

Regular Meeting

The 1517th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, May 20, 2014 at the Mystic Middle school, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:03pm. Present and seated for the meeting were Commissioners Ben Tamsky, John Prue, Bob Mercer, Curtis Lynch, and Alternate Gardner Young. Commissioner Frances Hoffman was absent. Town Planner, Keith A. Brynes, was also present.

Meeting Minutes: Minutes will be reviewed at the next meeting.

Commission Initiatives: Mr. Prue moved to discuss the initiatives at a later point in tonight's meeting. Mr. Lynch seconded. All in favor 5-0.

Administrative Review:

Commission interpretation regarding whether Zoning Regulation Section 2.9 (Undersized Lots) can be applied to single family residences permitted in commercial zones.

Mr. Brynes summarized the issue. Mr. Prue stated he's in favor of adopting staff's position that the regulations allow use of ZR 2.9 in commercial zones. Mr. Mercer agreed. Mr. Tamsky stated his interpretation that the regulation is intended for use only in residential zones. If allowed, someone could sell and/or use the building in the future for commercial use with reduced setbacks. Mr. Prue moved that ZR 2.9 is allowed for single family residence in commercial zones that allow for residential structures. Mr. Mercer seconded. There was more discussion among the commission and staff. Mr. Tamsky suggested that Staff draft a potential text amendment for discussion to add protections against changing the use of buildings using Section 2.9. The motion was withdrawn by both commissioners. The issue will be discussed at the next meeting.

Seaport Holdings, LLC – Request approval to pave existing Pita Spot restaurant rear parking lot with asphalt and modify site drainage. Property located at 45 Williams Ave., Mystic. Assessor's Map 161 Block 14 Lot 5.

Mr. Brynes summarized the application, stating the drainage work has already been done but requires Department of Public Works approval. Mr. Prue asked if it would enhance the buffer. Mr. Brynes said it would help define the property line. Nine spaces against the building have been approved in the past. Louis Torregrossa, Manager of Seaport Holdings, spoke on the proposed plan. He said they want to do the project right with catch basins, striping, and healthy growth of plantings on buffer. Paving the rear lot would prevent dirt and gravel from ending up in the catch basin and buffer. The Commission discussed the parking of cars behind the building. Mr. Torregrossa stated he wanted to address conflicts with a neighboring property owner and is amenable to staff's proposed stipulations of approval. Mr. Prue stated that the Commission should be reviewing a plan showing the parking spaces against the building where they are now located. The 2011 plan will be redrawn to include parking spaces against the building and the catch basin so records will be clearer going forward. The applicant will get with staff on these changes and report back in two weeks.

PZ1317SUP Sea Research Fndtn. (Waterstone Retail, Inc.) - Request approval to revise approved site plan for relocation of the propane tank to south of the driveway entrance adjacent to the parking area, and installation of a new transformer at the previous location of the propane tank. Property located at Maritime Drive (Lot 1), Mystic. Assessor's Map 150 Block 1 Lot 28A. Zone M-1.

Staff presented the modification. Paul Biscuti, PE of DiCesare-Bentley Engineers, explained modifications to the plan regarding propane tank and transformer locations. Mr. Mercer moved to approve with stipulation stated in staff report. Mr. Prue seconded. All in favor 5-0.

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PZ1317SUP Sea Research Fndtn. (Waterstone Retail, Inc.) - Request approval to revise approved site plan to eliminate the retaining wall in favor of a rip rap slope. Property located at Maritime Drive (Lot 1), Mystic. Assessor's Map 150 Block 1 Lot 28A. Zone M-1.

Staff introduced the application. Paul Biscuti, PE, stated that they are trying to avoid a major de-watering with this proposal. Access around the building is not needed. The Commission requested the Town Engineer review this proposal prior to any action. This change is also going before the Inland Wetlands and Watercourses Commission for review. Mr. Tamsky asked staff to also get comments from the Fire Marshal prior to the next meeting.

Old Business:

PZ1405BR Toll Brothers - Old Mystic Estates - Application for reduction of Performance & Maintenance Bond posted to satisfy requirements of proposed construction activity related to **PZ0360SD SUP & GPP Meehan Group, LLC**. Bond instrument is Letter of Credit #30002932 for \$2,935,000.00 for a 48-lot subdivision located off Pequot Trail, Mystic. Bond reduced to \$1,700,000.00 on 6/26/12. Applicant requests further reduction to \$878,795.00.

Mr. Prue motioned to table the application until the next meeting; seconded by Mr. Lynch. Motion approved 5-0.

Meeting was recessed at 8:25 pm and reconvened at 8:30 pm.

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development:

Mr. Prue stated his concern is the draft plan includes good ideas but needs more articulation at the highest level to be more of a plan. Mr. Lynch said policy and tasks are drivers but he wants certain principals in the Overview section recognized in the plan, not just in the text. Mr. Tamsky said the POCD is pretty far along and it's the Commission members' responsibility to read the plan and note things specifically that need editing. Mr. Brynes stated the public information meeting is being targeted for 6/30/14 at Stonington High School, although this is not yet confirmed. Commissioners discussed the Conservation Commission's proposed changes to the Open Space Plan. Mr. Lynch stated that it is up to the POCD Subcommittee to decide whether to include those changes as an appendix to the POCD at this time. Mr. Tamsky asked for public comment regarding this issue. Carlene Donnarummo stated that revisions to the Open Space Plan should be adopted along with the new POCD. Rick Newton stated that the Conservation Commission's changes to the Open Space Plan are not ready for public review.

Review draft changes to the Subdivision Regulations, including discussion of Technical Standards Document Adoption:

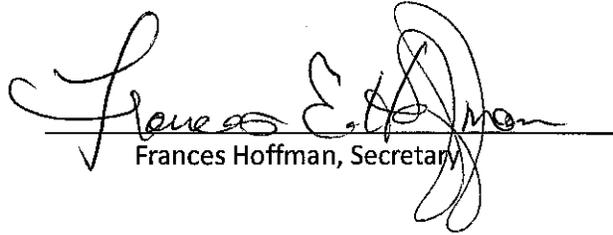
Mr. Prue stated that he has no major issues with the draft changes to the Subdivision Regulations. Mr. Prue commented that the Town's open space dedication process needs to remain fair and unbiased and related concerns about a potential conflict of interest with several Conservation Commission members also being board members of the Stonington Land Trust. Mr. Tamsky said this is an ethics question and doesn't see how it correlates to the Subdivision Regulations. He suggested Mr. Prue work with staff on this concern. Mr. Tamsky noted that the Conservation Commission recommended that stormwater basins should not be located in dedicated open space.

The Commission discussed the provision in the Town's Open Space Development regulations that requires the percentage of wetlands in the open space be no greater than the percentage of wetlands on the entire property. The Conservation Commission has recommended eliminating this provision since it has hindered developers considering Open Space Developments who then apply for the simpler

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application of a traditional subdivision. Mr. Prue recommended staff reviewing how other towns regulate this issue. Mr. Brynes said draft subdivisions need the Town Attorney approval but he wanted to have commission's review first. Mr. Prue will consider language requiring demarcation of Non-Infringement Areas during and/or after construction.

Mr. Prue moved to adjourn the meeting. Mr. Lynch seconded. All in favor 5-0. The meeting adjourned at 9:05pm.



Frances Hoffman, Secretary