

Special Meeting

The 1657th meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via WebEx on Tuesday, May 12, 2020. The meeting was called to order at 7:00pm by Chairman David Rathbun. Also present for the meeting were Commissioners Gardner Young, Lynn Conway, Fred Deichmann, and Ben Philbrick; Alternates Peter Chomowicz, Charles Sheehan, and Ryan Deasy; and Acting Director of Planning/Town Planner Keith Brynes.

Seated for the meeting were David Rathbun, Gardner Young, Fred Deichmann, Lynn Conway, and Ben Philbrick.

Minutes:

Mr. Philbrick moved to approve the minutes of the March 3, 2020 meeting, seconded by Mr. Deichmann, the vote was taken 5-0, motion unanimously approved.

Public Hearing:

PZ1930SUP & CAM AG Trust, LLC (M. Comeau) - Special Use Permit & Coastal Area Management Review applications for modifications to approved applications for a 10,000± building. Modifications include addition of dormers, change to proposed building uses (medical & wellness), & an onsite ISDS. Property located at Harry Austin Dr. & Masons Island Rd., Mystic. Assessor's Map 160 Block 4 Lot 4. Zone M-1. *Continued from 3/17/20.*

Sergio Cherenzia, P.E., the project engineer, presented the application, explaining the previous approvals showing the on-site retaining wall, the drainage patterns, wetlands location and subsequent Wetlands permit approval, and noting that the site is not in the flood plain. He described the improvement to the proposed underground stormwater drainage systems, and the LLHD approved Individual Sewage Disposal Systems (ISDS) required due to the WPCA moratorium, noting relocation of the drainage line. He explained that the retaining walls at the northeast and northwest property lines are kept to the 3-foot maximum height. The Masons Island Rd. wall is 7 feet at it's tallest to block headlights from residences, and is only visible from within the site.

Mr. Deichmann asked about the private sewer line to Masons Island. Mr. Cherenzia noted that, as a private line it is not available for connection. Ms. Conway asked if there had been discussions regarding connecting to the private line; Attorney Paul Geraghty said that they were unable to get an agreement from the owner. Mr. Philbrick asked if the proposed septic system would be under the driveway; Mr. Cherenzia replied, yes.

Mr. Chomowicz questioned the elevation of Masons Island Rd. in relation to the top of the retaining wall. Mr. Geraghty disagrees with the determination that, for zoning setback set back requirements, retaining walls over 3 feet tall are considered structures, citing ZR 2.13.2.3.

Project architect, Mark Comeau, presented the building architectural, noting the proposed changes from the previously approved design concept of employing medium mass with a residential scale. Proposed changes include the cupola structure to meet elevator code requirements. Mr. Comeau and Mr. Cherenzia responded to commissioner questions regarding landscaping, retaining wall materials and fencing type/ color, lighting, and balcony placements.

Public Comment in Favor:

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Marc Ginsberg, a resident of 108 Montauk Ave., and a member of the YMCA board, is pleased with the proposed development design and stormwater control. Additionally, he would like to see the current easement for the YMCA sign remain.

Public Comment in Opposition:

Tiffany Wyman, a neighboring property owner on Masons Island Rd. (MIR), is concerned the driveway has moved closer to the road, causing an increase in traffic; stated the previous drainage plan provided for more grass and less pavement; the retaining wall was not an appropriate addition to the neighborhood; and questioned the retaining wall materials. She did not want the commission to allow the applicant's financial needs be a push for approval.

General Public Comments: None

Mr. Cherenzia explained that the drainage is still underground with the same or less impervious area, with a buffer with the former Color Lab property and the front. The site access is in the same location as the previous approval, the drainage system is improved, and there is more greenspace along MIR.

Commissioners and the applicant's engineer discussed the legal non-conforming YMCA sign and future wall signage, the retaining wall stone veneer material; and retaining wall fencing material, height, and distance it runs down MIR.

Mr. Brynes explained the need for the new Special Use Permit, the retaining wall requirements, and the loading zone, noting the proposed uses in the building won't have large tractor/trailer deliveries.

Commissioners and Mr. Brynes further discussed the retaining wall issues: whether a decision on this application would set a precedent, the fact that the proposed retaining wall is not visible from the roadway nor an eyesore and will hold back a Town roadway, and the possibility for a Regulation Amendment to clarify the interpretation and requirements for retaining walls. Ms. Conway wanted the Town Attorney to provide an opinion prior to the Commission making a decision. Mr. Deasy suggested strictly stipulating the retaining wall for this application and Mr. Deichmann proposed moving forward with the approval and fixing the regulations.

Mr. Young moved to close the public hearing, seconded by Mr. Philbrick, all in favor 5-0, motion unanimously approved.

Mr. Deichmann made a motion to approve the application with the stipulations in the staff report and those requested by Mr. Cherenzia. Following Mr. Brynes' suggestion that the commission vote on the applications and waiver request individually, Mr. Deichmann withdrew his motion.

Mr. Philbrick moved to approve the waivers requested, seconded by Mr. Deichmann. The vote was taken 5-0, motion unanimously approved.

Mr. Young moved to approve the CAM application, seconded by Mr. Philbrick. The vote was taken 5-0, motion unanimously approved.

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Mr. Deichmann moved to approve the SUP application with the stipulations in the staff report as articulated by Mr. Brynes, and those requested by Mr. Cherenzia, seconded by Mr. Philbrick. The vote was taken 5-0, motion unanimously approved.

Stipulations:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer and shall be recorded prior to the issuance of any Zoning Permits.
2. The applicant's design engineer of record shall provide inspection services and certify to the construction of all underground stormwater management systems to ensure compliance with design specifications. Certifications shall include, but not be limited to: system bottom inspection, material specifications and testing, system installation prior to back fill, outlet structure construction, and final cover inspection. In addition to inspection services, as-built conditions of the drainage system shall also be provided to the Department of Planning prior to the issuance of a Certificate of Zoning Compliance.
3. The property owner is responsible for yearly required maintenance of stormwater infrastructure as specified on the plans and maintenance checklist. The stormwater maintenance checklist shall be recorded along with the final plans.
4. 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. 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.
5. A drainage easement shall be granted to the Town for the pipe draining water from Masons Island Road.
6. The Commission recognizes the existing legal non-conformity of the YMCA's off-site detached sign.
7. Retaining wall shall be stone veneer.
8. Fence along Masons Island Rd. shall be black wrought iron or a similar material.
9. The retaining wall of over 3' in height is approved in the building setback due to the fact that it is not visible from Masons Island Rd. and is retaining the Town road.
10. Changes in interior space between medical and general office may be administratively approved as long as parking and other requirements are met.
11. Final septic plan is subject to Ledge Light Health District approval.
12. Any signage shall be approved by the Commission.
13. Should a Special Use Permit be required for a new use, the Commission shall review the adequacy of the loading zone.

The meeting recessed at 9:07pm and reconvened at 9:11pm.

Administrative Review:

PZ1927SD Claudia L. Adams & Patrick T. Marshall (S. Mattern) - Request a 90-day extension to file final plans (mylars) for previously approved subdivision application.

Mr. Brynes explained the request for the extension, noting that the COVID-19 Executive Order overrides the need to request the extension.

Mr. Deichmann moved to approve the request, seconded by Mr. Philbrick. The vote was taken 5-0, motion unanimously approved.

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20-044ZON Lattizori Development, LLC (Caldwell Banker) – Zoning permit application for change of use from financial to office, and associated signs. Property located at 80 Stonington Rd., Mystic. Assessor's Map 153 Block 3 Lot 1. Zone GC-60.

Mr. Brynes presented the request for the change of use, noting that it conforms with the Zoning Regulations.

Mr. Philbrick moved to approve the application, seconded by Mr. Young. The vote was taken 5-0, motion unanimously approved.

20-065ZON Capalbo Stonington Realty, LLC – Zoning permit application for change of use from Personal Services to Retail Restaurant, and associated sign. Property located at 37 South Broad St., Pawcatuck. Assessor's Map 14 Block 1 Lot 4. Zone GC-60.

Mr. Brynes presented the request for the change of use, noting that it conforms with the Zoning Regulations.

Ms. Conway moved to approve the application with one stipulation, seconded by Mr. Philbrick. The vote was taken 5-0, motion unanimously approved.

Stipulation:

1. Proposed improvements shall conform to relevant ADA requirements.

Commission consideration of Temporary Policy Regarding Zoning Enforcement and Permitting During the COVID-19 Epidemic.

Mr. Brynes explained the proposed temporary policy to allow temporary signage, outdoor restaurant seating, outdoor retail displays, and permitting for changes of use in commercial buildings under certain circumstances. He noted that the temporary policies may be modified or further extended by a vote of the Commission.

The Commission discussed hours of operation for the outdoor seating, requirements for serving liquor, fire and police department comments, porta-johns, and the need to do what's necessary to assist businesses during this time.

Mr. Philbrick moved to approve the temporary policy, seconded by Mr. Young. The vote was taken 5-0, motion unanimously approved.

Mr. Philbrick moved to adjourn, seconded by Mr. Young, all in favor 5-0, the meeting adjourned at 9:22pm.



Ben Philbrick, Secretary