

Regular Meeting

The 1531st meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, December 16, 2014 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 Ben Tamsky, Bob Mercer, Frances Hoffman, John Prue, and Curtis Lynch; Alternates Gardner Young and Shaun Savoie; and Town Planner Keith Brynes.

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

Minutes:

Ms. Hoffman motioned to accept the December 2, 2014 meeting minutes. Mr. Lynch seconded. Motion unanimously approved, 5-0.

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development: Review and discussion of the POCD Subcommittee's final draft will be at a special meeting on January 13th and the regular meeting of January 20th. Mr. Lynch said he would be unavailable for the January 13th meeting and Ms. Hoffman noted she would not be at the January 20th meeting.

Discussion of policy / Commission interpretation regarding potential conflict between Zoning Regulations 7.7.8.2.1, 7.7.8.3.2 and FEMA regulations related to additions to legally non-conforming buildings that are not "substantial improvements" in flood hazard areas. Commissioners were in agreement that the current regulations support the FEMA requirements.

Mr. Prue motioned to remove the item from the agenda. Mr. Mercer seconded. Motion unanimously approved, 5-0.

Review draft changes to the Subdivision Regulations, including discussion of Technical Standards Document Adoption. Mr. Brynes explained that other than incorporation of the approved Technical Standards, the only substantial change to the Subdivision Regulations is regarding Conditional Approvals. Commissioners agreed discussion of the draft revised Subdivision Regulations would take place after the POCD is finalized.

Administrative Review:

Discussion of possible Commission Zoning Map Amendment to undo Zoning Map error on 4 properties on the west side of Jackson Ave., Mystic. Properties include 14, 20, 22 and 24 Jackson Ave. Assessors Map 182, Block 1, Lots 1-4.

Mr. Brynes explained that the zoning map error occurred when the old paper maps were digitized to create the Zoning Map Atlas in 2006, and as the zone change was the result of the Town's error, the Town should make application to correct it. Commissioners discussed whether the zone line would be corrected visually; impacts to the uses, non-infringement area, and bulk requirements of the parcels; and ensuring that all of the residential structures fall within the RH-10 district.

Mr. Prue motioned to have Staff submit a Zoning Map Amendment to correct the error affecting the four properties on Jackson Ave. in Mystic. Ms. Hoffman seconded. Motion unanimously approved, 5-0.

ZON14-259 Mystic Seaport Museum (Advanced Improvements) – Construction of a 25' x 1.5' elevated false walkway around a portion of Stillman Building. Property located at 75 Greenmanville Ave., Mystic. Assessor's Map 173, Block 1, Lot 1. Zone MHD.

Mr. Brynes described the request for the false walkway, noting that it won't be accessible as it is for decorative purposes only. He explained that the Building Official was responsible to ensure the safe construction of the walkway. Mr. Savoie was concerned that banners could be hung from the walkway.

Mr. Prue motioned to approve the request. Mr. Mercer seconded. Motion unanimously approved, 5-0.

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Old Business:

PZ1417SD Woods Road Development, LLC - Subdivision application for a 2-lot subdivision of a 10.8 acre parcel. Property located on the southerly side of Pequot Trail., Stonington. Assessor's Map 96 Block 3 Lot 4. Zone GBR-130.

Mr. Brynes recommended tabling the application, explaining that a property ownership dispute exists and noting that the applicant has granted an extension.

Mr. Prue motioned to table the application. Ms. Hoffman seconded. Motion approved, 5-0.

The meeting was recessed at 7:29pm and reconvened at 7:35pm.

Public Hearing(s): 7:30 p.m.:

Ms. Hoffman read the call for the Public Hearing at 7:35pm.

PZ1412SUP & CAM Summit Street Development, LLC. - Special Use Permit & Coastal Area Management Review applications to modify approved Special Use Permit and Coastal Area Management Applications **PZ1220SUP & CAM.** Modifications include expansion of gross floor area to 10,550SF, changes to proposed building uses (medical and professional offices), additional parking spaces and associated changes to building and site layout. PZ1220SUP & CAM was approved by CT Superior Court on 1/24/14. Property located at the corner of Harry Austin Dr. & Masons Island Rd., Mystic. Assessor's Map 160 Block 4 Lot 4. Zone M-1.

Chairman Tamsky explained that the public hearing was continued from the 11/18/14 meeting and that public comments may only address the application currently in front of the commission, not those settled in previous approvals or court decisions.

Attorney Ted Harris, representing the applicant, reviewed the application information presented at the previous public hearing, noting that the Wetlands Commission approved the application, and submitting a copy of the IWWC meeting minutes.

Project Architect John Patrick Walsh gave a Powerpoint presentation of the proposed building architectural details and site layout, noting the repositioning of the front entry and addition of the gable end decks to break up the mass of the roof. He explained the accuracy and ability of the Revit AutoCAD program used by he and his associate, James Frank, to create the 3-D architectural and elevation drawings. Mr. Walsh presented a comparison of the approved building to the proposed, noting the reduced footprint but increased height of the proposed structure. He provided details on the surrounding structure heights and topographical elevations, as depicted in the detailed renderings.

Some commissioners stated that they wished to see complete panoramas of the entire surrounding area in order to have views of the proposal from all locations. Mr. Lynch wants to see that the building is in harmony with the neighborhood.

Mr. Brynes noted that the application had been approved by the IWWC at their December 4th meeting and the previous concerns of the Town Engineer had been addressed to his satisfaction. He stated that the ADRB had approved the building design, the WPCA had okayed the project, noting they would need to hook into the Town system, and the previous CAM review had been approved, along with the DEEP giving a favorable review. He noted that there was no response from the Fire Marshal. Mr. Brynes stated that all of his comments had been addressed and his recommended stipulations in the staff report include those added to the court-approved application. Mr. Brynes explained why this application was considered a modification to the original special use permit approval.

Public Comment in Favor: None

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Public Comment Against: James Buckley felt it should be a new application and spoke of his concerns regarding sidewalk, headlight, parking, truck turning radii issues. He stated that the proposed building height should only be compared to the approved condos, not the YMCA because they (the neighbors) were for that. He said the building was too large for the site and the impact it would have would not be good.

David Bishop displayed a diorama depicting the proposed building and some of the surrounding residences, and a photo showing a 40-ft balloon flight that had been done. He felt the building was not keeping within the character of the area.

Tiffany Wyman Stanton questioned why the new proposal was considered a modification since the changes are so dramatic. She stated that the structure looks like a hotel and will have a significant impact to the neighborhood.

James Stanton submitted a petition from the neighbors requesting the commission deny the application. He felt the building did not belong at "the gateway to an expensive area," and the applicant should build it on another of his properties.

Asa Pollard felt the proposed building would dwarf all the other homes in the area.

Mary Blanchet wished to see a building that wasn't so large and had a more residential feel. She questioned the actual number of practitioners proposed for the building as the amount of traffic generated would be affected accordingly.

Amy Lewis felt the town is filling up too many open spaces, that the traffic study was incorrect, and the building will not be occupied.

Mary Boyle was in agreement with her neighbors' statements.

General Comments: None

The Commission took a 5-minute recess at 8:57pm and reconvened at 9:02pm.

Applicant Rebuttal: John Walsh said he understands the neighbors' concerns but the proposal meets the requirements. He noted that Mr. Bishop's model did not show topographical elevations and that the elevator shaft is at a height of 40ft; the main building is only 31ft high. Landscape Architect, Bob Deledda, explained that the shrubbery plantings would soften the effects of the headlights, and Engineer Pat Lafayette described how the elevations along Masons Island Rd. would also provide some screening from the lights. In response to Mr. Tamsky's question as to providing fencing to lessen headlight issues, Attorney Harris felt landscaping would be more effective. Traffic Engineer Derek Hug, explained how the figures used for traffic calculations were based on building square footage with the highest use at peak times during July 2013. Atty. Harris stated that the maximum medical usage for the building would be 6,000SF. Mr. Prue wanted a stipulation forbidding dumpsters on site, and Atty. Harris explained that there would be garbage pickup, not dumpsters. Mr. Tamsky questioned the Commission's authority to allow the YMCA sign to remain on the parcel. Mr. Brynes explained that it had been a condition of the sales agreement, and the sign square footage would be incorporated into the maximum allowed for the site. Mr. Lafayette noted that vehicle turning radii and parking spaces all meet the required dimensions and placement. Atty. Harris stated that the zoning district requirements had been reviewed and the building was designed to meet those requirements.

Mr. Prue motioned to close the public hearing. Mr. Lynch seconded. Motion approved, 5-0. The public hearing closed at 9:40pm.

Mr. Prue motioned to approve the CAM review application. Mr. Lynch seconded. Motion approved, 5-0.

Mr. Prue motioned to approve the request to waive the following application requirements: Archaeological Study, School Impact Evaluation Report, 3D Model, and Flood Hazard reports. Mr. Mercer seconded. Motion approved, 5-0.

Mr. Prue motioned to approve the Special Use Permit with the 8 stipulations in the staff report (Stipulation #1 amended to include use of coconut fiber berms), and 2 additional regarding dumpsters and screening for headlights. Mr. Mercer seconded. Motion approved, 5-0.

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Stipulations:

1. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits per Section 8.6.3 of the Zoning Regulations. The bond amount shall be established by the Town Engineer after an estimate of the construction cost is provided by the applicant and approved by the Town Engineer. The applicant shall use coconut fiber berm as the E&S control method.
2. The applicant shall post a Performance Bond to cover all work within the Town owned right of way prior to the issuance of any Zoning Permits per Section 8.6.3 of the Zoning Regulations. The bond amount shall be established by the Town Engineer after an estimate of the construction cost is provided by the applicant and approved by the Town Engineer.
3. Prior to the issuance of any Zoning Permits the applicant shall submit an inspection fee equal to 5% of the total cost of site improvements for inspection services relative to erosion and sediment control, construction of the underground stormwater system, installation of the stormwater infiltration systems, installation of the sanitary sewer and the pavement restoration within Harry Austin Drive.
4. Final plans shall be reviewed to the satisfaction of the Fire Marshal and Town Engineer.
5. All lighting for the site, building and signage shall be full cut-off.
6. Any change of use will require Commission approval and conformance with relevant parking and other zoning regulations.
7. Final site plans shall be recorded prior to the issuance of any Zoning Permits.
8. The Commission recognizes the existing legal non-conformity of the YMCA's off-site detached sign.
9. There shall be no dumpsters on site after construction ceases.
10. Screening to control headlight glare from property along Masons Island Road shall be added to the satisfaction of the Commission prior to issuance of Zoning Compliance.

Mr. Prue motioned to adjourn. Mr. Mercer seconded. Motion approved, 5-0.


Frances Hoffman, Secretary