Regular Meeting

1547th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday July 21, 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 Bob Mercer, John Prue, Curtis Lynch, and Frances Hoffman; Alternates Gardner Young and Shaun Savoie Mastroianni, and Town Planner Keith Brynes. Alternate David Rathbun was absent.

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

Minutes:
Ms. Hoffman moved to approve the minutes of June 2, 2015, seconded by Mr. Lynch, motion approved 5-0.

Ms. Hoffman moved to approve the minutes of the June 16, 2015 with the amendment to strike the words "they are garbage" from the second page paragraph one, seconded by Mr. Lynch, motion approved 4-0-1.
Roll call: Mercer – approve, Prue – approve, Lynch – approve, Tamsky – approve, Hoffman – abstain

Commission Initiatives:
Review draft changes to the Subdivision Regulations, including discussion of Technical Standards Document Adoption. Mr. Tamsky stated that the Commission is not ready to review the draft changes.

Commission Reports:
Discussion of process for updating mapping in adopted 2015 Plan of Conservation and Development: Mr. Brynes explained the type of mapping changes are anticipated and the process to incorporate them. The commission discussed what the implementation committee will be tasked with going forward. Ms. Hoffman expressed that she would like to see communication with the commission going forward as they make any edits or updates. Staff will be tracking the progress of the implementation committee and the First Selectman will be chairing the committee, with progress reports made available on the town website. The commission agreed that with staff and a representative on the committee there will be sufficient communication to allow the committee to make data updates and policy changes be referred to the commission. Mr. Tamsky recommended a permanent agenda item to allow for updates and discussion.

Administrative Review:
PZ1119SPA & GPP Hendels, Inc. – Request Modification of approved Site Plan and Groundwater Protection Permit to install 70kw generator. Property located at 466 Liberty Street, Pawcatuck. Assessor's Map 20 Block 3 Lot 2. Zone HI-60.

Mr. Brynes stated that it conforms to the bulk requirements of the zone, and the Town Engineer has no concerns. Mr. Prue raised the question of the noise level of the generator and whether it abuts a residential property. Mr. Tamsky proposed to add a stipulation to limit test cycles to occur during business hours.

Mr. Prue moved to approve the application, seconded by Mr. Lynch, motion approved 5-0.

CGS 8-24 Review / 15-134ZON Town of Stonington (BOE) – Request for placement of two (2) 28' x 68' temporary modular classrooms with connecting structures and a temporary gravel parking area at West Vine Elementary School. Property located at 17 West Vine St., Pawcatuck. Assessor's Map 2 Block 1 Lot 3; Zone GBR-130.

Mr. Brynes explained the reasoning for the placement of the trailers and the temporary parking plan. The Zoning Board of Appeals granted a variance for the setbacks. The Town Engineer reviewed the proposal and provided comments on the handicap parking spaces and temporary parking plan.

Mr. Prue moved that the application is consistent with the Plan of Conservation and Development, seconded by Ms. Hoffman, motion approved 5-0.

Mr. Prue moved to approve the application with the stipulations provided by the Town Engineer, seconded by Ms. Hoffman, motion approved 5-0.

Stipulations:

1. Two handicap spaces should be incorporated into the existing, paved parking area in the northeasterly most corner. One of the accessible spaces should be van accessible (16 feet in total width with 8 feet of cross hatch) and the second should be a typical accessible space (15 feet in total width with 5 feet of cross hatch). HC symbols should be added to the pavement as well as signage placed in the grass area in front of each space.
2. Once the project is complete the accessible parking spaces should be returned to the existing locations adjacent to the building.
3. A stop bar and stop sign should be added to the entrance/exit of the existing parking lot.
4. The existing guide rail along the west side of the parking lot should be relocated along the northern limit of the new gravel parking lot.
5. The existing chain link fence along the northern end of the existing parking lot shall be removed and replaced along the perimeter of the new parking area or replaced with new chain link fence of equal specifications.
6. The existing light pole located at the northern end of the paved parking area will need to be removed. The light may be relocated if necessary.

15-133ZON Atlantic Associates of Stonington (T & A Lynch) – Zoning Permit application for the operation of a retail restaurant (Café Macondo) in existing building. Property located at 530 Stonington Rd., Stonington. Assessor's Map 99 Block 4 Lot 23C; Zone GC-60.

Mr. Lynch recused himself, Alternate Gardner Young was seated.

Mr. Brynes explained that this café will operate with eight seats in an area of the building left unused after Stonington Pizza Palace expanded. They will use the allowed signage from the former business. The Stonington Pizza Palace provided a letter of support.

Mr. Mercer moved to approve the application, seconded by Ms. Hoffman, motion approved 5-0.

Old Business:

PZ1517BR Sea Research Foundation, Inc. – Application for release of a $5,200 Erosion and Sedimentation control bond posted to satisfy requirements of approved Special Use Permit application PZ1319SUP Sea Research Foundation for the construction of a 3± acre gravel parking lot. Property located at Coogan Blvd. and Maritime Drive (Lot 2), Mystic. Assessor's Map 150 Block 1 Lot 28. Zone M-1.

Mr. Prue moved to table the application to the August 4, 2015 meeting, seconded by Mr. Mercer, motion approved 5-0.

The meeting recessed at 7:38pm and reconvened at 7:43pm

Correspondence:

Mr. Brynes summarized a letter submitted from the owner of the Lighthouse Bakery in response to a zoning violation issued, stating this is a directional sign and that they are being harassed by the town and claim discrimination. Mr. Prue questioned whether the planning department was following the standard zoning enforcement procedures. Mr. Brynes

replied that it is always good to look back and update. Ms. Hoffman raised concern with how to respond to this complaint. Mr. Mercer recommended discussing the item at a later time.

Public Hearing 7:49pm:
Ms. Hoffman read the call for public hearing.

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.

Ken Swain, deacon of the church, explained that, following the Commission's suggestion, the church has decided to rotate the position of the addition. The Town Engineer is satisfied with the site plan and has no further comments, and the Town Sanitarian has reviewed and approved the new septic system design. The roof drainage has been adjusted to drain away from the abutting properties.

Mr. Prue commended the applicant for the making the changes. Mr. Tamsky questioned the signage on the site; the applicant will be working with Staff to bring it into conformance.

Public Comment:
Carlene Donnarummo stated that she does not believe the 3-D rendering was sufficient. Mr. Tamsky replied that one was not requested from the applicant, but agreed it should be better regulated. Ms. Hoffman stated she would like to see 3-D modeling standards as a Commission Initiative. Ms. Donnarummo also spoke regarding the waivers and asked to add a column for "not applicable," and that the Commission review waivers prior to the applicant's presentation. Mr. Brynes explained that discussing the waivers in public can be vital to an application.

Mr. Brynes read the recommended approval stipulations and stated that moving the stormwater management system has addressed the previous issues. Mr. Prue questioned whether places of worship have any exemption from signage requirements. Mr. Brynes responded that they do not, unlike community event signs for non-profits.

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

Mr. Prue moved to approve the groundwater protection permit, seconded by Ms. Hoffman, motion approved 5-0.

Mr. Prue moved to approve the requested waivers, seconded by Ms. Hoffman, motion approved 5-0.

Mr. Prue moved to approve the special use permit application with the stipulations recommended by staff, seconded by Mr. Mercer, motion approved 5-0.
Stipulations:

1. Final plans shall be recorded prior to the issuance of a Zoning Permit.
2. Signage shall comply with the requirements of Section 7.12 of the Town's Zoning Regulations.
3. 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.
4. Erosion and sedimentation controls shall be extended in a southerly direction parallel to the edge of pavement down gradient of the proposed stormwater infiltration system.
5. Final plans shall include stamped landscape architect plans.

PZ1511SUP & GPP Thomas & Helene Ozycz (Horses Healing Humans) – Special Use Permit and Groundwater Protection Permit applications to permit use as a non-profit equine-assisted activities and therapy facility. Property located at 340 New London Turnpike, Stonington. Assessor's Map 138 Block 3 Lot 1. Zone GBR-130.

Attorney Nicholas Kepple, representing the applicant, stated that they wish to obtain the special use permit prior to acquiring the property since the current owner has not though the business has been operational. There is a home on the property that will be used to support the activities of the business. The applicants have obtained a loan from the USDA to purchase the property. Mr. Kepple stated that they believe the use of the property is consistent with the Plan of Conservation and Development and provides a great service to the community, and plan to keep the current conservation easement. Mr. Brynes explained that being that this use is very specific and it will be up to the commission to determine parking requirements. Ms. Hoffman questioned whether the focus of the activities will be changing areas on the property. The applicant explained it will not change, therapy will still take place at the barn the vast majority of the time, and they will use the home for small presentations and staff meetings. Lee Paradis, Executive Director stated that the fire marshal, police commission, and building official have all reviewed the proposal and had no comments. Mr. Lynch questioned fundraiser events on the property, Ms. Paradis explained that there is sufficient parking for events on the property that will be by invitation for purposes of raising funds for the organization.

Mr. Brynes stated that comments from the town have been addressed and the Staff stipulation regarding the conservation easement.

Public Comment in Favor :
Bill Turner, owner of Kentford Farm, spoke in support of the applicant and that they have been very easy to communicate with, and the organization provides great benefits to the community.

Mr. Brynes stated there are about a dozen letters in favor of the application.

Public Comment:
Carlene Donnarummo suggested that the Town Sanitarian and Building Official comments from the staff report be added as stipulations.

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

Mr. Prue moved to approve the groundwater protection permit, seconded by Mr. Mercer, motion approved 5-0.

Ms. Hoffman moved to approve the requested waivers, seconded by Mr. Prue, motion approved 5-0.

Ms. Hoffman moved to approve the special use permit application with the stipulation provided by staff and two additional, seconded by Mr. Mercer, motion approved 5-0.
Stipulations:

1. Conservation easement associated with approved subdivision PZ0359SD shall be recorded prior to issuance of a Certificate of Zoning Compliance for the building.
2. Plans shall be reviewed to the satisfaction of the Town Sanitarian.
3. Plans shall be reviewed to the satisfaction of the Fire Marshal.

The meeting recessed at 8:43pm and reconvened at 8:47pm.

PZ1512SUP Mall, Inc. (William Dougherty) – Special Use Permit application for interior alterations to Olde Mistick Village Cinemas to increase the number of theaters from 3 to 4 and for approval of a liquor permit for a beer & wine concession. Property located at 27 Coogan Boulevard, Mystic. Assessor's Map 164 Block 3 Lot 1 Unit 15. Zone TC-80.

Architect Peter Springsteel, spoke on behalf of the applicant, explained that cinemas have been adapting to smaller theaters with luxury seating and beer and wine service. Currently the cinema has three theaters, the applicant is proposing to divide the center theater into two small theaters, upgrade and make bathrooms handicap accessible, and creating a small addition to the lobby. The total seats in the theater will be reduced from 710 to 381 seats, variances were granted for parking and the applicant will now be more conforming. Mr. Springsteel explained the future signage plan to stay within existing signage but split the sign facing I-95 to a smaller sign facing I-95 and adding a small sign to the side facing the parking lot to state they provide premium seating, a café with beer and wine. The concession stand will be updated to provide for liquor distribution. Mr. Lynch questioned the security of the liquor and its sales. Mr. Dougherty stated they will be abiding by state laws and staff will be trained and will be monitoring consumption. Mr. Prue questioned whether the exterior of the building would be altered, and Mr. Springsteel responded that it would not. Ms. Hoffman asked what their findings were concerning adding alcohol to theaters. Mr. Dougherty's partner, Harold Blanik, partner of explained that it has been increasing popular and has not had issues thus far. He knows a similar property that has been successful and that education has been the key to success. There will only be one location alcohol can be purchased.

Mr. Brynes stated that this reduces the parking demands greatly on the Olde Mistick Village making the center compliant. Police commission stated they do not have any issues and the Town Sanitarian requested detailed plans of the concession area. Mr. Brynes stated one stipulation recommended by staff regarding signage and stated the new sign will need to be externally illuminated.

Public Comment in Favor:
Jonathan Duncklee, president of Duncklee Cooling and Heating, spoke in support of the plans to update the seating and has no issue with the liquor sales, encouraging community members to stay local.

Bill Turner, owner of Kentford Farm, spoke in favor of the application and believes it is great to have this business update and transform its space rather than close its doors. He feels it will improve the Olde Mistick Village complex.

General Public Comment:
Carlene Donnarummo, stated that Town Sanitarian compliance should be part of the commission's approval.

Rebuttal
Mr. Dougherty explained they have met with the Town Sanitarian and her comments have been addressed thus far. Mr. Dougherty also requested the commission's approval on the internally lit signage. Owner of the building explained they will be removing trees to allow for visibility to the new sign towards I95 and the new sign facing the lot will not be visible to Coogan Boulevard. Mr. Dougherty explained this will be smaller than the original marquee. The owner explained that the Stonington Cinemas currently have internally lit signs and have the same use.

Mr. Prue moved to close the public hearing, seconded by Mr. Mercer, motion approved,5-0.

Mr. Prue moved to approve the special use permit waivers, seconded by Ms. Hoffman, motion approved 5-0.

Ms. Hoffman questioned alternatives to an internally lit sign. Mr. Lynch expressed that it would be an expansion of a non-conforming and does not meet regulations and could be brought to the Zoning Board of Appeals. Mr. Prue raised concern that it begins to come down to content.

Mr. Mercer motioned to approve the application, seconded by Mr. Prue. Mr. Mercer amended his motion to include a stipulation that final plans meet the satisfaction of the Town Sanitarian, seconded by Mr. Prue, motion approved 3-1-1. Roll call: Mercer – approve, Prue – approve, Lynch – approve, Tamsky – deny, Hoffman – abstain

Stipulation:

1. Plans shall be reviewed to the satisfaction of the Town Sanitarian.

PZ1513SUP JBRV, LLC (Rob Valenti) – Special Use Permit Application for the proposed development of an approximate 1,446 square foot addition to be used for additional truck lifts and parts storage at the existing Ford dealership. Property located at 72 Jerry Browne Road, Mystic. Assessor's Map 164 Block 2 Lot 3. Zone GC-60.

Sergio Cherenzia, engineer for the project spoke on behalf of the applicant. Mr. Cherenzia gave an overview of the small addition in comparison to facility. It will be used for three truck lifts and parts storage. They will be replacing pavement with roof, therefore, the drainage plan will remain consistent. The Water Pollution Control Authority has not provided any comments. One parking space will be removed, but they will still meet the requirements. The addition will be in an area primarily used by employees, customers enter in the front of the building. Town Engineer comments have been addressed. Mr. Tamsky questioned whether the fire marshal has reviewed the plan. Mr. Brynes said he has not provided comments but will need to approve the plan prior to the building permit being issued. Mr. Cherenzia explained that the drive aisles will be maintained. Robert Valenti explained that this will allow for easier service of trucks due to increased sales of trucks. This will provide larger lifts for service of large trucks. Mr. Valenti explained oil waste is transported off site when the tanks are full. Mr. Brynes explained the stipulation that states "No new signage is approved as part of this application."

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 special use permit waivers, seconded by Mr. Mercer, all in favor 5-0, motion approved.

Mr. Prue moved to approve the special use permit with one stipulation regarding signage, seconded by Mr. Mercer, Mr. Prue amended his motion to include a stipulation stating that the final plan must be reviewed to the satisfaction of the fire marshal, seconded by Mr. Mercer, all in favor 5-0, motion approved.

Stipulations:

1. No new signage is approved as part of this application.
2. Plans shall be reviewed to the satisfaction of the Fire Marshal prior to issuance of Zoning Permit.

The commission discussed the correspondence from the Lighthouse Bakery. Mr. Tamsky read the letter submitted. Mr. Tamsky stated that this goes beyond the commission. Mr. Prue stated that if they have a disagreement with staff's interpretation they can come before the Zoning Board of Appeals or the Planning and Zoning Commission.

The commission discussed the Director of Planning position and its status and process. Mr. Tamsky recommended that a commission member speak with First Selectman Crouse. Ms. Hoffman agreed to speak with him.

Mr. Prue moved to adjourn, seconded by Mr. Tamsky, the meeting adjourned at 9:50pm.

Frances E. Hoffman

Frances Hoffman, Secretary