



Town of

North Stonington, CT

PLANNING & ZONING COMMISSION

REGULAR MEETING

THURSDAY, JANUARY 11, 2007 – 7:00 P.M.

New Town Hall
Conference Room
40 Main Street
North Stonington, CT 06359

Minutes Approved ~ February 1, 2007

1. **CALL MEETING TO ORDER:** Vice-Chairman Vilma Gregoropoulos called the Regular Meeting of the North Stonington Planning & Zoning Commission to order on Thursday, January 11, 2007 at 7:03 p.m. at the New Town Hall, Conference Room.

COMMISSIONERS PRESENT: G. Russell Stewart, III, Chairman (7:25 p.m.), Vilma Gregoropoulos, Vice-Chairman, Louis E. Steinbrecher, Secretary (7:12 p.m.), Anne H. Nalwalk, Elaine Boissevain and Alternate Members Charles Elias and Susan Grufstedt

COMMISSIONERS ABSENT: Alternate Member Duncan Schweitzer

STAFF PRESENT: Sr. Planner & Zoning Official Craig Grimord, Administrative Assistant Cheryl Konsavitch and Consulting Planner from SCCOG Jamie Rabbitt, &

2. **ADDITIONS TO THE AGENDA:**

C. Elias asked to amend the agenda to discuss a letter to wetlands on the Shunock Brook TR-20 watershed study after Public Comment.

MOTION by C. Elias, SECOND by A. Nalwalk to amend the agenda to discuss C. Elias's letter after Public Comment. MOTION CARRIED UNANIMOUSLY.

3. **PUBLIC COMMENT:** None

C. Elias stated he had met with the Wetlands Commission approximately 4 or 5 months ago to discuss the Stormwater Study, and possibly using some of the funds they have received from the Mashantucket's for Wetlands mitigation. C. Elias asked the Commission to look over the draft letter for comments before sending it to the Wetlands Commission. C. Elias asked the Commission to send a letter to the Wetlands Commission stating that they endorse the proposal for a Shunock Brook Watershed Study. The Commission made some grammatical corrections to C.

Elias's letter and directed ZEO Grimord to send a letter to the Wetlands Commission fully endorsing C. Elias's proposal.

MOTION by L. Steinbrecher, SECOND by A. Nalwalk for C. Elias's to send his letter to the Wetlands Commission and to send a recommendation from the Planning & Zoning Commission fully supporting C. Elias's letter. MOTION CARRIED UNANIMOUSLY.

MOTION by C. Elias, SECOND by L. Steinbrecher to amend the Agenda to move to Old Business. MOTION CARRIED UNANIMOUSLY.

10. OLD BUSINESS:

A. RC #06-205 (Regulation Change) Application of Milltown Commons, L.L.C., P.O. Box 183, North Stonington, CT 06359 for a text amendment to establish design development districts containing mixed uses. (NO ACTION NEEDED; PH set to open on 2/08/07; Received on 12/14/06 & PH must close on or by 3/13/07)

B. RC #07-001 (Regulation Change) Application of Ann Renehan, P.O. Box 695, Southport, CT 06890 to amend the Town of North Stonington Zoning Regulations to create a new Section 729-Membership Club-Sports as a Specially Permitted use in the R-40, 60, 80 and OR Zones. This proposal lists accessory uses, land requirements, residential requirements, and other regulatory requirements for the use. (NO ACTION NEEDED; PH set to open on 3/01/07; Received on 1/04/07 & PH must close on or by 4/03/07)

C. SPEC #07-005 (Special Permit) Application of Kidds & Company, L.L.C., 172 Providence-New London Turnpike, North Stonington, CT 06359 for a Child Daycare Facility on property located at 172 Providence-New London Turnpike, located about ¼ mile west of Route 2 rotary, North Stonington, CT 06359 Tax Map #121/2741, Lot #25/7483
(NO ACTION NEEDED; PH set to open on 2/01/07; Received on 1/04/07 & PH must close on or by 3/06/07)

Secretary Steinbrecher read applications A thru C into the record and stated no action was needed on these items.

MOTION by A. Nalwalk, SECOND by C. Elias to amend the agenda to go to New Applications. MOTION CARRIED UNANIMOUSLY.

7. NEW APPLICATIONS:

RC #07-010 (Regulation Change) Application of the North Stonington Planning & Zoning Commission, 40 Main Street, North Stonington, CT 06359 to modify Section 703.2(b) pertaining to Special Permit procedures and Appendix C, State & Town Road List; and to delete Section 503.4, pertaining to Minimum Lot Area & Section 509, Development Flexibility for Open Space Preservation of the Zoning Regulations. (Commission to receive on 1/11/07 & set for PH as their schedule permits)

Secretary Steinbrecher read the application into the record.

The Commission set the Public Hearing on this application for 2/08/07.

4. PUBLIC HEARINGS:

A. SUB #06-185 (*Wintechog Hill Subdivision*) Application of Peter C. Gardner/Green Falls Associates, L.L.C. for a 2-Lot Subdivision on property located on the north side of Wintechog Hill Road approximately 800 feet northwest of intersection of Rt. 201 and Wintechog Hill Road, North Stonington, CT 06359 Tax Map #101/2732, Lot #04/7287 (*PH opened on 12/14/06 & continued to 1/11/07; Received on 11/09/06 & PH must close on or by 1/16/07*)

Secretary Steinbrecher read the application into the record.

Chairman Stewart asked if there were any Commission members who felt they had a conflict with this application. There were none.

Seated: R. Stewart, L. Steinbrecher, V. Gregoropoulos, E. Boissevain, A. Nalwalk

Mr. Peter Gardner went over his site plan and ZEO memo of 1/11/07.

Mr. Gardner submitted for the record (Exhibit A) Signed driveway permit, (Exhibit B) driveway detail, (Exhibit C) 2 to 1 scale of centerline drive profile and (Exhibit D) an area map showing the parcel.

Mr. Gardner discussed the options of a Waiver for open space, a conservation easement or a fee-in-lieu of open space. The Commission determined that a fee-in-lieu of would be the best choice on this piece of land.

Mr. Gardner submitted for the record (Exhibit E) Appraisal and (Exhibit F) Conservation Easement Plan.

Mr. Rabbitt discussed the Conservation Easement and submitted for the record (Exhibit G) a handout from Realtor.com showing sales of North Stonington properties. Mr. Rabbitt asked the applicant if he was willing to do both the easement and the fee-in-lieu of.

Mr. Gardner stated he received wetlands approval at their 1/10/07 meeting and discussed the changes that the Wetlands Commission required, which included substituting an elliptical pipe for the proposed box culvert at the wetlands crossing for the shared drive. Mr. Gardner submitted for the record (Exhibit H) drawing of an Elliptical Pipe detail.

Mr. Gardner stated the revised plans would show the detail for the elliptical pipe, the dimensions for the buildable area rectangle and the Conservation Easement as well as the reconfigured driveway.

Mr. Gardner also submitted for the record (Exhibit I) the approved lot split plan and (Exhibit J) a red lined plan showing a revised driveway junction for emergency services turn around.

ZEO Grimord stated that if Mr. Gardner wishes to do so, he can withdraw his open space waiver request which he did.

Chairman Stewart asked if there were any comments or questions from the public pertaining to this application. The following people asked questions.

An abutting property owner asked to see (Exhibit F) regarding the Conservation Easement and asked if it would make it more difficult to do something on his property. Mr. Gardner stated that the Conservation Easement is not on his property.

Dave Holliday asked if the gas line went through the proposed subdivision. Mr. Gardner stated it did not.

Chairman Stewart asked if there was anyone speaking in favor of this application. There were none.

Chairman Stewart asked if there was anyone speaking against this application. There were none.

MOTION by V. Gregoropoulos, SECOND by E. Boissevain to close the Public Hearing on SUB #06-185. MOTION CARRIED UNANIMOUSLY.

5. COMMISSION REVIEW:

SP #06-167 (*Site-Plan*) Application of Boondocks, 411C (417) Norwich-Westerly Road, North Stonington, CT 06359 to amend existing Site Plan for outdoor storage of boats and to add a detached 10 x 10 walk-in freezer as an accessory structure at property located at 411C (417) Norwich-Westerly Road. Tax Map #101/2732, Lot #25/7715 (*Commission review opened on 11/02/06 & continued to 12/07/06, 12/14/06, 1/04/07 & 1/11/07; Received on 10/05/06 & Commission must act on or by 1/14/07*)

Secretary Steinbrecher read the application into the record and then recused himself.

Seated: R. Stewart, V. Gregoropoulos, A. Nalwalk, E. Boissevain, C. Elias

Mr. Dwight Ketelhut was present for this application and discussed the proposed cooler location and screening for it. Mr. Ketelhut submitted (Exhibit B) a drawing of a 10 x 10 cooler with fence and screening.

MOTION by C. Elias, SECOND by E. Boissevain to approve SP#06-167 with the stipulation that there be a solid fence consistent with the color and architecture of the existing building around the freezer as shown on revised Exhibit “B”. MOTION CARRIED.

Opposed: A. Nalwalk

Secretary Steinbrecher returned at 8:29 p.m.

6. PENDING APPLICATIONS:

A. SUB #06-115, SPEC #06-116 (*Lime Kiln Woods*) Application of Amos Lake Development, L.L.C., 3416 Bargaintown Road, Egg Harbor Township, NJ 08234 for Special Permit Subdivision. The proposal is for an 11-lot subdivision of property using development flexibility under Section 510. The property is located on the easterly & westerly sides of Hollowell Road and on the southwesterly side of Northwest Corner Road at the intersection of the southeasterly line of Hollowell Road with the Southwesterly line of Northwest Corner Road, North Stonington, CT

06359. Tax Map #32/2714, 2715, Lot #50/68, 1546, 1546A, 4376, 4376A (*PH opened on 8/03/06 & continued & extended to 9/07/06, 10/12/06, 11/02/06 & closed on 11/09/06; Received on 6/08/06 & Commission must act on or by 1/13/07*)

Vice-Chairman Gregoropoulos read the application into the record.

MOTION by V. Gregoropoulos, SECOND by E. Boissevain to table Item A under pending applications until the Commission Atty. arrives and go to Item #B. MOTION CARRIED UNANIMOUSLY.

B. SUB #06-185 (*Wintechog Hill Subdivision*) Application of Peter C. Gardner/Green Falls Associates, L.L.C. for a 2-Lot Subdivision on property located on the north side of Wintechog Hill Road approximately 800 feet northwest of intersection of Rt. 201 and Wintechog Hill Road, North Stonington, CT 06359 Tax Map #101/2732, Lot #04/7287
(*PH opened on 12/14/06 & continued to 1/11/07; Received on 11/09/06 & PH must close on or by 1/16/07*)

The Commission discussed this application and Mr. Rabbitt stated the Commission does not have a written report from Wetlands and the Commission can not yet act on it.

8. SENIOR PLANNING & ZONING OFFICIAL'S REPORT/ISSUES:

ZEO Grimord discussed the 2006-2007 budget and stated he eliminated the line item for golf course consulting and moved the budgeted money to the consulting planner line item. The Commission was ok with the budget as revised.

9. NEW BUSINESS: None

11. PLANNING ISSUES & DISCUSSION:

A. Ad-Hoc Committee

The next Planning & Zoning Ad-Hoc Committee meeting will be held on Wednesday, January 24, 2006 in the New Town Hall, Conference Room at 5:30 p.m.

Mr. Rabbitt went over the progress of the Ad-Hoc Committee with the Commission and it was decided the Ad-Hoc Committee would not meet in January.

B. NEMO Task Force Update

Vice-Chairman Gregoropoulos stated their will be a NEMO Task Force meeting in February, but the date has not yet been determined.

C. Upcoming P&Z Workshops

2/01/07: Kevin Essington requesting a Workshop to follow up on a recent presentation on Transfer of Development Rights to discuss this land use tool further.

MOTION by L. Steinbrecher, SECOND by V. Gregoropoulos to amend the agenda to return to Pending Applications item A. MOTION CARRIED UNANIMOUSLY.

6. PENDING APPLICATIONS:

A. SUB #06-115, SPEC #06-116 (*Lime Kiln Woods*) Application of Amos Lake Development, L.L.C., 3416 Bargaintown Road, Egg Harbor Township, NJ 08234 for Special Permit Subdivision. The proposal is for an 11-lot subdivision of property using development flexibility under Section 510. The property is located on the easterly & westerly sides of Hollowell Road and on the southwesterly side of Northwest Corner Road at the intersection of the southeasterly line of Hollowell Road with the Southwesterly line of Northwest Corner Road, North Stonington, CT 06359. Tax Map #32/2714, 2715, Lot #50/68, 1546, 1546A, 4376, 4376A (*PH opened on 8/03/06 & continued & extended to 9/07/06, 10/12/06, 11/02/06 & closed on 11/09/06; Received on 6/08/06 & Commission must act on or by 1/13/07*)

A. Nalwalk recused herself.

Seated: R. Stewart, L. Steinbrecher, E. Boissevain, V. Gregoropoulos

ZEO Grimord stated there were three waiver requests of the Commission on this application. The first waiver request was no longer required; the application was revised in November to a total of 9-lots. The second waiver request, was a waiver to a section of the regulations that does not exist, and the third wavier request to Section 5.3.3 of the Subdivision Regulations.

MOTION by L. Steinbrecher, SECOND by V. Gregoropoulos to deny the waiver request to Section 510.2-c to provide access to 11-lots off of the proposed common driveway. The reason being the waiver request was never withdrawn and no longer applies to the revised application. MOTION CARRIED UNANIMOUSLY.

MOTION by L. Steinbrecher, SECOND by V. Gregoropoulos to deny the waiver request to Section 510.2(2). Reason: No such section of the regulations exists, waiver request was not withdrawn and the applicant supplied the information required. MOTION CARRIED UNANIMOUSLY.

MOTION by L. Steinbrecher, SECOND by V. Gregoropoulos to deny the request to waive the requirement of Subdivision Section 5.3.3 requiring rock outcroppings to be shown on the Boundary Survey Plan to Class A-2 standards. Reason: The “developable area” of Zoning Regulations, Section 502.2, requires this information. The Commission determined that this information was essential to properly evaluate the application and, they cannot waive Zoning Regulations. MOTION CARRIED UNANIMOUSLY.

Mr. Rabbitt stated that Attachments A & B dated 1/11/07 represent the changes made to the draft motion upon consultation with legal counsel . Atty. Carey stated the motion needs to be read, and it is sufficient to run through the attachments, but it does not need to be read word for word, so long as it is clear the attachments are to be made a part of the public record.

Mr. Rabbitt went over attachments A and B where the changes were made.

Amended MOTION by V. Gregoropoulos, SECOND by E. Boissevain to deny Special Permit Application #06-116. Application of Amos Lake Development, L.L.C., 3416 Bargaintown Road, Egg Harbor Township, NJ 08234 for property owned by Weduco Farms, Inc. at the Southwesterly corner of the intersection of Northwest Corner Road and Hollowell Road, for

a Special Permit 9-lot Subdivision (original application stated 11 lots) using development flexibility of Sections 509 and 510 of the Zoning Regulations, referred to as “Lime Kiln Woods Subdivision,” for non-compliance with the Town’s Zoning Regulations, including but not limited to the items listed in ATTACHMENT A, Items 1-75 that is incorporated into the MOTION. MOTION CARRIED UNANIMOUSLY.

ATTACHMENT – A (Attached)

MOTION by V. Gregoropoulos, SECOND by E. Boissevain to deny Subdivision Application SUB #06-115 Application of Amos Lake Development, L.L.C., 3416 Bargaintown Road, Egg Harbor Township, NJ 08234 for property owned by Weduco Farms, Inc. at the Southwesterly corner of the intersection of Northwest Corner Road and Hollowell Road, for a Special Permit 9-lot Subdivision (original application stated 11 lots) using development flexibility of Sections 509 and 510 of the Zoning Regulations, referred to as “Lime Kiln Woods Subdivision,” for non-compliance with the Town’s Subdivision Regulations, including but not limited to the items listed in ATTACHMENT B, Items 1-74 as amended that is incorporated into the MOTION. MOTION CARRIED UNANIMOUSLY.

ATTACHMENT – B (Attached)

12. CORRESPONDENCE:

The Commission went over the correspondence in their packets.

13. REVIEW MINUTES:

Review minutes of Workshop & Regular Meeting of 1/04/07.

MOTION by L. Steinbrecher, SECOND by V. Gregoropoulos to approve the Workshop and Regular minutes of 1/04/07 with the necessary corrections. MOTION CARRIED UNANIMOUSLY.

14. ADJOURNMENT:

MOTION by V. Gregoropoulos, SECOND by L. Steinbrecher to adjourn the meeting at 10:12 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Cheryl Konsavitch, Administrative Assistant
Planning & Zoning Office