

## Special Meeting

The 1542<sup>nd</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held Monday, May 4, 2015 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:00pm. Also present for the meeting were Commissioners Frances Hoffman, Bob Mercer, Curtis Lynch, and John Prue; Alternates Gardner Young, Shaun Savoie, and David Rathbun, and Town Planner Keith Brynes.

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

### Commission Initiatives:

Mr. Prue mentioned adding discussion of the mean high water line versus the coastal jurisdiction line. The item will be added to the agenda for the next regular meeting.

### Reports:

#### Administrative Review

**PZ0645SUP & GPP Retail Store Construction Co., Inc.** – Request 5-year extension to previously approved application for Liberty Crossing project currently set to expire 8/21/15. Property located at 534 & 480 Liberty Street, Pawcatuck.

Mr. Brynes explained that PA11-05 allowing land use approvals which had not expired by 7/1/11 a 9-year extension with the ability to apply for an additional 5-year approval. Mr. Prue questioned whether the plan is still relevant currently for retail. Mr. Collier, attorney speaking on behalf of the application, explained that there are tenants interested currently and do not have plans to change the original site plan. Mr. Mercer encouraged the applicant to resubmit an improved plan if necessary. Mr. Lynch questioned drainage following the prior approval. Mr. Collier explained that the drainage was improved in 2008 and survived the 2010 flooding.

Mr. Prue moved to grant the five year extension, seconded by Ms. Hoffman. All in favor 5-0, motion approved.

### Old Business

**2015 Plan of Conservation and Development** – The Planning & Zoning Commission will consider adoption of the 2015 Plan of Conservation and Development. The Plan represents over two years of work by Town agencies and residents and will help guide conservation and development efforts for the next decade and beyond. *Public hearing closed 4/28/15.*

There will be a special meeting to discuss the plan Thursday, May 7<sup>th</sup> at 6:30pm. The commission will begin discussion on the final draft of the plan. The commission briefly discussed changing the wording of 3.2.8 regarding conversion of summer dwellings. Mr. Mercer suggested using wording to encourage homeowners to bring their homes up to town and FEMA codes. Ms. Hoffman suggested looking at other places this is referenced to in the plan for better wording. Mr. Prue is in agreement of the wording mentioned so far and believes the five year period for substantial improvements is relevant. Mr. Tamsky mentioned that the commission should discuss village districts. Ms. Hoffman expressed the desire to keep the essence of the villages and sees the positive impact. Mr. Tamsky suggested keeping the language regarding village districts but removing the naming of them as village districts, thus having agreement with State Statute nomenclature. Mr. Prue questioned how this would affect the NDD zone.

### Public Hearing 7:37pm:

Ms. Hoffman read the call for public hearing.

Mr. Mercer recused himself.

Seated for the hearing were Frances Hoffman, Ben Tamsky, Shaun Savoie, John Prue, and Curtis Lynch.

**PZ1508SUP Stephen F. Simoncini (Merrily G. Connery)** – Special Use Permit Application for the conversion and adaptive reuse of an approximately 1,900SF automobile service station to a 99-seat wine bar/café including a 30-seat outdoor

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patio, full service café liquor permit, parking, and landscaping. Property located at 30 Broadway Ave., Mystic. Assessor's Map 174 Block 18 Lot 10. Zone LS-5.

Bill Sweeney, attorney for the applicant, introduced the application for a wine bar and café to be developed from the former gas station. The applicant previously provided the commission with a pre-application workshop. The site is within the flood hazard zone requiring the developer to design the proposal in order to keep the project costs below substantial improvement. Mr. Sweeney stated that there are no plans for live entertainment or amplified music, and will close by 11:00 pm. The plan has been approved by the Police Commission and CT DOT has asked them to close an existing curb cut, however, the applicant believes leaving it provides a better traffic flow.

Project architect, Chris Vernot, presented on the proposal, noting potential flood damage was low risk and providing an overview of the site plan. The original signage proposed on the external scrim has been removed. Mr. Tamsky discussed the internal illumination of the sign that is permitted by a previously granted variance. The applicant has met with the building official several times to discuss substantial improvements, and Mr. Vernot explained what items do and do not count towards substantial improvement.

Clint Brown, project engineer, presented the traffic/parking planning. There will be 31 parking spots including 2 handicap spots. Mr. Brown presented an alternate plan if they were to remove the second curb cut on Broadway Ave. Mr. Lynch questioned the proximity of the patio to vehicles. Mr. Prue questioned why the fence around the parking lot would remain.

Project landscaper, Tim Gerrish, presented the landscape design detailing planters and shrubs along the front of the property and a tree line to be developed to provide a landscaped buffer to the neighboring nursing home. Mr. Tamsky questioned the large planter abutting the nursing home. Mr. Sweeney explained that the current owner of the site requested that they do not remove any unnecessary asphalt.

Mr. Brynes provided the recommended stipulations from the Staff Report.

The meeting recessed at 8:42pm and reconvened at 8:50pm.

### **Public Comment in Favor:**

Mystic resident, Jennifer Lacker, spoke in support of the application, noting that it will serve as a gathering place for pedestrians and cyclists and the area economy will benefit.

Geoff Gordon, spoke in support of the application and the Connerys.

Ken Lewis, administrator of Apple Rehab, stated that his previous concerns with noise, parking aesthetics, and longevity have been addressed by the applicant, and will be a good place with easy access for the residents as well.

Tanimu Deleon-Nwaha spoke in support of the developers and their willingness to provide great establishments for the community.

Thor Toryevsen, speaking on behalf of Pyramid Marketing, works with the developers and local businesses to draw people into the area, and believes this will be a great addition.

Susan Simoncini stated that traffic entering and exiting from the driveway is safer than using Washington Street.

### **General Comments:**

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Mr. Brynes read correspondence from Denison Ave. resident Marilyn Citron regarding the need for more crosswalks.

Carlene Donnarummo questioned the outdoor furniture during the winter months, the use of planters for the buffers, and feels the canopy should be removed.

Neighborhood resident Paul Sartor, spoke regarding traffic and is in agreement with the buffer and the fencing, and with having the curb cut on Broadway Ave.

### **Rebuttal:**

Mr. Sweeney stated that the barbed wire on the fence will be removed and stored, the outdoor furniture will be stored offsite in the winter months, and the planters were proposed in order to minimize disturbance of the site. The canopy was chosen to remain purposely by the developer and the owner. Mr. Sweeney spoke again regarding the curb cut to Broadway, noting that it is not a requirement.

Ms. Hoffman moved to close the public hearing, seconded by Mr. Prue, all in favor 5-0, motion approved.

Mr. Prue moved to approve the application waivers, seconded by Ms. Hoffman, all in favor 5-0, motion approved.

Mr. Prue moved to approve the special use permit application with the 5 stipulations recommended by staff and 2 additional regarding on-site loading and unloading and removal of the barbed wire from fencing. The motion was seconded by Ms. Hoffman. Following discussion of stipulation #5 from the staff report regarding the curb cut on Broadway, Mr. Prue amended his motion to remove Staff Report stipulation #5, seconded by Ms. Hoffman. Motion approved 4-1.

Roll Call: Prue - approve, Hoffman - approve, Lynch - approve, Tamsky - approve, Savoie - deny

### **Stipulations:**

1. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.
2. Amplified live entertainment shall not be permitted as part of this application.
3. Per the applicant's Impact Statement, hours of operation shall be limited to 6:00am to 11:00pm.
4. An increase in the number of employees beyond what is listed in the plans must be accompanied by a reduction in seating to maintain conformance with minimum parking requirements.
5. All loading shall take place on site.
6. Barbed wire on fence shall be removed.

Commissioner John Prue left the meeting.

**PZ1509RA Town of Stonington PZC** – Zoning Regulation Text Amendment to allow for seasonal agricultural signs which are free standing, temporary, portable signs to be used by local farms. The application also increases the maximum area of permanent farm signs from 6 square feet to 12 square feet.

Seated for the public hearing were Frances Hoffman, Ben Tamsky, Bob Mercer, Sean Savoie, and Curtis Lynch.

Mr. Brynes introduced the application regarding a regulation amendment to add seasonal farm signs to advertise goods for sale and increase the square footage allowed for permanent agricultural signs, aiding local farms. The commission discussed time limits for display of the signs and Ms. Hoffman questioned the proposed 1,000ft distance between the signs. Mr. Brynes recommended modifying 7.12.2.1 to allow this to the list of exceptions. Ms. Hoffman questioned the

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size of the change in the permanent signage. Mr. Lynch questioned whether the language of the signs could be dictated. Mr. Brynes explained that the owner has the ability to dictate the language they deem best for their business.

### **Public Comment in Favor:**

Joel Valenti, speaking on behalf of the EDC, presented a letter to the commission. The Economic Development Commission is highly in favor of the application and also asked that the commission look at sandwich board signs in village areas for non-farming businesses.

### **General Comment:**

David Rathbun spoke to clarify that the Connecticut Grown signs must be supplemented with hours and availability.

Carlene Donnarummo questioned how two sided signs are measured, and Mr. Brynes explained that only one side of the sign is counted towards total square footage.

Ms. Hoffman moved to close the public hearing, seconded by Mr. Mercer, all in favor 5-0, motion approved.

Mr. Mercer moved to approve the application, seconded by Ms. Hoffman, Mr. Lynch had concerns with the language of seasonal and temporary, farms that are extremely remote, and language to cover sandwich boards. Mr. Tamsky addressed the need for this specific signage for farms. Mr. Mercer amended his motion to include a modification to 7.12.2.1 to allow 7.12.5.11 as an exception to the prohibition, seconded by Mr. Lynch. All in favor 5-0, motion approved.

Mr. Lynch moved to adjourn, seconded by Mr. Mercer, all in favor 5-0, the meeting adjourned at 10:25pm.

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