Regular Meeting

The 1566th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday May 17th, 2016 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Acting Chairman, David Rathbun at 7:00pm. Also present for the meeting were Commissioners, Curtis Lynch, Gardner Young, Frances Hoffman, Alternate Shaun Mastroianni, Town Planner, Keith Brynes, and Director of Planning, Jason Vincent.

Seated for the meeting were David Rathbun, Curtis Lynch, Fran Hoffman, Gardner Young and Shaun Mastroianni.

Administrative Review:
PZ1508SUP Stephen F. Simoncini (Merrily G. Connery) - Modifications to approved Special Use Permit application for the conversion and adaptive reuse of automobile service station to a wine bar/café. Property located at 30 Broadway Ave., Mystic. Assessor's Map 174 Block 18 Lot 10. Zone LS-5.

Clint Brown, project engineer, presented the proposed changes to the site plan. The Town Engineer was concerned that if access around the building was limited, motorists would not have room to turn around in the front parking lot. The applicant relocated one of the parking spaces to the north side of the lot and a turning radius was provided. Modifications to the landscaping plan were presented. The applicant is also proposing a trellis connecting the main building to the canopy. The applicant is also proposing a reduction in seats from 100 to 92.

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

16-114ZON JBRV, LLC (Rob Valenti) – Request approval for a change to previously approved signage program (PZ0192SUP) to add a 31sf "Ford" wall sign. Property located at 72 Jerry Browne Rd., Mystic. Assessor's Map 164 Block 2 Lot 3. Zone GC-60.

Mr. Brynes summarized the application. Mr. Valenti recently received a variance to place a Ford wall sign on the side of the building facing Jerry Browne Road. Mr. Valenti described where the sign would be placed.

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

Old Business:
PZ1605SPA & CAM Latimer Point Condominium Association - Site Plan & Coastal Area Management Review applications for the demolition and construction of 2 new single family residences, a deck addition, and a home addition. Properties located at 35 East Shore Rd., 12 North Shore Rd., 25 Center Dr., and 108 Latimer Pt. Rd., Stonington, CT. Assessor's Maps/Blocks/Lots: 154/6/4, 154/2/11, 154/4/27, & 154/2/16. Zone RM-20.

Ed Lally, surveyor and Latimer Point Condo Association member, presented the application for all changes within the development. Concerns from CTDEEP and the Town Engineer have been addressed. Both properties that are doing a full reconstruction will be constructed to FEMA flood standards. Mr. Lally further explained the condominium's relationship with the unit owners and how their construction is monitored.

RECEIVED FOR RECORD
STONINGTON, CT.
16 MAY 20 PM 3:40
CYNTHIA LADWIG
TOWN CLERK

Mr. Lynch moved to approve the application with 4 stipulations recommended by staff, seconded by Mr. Mastroianni, all in favor 5-0, motion approved.

Stipulations:

1. Individual site development plans shall be submitted for properties that propose new construction and or substantial improvements to ensure compliance with flood hazard regulations on an individual lot development basis.
2. Property owners who are proposing additions need to provide sufficient data to the building department to adequately assess compliance with the "substantial improvement" threshold. If the addition is determined to be a substantial improvement, then the entire structure must conform to current flood hazard regulations.
3. Flood Zone X as shown on the site plans should be labeled consistently with the effective FIRM maps. Zone X shall carry an additional designation as either a "0.2% or Other area/outside 0.2%".
4. Individual site development plans shall include adequate erosion and sedimentation control measures as determined by the Town Engineer.

PZ1607SPA & GPP Malico, LLC (Taugwonk, LLC) – Site Plan and Groundwater Protection Permit applications for development of a 5.5 acre parcel, including a 2600 square foot building, paved driveway, septic system, associated parking, and site improvements. Property located on Taugwonk Rd., Stonington. Assessor's Map 67 Block 2 Lot 2. Zones GC-60 & RR-80.

Demian Sorrentino, Planner and Soil Scientist, presented the application. A similar site plan was approved in 2012 for landscaping contractor but the building was never constructed. The current application has received approvals from the Architectural Review Board and Inland Wetlands Commission. This building would be used by a roofing contractor for offices, vehicle parking and equipment. There will be no storage of building materials at this location, as those will be stored at job sites. No hazardous chemicals or adhesives will be used or stored on-site. David McKay, project engineer reviewed the storm water management system and inspection provisions.

Mr. Lynch moved to approve the application with 3 stipulations recommended by staff, seconded by Ms. Hoffman, all in favor 5-0, motion approved.

Stipulations:

1. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits. 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.
2. Applicant shall send annual stormwater system inspection reports and maintenance logs to the Town Engineer.
3. Signage lighting shall be down-facing and full cut-off.

Public Hearings:

PZ1608SUP Goran & Desiree Subotic - Special Use Permit application to extend the current permitted hours of operation to Monday thru Saturday, 9:00 AM to 9:30PM, and Sunday, no later than 8:00 PM. Property located at 325 Mistuxet Ave., Mystic. Assessor's Map 133 Block 6 Lot 5B. Zone RA-40.

Applicant, Goran Subotic, presented the application. The Mystic Ballet Dance School has been operating here since 1997 but have been notified their classes and performing arts program are extending beyond

the allowed hours of operation per their 1996 Special Use Permit. The applicant has a shared driveway with three other homes as a part of an approved subdivision. The applicant stated they have sufficient parking for their operations. Enrollment has declined from 250 students 10 years ago to 80 now. Mr. Rathbun asked why the hours expanded so far beyond what was approved. Mr. Subotic stated that the school needs to be flexible with its schedules for the benefit of its students. A resident filed a complaint that the applicant was operating a nightclub. Mr. Subotic stated that this was not the case, they were marketing an after-hours recital program called Mystic Dark Room. Upon reviewing their Special Use Permit they discovered the hours of operation were limited to 4:00pm to 8:00pm and are now asking to increase those hours.

Public Comment in Favor:

Dina Petrowski, resident a parent of a student of Mystic Ballet, spoke in support of the application and spoke about the school. Ms. Petrowski further explained the Mystic Dark Room recitals which provide further performance opportunities for students.

Joanna Negri, spoke in support of the application as a dancer and attendee of performances, and stated that she understands the need in flexibility for hours for the program. She also spoke further about the programming and its benefit to the community.

Melinda Luck, parent of a student spoke in support of the application and the school. Ms. Luck explained the impact on her daughter's life and the school's impact on the community.

Joseph Rudofski, parent of a student spoke in support of the application and the school as well as their programming.

Erin Hirschorn, parent of two students at the school spoke in support of the application and the school.

Angela Velila, parent of a student and school volunteer spoke in support of the application, the school and their programming. Ms. Velila also explained the need for extended class hours from the parent's perspective.

Mary Cohen, parent of a student spoke in support of the application and explained that there is not a traffic issue due to the extended hours. Ms. Coan also explained the need for the longer hours, which use will vary seasonally. The school would not always be operating for the full hours.

Larry Runkle, parent of a student spoke in support of the application and the quality of the school.

Kate Peglow, student of the school spoke in support of the application and the school's impact on her life.

Damayanti Rane, student of the school spoke in support of the application and the school's impact on her life.

Lisbeth Eixarch-Queralt, parent of a student spoke in support of the application and her positive experience with the school and their accommodations for students with disabilities.

Public Comment Against:

James McCaffery, resident sharing the driveway, spoke against the application and spoke about concerns regarding parking, access to the shared driveway and extended hours.

Henri Gourd, resident of 315 Mistuxet Ave, supports the business but is not in favor of extending the operating hours. Mystic Dark Room exceeds a school's normal recitals. The school was intended for local students only but now has international students.

David McCaffery, adjacent property owner, spoke about the history of the subdivision and the current traffic conditions on the shared driveway. He is not in favor of extending the operations.

Brenda Pelt, resident of 315 Mistuxet Ave, spoke about the issues regarding the shared driveway and extended use. The school has outgrown its location in a residential area.

John Farnell, resident of 340 Mistuxet Ave, spoke against the application and provided a written statement.

Mr. Brynes read Dora Hill's comments against the application into the record.

Carlene Donnarummo, raised concern with the expanded use from the original approval of a ballet school into more of a commercial operation in a residential zone. She questioned the whether there is enough parking and septic system capacity. Online ads for Mystic Dark Room stated that the performances ran until 11:00pm.

Rebuttal:

Goran Subotic stated that Mystic Dark Room is not a nightclub and would ask that those in opposition to attend and experience it. Mr. Subotic expressed concern with neighbor's comments on the access to the driveway. They are not using this access and he has taken the expense to build the alternate access to Jerry Browne Rd. and remove snow on the driveway during the winter. They have lived this way for twenty years and will not expand beyond their current operation.

Mr. Rathbun questioned whether performances went until 11:00pm like shown on the website, Mr. Subotic responded that they have not because performances last only an hour. However, sometimes discussion with the artists afterwards run much longer and customers would stay until that time.

Mr. Vincent stated that there is not a prohibition on operating a business in a residential zone. This site was approved a for-profit school as allowed in the zoning regulations. This is a legal conforming use for this property, the change in zoning regulations that now limits schools to primary or secondary schools does not affect this status. They have spoken with the State Liquor Commission and there is no permit necessary for a BYOB operation. The claim that there would be a decrease in property value is not a professional claim but a matter of opinion. Mr. Vincent has not found that any complaints regarding the hours of operation have been filed in the past twenty years.

Mr. Subotic spoke about the comments at the Police Commission that were concerned with parking. Mr. Subotic explained that there is access for the neighbors to use the driveway and that he needs to use it as well to access his home. Mr. Vincent explained right of way issues are civil matter.

Public Comment Rebuttal

Henri Gourd, member of the Police Commission and neighbor, stated that the Police Commission noted serious concerns with emergency access and accessibility. He stated that the drive is often blocked.

David McCaffery, stated that his primary access to his property was blocked by snow piled up from the school's plowing.

Brenda Pelt, spoke about the right of way.

The public hearing will continued to June 7th, 2016, 7:30pm.

The meeting recessed at 9:35pm ad reconvened at 9:40pm

PZ1607SPA New Prospect, LLC (Dan Barber) - Site Plan application for the renewal of previously approved Site Plan Application for the development of a 38-unit attached housing project (Prospect Place). Properties located on Mechanic and Prospect Streets, Pawcatuck, CT. Assessor's Map 4, Block 18, Lot 3B & Map 4, Block 16, Lot 7. Zone NDD-1.

Dan Barber, applicant, presented the application. Mr. Vincent further explained the NDD zone. Mr. Barber explained that they are looking for a site plan approval with no modifications. Mr. Barber addressed comments made by the Town Engineer and the Commission discussed possible stipulations.

No Public Comment.

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

Mr. Lynch moved to approve the application with 2 stipulations recommended by staff, seconded by Ms. Hoffman, all in favor 5-0, motion approved.

Stipulations:

1. Previous stipulations from original Site Plan Approval PZ0634SPA remain in effect.
2. Prior to issuance of a Zoning Permit for construction, revised plans shall be submitted to satisfactorily address the Town Engineer's 5/9/16 comments.

Discussion of conclusions from the Town's Incentive Housing Grant Planning Program with consultant, Milone and MacBroom.

Rebecca Auger and Carly Myers, of Milone and MacBroom reviewed the outcome of the public forum on March 29, 2016 and recommendations of the study. Staff's conclusion of the study is that adopting Incentive Housing Zoning as spelled out in CT General Statutes Section 8-13 is not recommended since the State no longer offers any incentive. However, the study showed by looking at 17-21 Liberty Street that incentivizing affordable housing in a mixed use setting can be beneficial. Mr. Brynes discussed conceptual regulations that would incentivize affordable housing in mixed use developments as part of the NDD zone. The Commission discussed direction for potential regulations. No action was taken.

Ms. Hoffman moved to issue a letter of thanks to Milone and MacBroom with their assistance on this study, seconded by Mr. Young, all in favor 5-0, motion approved.

Minutes
Mr. Lynch moved to approve the minutes of the May 2, 2016, seconded by Mr. Young, all in favor 5-0, motion approved.

Mr. Young moved to adjourn, seconded by Mr. Mastroianni, all in favor 5-0, the meeting adjourned at 10:30pm.