

## Special Meeting

The 1535<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, February 3, 2015 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, Curtis Lynch, and Frances Hoffman; Alternates Shaun Savoie and Gardner Young, and Town Planner Keith Brynes. Commissioner John Prue was absent.

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

**Minutes:**

Ms. Hoffman motioned to approve the minutes of January 6, 2015, seconded by Mr. Mercer. Motion approved 3-0-2.

Roll Call: Tamsky – approve, Mercer – approve, Lynch – approve, Hoffman – abstain, Savoie – abstain

**Commission Initiatives:**

Discussion of POCD – Mr. Brynes forwarded a copy of the most recent draft to the commissioners, noting he would like to send out the final draft copy by the end of the week. He discussed the scheduling of the public hearing, with Commissioners agreeing on having a special meeting in April. Ms. Hoffman stated she will be meeting with Keith to discuss best practices and low impact development, and there is also new data on water quality/pollution she would like to add.

**Administrative Review:**

**15-014ZON Cheryl Pelcher** – Zoning Permit Application to permit the temporary location of a 12' x 60' mobile home due to a house fire. Property located at 9 Oriole St., Pawcatuck. Assessor's Map 36 Block 7 Lot 12. Zone RA-20.

The applicant secured alternative housing arrangements and has withdrawn the application.

**William Sweeney, Esq. (Merrily Connery)** – Informal workshop to discuss the conceptual design and garner input for the possible redevelopment & adaptive reuse of a former gasoline service station into a wine bar/café. Property located at 30 Broadway Ave., Mystic. Assessor's Map 174 Block 18 Lot 10. Zone LS-5.

Mr. Sweeney spoke on behalf of the applicants, explaining the reuse of the former service station on Broadway Avenue in Mystic into a wine bar and café. Mr. Sweeney gave the background of the property as well as the developers' proposal. A potential issue is that the property is located in a flood plain but they are not able to elevate so must work with the existing structure. Their hope is that it will improve the area and bring a new concept to the area while staying within the confines of the existing building. Chris Vernot, architect for the project, spoke concerning keeping the project below the substantial improvement threshold. Mr. Vernot presented examples of several other service stations that have been adapted for other uses and discussed the proposed floor plan and site improvements. Mr. Tamsky suggested a noise analysis be performed if the proposal does include opening the commercial garage doors to extend outdoors when the weather permits. Ms. Hoffman discussed the concern of substantial improvements in allowing the project to go forward, and the impacts of the proposal on the neighbors. Mr. Vernot described the proposed architectural changes.

**Public Hearing 7:35p.m.**

Ms. Hoffman recused herself from discussion related to the following public hearing. Those seated were Gardner Young, Ben Tamsky, Bob Mercer, and Curtis Lynch.

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**PZ1418SUP & CAM Denison Pequotsepos Nature Center, Inc.** - Special Use Permit & Coastal Area Management Review applications for the creation of a nature & heritage center. Site improvements include parking, sidewalks, trails, indoor and outdoor educational areas, and event spaces. Property located at 162 Greenmanville Ave., Mystic. Assessor's Map 172 Block 2 Lot 5. Zones RM-15 & RA-40. *Public hearing continued from 1/6/15.*

Chad Frost, representing the applicant, requested the public hearing be continued to the 2/17/15 meeting, and an extension to keep the hearing open in order to allow for new information received and further review by the Town Engineer.

Mr. Mercer moved to continue the public hearing to the February 17, 2015 meeting, seconded by Mr. Young, all in favor, motion was approved, 4-0.

The commission returned to the informal workshop discussion of the reuse of the service station. Project Engineer Clint Brown discussed the parking and accessibility to the site. They would only need to add exterior lighting to the rear parking lot. Landscaping would be added to buffer from neighbors and soften the property. Mr. Sweeney concluded commenting on the economic growth that can be brought from a project like this. They are looking to move to the application process in the next several weeks. Ms. Hoffman commented on her support for the idea, but wants to make sure it is clear for developing due to its former state as a gas station. Mr. Tamsky is also in support of the idea, but is concerned about FEMA and spillover of parking into the residential area.

**Old Business:**

**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 provided a summary of Attorney Londregan's correspondence concerning the neighbor's land dispute, stating that the commission can make a decision on whether the applicant has standing to apply without deciding ownership. Michael Scanlon, from DiCesare-Bentley Engineering represented the applicant and explained the first step would be to decide whether the applicant has the standing to enter the application process. Mr. Savoie asked how much land is being disputed. Mr. Scanlon discussed the history of the property ownership, title, title insurance, and the survey conducted in 1987, as well as the town tax card. Ms. Eyles is claiming that she has three properties and claims the right of way. Since the initial dispute Mr. Scanlon does not know any further concerning the dispute. Attorney John Casey, on behalf of the Eyles, requested to speak concerning standing. The commission agreed to hear Attorney Casey for ten minutes. Mr. Casey discussed a prior case where the commission chose to deny the application in the interest of caution. Mr. Casey also explained that there were past disputes in the 1980s. Land Surveyor Joe Toscano spoke concerning the evidence produced by the applicant. Mr. Toscano spoke concerning the right-of-way and said the Eyles have a title to the right of way. Mr. Toscano explained that the evidence and history of titles points that the Eyles have a case. Mr. Mercer questioned why the titles have not been shared with Mr. Scanlon. They had offered with the condition of seeing the applicant's evidence, however the applicant refused. Mr. Lynch discussed the fact the applicant appears to have standing for the application. Mr. Casey summed that the Eyles do have fair evidence, and that precedence shows that the commission can deny the application based on the question of property ownership. Atty. Casey and Mr. Toscano presented several documents for the commission to consider. Mr. Young suggested denying the application prior to a court ruling regarding the property ownership. Mr. Mercer suggested allowing the applicant to move forward in good faith that this has been their property for the past 28 years. Mr. Brynes explained the process of appeals. Mr. Mercer summed his support of moving forward with the application. Ms.

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Hoffman expressed her discomfort with the property dispute and believes it is inappropriate to bring to the commission at this time. Mr. Lynch stated his belief that the applicant would prevail and believes that is what the commission is charged with at this point. Mr. Savoie stated that they cannot speak to the application while there is a land dispute. Mr. Tamsky is in agreement with Mr. Lynch and Mr. Mercer. The majority is in favor of moving forward with the application.

Mr. Tamsky noted that he, Bob Mercer, Curtis Lynch, Frances Hoffman, and Shaun Savoie were seated for the application.

The meeting recessed at 8:48pm and reconvened at 8:54pm.

Mr. Scanlon presented the application for the subdivision for the property. The applicant is proposing a frontage lot and a rear lot. The conservation commission has requested a fee-in-lieu of the open space rather than open space set aside. The applicant has obtained approval from the IWWC, all Town Engineer and Town Planner comments have been resolved, and the Town Sanitarian has approved the well and septic. Mr. Scanlon explained that site development will take place outside of the Upland review Area, and right-of-way is regarded as being shared by both properties. Mr. Brynes confirmed that all comments had been addressed and explained the stipulation recommended by the staff.

Mr. Mercer moved to approve the application with the two stipulations, seconded by Mr. Lynch. Discussion followed Mr. Lynch's request for additional stipulations regarding ownership, Mr. Brynes stated that it would not be necessary as the Town Attorney did not recommend it. Motion is approved, 5-0.

**Stipulations:**

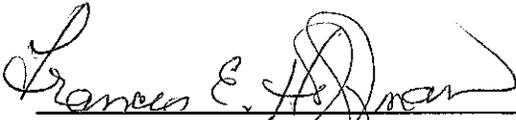
1. Final plans shall include new address and Assessor's lot numbers as assigned by the Town.
2. The applicant shall hire a state certified real estate appraiser, acceptable to the Department of Planning, to conduct an appraisal of the land. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$\_\_\_\_\_ [amount shall be determined prior to final plans are recorded on the land records] was approved by the Planning & Zoning Commission, each new lot shall be assessed [1/2 of the 10% value]."

**Other Business:**

Mr. Tamsky discussed a local farmer who has asked for sympathy with signage for farm stands. He had the sign for an extended period but has been removed by the town. Mr. Tamsky expressed support for relief for farms and would like to have a recommendation that allows temporary signage. The commission is in agreement to move forward.

Mr. Mercer discussed the trailer located near Mason's Island Road. The commission decided to look into the enforcement.

Motion to adjourn by Mr. Mercer, seconded by Ms. Hoffman, all in favor, 5-0. The meeting adjourned at 9:17pm.

  
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Frances Hoffman, Secretary