harris summarized the waiver requests submitted.

Keith Nielsen, project engineer explained the site plan. Storm water will be infiltrated through the crushed stone lot. FEMA regulations apply for the flood zone and will be accommodated in the structure. This plan allows for a useful meaning for the site. Mr. Nielsen presented the site elevations and detailed views of the facility. Mr. Nielsen discussed comments from the Town Engineer regarding breakaway walls. All comments from the Town Engineer have been addressed by the applicant.

Ms. Palmer received correspondence from DEEP regarding CAM in favor of the application.

Public Comment in favor:

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Russell Dory, neighbor of the applicant was originally against the application however his comments have been addressed by the applicant and is now in favor.

No comment in opposition

No general comment

Mr. Prue moved to close the public hearing, seconded by Mr. Young, all in favor 5-0, motion approved.

Mr. Prue moved to approve the CAM application, seconded by Ms. Hoffman, all in favor 5-0, motion approved.

Mr. Prue moved to approve the special use permit waivers, seconded by Ms. Hoffman, all in favor 5-0, motion approved.

Mr. Prue moved to approve the special use permit application with the two stipulation recommended by staff, seconded by Ms. Hoffman, all in favor 5-0, motion approved.

Mr. Mercer moved to adjourn, seconded by Mr. Prue, all in favor 5-0, the meeting adjourned at 9:44pm.

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