

Regular Meeting

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STONINGTON, CT

The 1544th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, May 19th, 2015 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Commissioner Ben Tamsky at 7:00pm. Present for the meeting were Chairman Ben Tamsky, Bob Mercer, Curtis Lynch, Alternate Shaun Savoie, and Town Planner, Keith A. Brynes. Commissioners Frances Hoffman and John Prue and Alternates Gardner Young and David Rathbun were absent.

Seated for the meeting were Curtis Lynch, Ben Tamsky, Bob Mercer, Shaun Savoie.

Minutes:

Minutes were tabled to the next meeting.

Commission Initiatives:

Discussion of the interpretation of the mean high water line versus the coastal jurisdiction line for measurement of the 100' Non Infringement Area.

Mr. Brynes summarized the Commission's interpretation at the 4/21/15 meeting and presented draft options to clarify this issue in the Zoning Regulations. Consensus of the Commission was to change the regulations to measure the Non-Infringement Area from the CT Coastal Jurisdiction Line. Adopting this regulation will allow for a clearer measurement of the area. The Commission recommended tabling the discussion with Commissioners Hoffman and Prue at the next meeting.

Reports:

Administrative Review

ZON15-048 JBRV, VVC (Rob Valenti) – Zoning Permit application for the interior and exterior remodel of the Valenti Ford dealership building. Property located at 72 Jerry Browne Rd., Mystic. Assessor's Map 164 Block 2 Lot 3. Zone GC-60.

Mr. Brynes presented the application to the Commission, the Architectural Design Review Board has not been able to meet to review the plan. This application does not include any new signage. The size of proposed signs must still be worked out. Tom Quirk, General Manager, spoke on behalf of the applicant stating that this is basically an upgrade of the current facility within the current footprint. Mr. Tamsky questioned the lighting in the facility, they will not be expanding the lighting but will be upgrading to LED's.

Mr. Mercer moved to approve the application with one stipulations, seconded by Mr. Lynch, all in favor 4-0, motion approved.

Stipulation:

1. No new signage is approved as part of this permit.

The meeting recessed at 7:20pm.

Public Hearings 7:30pm

Mr. Lynch read the call for public hearing.

PZ1505SUP & CAM Roland Pampel & Alban Pampel III Trust (Stonington Boathouse, LLC) – Special Use Permit and Coastal Area Management applications for construction of an approximately 6,140 square foot commercial building to be used as a 250-seat event facility. Proposal includes driveway & parking,

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storm drainage system, well, subsurface sewage system, and site landscaping. Property located between 786 & 804 Stonington Rd., Stonington. Assessor's Map 75 Block 2 Lot 3. Zones GC-60 & RC-120.

Attorney Thomas Collier, spoke on behalf of the applicant. Mr. Collier summarized the application and stated that the applicant has gained a variance for less than the required lot frontage and has obtained an Inland Wetlands permit on May 7th. Revised plans will be submitted prior to the next meeting. Mr. Collier presented a map of the commercial properties in the area. The applicant is proposing operating an event center from May to October. The proposed plan will address the concerns of DEEP's Division of Wildlife Protection by maintaining a 100' buffer from the coast. The applicant stated that DEEP's Office of Long Island Sound Programs comments requesting waterfront access somewhat contradict the values of the wildlife protection division.

Applicant, Robert Taylor, stated that many event venues in the area are booked a year or more out. The property is located near other similar facilities and they believe it will not have a negative impact on the area.

Paul Biscuti, P.E. project engineer presented the site plan. Mr. Biscuti stated that this facility will include liquor sales and listed the waivers requested. Due to the building being constructed in a FEAM V-zone, there will be strict regulations regarding construction and drainage. Most of the parking lot will be gravel with only the handicap parking and driveway to be paved. There will be a perimeter storm water basin to handle stormwater run-off with culverts under the driveway. There will be a large amount of fill brought in to allow for drainage of the site. The drainage system was designed to allow for the runoff to not affect their neighbors. Mr. Lynch questioned the parking calculation and a traffic impact study. The parking is based on the "theater" standard of 1 space for every 3.5 seats. The well on site will be private. CT Department of Public Health regulations limit the use of the facility to 60 days in a calendar year in order not to be considered a "community water supply." The Commission questioned how to enforce the facility being used 60 days or less. Mr. Biscuti stated that the applicant could return to the Department of Public Health to apply for year round use. The applicant requested that the Commission not limit the use to only 60 days per year since an application for a community water supply could be requested from the state in the future. Mr. Tamsky asked for clarification on the types of events held. Mr. Collier stated that the event center is intended to be used for other events besides weddings. Mr. Taylor clarified that the use is not intended to be strictly seasonal but that most events will take place between May and October.

Mr. Biscuti discussed the request for coastal public access which is in conflict with the goals of preserving the tidal wetlands area and protected species. Public access may be problematic on a commercial site that is unused for much of the year. Mr. Mercer questioned the size of the septic system. Mr. Biscuti stated the system was designed based off a restaurant and is actually oversized for the facility. Mr. Tamsky spoke regarding the property's non-water dependent use and lack of public coastal access and requested the applicant explore other options for providing access. The applicant requested comments from the Fire Marshal however they have not yet received comments.

Tim Gerrish, landscape architect presented the landscape plan. There will be adequate landscape buffers between the neighbors and rain gardens for the drainage. Mr. Lynch questioned the sediment filtration which is addressed by multiple rain gardens. The landscaping will be low maintenance due to the seasonal nature of the facility. Mr. Collier stated that the use of this facility would fall under Commercial Recreational Facility.

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Mr. Brynes asked Mr. Biscuti to comment on the appropriateness of the fill in the FEMA V-Zone. Mr. Biscuti stated that the original site plans did not conform to the V-Zone standards as noted by the Town Engineer. The revised plan set is designed to these requirements and must be submitted to DEEP. Mr. Biscuti stated that the fill used in the parking lot is not regulated by FEMA's regulations and only the fill below the building is regulated and cannot be considered structural fill.

David Atkinson, project architect presented preliminary plans for the building. The structure will be on pilings per FEMA requirements. Exterior finishes are to be determined. The cupola is allowed by special permit in the zone if it is less than 200 square feet. Mr. Mercer questioned the measurement of the mean roof line and average finished grade with the added fill. Mr. Brynes stated that the definition of average finished grade does not exclude measuring from fill. Mr. Collier summarized the expected parking demand and stated that this use will demand less parking than a typical restaurant of the same number of seats.

Mr. Brynes presented staff comments on the report. Staff will have to work with DEEP on whether the revised plans meet flood hazard requirements. The parking ratio was further discussed. The "theater" standard requires 72 spaces compared to over 83 required under the "restaurant" standard. The applicant is proposing 80 spaces.

Mr. Biscuti summarized the waiver requests. Mr. Lynch questioned the waiver for the erosion control study. Mr. Biscuti stated that erosion control is relevant with steep slopes and fine soils and that all relevant information is shown on the plans themselves. Mr. Lynch also questioned the waiver requested for the traffic impact study being that it will be used for large events. Mr. Biscuti stated that there are no traffic issues in the area and the Police Commission did not note any issues with traffic. Mr. Lynch questioned the waiver for the archeological review and whether it could be referred to an agency for comments. Staff will forward the plans to the State Archaeologist to determine if an archeological study is needed.

The meeting recessed at 9:14pm and reconvened at 9:19pm

Public Comment in Favor:

Michael Wall expressed support for development in this location and believes it is supported by the POCD. The use will attract visitors to the area and contribute positively to the local economy.

Public Comment Against:

Attorney Bill Sweeney, spoke on behalf of his client, Michael Connery, owner of Saltwater Farm Vineyard. Mr. Sweeney expressed that they do not object as a competitor. Mr. Connery believes that the design is not suitable due to the coastal flooding. Mr. Sweeney raised the concern of noise, traffic and screening to the neighbors and asked that the traffic study not be waived. Mr. Sweeney stated that the Police Commission did have concerns and believed the PZC would review traffic issues. Mr. Sweeney stated that wildlife protection and coastal access are not mutually exclusive. Mr. Sweeney stated that he believes that the Commission has jurisdiction to dictate adequate water supply. Mr. Sweeney also stated that the architectural plans should be complete. Mr. Sweeney also addressed concern that the regulations do not allow such a facility and the use does not fall into any of the permitted categories in the zoning district. Mr. Sweeney expressed concern with flood hazard compliance. They do not believe the applicant has complied with the Zoning Regulations regarding construction in the V-zone. The type and amount of fill proposed will cause serious issues within the coastal flood zone.

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Stephen Trinkus, P.E. licensed engineer reviewed the application on behalf of Mr. Connery. Mr. Trinkus stated that the fill used in the parking lot and driveway is considered structural fill and is in violation of FEMA and local regulations. Mr. Trinkus raised concern with the storm water management. The gravel parking becomes impervious over time. The drainage system is undersized and incorrectly designed. Mr. Trinkus raised concern with the septic system of the facility being modeled off of a church rather than a restaurant. The system planned does not allow for peak flows during event times and can cause failure. Mr. Trinkus stated that his opinion on the septic system was confirmed by the CT Department of Public Health.

Ian Camfield, owner of The Meadows at 769 Stonington Road, spoke against the development plan. Mr. Camfield raised concern with the definition of event centers. Mr. Camfield spoke regarding the surrounding commercial area and previous development plans. Mr. Camfield raised concern with the noise level and use of the property which will inhibit redevelopment of the former marina site to the east. Events will often be outside and will disturb neighbors. Mr. Camfield argued that the facility will have a difficult time hosting 60 events a year compared to established venues in the area. The facility will not bring value to neighboring businesses, just issues. Mr. Camfield expressed concern over parking for the facility since these event centers need significant parking for staff. Mr. Camfield stated he is concerned with traffic with three event facilities in such a small radius. Mr. Camfield stated that the Town should first develop an overall plan for the Wequetequock area before considering such a use.

General Comments:

Mukesh Patel, owner of the neighboring hotel at 812 Stonington Rd., raised concern about the well on the site. In the summer one of his wells often dries, he is concerned with the new well further affecting the neighboring wells.

Rick Newton, stated that a new study by the Nature Conservancy shows that this area will be affected by sea level rise creating marshland migration. Mr. Newton raised concern with protecting any sparrow nesting areas during construction and the impaired water quality of the cove.

Mr. Mercer moved to continue the public hearing to June 16th, seconded by Mr. Lynch, all in favor 4-0, motion approved.

PZ1510SUP & GPP Open Door Baptist Church – Special Use Permit and Groundwater Protection Permit applications for construction of an approximately 60' x 110' addition with a 30' x 40' connecting structure to existing church building. Property located at 475 Pequot Trail, Pawcatuck. Assessor's Map 60 Block 1 Lot 1F. Zone RR-80.

Mr. Mercer moved to continue the hearing to June 2nd, seconded by Mr. Lynch, all in favor 4-0, motion approved.

Mr. Mercer moved to adjourn the meeting, seconded by Mr. Lynch, all in favor 4-0, motion approved, the meeting adjourned at 10:38pm.