

Regular Meeting

The 1549th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, August 18, 2015, at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:00pm. Present for the meeting were Commissioners Frances Hoffman, John Prue, Curtis Lynch, and Bob Mercer; Alternate Gardner Young and Town Planner Keith Brynes. Alternates Sean Mastroianni and David Rathbun were absent.

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

Minutes:

Ms. Hoffman moved to approve the minutes of the July 21, 2015 meeting with a correction for "they" to "the" at the bottom of first page, seconded by Mr. Prue. Mr. Prue requested the sentence at the bottom of page 2, "Mr. Prue questioned whether the standards are up to date," to "Mr. Prue questioned whether the planning department was following the standard zoning enforcement procedures." All in favor 5-0, motion approved.

Ms. Hoffman moved to approve the minutes of the August 4, 2015 meeting, seconded by Mr. Prue. Motion approved, 3-0-2.

Roll Call: Tamsky – approve, Prue – approve, Lynch – approve, Mercer – abstain, Hoffman - abstain

Commission Initiatives

The commission briefly discussed the re-writing of the job description for the Director of Planning position.

Administrative Review

PZ0557ZC, SPA & GPP Investar Redevelopment for The Pawcatuck Landing, LLC – Request 4-year renewal of the Site Plan Approval & Groundwater Protection Permit for previously approved applications for Zone Change to IHRD-3, Site Plan Approval & Groundwater Protection Permit to convert 18,000 sq. ft. of a historic 4-story brick mill building & 39,000 sq. ft. of a new structure, into 39 residential dwelling units. Property located at 75 Stillman Ave., Pawcatuck. Assessor's Map 1 Block 1 Lot 1, Zone IHRD-3.

Commissioners Prue and Hoffman reviewed the previously approved application. Ms. Hoffman questioned the status of the remediation on the property. Mr. Brynes stated that they are still working on it and there is funding available to do so. The commission decided that they were still more questions to be asked and will further review the original approval.

Mr. Prue moved to table the request to September 1, 2015, seconded by Ms. Hoffman. Motion approved 5-0.

15-155ZON Mystic McQuades, LLC (Christopher Banks) – Zoning Permit Application for change of use from office to personal services for personal training facility (Crossfit) & 2 signs. Property located at 14 Clara Drive, Mystic. Assessor's Map 164 Block 4 Lot 3, Zone TC-80.

Application is for a change of use from office to personal services, which is an allowed use. Parking will be less of a demand than the previous medical office.

Regular Meeting

Mr. Banks spoke about the fitness training facility, noting that the space will remain open with no new walls, just workout equipment. The applicant proposed new signs with the same size as the previous occupant.

Mr. Prue 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 Boulevard and Maritime Drive (Lot 2), Mystic. Assessor's Map 150 Block 1 Lot 28, Zone M-1.

Mr. Brynes explained that the commission can release the bond, or provide the applicant in writing why they have denied it. Town Engineer Scott Deledda had 2 comments, one of which has since been addressed. The Sea Research Foundation requested for the commission to release the bond and have the town hold the funds until stabilization is proven. The commission felt that approving the release under those conditions would set a precedent.

Mr. Prue moved to deny the Bond Release without prejudice. Mr. Prue withdrew his motion.

Ms. Hoffman moved to deny the Bond Release without prejudice, based on the fact stabilization has not occurred, inviting the applicant to reapply once stabilization is complete. Motion seconded by Mr. Prue, approved 5-0.

The meeting recessed at 7:34pm and reconvened at 7:38pm.

Public Hearing 7:39pm

Ms. Hoffman read the call for public hearing.

PZ1516ZC Glenn & Constance Frishman – Zoning Map Amendment to change zoning district from GBR-130 to RA-40. Property located at 1219, 1223 & 1225 Pequot Trail, Stonington. Assessor's Map 135 Block 2 Lots 2, 1B & 1A. *Continued from 8/4/15.*

Mr. Frishman stated that all properties surrounding his area which is zoned RA-40, with the exception of a piece of his property which is GBR-130. The neighboring properties that have a small piece of the GBR-130 section are zoned RA-40. Mr. Prue questioned whether the contours are sloping similar to the Toll Brothers property. Mr. Frishman explained that his property is relatively flat. Lou DiCesare, a neighboring abutter, presented a map that included the Frishman's property for review of the contours.

Gardner Young arrived at 7:48pm

Mr. Brynes explained the uses permitted in the two zones and the differences in the bulk requirements. The subdivision application currently before the Commission would not be affected by the outcome of this zone change application. Further lot subdivision of the subject property would require additional frontage or a variance.

No Public Comment:

Regular Meeting

Mr. Brynes stated the Conservation Commission had no objections to the application and that the 2004 POCD recommends low density residential zoning for this area.

Mr. Prue motioned to continue the public hearing to after subdivision application, PZ1515SD & GPP Cynthia & Louis DiCesare, is heard, seconded by Mr. Mercer. Motion approved 5-0.

PZ1514SUP VIII-HII-Whitehall Avenue, LLC (Residence Inn by Marriott) – Special Use Permit application to permit food truck service in hotel parking lot. Property located at 40 Whitehall Avenue, Mystic. Assessor's Map 164 Block 2 Lot 2. Zone TC-80.

Anthony Covino, General Manager for the Residence Inn, stated that the parent company, Marriott International, is requiring Residence Inn properties to have food truck service on their sites from April through September, every other Wednesday from 6:00pm to 7:30pm. The hotel would be granted a waiver if the commission does not approve the application. The truck would occupy three spaces, and would be strictly for hotel guests, and not advertised to the public. Guests would be on sidewalk adjacent the building to purchase food.

Mr. Brynes stated that the regulations require a special use permit for outdoor vending. Outdoor vending regulations have requirements that the applicant meets. Mr. Brynes stated recommended stipulations would be the hours of operation and no signage for the food truck.

No Public Comment in Favor or General Public Comment.

Public Comment Against

Francis Grace, owner of Frank's Gourmet Grille, a neighboring restaurant, stated that he believes this is a permanent location due to the seasonal hours of the truck. Mr. Grace stated this would have a negative impact on the neighboring restaurants in the town. Mr. Grace questioned what would prohibit the public from purchasing food due to the regular hours of the service.

A letter of opposition from Subway owner, David Land, was read into the record by Mr. Brynes.

A letter of opposition from Nancy D'Estang was read into the record by Ms. Hoffman.

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

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

Mr. Prue moved to approve the special use permit application with the stipulation recommended by staff and that there will be no signs to advertise the truck, seconded by Ms. Hoffman. Mr. Prue and Mr. Lynch raised concerns with granting the approval, and Mr. Mercer stated he sees the concerns of those opposing and fears it may open the door to further issues. Commissioners decided a broader discussion on the topic should be had in the future. The motion was defeated, 2-3.

Roll call: Prue - approve, Hoffman - approve, Lynch - oppose, Tamsky: oppose, Mercer - oppose.

The meeting recessed at 8:31pm and reconvened at 8:35pm.

Regular Meeting

Mr. Prue moved to add a commission initiative to discuss food truck and special event regulations, seconded by Mr. Mercer. Motion approved 5-0.

PZ1515SD & GPP Cynthia & Louis DiCesare – Subdivision and Groundwater Protection Permit applications for a 3-lot re-subdivision of a 10.1 acre parcel & 0.19 acre ROW parcel. Properties located at 1223 Pequot Trail and off Jacobs Way, Stonington. Assessor's Map 135 Block 2 Lots 1B & 1F. Zones RA-40 & GBR-130.

Ed Wenke, engineer for the applicant presented the subdivision site plan. There will be two rear lots added using a common driveway. There is a wetland area on the property and the applicant has received IWWC approval. Ms. Hoffman questioned the use of a culvert and Mr. Wenke explained this will keep the hydrology of the wetland, preserving both sides of the wetland. Mr. Wenke stated that the wetland does not have many functions, and is less valuable.

Mr. Brynes explained that the zoning map amendment application previously discussed would affect the existing home's lot, but not the two rear lots that are zoned RA-40. The two new lots will have to go before IWWC prior to development. Town Engineer comments have been met and the conservation recommended a fee in lieu of open space. Mr. Brynes explained five stipulations recommended by staff. Mr. Lynch recommended a stipulation regarding the town sanitarian's satisfaction.

Public Comment in Favor:

Glenn Frishman, neighbor to the property, commented in favor of the application.

No Public Comment Against or General Public Comment.

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

Ms. Hoffman moved to approve the groundwater protection permit application, seconded by Mr. Mercer. Motion approved 5-0.

Ms. Hoffman moved to approve the subdivision application with 5 stipulations recommended by staff and 1 additional recommended by Mr. Lynch, seconded by Mr. Mercer. Motion approved 5-0.

Stipulations:

1. Frontage strip along Jacob's Way (135-2-1F) shall be merged into Lots 2 and 3 in order to provide proper lot frontage.
2. A shared access easement shall be provided over the shared driveway serving Lots 2 and 3.
3. Final plans shall include comments #1 and #2 in the Town Planner's correspondence dated 7/2/15.
4. Final plans shall include new address and Assessor's lot numbers as assigned by the Town.
5. The applicant shall hire a state certified real estate appraiser, acceptable to the Department of Planning, to conduct an appraisal of the land. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$_____ [*amount shall be determined prior to final plans are recorded on the land records*] was approved by the Planning & Zoning Commission, each new lot shall be assessed [*1/3 of the 10% value*]."
6. Plans shall be reviewed to the satisfaction of the Town Sanitarian.

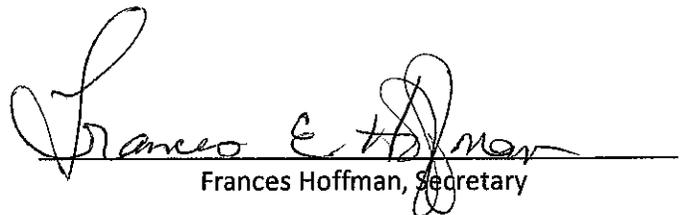
Regular Meeting

PZ1516ZC Glenn & Constance Frishman – Zoning Map Amendment to change zoning district from GBR-130 to RA-40. Property located at 1219, 1223 & 1225 Pequot Trail, Stonington. Assessor's Map 135 Block 2 Lots 2, 1B & 1A.

Mr. Prue moved to close PZ1516ZC Glenn & Constance Frishman, seconded by Mr. Mercer. Motion approved 5-0.

Mr. Prue moved to approve the waivers for the application, seconded by Mr. Mercer. Mr. Lynch questioned the natural resources study. Mr. Mercer stated that his observation is that the applicant's property is flat and does not flow towards the reservoir and is not fragile. Ms. Hoffman stated she would like more information from the town engineer. Mr. Prue withdrew his motion.

Mr. Prue moved to adjourn, seconded by Mr. Mercer. Motion approved 5-0. The meeting adjourned at 9:22pm.



Frances Hoffman, Secretary