

Special Meeting

The 1518th meeting of the Town Of Stonington's Planning and Zoning Commission was held on Tuesday, June 3, 2014 at the Mystic Middle school, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 6:30pm. Present and seated for the meeting were Commissioners Ben Tamsky, John Prue, Bob Mercer, Frances Hoffman, and Curtis Lynch. Alternate Gardner Young, Town Planner, Keith A. Brynes, and Town Attorney, Thomas Londregan, were also present.

Mr. Prue motioned to go into Executive Session to discuss pending litigation regarding CT Superior Court Appeal instituted by Toll CT, Limited Partnership and Toll Brothers, Inc. against the Town of Stonington and the Planning and Zoning Commission; motion seconded by Ms. Hoffman. Motion passed 5-0. The Commission entered into Executive Session at 6:30PM.

The Commission reconvened from Executive Session at 7:14PM. No votes were taken. Atty. Londregan departed the meeting.

Meeting Minutes: Ms. Hoffman moved to accept the #1516 May 8, 2014 minutes. Mr. Lynch seconded. All in favor 5-0. Ms. Hoffman moved to accept the #1517 May 20, 2014 minutes. Mr. Lynch seconded. The vote was in favor 4-0-1.

Roll Call: Tamsky – approve, Prue – approve, Mercer – approve, Lynch – approve, Hoffman - abstain

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development- Mr. Lynch stated the POCD Subcommittee met on 6/2/14. There will be a public informational meeting on the draft POCD on June 30th 7:00PM at Stonington High School and the Subcommittee will accept public comment on the plan up to July 7th. The deadline for boards and commissions to get their comments to the POCD Subcommittee is June 13, 2014. Mr. Tamsky asked for any comments from members regarding the draft and recommended that members frame any concerns as specific changes to be made. The Commission will discuss the draft plan in more detail at their next meeting on June 17th. Commissioners instructed staff to keep the agenda light if possible.

Administrative Review:

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

Staff presented draft language modifying Section 2.9 to protect against property owners using this section to construct a single family house and later changing to a commercial use with less than the required setbacks. Members felt that the language addressed the issue. Mr. Prue felt that a regulation amendment to address this issue is not needed when there are other more pressing issues to address in the regulations.

Mr. Prue motioned that it is the Commission's determination that Section 2.9 can be used in commercial zones that allow single family residences. Mr. Lynch seconded. The motion passed 4-1.

Roll call: Prue – approve, Mercer – approve, Hoffman – approve, Lynch – approve, Tamsky – deny

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 which was tabled at the last meeting so that the applicant could provide a plan showing the parking spaces along south side of the parking lot. The Department of Public Works has no issues with paving or drainage plan for area. Applicant and new owner, Louis Torregrossa, explained the

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rationale for the paving and requested that the parking spaces be relocated to the north side of the parking lot where they provide more room for deliveries and do not interfere with building exits. Mr. Torregrossa stated that he is willing to finish the fence and plant significant vegetation for screening purposes. The Commission asked for comments from Kelly McMahan, neighbor to the north at 21 Hatch Street. Ms. McMahan stated that she supports the request to pave the lot and the stipulation adding a curb demarcating the buffer. Ms. McMahan questioned the dimensions of the parking lot and whether cars can fit as shown on the plans. Cars may end up parking too close to Hatch Street. The location of the propane tank in the rear lot is a concern. Mr. Torregrossa discussed the measurements of the parking lot stating that with parking spaces that are 18' long, there will be a minimum of 14' of back up space.

Mr. Prue moved to approve paving the parking lot and striping, as shown on the plans reviewed by the Commission on 5/20/14 with the following stipulations:

1. The applicant shall install curbing separating the paved parking area from the 10' buffer area to the north.
2. Parking spaces shall be striped in accordance with approved plans.
3. The applicant shall continue the fence along the entire northern property line.
4. Modifications / replacement to site drainage shall meet the requirements of the Department of Public Works.
5. Illegal banner signs along Williams Ave. shall be removed.

Mr. Mercer seconded the motion. Ms. Hoffman asked for an additional stipulation. Mr. Prue moved to add a 6th stipulation:

6. Fire Marshal to review existing propane tank location.

Mr. Mercer seconded the addition of a 6th stipulation to the motion. All in favor 5-0.

The Commission moved to Old Business.

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 moved to table this application. Mr. Lynch seconded. All in favor 5-0.

PZ1406CAM Jonathan & Heryun Ayers - Coastal Area Management Review for demolition & removal of existing single family residence and subsurface sewage disposal system (SSDS) and construction of a new single-story SFR with a new SSDS. Property located at 29 Chippechaug Trail, Mystic. Assessor's Map 177 Block 8 Lot 5. Zone RA-20.

Mr. Mercer moved to table this application. Mr. Prue seconded. All in favor 5-0.
The Commission returned to Administrative Review Items.

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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.

This request was tabled from the last meeting. Staff updated the Commission on feedback received from the Department of Public Works which had no concerns. The Fire Marshal had not commented yet. Ms. Hoffman said she did her own consultation and suggested adding a weed block fabric. Mr. Paul Biscuti, P.E. of DiCesare-Bentley Engineers, described the application and agreed to add weed block fabric underneath the slope. The Inland Wetlands and Watercourses Commission is scheduled to review this application on Thursday, 6/5/14. Ms. Hoffman moved to approve the request with two stipulations:

1. Modification shall be constructed only after approval of the Inland Wetlands and Watercourses Commission.
2. Modification shall be reviewed to the satisfaction of the Fire Marshal.

Mr. Lynch seconded. All in favor 5-0.

Request modification to rear lot access involving approved Subdivisions **PZ0444SD Kenneth Boyer (Amy Preston & Kenneth Boyer)** – Approved 3-lot subdivision of a 21.75 acre parcel. Property located at 280 Flanders Rd., Stonington, CT. Assessor's Map 104, Block 1, Lot 8. Zone RR-80 and **PZ0322SD New England Design Builders, LLC** – Approved 10 lot subdivision. Property located at Flanders & Deans Mill Rd. Assessor's Map 107 Block 1 Lot 8; Map 106 Block 1 Lot 2, 34. Zone RR-80.

Staff presented the request and distributed a letter and composite plan from Mr. Boyer. Mr. Boyer clarified his request and said this new access eliminates a major wetlands crossing which is now unnecessary.

Mr. Prue moved to approve requested modification of PZ0444SD and PZ0322SD with the stipulation that an updated mylar is filed. Ms. Hoffman seconded. All in favor 5-0.

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

Public Hearing:

Ms. Hoffman read the call for the public Hearing at 8:40PM.

PZ1404RA Town of Stonington (PZC) - Zoning Regulation Text Amendment to eliminate ZR 4.7.3.21 (the previously approved regulation allowing retail sales by Special Use Permit within the M-1 Zoning District under certain conditions).

Mr. Brynes presented the application which would undo previously approved regulation amendment, PZ1310RA which allowed retail uses in some M-1 areas. This change would affect two M-1 areas in town which are within 1 mile of an Interstate interchange. These are the Maritime Drive area and the "Eagle Park" development at Exit 92. He highlighted a few of the comments received from other commissions.

Speaking in favor: Attorney Tom Collier, representing Michael McQuade, supports this change because the current regulation could lead to excess retail space in this area. A letter of support from Dora Hill was read aloud by staff. Carlene Donnarummo also stated her support for the elimination of ZR 4.7.21.

There was no one speaking in opposition or for general comments on this public hearing.

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Mr. Prue moved to close the public hearing. Mr. Lynch seconded. All in favor 5-0.

Mr. Prue moved to approve the Regulation Amendment. Mr. Lynch seconded. All in favor 5-0.

Effective date is 6/23/14. Mr. Prue stated that this action is the first step in planning for the Maritime Drive area which the Commission will further address once the 2014 POCD is adopted.

Ms. Hoffman updated the Commission on progress with **PZ1403SUP Mystic Motor Inn**. A consultant report on stormwater management at the site will soon be completed.

Mr. Tamksy asked for an update on work ongoing at the Cove Fish Market on Old Stonington Rd. which may impact drainage. Mr. Brynes said the Highway Superintendent stated the work will not affect drainage in that area. Mr. Tamsky asked for the ZEO to go out to the site and evaluate the area and its drainage capacity.

Mr. Prue moved to adjourn the meeting. Mr. Lynch seconded. All in favor 5-0. The meeting adjourned at 9:08pm.



Frances Hoffman, Secretary