

Regular Meeting

The 1698th meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education District Office at 40 Field Street, Pawcatuck, on Tuesday, June 21, 2022. The meeting was called to order by Chairman Ben Philbrick at 7:00pm. Also present for the meeting were Commissioners Fred Deichmann, Lynn Conway, and Ryan Deasy; Alternate Gary Belke; and Town Planner Keith A. Brynes. Commissioner Chuck Sheehan and Alternates Marjorie Selinger and Andy Meek were not present.

Seated for the meeting Ben Philbrick, Fred Deichmann, Ryan Deasy, Lynn Conway, Gary Belke.

Minutes:

Mr. Deasy moved to approve the minutes of the June 7, 2022 meeting, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Administrative Review:

PZ2003ZC, SPA & CAM Mystic Seaport Museum – Request approval for minor site plan modifications and/or minor building renovations for previously approved demolition of a 2-story restaurant building and construction of a 3-story restaurant/boutique hotel, guest cottage, utility structure, swimming pool, and the relocation of the dock office to Chubb's Wharf. Property located at 75 (105) Greenmanville Ave., Mystic. Assessors Map 173 Block 1 Lot 1. Zone MHD.

Attorney John Casey presented the application. The commission approved the master plan amendment March 3, 2020, right before the pandemic. The project was delayed due to the pandemic, but is moving forward with final construction plans and they are requesting minor modifications to the site plan. Chad Frost presented the proposed changes, explaining that hotel will enclose a portion of the front entry for a vestibule. The terrace our toward the river had to be modified for accessibility and pool code. The floor plan for the building interior changed slightly to accommodate equipment. Due to the column spacing in the interior of the structure, they were able to add units without changing the footprint of the building. The traffic engineer has reviewed the changes and stated it will not increase the traffic significantly. Ms. Conway asked about the change to parking. Mr. Frost stated there are four spaces needed for the new rooms, but the approval already had a parking demand reduction of 62 spaces from the current site conditions. Ms. Conway asked about additional windows for the added rooms. Mr. Frost stated there will be an added window, but the overall window sizes have been reduced. Mr. Frost reviewed the guest cottage modifications.

Mr. Deasy moved to approve the modifications, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Public Hearings:

PZ2213SD Brandon & Cynthia Flack – Subdivision application for a 9-lot Open Space Development (OSD). Property located on South Anguilla Rd., Pawcatuck. Assessor's Map 49, Block 2, Lot 1. Zone GBR-130. *Continued from 6/7/22.*

PZ2220GPP Brandon & Cynthia Flack – Groundwater Protection Permit application for a 9-lot Open Space Development (OSD) (PZ2213SD). Property located on South Anguilla Rd., Pawcatuck. Assessor's Map 49, Block 2, Lot 1. Zone GBR-130.

Dave Cooley, project engineer, provided a summary of the application. The applicant will revise the plans to the satisfaction of the Town Engineer and staff. Mr. Brynes stated that other than the

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Groundwater Protection Permit, no new information has been submitted. Single Family homes do not create a significant impact to the groundwater.

No Public Comment

Mr. Brynes reviewed the recommended stipulations from the staff report.

Mr. Deasy moved to close the public hearing, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Mr. Deasy moved to approve the waivers, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Mr. Deasy moved to approve the Groundwater Protection Permit, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Mr. Deasy move to approve the subdivision application with nine stipulations, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Stipulations:

1. Final plan shall be reviewed to the satisfaction of the Town Engineer.
2. Final plan shall address Town Planner's comments dated 6/1/22.
3. Final plans shall include new street address and Assessor's lot numbers as assigned by the Town.
4. AutoCAD (or approved equivalent) drawing of the approved subdivision shall be submitted to the Town prior to recording. A fee in lieu of this drawing, to cover the Town's cost to create such a digital file, may be submitted per Section 3.9.2 of the Subdivision Regulations.
5. Right of way easements and open space transfer shall be recorded prior to or concurrent with the Subdivision Plans per Section 8.3.5 of the Subdivision Regulations.
6. Per Section 5.10.2 of the Subdivision Regulations, boundary markers must be installed. Installation shall be certified through a registered land surveyor prior to sale of any lots.
7. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits per the requirements of Section 8.6.3 of the Zoning Regulations and Section 6.1.6 of the Subdivision Regulations. Bond shall be either in the form of a certified check or irrevocable letter of credit. The bond amount shall be established by the Town Engineer after an estimate of the costs of installing and maintaining appropriate erosion and sedimentation control measures is provided by the applicant and approved by the Town Engineer. Work shall remain bonded for a minimum of one year from the date of completion.
8. Driveways for Lots #5,6 & 8 shall be combined.
9. A Public Access Easement shall be provided over the dedicated open space, and a portion of Lot 5 necessary for access, with a minimum of 2 public parking spaces provided.

PZ2211SUP Jannat, LLC (Z Kohl) - Special Use Permit application to permit construction of 1-story, 3,500 SF convenience store with gasoline filling pumps and canopy. Proposal includes repaving, stormwater drainage, and associated site work. Property located at 54 South Broad St., Pawcatuck. Assessor's Map 14, Block 2, Lot 6. Zone LS-5. *Continued from 5/17/22.*

Attorney Zachary Kohl presented the application. The site has previously served as a gas station and auto mechanic shop. The applicant is proposing to construct a Bestway convenience store and Citgo gas filling station with canopy on the site. Mr. Kohl reviewed the surrounding area characteristics and

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zoning. Ms. Conway asked when it last operated as a gas station. Mr. Kohl did not have an exact date but stated it has retained ownership with a gas station company for the duration. Peter Gardner reviewed the current site conditions and storm water management plan to protect the wetlands in the rear using a stormceptor and rain garden. Mr. Kohl stated they have received approval from the Inland Wetlands Commission. The new building will consist of a 3500SF convenience store and four 2-sided fuel pumps with a canopy overhead, and will be set back further from the road. The Police Commission was concerned with sightlines for a left turn out of the site, so it will be a right turn only exit. They have requested a waiver for the loading berth requirements due to the size of the building and sufficient traffic flow and parking onsite, noting that deliveries will be made after 8:00pm. They are also requesting a waiver of the water and sewer studies. The WPCA has reviewed the application. The soils have been remediated from the previous tank installation. Soil testing has been done across the site and once removed, will be done under the existing building. The project will reserve space for sidewalks to be built through the town's Pawcatuck Route 1 sidewalk project. Mr. Kohl reviewed the architecture of the building. They have tried to keep it consistent with the area and has been approved by the ADRB. The signage is consistent with the town regulations. The applicant is proposing a landscaping plan to soften the appearance of the structures. There will be plantings in the island at the street, planters by the pumps and building, trees on either side of the building and the rain garden. The signage will be externally illuminated. Mr. Kohl reviewed the canopy design and road sign design. The proposed hours of operation will be 6:00AM to 12:00AM.

Public Comment Against:

John Chase, attorney for Aldin Associates, limited partnership owner of the service station at 60 Broad Street, stated that they have currently appealed the Inland Wetlands Permit that was approved for the proposal. Mark Temple, engineer with Lenard Engineering, representing Aldin Associates, presented their review of the site. Mr. Temple shared his written report on their issues with the application (exhibit #2). They expressed concern with the association of the wetlands with the greater Anguilla Brook wetland system, the location of the gas pumps, proximity to another gasoline filling station, the lot has not acted as a gasoline station since February 2009, the scale of the underground tanks on the plan, and the loading area for fuel deliveries. Ms. Conway asked for clarification on the size of the gasoline tanks. Mr. Deasy asked about the truck sitting on top the tanks for delivery and if that is allowed. Mr. Temple explained the process for fuel delivery. Attorney Chase discussed the lack of use for a considerable time as a gas station and current use as an office for a roofer. The town assessor has placed it as commercial garage (exhibit #3). Pawcatuck Auto Body next door may also infringe on the 1,500-foot radius required as it operates as auto repair (exhibit #4). Attorney Chase commissioned a title search regarding variances for the property (exhibit #5). Attorney Chase discussed the appeal on the wetlands permit and the certificate of location approval that would be issued by the Zoning Board of Appeals. Attorney Chase discussed case law related to the Zoning Board of Appeals decision. Attorney Chase recommended that the applicant gain approval from the Zoning Board of Appeals prior to obtaining a special use permit from the commission. Attorney Chase commented on the special use permit waivers.

Rebuttal:

Attorney Kohl stated that they can revise the plan to be 50-feet from the street. Mr. Kohl stated the properties have operated within the 1,500-foot radius and he would like to put together comments on the legal interpretation. Coastal Roofing is not a current tenant of the property, they were a temporary tenant. There are looking to relocate the tanks for refueling. There was a misunderstanding with the client and they are proposing two 15,000-gallon tanks that will be corrected on the plan. They would like to continue the hearing to give time to address the comments.

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Public Comment in Favor:

Craig Hamilton, spoke in support of the project.

Ahmed Chaudhry, owner of Jannat LLC, stated they have built similar projects and will comply with all regulations and standards. He is concerned they are making these comments because they are competitors. They have recently built a location in North Stonington and they have 25 years of experience in the industry.

Public Comment Against:

Attorney Chase stated they are not just making the comments as competitors, but are concerned that all regulations are followed.

Mr. Brynes spoke about the condition regarding the appealed wetlands permit. Mr. Deichmann asked about the 1,500-foot radius date. Mr. Brynes commented on abandonment and how it is related to the owner's intent, rather than just non-use. The commission discussed the timeline of the hearing and the decisions to be made. Ms. Conway expressed that she feels a whole redesign is needed. Mr. Kohl stated it is not a full redesign and plan to offer updated site plans at the next meeting and will also address the statute on the certificate of location approval. Mr. Kohl granted an extension to the next meeting July 19th. Ms. Conway expressed concerns with the application.

Mr. Deasy moved to extend the hearing to July 19th, seconded by Mr. Belke, the vote was taken 4-1, motion approved.

Roll Call: Belke – approve, Conway – deny – Deichmann – approve, Philbrick – approve, Deasy – approve.

The meeting recessed at 8:53pm and reconvened at 8:58pm.

PZ2212SUP Whaler's Inn RE, LLC (W Sweeney) – Special Use Permit application for exterior renovations and Changes of Use to include conversion of 5 residential units to 5 hotel suites, and retail space to hotel office/lobby; and permit hotel liquor sales for the "Odd Fellows" building, pursuant to Zoning Regulations Sections 6.6.14 - Rehabilitation of Existing Buildings and 6.6.20 - Height Exceptions for Roof Structures and Architectural Features. Property located at 11 Cottrell Street, Mystic. Assessor's Map 182, Block 4, Lot 4. Zones DB-5 & RH-10. *Application amended - PH rescheduled from 6/7/22.*

Attorney William Sweeney presented the application. Whaler's Inn RE, LLC, as the current owner of the Odd Fellows building, are proposing to convert the residential units to hotel suites and convert one of the retail spaces for a hotel lobby. The only sitework needed is for the addition of an ADA compliant elevator in the rear. In 2007 the building was approved as a mixed-use with retail on the ground floor and residential on the top three floors. The building was approved to be raised and a fifth unit built on the fourth floor. The applicant is proposing to follow through with that approved plan and renovate the building to fit better with the neighborhood. They have received unanimous approval from the ADRB. The suites would be aimed towards families. The parking space demand is 14 spaces which is accommodated with the 15-space on-site parking lot. They expect there will be a net decrease demand on traffic due to the removal of the salon space and the lack of permanent residents. The change in roof does not increase the height of the building. The building is in a split zoning district and would be considered a pre-existing non-conforming building for the RH-10 zone.

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Paul Larson, project architect reviewed the architectural plans for the building renovations. The elevator shaft will be added to the rear. Mr. Philbrick asked about the existing elevator shaft. There is not an existing elevator in the shaft and it has not been built correctly and even if built in the existing place it would have to come out through the roof. There will be minor changes to units on the second and third floors and stoves will be removed. The fifth floor will have a singular unit with balcony. Mr. Philbrick commented on notching in the northwest corner of the fifth floor as it is in the southwest. The size and location of the windows will remain the same. The façade will be stripped back to the original brick and panels will be added to vary the exterior. Mr. Philbrick asked about breaking up the mass of the elevator shaft. Ms. Conway asked about the size of the corner boards. Mr. Deichmann asked about the design of the current roof and the look of the flat roof. The former dry cleaning store contamination has naturally attenuated and was recorded in the sale process. Mark Spruance stated the fan for the contaminated soils has been removed and the soils have been tested and are clean. The applicant stated they are open to mirroring the northwest corner on the fourth-floor balcony. The renovations will be below the 50% substantial improvements threshold for flood standards. Mr. Deichmann asked about an evacuation plan. Amanda Arling, general manager stated they have an existing evacuation plan in place and staff receives active training for flooding and other emergencies.

Public Comment Against:

Bill Scheer, 4 Haley Street, feels that the hotel will cause more traffic and change the character of the parking lot.

Rebuttal:

Mr. Sweeney stated the parking lot has been approved and is for any uses within the zone. Mr. Sweeney stated there will not likely be year-round occupancy in the suites, due to the seasons and there will be less retail activity with the hotel lobby than the current salon. They also have more control over removing disruptive guests as compared to apartments tenants. Mr. Sweeney stated that they have reviewed and complied with all staff comments. Ms. Conway asked about the liquor license. Mr. Sweeney stated it will be only for liquor service to the hotel guests. Mr. Sweeney discussed neighborhood character statute changes and that specific design standards must be adopted in order to be considered in deliberations.

Mr. Brynes reviewed the 6.6.14 regulation and the town engineer's comments. Mr. Brynes reviewed the two proposed added stipulations to the application to mirror the southwest corner of the fourth floor on the northwest corner and that trim be added to the elevator shaft. The ADRB had two recommendations to look at regarding the retail floor and color of the fourth-floor exterior. Mr. Sweeney explained that due to grade, structure and utilities, they cannot modify that area. They are open to darkening the color to reduce mass, but do not feel it is helpful, but are happy to consider it. They are willing to have the final color approved by staff. Ms. Conway asked about the statue of time on special use permits. Mr. Brynes explained they are in perpetuity, only site plans would have to be approved again. Mr. Sweeney explained the 2007 approval is valid until 2031. Mr. Belke asked about parking during construction. The applicant stated they utilize what is available in the lot or street, but will work with the police on the parking.

Mr. Deasy moved to close the public hearing, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Mr. Deasy moved to approve the special use permit waivers, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

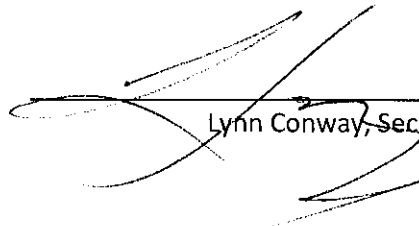
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Mr. Deasy moved to approve the application with stipulations, seconded by Mr. Belke, all in favor 5-0, motion approved.

Stipulations:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer.
2. Final plans shall be recorded in the Town's Land Evidence Records after Commission signature.
3. The applicant shall provide a flood evacuation plan to the Department of Planning prior to issuance of a Zoning Permit which shall be recorded in the Town's Land Evidence Records.
4. Balcony shall be extended around northwest corner.
5. Horizontal trim shall be added to the elevator shaft.
6. Penthouse level shall be darkened to a color to be approved by staff.

Mr. Deasy moved to adjourn, seconded by Mr. Deichmann, all in favor 5-0, the meeting adjourned at 9:57pm.



Lynn Conway, Secretary