

Regular Meeting

The 1546th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, June 16, 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, John Prue, and Curtis Lynch; Alternate Shaun Savoie Mastroianni, and Town Planner Keith Brynes. Commissioner Frances Hoffman and Alternates Gardner Young and David Rathbun were absent.

Seated for the meeting were Curtis Lynch, John Prue, Ben Tamsky, Bob Mercer, and Shaun Savoie Mastroianni.

Minutes:

Mr. Mercer motioned to approve the minutes of the June 2, 2015 meeting, seconded by Mr. Prue, all in favor 5-0, motion approved.

Commission Initiatives:

Review draft changes to the Subdivision Regulations, including discussion of Technical Standards Document Adoption. Mr. Brynes noted that a draft of the Subdivision Regulations is ready for discussion. Mr. Prue stated that with the future of the planning department developing there will be many tasks for the commission to take on. Selectman Rob Simmons spoke on the status of the Director of Planning position, stating that he believes the position has been advertised on the town website and urging that the position be filled quickly. A search committee will be assembled to begin processing applications. Mr. Tamsky requested the commission review the draft regulations at future meetings.

Reports - Commission:

Appointment of member to POCD Implementation Commission

Mr. Lynch moved to nominate Mr. Prue, seconded by Mr. Tamsky, all in favor 5-0, motion approved.

Appointment of member and alternate to the Southeastern CT Council of Governments Regional Planning Commission.

Mr. Mercer moved to appoint Mr. Lynch as a member and Ms. Hoffman as an alternate, seconded by Mr. Prue, all in favor 5-0, motion approved.

Reports - Zoning Enforcement & Violations:

Interpretation of Zoning Regulations related to Zoning Complaints #15-022 and 15-027, 28 E Main St., Mystic. Assessor's Map 182 Block 5 Lot 1, Zone LS-5.

Zoning Enforcement Officer, Candace Palmer, summarized the issue, noting that the original complaint concerned the owner reducing the parking spaces from 12 to 10, in response to which the property owner restriped the lot and brought it into compliance. The abutting property owner filed a second complaint claiming outdoor displays are an intensification of use. Ms. Palmer stated the parking has always been non-conforming, but the changes made it less non-conforming. The fence surrounding the property was moved to allow for the restriping of the parking lot, however, the neighbor claims it causes a safety concern for their driveway. The fence is close to the neighbor's parking but it is on the owner's property as surveyed by Cherenzia & Associates. The commission discussed the claim of intensification of use and Mr. Prue recommended that the owner come before the commission for a site plan modification.

Administrative Review:

Request five-year extension of approvals for **PZ0667CNU & CAM Masons Island Landing, LLC**- Application for Change of Non-Conforming Use & Coastal Area Management Review for the redevelopment of an existing 4.2 acre parcel into five (5) residential duplexes & three (3) single family residences. Property located at 29-30 Dubois Dr., Mystic, CT. Assessor's Map 175 Block 4 Lot 10. Zones RM-15 & RC-120.

Mr. Prue moved to grant the extension, seconded by Mr. Savoie, all in favor 5-0, motion approved.

Regular Meeting

Attorney Theodore M. Ladwig – Commission interpretation regarding the application of Undersized Lot Provision of the Zoning Regulations (Section 2.9).

Mr. Ladwig disagrees with the Planning and Zoning Department interpretation that an undersized lot eligible for relief under ZR 2.9 that exceeds the minimum lot requirement must use the next larger zoning district's bulk requirement. Mr. Ladwig's interpretation is that the undersized lot should be held to the requirements of the next closest sized district. Mr. Mercer stated that the last sentence saying "In no case shall the bulk requirement reduction be utilized for a zoning district where the lot size of the subject lot is larger than what is required in the zoning district," was added to ensure lots comply with the next largest zone requirements. Mr. Brynes shared the history of the language in ZR 2.9.1, noting that the relief was originally based on frontage and was changed to lot size in 2004, and as such, the regulation was purposefully written and practiced in this way. Mr. Tamsky stated that if the commission were to change their interpretation of the regulation, a text amendment would need to be done. Mr. Prue stated that this request should go before the Zoning Board of Appeals to decide whether the ZEO's interpretation is correct or not. Mr. Prue stated that he feels the Zoning Regulations are poorly written, they are garbage, and need to be rewritten to make them clearer. He is willing to begin looking at the language, but does not want to make a substantive change to the interpretation tonight. Mr. Ladwig stated he would be willing to present a text amendment to remove the second two sentences.

The meeting recessed at 8:10pm and reconvened at 8:15pm.

Public Hearing 8:15pm

Mr. Prue read the call for the public hearing:

PZ1511SUP & GPP Thomas & Helene Ozycz (Horses Healing Humans) – Special Use Permit and Groundwater Protection Permit applications to permit use as a non-profit equine-assisted activities and therapy facility. Property located at 340 New London Turnpike, Stonington. Assessor's Map 138 Block 3 Lot 1. Zone GBR-130.

Attorney Nicholas Kepple spoke on behalf of the applicant, yielding to Mr. Simmons to provide a statement.

Selectman Rob Simmons spoke in support of the applicant, submitting a letter from Congressman Courtney in support of equine therapy. Mr. Simmons spoke about the healing power of equine therapy at High Hopes in East Lyme and is now taking place at Horses Healing Humans in Stonington. HHH came to the Board of Selectmen to request support for a loan through the USDA and would like to see the commission support the applicant.

The commission discovered that the neighbors were not notified at least 15 days prior to the hearing. The commission suggested rescheduling the meeting to the July 21st meeting.

Mr. Prue moved to close the hearing with no testimony and reschedule the hearing to the July 21, 2015 meeting, seconded by Mr. Lynch, all in favor 5-0, motion approved.

Mr. Prue moved to adjourn, seconded by Mr. Mercer, all in favor 5-0, the meeting adjourned at 8:35pm.

CYNTHIA LADWIG
TOWN CLERK