

## Special Meeting

The 1528<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held Wednesday, November 5, 2014 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:00pm. Present for the meeting were Commissioners Ben Tamsky, Bob Mercer, Frances Hoffman, Curtis Lynch, and John Prue; Alternates Gardner Young and Shaun Savoie; and Town Planner Keith Brynes.

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

**Minutes:** Mr. Mercer motioned to approve the 10/21/14 meeting minutes. Ms. Hoffman seconded. Ms. Hoffman requested clarification of her comments regarding forwarding the draft POCD to the State OPM for review, and the interpretation of Stephen White's comments in his Mystic Seaport application presentation. All in favor, 4-0-1.

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

**Commission Initiatives:**

**Discussion of 2014 Plan of Conservation and Development:** Sara Lathrop, representing the Subcommittee, formally submitted their final draft to the PZC. She reviewed the subcommittee's initial four goals, process, and actions, recommending that the PZC look at the Implementation section of the plan closely and noting that they anticipate modifications from the PZC.

Commissioners thanked the subcommittee for all their work, recognizing that a lot of effort went in to the process. They further discussed setting a deadline for their final review so a public hearing date can be scheduled. Mr. Brynes reviewed the requirements for sending the POCD to SECOG and the Board of Selectmen for review /approval. Commissioners felt agreed they should schedule at least two special meetings after the first of the year in order to meet a review deadline of January 31<sup>st</sup>.

Ms. Lathrop also asked that the Commission let the Subcommittee know in writing when the PZC discussion meetings will be held so they may be present (as audience members).

**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 stated that he had drafted the two versions of an amendment but was unsure which version the Commission wished to be submitted. He explained that Option 1 adopts the FEMA language and no amendment is required as the language is already in the regulations. Mr. Tamsky noted he wished to see tighter, stricter requirements concerning pre-existing construction. Mr. Mercer explained that the Town's 5-year substantial improvement requirement is effective for pre-existing construction and minor improvements. Mr. Prue requested Mr. Brynes double check the language as he wants clarity in the Regulations. Mr. Tamsky requested that Mr. Brynes resend the 2 language options to the commissioners.

**Administrative Review:**

**PZ0612ZC Prospect Northeast Development, LLC** – Request release of all currently held funds associated with Stipulation of Approval #12 (4/4/06).

*Stipulation #12: At the applicant's suggestion, \$1,000 per unit shall be deposited into an interest bearing account at the initial sale of each individual unit. This fund shall become fully active at the completion of the all of the initial unit sales. This fund shall remain active for a period of five years from the completion of sales, at which time the fund shall be available to the town of Stonington for public improvements in the vicinity of this development (1/4 mile).*

## Special Meeting

Mr. Brynes briefly reviewed the prior tabling of this item, and as no representative was present, he recommended tabling.

Mr. Prue motioned to table the request. Mr. Mercer seconded. The motion was approved, 5-0.

**14-204ZON Stonington Public Schools** – Application for placement of six 12' x 20' sheds for maintenance and athletic storage needs. Property located at 176 South Broad St., Pawcatuck. Assessor's Map 25, Block 1, Lot 19. Zone RR-80.

After reviewing the request and ADA access issues, Bill King explained that he has the funding in his budget and expects the ADA access work to be done over the summer. Mr. King responded to commissioners' questions regarding the sheds' placement, height, and storage use, noting that all the sheds meet setback requirements.

Mr. Brynes noted that the commission can't regulate what the Board of Finance does in regards to approving funding.

Mr. Prue stated that he understands efforts have been made to move ADA compliance forward, that the problem is documented and will be addressed, and as such, they commission should not be punitive regarding approval of the sheds. Commissioners agreed that stipulating the approval would delay the installation.

Mr. Prue motioned to approve the application. Ms. Hoffman seconded. The motion was approved, 5-0.

**14-229ZON Sun Seaport RV, LLC** - Application for a 10' x 48' addition to pavilion structure. Property located at 45 Campground Rd., Mystic. Assessor's Map 167, Block 1, Lot 3. Zones GBR-130 & GC-60.

Mr. Brynes reviewed the request, explaining that it meets zoning requirements, and noting that he had included the Building Official's suggested stipulation if approved.

Mr. Prue motioned to approve the application with one stipulation. Ms. Hoffman seconded. The motion was approved, 5-0.

Stipulation:

1. Sign-off of a professional engineer will be required prior to issuance of a Building Permit.

**Old Business:**

**PZ1415SPA & CAM Latimer Point Condominium Association** - Site plan application & Coastal Area Management Review for proposed decks, deck additions, house additions, garages, & shed. Properties located at 1 Reid Rd., 16 Center Dr., 2 Center Dr., & 124 Latimer Pt. Rd., Stonington, CT. Assessor's Maps/Blocks/Lots: 154/4/7, 154/4/30, 154/4/33, & 154/3/3. Zone RM-20.

Latimer Point representative Ed Lally reviewed the proposed changes and addressed the Town Engineer's comments, stating that the typo would be corrected and the requested changes all meet zoning and Latimer Point Association requirements. He also responded to commissioners' questions regarding proposed driveways, flood zones, and erosion control compliance. Mr. Lally explained the Association's request to submit up to three Site Plan Applications per year to the Commission.

Ms. Hoffman motioned to approve the applications with the amended stipulations. Mr. Mercer seconded. The motion was approved, 5-0.

## Special Meeting

## Stipulations:

1. Final plans shall incorporate proper flood plain designation.
2. Erosion and sedimentation controls based on appropriate best management practices shall be installed and maintained during all construction.
3. Provide precise gross floor area (GFA) numbers for units approved and work on providing more accurate GFA for all units.

Mr. Prue motioned to accept the Association's request to submit up to three (3) Site Plan Applications per year to the PZC. Ms. Hoffman seconded. The motion was approved, 5-0.

**PZ1417SD Woods Road Development, LLC** - Subdivision application for a 2-lot subdivision of a 10.8 acre parcel. Property located on the southerly side of Pequot Trail., Stonington. Assessor's Map 96 Block 3 Lot 4. Zone GBR-130.

Mr. Brynes recommended tabling the application as the Wetlands Commission has not made a decision on the application.

**Public Hearing(s): 7:30 p.m.:**

Ms. Hoffman read the call for the public hearing at 8:22 p.m.

**PZ1416SUP Mall, Inc. (Regan Enterprises)** - Special Use Permit application to permit relocation/expansion of existing restaurant with 75 indoor & 56 outdoor seats, and beer & wine liquor permit, and operation of a new restaurant with 75 indoor and 80 outdoor seats, and a full liquor permit. Proposal includes 14 new parking spaces and shared parking. Property located at Olde Mistick Village, 27 Coogan Blvd., Mystic. Assessor's Map 164 Block 3 Lot 1 Units 6 & 21, Zone TC-80.

Mr. Regan presented the proposal and responded to Commissioner's questions regarding physical barriers between the patio and the roadway, calculation of number of employees, parking/shared parking requirements, signage, dumpsters, drainage, water usage demand, and sewage system flow data.

Mr. Brynes reviewed the application, noting that the proposal conforms to zoning regulations and discussing those comments received from reviewers, signage history, shared parking, elimination of the proposed stacked parking, and the lack of response from the fire department. Mr. Brynes stated that an additional stipulation of approval will be that Fire Department approval will be required.

There was no public comment in favor, against or general.

Ms. Hoffman motioned to close the public hearing. Mr. Prue seconded. The motion was approved, 5-0.

The meeting recessed at 9:00 p.m. and reconvened at 9:04 p.m.

Ms. Hoffman motioned to approve the waiver requests. Mr. Prue seconded. Commissioners discussed Ms. Hoffman's concerns regarding waiving the water impact and sanitary sewer impact studies. She felt there needed to be stipulations requiring that the water usage amounts meet the approval of Aquarion Water Co., and WPCA Director, Tom Gilligan, confirms the additional sewer impact is within the capacity range. Mr. Brynes explained that a Sanitary Sewer Impact Study can be as simple as the documentation Mr. Gilligan provided that states the flow amounts are acceptable. Commissioners requested they be provided with the additional information of how the additional flow affects the capacity ranges. The motion was approved, 5-0.

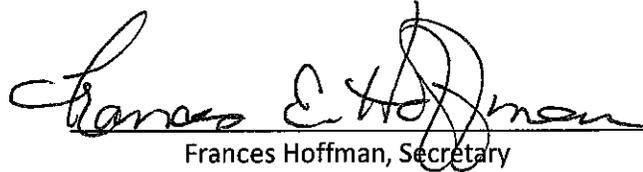
## Special Meeting

Ms. Hoffman motioned to approve the application with the stipulations in the staff report and the two (2) additional as discussed. Mr. Prue seconded. The motion was approved, 5-0.

## Stipulations:

1. The Town's maximum seating notices must be posted in conspicuous locations inside the three restaurants.
2. Three proposed stacked parking spaces at Pink Basil shall be eliminated from the final plans.
3. Restaurants must conform to WPCA requirements.
4. No seating is permitted on 2<sup>nd</sup> floors of Pink Basil & Mango's.
5. Final plans shall depict location of walk-in coolers at the new Mango's location.
6. Any legally non-conforming signs shall not be expanded in size.
7. Final plans shall be reviewed to the satisfaction of the Old Mystic Fire Marshal.
8. The applicant shall provide water demand data to the satisfaction of Aquarion Water Co.

Mr. Prue motioned to adjourn the meeting. Mr. Mercer seconded. The meeting adjourned at 9:15pm.



Frances Hoffman, Secretary