

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.

Commission Initiatives:

Discussion of 2015 Plan of Conservation and Development – Mr. Tamsky noted that the Board of Selectmen's scheduled public hearing on the plan is tomorrow, April 22, 2015, at 7:00PM.

Reports:**Administrative Review:**

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 differing interpretations regarding measurement of the Non-Infringement Areas from coastal waters. The client's representative, James Rossman, provided a history of the subject lot and is of the opinion that the 100' Non-Infringement Area measurement is from the wetlands or coastal area itself. The Town's interpretation measures the Non-Infringement Area from the Coastal Jurisdiction Line (elevation 2). The homeowner's proposal to construct a patio as well as repair the septic system would be affected by the interpretation of the measurement. Mr. Prue explained that normally the commission would go with the stricter interpretation, questioning whether the patio was aesthetic. Mr. Rossman explained it is also used for accessibility to the back and lower level of the property. The commission agreed the NIA measurement would be made using the mean high water line. Generally, the CJL and MHW are the same or very close but on this property there is a 20' difference

Mr. Mercer motioned to interpret the NIA setback for 298 Osbrook Pt. from the mean high water line, seconded by Mr. Prue, all in favor 5-0, motion approved.

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

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.

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.

Old Business

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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 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 Tamsky 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.

Seated for the application were Frances Hoffman, Bob Mercer, John Prue, and Gardner Young.

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 suggested two additional stipulations regarding maintenance narrative and inspection of 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.

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Stipulations:

1. Proposed use is allowed as an "assembly" woodworking use and is not considered "boat repair."
2. No engine repair, spray painting booth or spray painting finishes are allowed.
3. Hazardous waste materials shall not be used beyond that of a normal household.
4. Final plans shall reflect the comments of the Town Engineer and Fire Marshal.
5. Final plans shall include one additional parking space.
6. The lower level of this building shall not be converted into "finished living space" as defined by FEMA. Applicant shall sign a Non-Conversion Agreement for Structures in the Floodplain and file this form in the Town's Land Evidence Records.
7. Building plans shall include certification of flood hazard compliance per Section 7.7.4.6.
8. Maintenance narrative shall be included on final plans.
9. Staff shall inspect sediment and erosion control measurements prior to any soil disturbance.

Mr. Tamsky was re-seated.

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

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.

Mr. Ed Lally presented the application and described the proposed changes and additions to the units. There is only a small amount of hard surface area being added to the entire site. He responded positively to the suggestion by Staff regarding proof of compliant septic systems for addresses #1 and #15 Center Drive. It was noted that there had been no response from the DEEP on the CAM application.

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

Ms. Hoffman moved to approve the site plan application with one stipulation, seconded by Mr. Prue, all in favor 5-0, motion approved.

Stipulation:

1. 1 Center Drive (Unit 36) and 15 Center Drive (Unit 32) shall receive septic approval prior to issuance of a zoning permit.

The Commission took a brief break (no times provided).

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.

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

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Attorney Ted Harris, representing the applicant, summarized the exhibits provided to the commission. He explained that it is a pre-existing non-conforming lot in the MC-80 zone with an approved marina use in concert with the main, full-service Gwenmor Marina, noting that the combined parking at both sites is more than sufficient for the proposed restroom and shower facilities and the primary uses at the main marina site, and a dedicated easement will permanently link the 2 to prevent loss of required parking in the future. He explained that the Zoning Board of Appeals granted variances allowing for reductions of the parking lot and MC-80 (residential use) buffers, reduction of the CT CJL setback, and a reduction in the required finished floor elevation, adding that they have also received waivers from the state building official for the FEMA requirements. Attorney Harris noted that the parking area will be gravel with the exception of pavers used for the handicap space, summarized the waiver requests, and stated that the CAM application has been reviewed several times by DEEP and they found it to be a water-dependent use and have no adverse impacts. He reviewed the requested waivers and responded to Mr. Young's question regarding parking spaces.

Project engineer Keith Nielson, P.E., from Docko, explained the geographical limitations of the site, how stormwater will infiltrate through the crushed stone lot, and the structural accommodations made to comply with FEMA flood hazard regulations. He noted that the proposal allows for a useful meaning for the site and presented the site elevations and detailed views of the facility, addressing the Town Engineer's comments regarding breakaway walls. Mr. Nielson noted that all comments from the Town Engineer have been addressed.

Ms. Palmer noted that correspondence from DEEP finding the CAM review for the variance application was consistent with the Coastal Management Act.

Public Comment in favor:

Russell Dory, a neighboring property owner, was originally against the proposal, however, his concerns have been addressed by the applicant and is now in favor.

No comment in opposition

No general comment

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

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

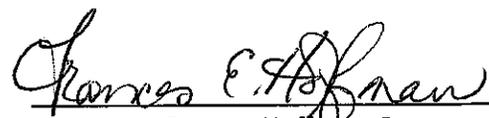
Mr. Prue motioned to approve the special use permit waivers, seconded by Ms. Hoffman, all in favor 5-0, motion approved.

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

Stipulations:

1. Dedicated parking easement/agreement must be filed prior to issuance of Zoning Permit.
2. Building shall conform to necessary V-Zone standards.

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


 Frances Hoffman, Secretary