

Meeting Summary Report

APRIL 2, 2024 | SPECIAL MEETING

Town of Stonington
Planning and Zoning Commission



Town of Stonington Planning and Zoning Commission

AGENDA
SPECIAL MEETING
TUESDAY, APRIL 2, 2024 – 7:00 PM
STONINGTON BOARD OF EDUCATION DISTRICT OFFICE
40 FIELD STREET, PAWCATUCK, CT 06379

COMMISSIONERS

Charles Sheehan
Chairman

Ryan Deasy
Vice Chairman

Lynn Conway
Secretary

Gary Belke
Member

Andy Meek
Member

Bennett Brissette
Alternate

Ben Philbrick
Alternate

MaryEllen Mateleska
Alternate

Agenda items are on file for public review at the Town of Stonington Department of Planning:

152 Elm Street
Stonington, CT 06378
P: 860.535.5095
E: dop@stonington-ct.gov

Stonington Board of Education District Office is wheelchair accessible. If you plan to attend this public meeting and you have a disability which requires special arrangements, please call 860.535.5095 at least 24 hours in advance of the meeting date. Reasonable accommodations will be made to assist your needs.

1. Call To Order – 7:00 PM
2. Appoint Alternates:
 - a. MaryEllen Mateleska (Seated 11/21/2023)
 - b. Ben Philbrick (Seated 9/5/23)
 - c. Bennett Brissette (Seated 10/3/23)
3. Minutes:
 - a. #1751 – March 19, 2024
4. Public Comment:
5. Correspondence:
6. Reports:
 - a. Staff
 - b. Commission
 - c. Zoning Enforcement and Violations
 - d. Administrative Review
7. Old Business:
8. Public Hearings:
 - a. **PZ2403RA J and H Mystic Hospitality, LLC (J. Casey)** – Zoning Text Amendment application for changes to ZR §8.1 and ZR §8.6.1 to include revised frontage and buffer requirements, applicable to the Tourist Commercial (TC-80) Zone.
9. Future Public Hearings:
 - a. **PZ2404SUP+CAM Currier Group, LLC c/o Robert Currier (Cherenzia & Associates, Ltd.)** – Special Use Permit application and Coastal Area Management review for outdoor vendor use. Property is located at 779 Stonington Road, Stonington; M/B/L: 75-1-5. Property is located in the GC-60 Zone.

Public Hearing scheduled for 4/16/2024.
10. Adjournment



Town of Stonington Planning and Zoning Commission

AGENDA

SPECIAL MEETING

TUESDAY, APRIL 2, 2024 – 7:00 PM

STONINGTON BOARD OF EDUCATION DISTRICT OFFICE

40 FIELD STREET, PAWCATUCK, CT 06379

MEETING PROCEDURES

PUBLIC COMMENT

Public comment is an opportunity for public participation on items not on the evening's agenda.

PUBLIC HEARINGS

Public hearings are an opportunity for public participation during the review of a development proposal.

Applicants will make an initial presentation. The public can then speak "in favor," "in opposition," or under "general comments."

A signup sheet is located at the main entrance.

Participants are not required to sign up, however, the list will be used to organize the order of interested speakers.

Any questions will be addressed as part of the applicant's rebuttal. Once a public hearing has been closed, neither the applicant nor the public can participate in the proceedings.

NEW SUBMITTALS

No action will be taken on these items. New submittals require routing to other Town agencies and, in some instances, may be scheduled for a public hearing at a later date.

Purposefully left blank.

Planning & Zoning Commission
Regular Meeting
March 19, 2024
Draft Minutes

The 1751st meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office, 40 Field Street, March 19, 2024. The meeting was called to order at 7:00 PM by Chairman Charles Sheehan. Also present for the meeting were Ryan Deasy, Gary Belke, Bennett Brissette, Ben Philbrick, Lynn Conway, and Town Planner Clifton Iler. Andy Meek was not present.

Seated for the meeting were Charles Sheehan, Bennett Brissette, Gary Belke, Ryan Deasy, and Lynn Conway.

Per Chairman Sheehan, the Commission received a letter on 3/18/2024 from the applicant of item *PZ2322SPA & GPP Fair Housing of Connecticut, LLC (M. Ranelli)* that they have withdrawn their application.

Minutes:

Mr. Deasy made a motion to approve the minutes of February 20, 2024, seconded by Mr. Belke, all were in favor, 5-0.

Public Comment: None

Correspondence: None

Reports:

- **Staff**
- **Commission**
- **Zoning Enforcement Violations**
- **Zoning Enforcement Report - February 2023**
- **Administrative Review**

Old Business:

- a. **PZ2322SPA & GPP Fair Housing of Connecticut, LLC (M. Ranelli)** - Site Plan Application and Groundwater Protection Permit applications for an Affordable Housing Project submitted pursuant to C.G.S. 8-30g. Proposal consists of 120 single-family housing units and associated site improvements. Properties located at 207, 215, and an unaddressed parcel on Liberty Street, Pawcatuck; M/B/L: 16-4-12; 16-4-12A; 16-4-13
 - *Public Hearing closed on 2/20/2024*
 - *As noted above, this application has been withdrawn and removed from the agenda*

Planning & Zoning Commission
Regular Meeting
March 19, 2024
Draft Minutes

Public Hearings:

PZ2401SUP & CAM Precious Memories Place Inc. (Eckersley, LLC)

Edward Wenke, Professional Engineer, briefly discussed the site and its current zoning regulations. It is serviced by municipal sewer and water. This proposal serves to increase the size of the building to allow additional space for more students as there is currently a long waiting list for this business' services. The proposal consists of adding two 'wings', each 16x24 feet with ten new students for each wing. Five additional parking spaces are included as well. There will be a minor increase to the impervious surface. The current bathroom count is adequate for the additional students. Mr. Wenke discussed the additional drainage which was also addressed with the Town Engineer. There is no encroachment on wetlands and Mr. Wenke is not aware of any traffic issues on this lot.

Mr. Wenke confirmed for the commission that their meeting with the Police Commission was postponed. The project does not need DOT approval. Mr. Wenke also confirmed that the parking has been adequate. The Commission confirmed that a detention system is not necessary, due to the parcel's location at the bottom of a watershed. The existing bathrooms will be accessed by students in the new 'wings' through the existing classrooms.

Staff Comments: Mr. Iler confirmed that this application has not been reviewed by the Police Commission however this Board can stipulate upon a potential motion that the applicant meets all needs of that Commission.

There were no public comments.

Mr. Deasy made a motion to close the public hearing, seconded by Ms. Conway, all were in favor, 5-0. The public hearing was closed at 7:21 PM.

Mr. Deasy made a motion to approve the application as submitted, including the approval of waivers, CAM application, and Special Use Permit, along with the two existing stipulations and an additional stipulation that all comments from the Police Commission are addressed. This was seconded by Ms. Conway, all were in favor, 5-0.

PZ2402SPA & CAM St. Edmund of Connecticut, Inc. (R. Avena, Esq.)

Robert Avena, Esq., briefly discussed that this application is not an attempt to expand on any non-conforming uses; they are looking to conduct renovations and even reduce some of the non-conformities.

Julie Bartlett, Architect, displayed and discussed renderings of the site and the location of buildings. Two buildings will be demolished along with a couple smaller sheds. The location of the largest constructed

Planning & Zoning Commission
Regular Meeting
March 19, 2024
Draft Minutes

building in this application (Kenyon Cottage) is on the south-west portion of the island. The intent is to centralize the healing / recovering sector of this island's purpose.

Matt Stephan, Civil Engineer, discussed the objectives to enhance the campus experience, improve size accessibility, and minimize impacts from disturbance. Mr. Stephan also discussed the site itself, erosion and sediment control, the improved structures, lighting, etc. Further detail was given regarding Kenyon Cottage and its associated walkways and parking. There will be improved accessibility and a rear patio with outdoor seating space. Stormwater and utilities were also discussed in further detail.

Rachel Salch, BSC Group, Landscape Architect, discussed the landscaping plan, including a 'flowery, coastal image'. Ms. Salch discussed the location of evergreen trees at the corners of the 'cottage' and larger trees towards the rear of the building. Coastal, non-invasive plants will be found in the patio gardens. Ms. Salch displayed 3D renderings of the potential site.

Ms. Bartlett further discussed the overall design and architecture of the new proposed construction, including interior plans. Kenyon Cottage will have twelve 'standard' bedrooms with a resident assistant unit, a studio apartment, and an ADA unit, totaling 15 bedrooms. The building will be similar in architectural style to the Enders House. Construction will consist of insulated concrete, stone veneer, stucco, solar roof tiles where possible, etc.

The applicants provided further clarification to the 'layer cake' septic system style that is being proposed. Its lifespan is about 20 years. There will be gutters and downspouts that will tie into the existing stormwater system.

Atty Avena clarified information for the Commission regarding total parking spaces and the net change in bedrooms on the island. According to Atty Avena they will not be encroaching on the existing parking and there will be no net change in the number of bedrooms.

Father Tom Hoar, St. Edmund's Retreat, further clarified that bedrooms are being shifted across buildings but the overall count will not change.

The Commission asked for a clarification regarding structure height as the plans appeared to have an inconsistency. The Commission is seeking a better idea of the overall lighting plan relative to what is currently in place.

Per Father Tom, the desire for the 'recovery' center to be more secluded is important to the success of their mission.

The Commission asked for more information regarding the timeline of work and how it coincides with the seawall project. The applicants confirmed that they can provide this information and it is not their intention to have the two projects occur simultaneously.

Planning & Zoning Commission
Regular Meeting
March 19, 2024
Draft Minutes

There was some confusion regarding the Floor Area Ratio (FAR) calculation and how exactly the numerator / denominators were determined. Per Atty Avena, they will address this in a future meeting.

The applicants clarified that there is no additional reserve area for the septic system which was approved by Ledge Light. The Commission would like to see the current reserved area dictated on the plans, along with a phasing plan for the project.

Father Tom discussed the traffic studies that were done on Mason's Island from 2004 and 2018 which can also be shared at the Commission's pleasure.

Staff Comments:

Mr. Iler indicated that the Town has received fifty-six letters in opposition of this project and twenty-four letters of support.

Public Comments:

Amy Souchuns, Attorney, Milford, spoke against this application. The issues mentioned by Atty Souchuns involved the FAR calculation, the overall bedroom count, amount of parking space, and ultimately a potential zoning violation due to these issues.

Fred Deichmann, 4 Ice Pond Rd, spoke against this application. There have been attempts to have a 2018 St. Edmund's Island Zoning Report go before a few different Town boards but was never done and should be, especially in regards to this application.

Frank Marco, 23 Skiff Lane, spoke against this application. The traffic count should not be analyzed in terms of percentage but as an overall count of drivers and visitors per day / year. Mr. Marco discussed the context of the ongoing court case between many residents of Mason's Island and St. Edmund's Retreat. Mr. Marco quotes comments from the Judge.

Kay Tower, 2 Yacht Club Road, spoke against this application. Ms. Tower would like more information regarding the parking on Ender's Island.

Ethan Tower, 2 Yacht Club Road, spoke against this application. Mr. Tower is concerned about parking lot expansion and that it was potentially done "unlawfully" in the past.

David Kenny, 7 Canberra Ct, spoke in favor and for general comments. Mr. Kenny has not seen changes in size of the parking lot or to traffic count. The mission of this island is important to the health of the community. Mr. Kenny confirmed that he lives in Bishops Cove.

Planning & Zoning Commission
Regular Meeting
March 19, 2024
Draft Minutes

Staff Comments:

Mr. Iler clarified that there is an ongoing Zoning Board of Appeals application regarding the Zoning Enforcement Officer's findings for the potential expansion of the parking lot. This is due to be heard in April.

Rebuttal:

Atty Avena submitted into the record a number of letters that have been directed towards Father Tom for the Commission to read. Further clarification was given regarding the parking lot and the lack of changes that have occurred. The applicants are prepared to come back to the Commission with the information that was asked of them. Atty Avena clarified that the letters are not necessarily all from Stonington residents; some may be visitors to the island.

Father Tom Hoar spoke regarding his time on the island and its overall mission. He has lived there since 1993 and came as a student in 1969. Father Tom discussed the contested issues with some neighbors on Mason's Island and the associated court case that has ensued. According to Father Tom, there is an annual donation given to the Mason's Island Road fund. He questioned if the island is being treated the same as the Yacht Club by surrounding neighbors. He discussed that some residents of Mason's Island also visit Ender's Island. Father Tom discussed the island's benefit to the community and the merits of their current zoning designation.

Mr. Marco commented that regardless of the nature of the work and its intention, the law must be followed.

The Commission confirmed that all parties will be treated fairly and held to the same standards regarding the Town's zoning regulations.

Leonard Mattano, 184 Mason's Island Rd, explained that all traffic for both islands go by his property. Mr. Mattano has no issues with the traffic and commented on activity that occurred within the meeting room while Father Tom was speaking.

A gentleman from Ashford, Rhode Island, spoke in favor of this application and he himself was a resident at Enders Island and it helped him to become clean from his addictions. He claimed to have lived there in 2005 and that the parking lot has not changed since then.

Patricia Ludwig, 3 Yacht Club Rd, expressed concern regarding construction debris and rocks being left on the road where many kids play.

The Commission went through the list of items, which have been addressed throughout these minutes, that shall be updated for the next meeting.

Planning & Zoning Commission
Regular Meeting
March 19, 2024
Draft Minutes

The Commission and the applicants discussed the timeline of continuing this application. The public hearing will have to be closed by April 16th and the discussion can be tabled until then; there can be an extension if requested by the applicants.

Mr. Deasy made a motion to table this public hearing until the Regular Meeting of April 16th, seconded by Ms. Conway, all were in favor, 5-0.

Mr. Deasy made a motion to adjourn the meeting. The meeting was adjourned at 9:18 PM.

DRAFT



Town of Stonington | Department of Planning
Planning and Zoning Commission Meeting
April 2, 2024

PZ2403RA J and H Mystic Hospitality, LLC (J. Casey)

Zoning Text Amendment Application for changes to ZR §8.1 and ZR §8.6.1 to include revised frontage and buffer requirements, applicable to the Tourist Commercial Zone (TC-80).

Report Prepared By: Clifton J. Iler, AICP – Town Planner

Application Status

This application for a Zoning Regulation Text Amendment requires a public hearing in accordance with [C.G.S. Section 8-3\(c\)](#). The Commission has 65 days to open the public hearing and 35 days to conduct the public hearing once opened, as established in [C.G.S. Section 8-7d\(a\)](#). The applicant may request one or more extensions provided the total of any such extension or extensions shall not exceed 65 days.

- Official Date of Receipt for this application was 3/19/24.
- Tonight's meeting is **Day 14** of 65 Days to open the public hearing.
- The public hearing, without extension, must be closed by 5/7/24.
- A decision, without extension, must be made by 7/11/24.

Purpose and Process

This application proposes zoning text amendments to ZR §8.1 and ZR §8.6.1 to include revised frontage and buffer requirements, applicable to the Tourist Commercial Zone (TC-80).

The Zoning Regulation Text Amendment (RA) is evaluated in accordance with ZR §8.8.3 Zoning Text Amendments. In reviewing this proposal, the Commission needs to consider the following elements:

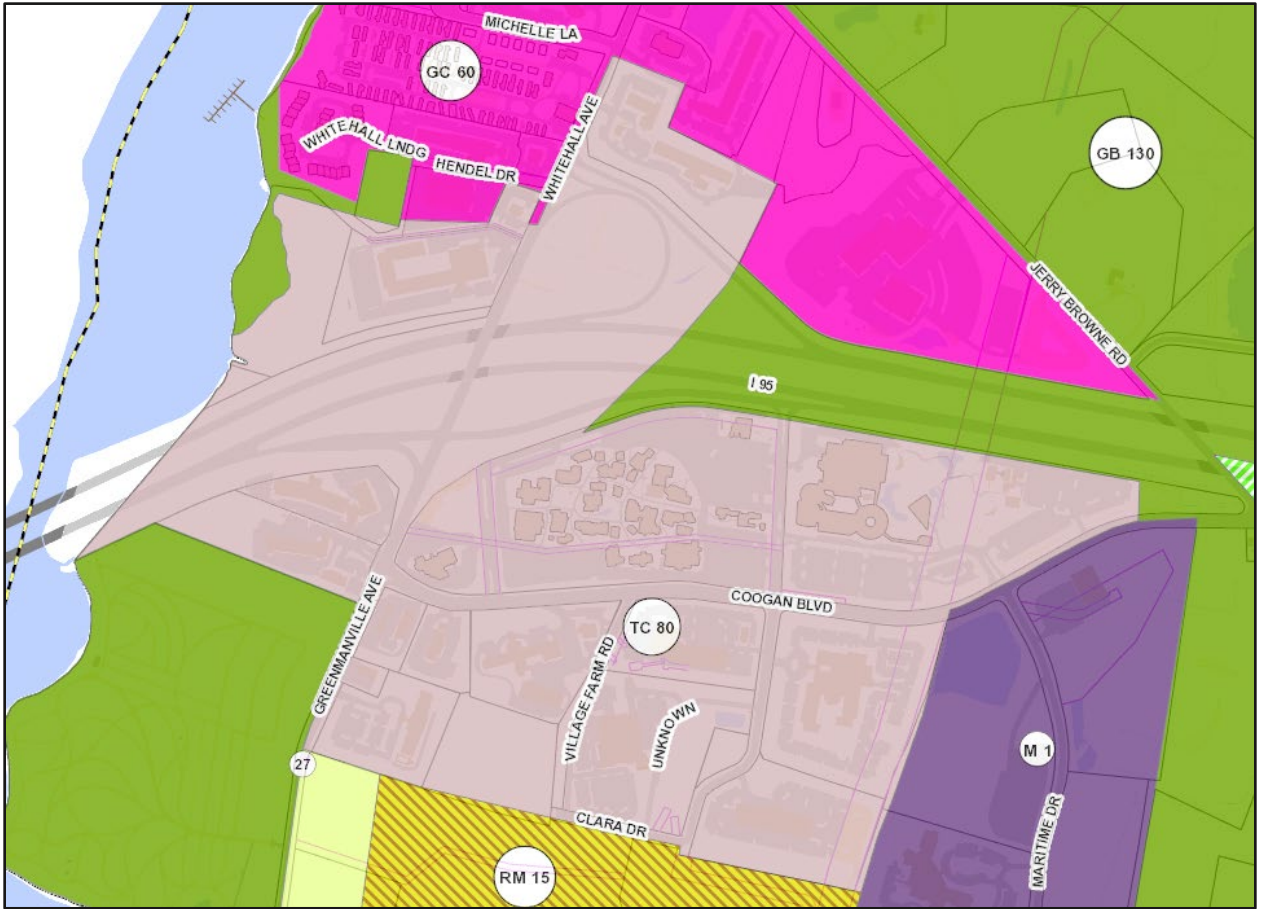
1. Consistency with the Plan of Conservation and Development (POCD)
2. Consistency with the Zoning Map Atlas and Comprehensive Plan
3. Conformance with the Zoning Regulations

The applicant's proposed amendment, narrative, and statements of compliance are included in the attached application set.

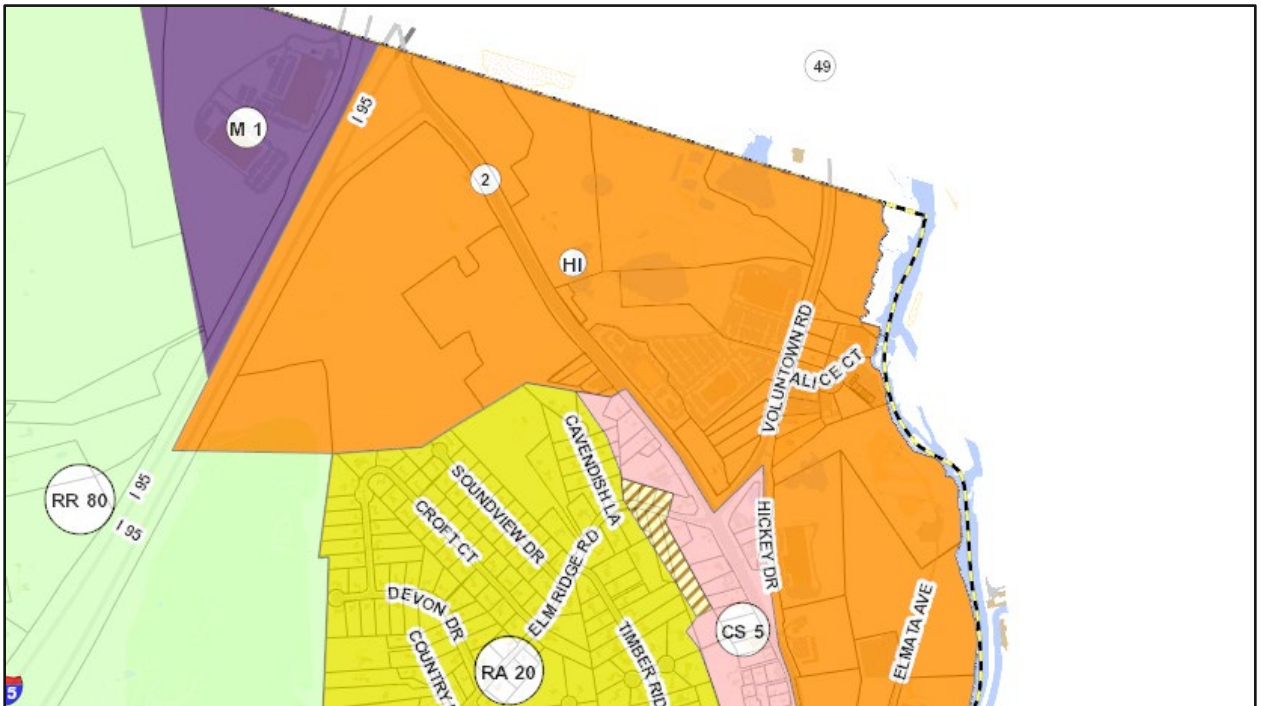
Zoning and Context

The proposed amendment aims to ensure consistency between the TC-80 Zone and HI-60 Zone regarding the definition and application of street lines, particularly in relation to Interstate 95. It seeks to clarify a provision specific to the HI-60 Zone and extend the same flexibility to the TC-80 Zone. Both zoning districts are situated near exits along northbound and southbound Interstate 95. The proposed change would therefore benefit only a few properties, enabling them to reduce buffers and eliminate unnecessary restrictions on development. It is important to note that this provision would not affect residential properties or other nearby uses.

ZONING MAP



TC-80 Zone along Interstate 95 (above); HI-60 Zone along Interstate 95 (below)



Response Summary

The application was routed to the following agencies/agents of the Town. Responses are shown below:

POLICE COMMISSION – Awaiting comment.

ZONING ENFORCEMENT OFFICER – No comment.

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS – Comments below [Dated: 3/19/24]:

I am writing in response to an application for regulation amendments for the Town of Stonington. The application was received on 2/27/2024. The application was referred to this agency pursuant to Section 8-3 of the Connecticut General Statutes.

The proposed amendments aim to add a provision to the bulk requirements table in Section 8.1 to specify that property lines abutting Interstate 95 are not considered street lines for the purposes of determining yard setbacks and fronting. The amendments also aim to clarify buffer requirements in the TC-80 zone.

Based a review of the material provided, I have determined that the proposed amendments are not likely to have a negative inter-municipal impact.

TOWN OF GROTON – At its meeting on March 12, 2024, the Planning and Zoning Commission reviewed the referral listed above and had no comment. [Dated: 3/13/24]

Town Planner Comments

The proposed amendment establishes consistency in language between two primary commercial zoning districts near Interstate 95. The reduction in street line buffers along the highway reduces current nonconformities and provides more flexibility in development with minimal impact on abutting properties. Furthermore, revisions to the buffer language in §8.6 reduce buffer depths adjacent to the highway. Eliminating buffers between abutting hotel uses also enhances site design flexibility, eliminates nonconformities in the TC-80 Zone, and potentially encourages shared parking arrangements among hotels, thereby reducing impervious areas.

There are no additional questions or concerns with the proposed application.

Recommended Stipulations

There are no recommended stipulations for this application.

Commission Action Required

The Commission is required to make a determination on the following items:

- A decision concerning the Zoning Regulations Text Amendment (RA) application



ZONING TEXT & MAP AMENDMENT APPLICATION FORM

Please submit original and 15 copies of this application and relevant plans

FOR OFFICE USE ONLY

Application Number

Receipt Date:

Application is for:

TEXT AMENDMENT

MAP AMENDMENT

Name of Applicant:

J and H Mystic Hospitality LLC (John P. Casey, Robinson & Cole LLP, authorized agent)

Mailing Address:

280 Trumbull Street, Hartford, CT 06103

Telephone Number:

(860) 275-8359

Email Address:

jc Casey@rc.com

Any property owner or resident in the Town may apply to amend the Zoning Regulations or Zoning Map. All required application materials must be submitted not less than 15 days prior to the scheduled public hearing.

AMENDMENT TO ZONING REGULATIONS. Proposals must indicate text to be added and/or deleted, and provide a statement as to why the amendment is being pursued, its consistency to the Plan of Conservation and Development and the Comprehensive Plan (ZR 8.8.3), and a statement regarding conformance to general purposes of the Zoning Regulations (ZR 1.0.1).

AMENDMENT TO ZONING MAP. Pursuant to ZR 9.4.4.2, proposals must include a Class A-2 Survey depicting proposed zoning district boundaries, a legal description of the property, list of abutting owners and their addresses, and an Impact Statement in accordance with ZR 8.8.2.

COMPLETE FOR ZONING MAP AMENDMENTS ONLY:

Property Address(es)

N/A

Assessor's information:

Map

Block

Lot

Present Zoning District:

Proposed Zoning District:

Previous Petitions: List all previous zoning amendment petitions that have been made with respect to the above listed property(ies):

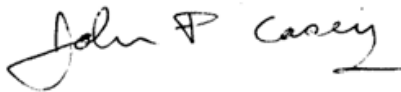
COMPLETE FOR ZONING REGULATION OR MAP AMENDMENTS:

Reason for requesting Regulation or Map Amendment: (ATTACH SHEET IF NECESSARY)

Please see attached application narrative

The undersigned applicant hereby consents to necessary and proper inspections of the above-mentioned property by agents of the Commission at reasonable times both before and after a permit is granted by the Commission.

The undersigned declares all information supplied is accurate to the best of his/her knowledge and belief. If such information subsequently proves to be false, deceptive, incomplete, or inaccurate, any approvals may be modified, suspended, or revoked by the Commission or its agents.




February 23, 2024

Applicant Signature

Date

Acknowledgement of financial responsibility for required studies, information and/or third party review

The undersigned acknowledges that per Section 3.9.3 of the Town of Stonington Planning and Zoning Fee Ordinance the Town will collect payment for direct costs of materials and services performed by professionals, other than Town employees, including but not limited to specialized inspection, third party professional certifications, legal, stenographic and transcription services associated with an application, or require an applicant to provide certifications, inspections, and/or professional consultant reports at the applicant's expense. The payment of additional costs shall not prohibit the Town of Stonington from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.



February 23, 2024

Applicant Signature

Date

AUTHORIZATION AND CONSENT TO LAND USE APPLICATIONS

Property Owner Information:

Name: J and H Mystic Hospitality LLC

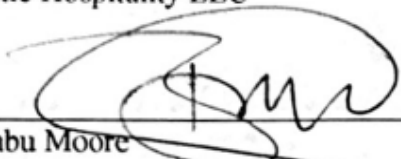
Address: 253 Greenmanville Avenue, Mystic, CT (Parcel 171-1-2)

Re: Land Use Applications

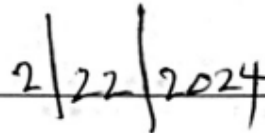
Please be advised that J and H Mystic Hospitality LLC owns land in the Town of Stonington, Connecticut, located at 253 Greenmanville Avenue, Mystic, CT (Parcel 171-1-2) (the "Property"). J and H Mystic Hospitality LLC hereby authorizes and gives its consent to Robinson & Cole LLP to prepare, submit and pursue approval of municipal land use applications relating to the use of the Property. J and H Mystic Hospitality LLC also authorizes representatives of Robinson & Cole LLP to appear on its behalf in support of such applications at meetings of Stonington municipal staff and land use boards and commissions.

J and H Mystic Hospitality LLC

Signature: _____


Babu Moore
Telephone number: 203-464-7940
Email: mrjroma@aol.com

Date: _____



§ 8.1 Commercial and Industrial Zone Bulk Requirements.

EXISTING LANGUAGE¹

Zone	Minimum Lot Area (sf)	Minimum Frontage (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft unless % stated)	Maximum Height (ft)	Maximum Floor Area Ratio
DB-5	5,000	50	0	0	0	By Review	0.6
CS-5	5,000	75	10	10	25% ^F	30	0.3
LS-5	5,000	50	10	0/5 ^D	10% ^F	40	0.5
GC-60	60,000	200	40	20/50 ^E	50	30	0.25
HI-60	60,000	200 ^A	25	25	25	25 ^G	N/A
TC-80	80,000	200	50	25	50	50 ^H	0.75
MC-80	80,000	150	50 ^B	25	50	20	0.25
PV-5	5,000	50	0 ^C	0	0	50 ^J	1.5
LI-130	130,000	200	50	25	50	30	0.25
HM	20,000	100	0	0	0	40	N/A
M-1	80,000	200	50	25	50	50	0.3

^A Property lines abutting Interstate 95 and Route 78 shall not be considered street lines for the purpose of determining yard setbacks and frontage

^B When the rear yard is waterfront, a 5-foot minimum rear yard for yacht clubs and marinas is allowed.

^C 20-foot maximum front yard

^D A minimum side yard of 0 feet is permitted on only one side of the property. Both side yards shall total a minimum of 5 feet.

^E One side yard shall be a minimum of 20 feet, both side yards shall total a minimum of 50 feet.

^F The minimum rear yard requirement shall be proportional to the lot depth.

^G Maximum height of a structure may be increased to 50 feet if: 1) the front yard setback requirement is increased 1 foot for every 1 foot of structure which exceeds 30 feet in height; and 2) the side and rear yard setback requirements are increased 2 feet for every 1 foot of structure which exceeds 40 feet in height.

^H Maximum height of a structure may be increased to 65 feet, by Special Use Permit, to accommodate architectural features and rooflines.

^J Maximum height of a structure may be increased to 70 feet, by Special Use Permit, for mixed-use development after careful consideration of impacts.

¹ The existing language of Section 8.1 skips the letter “I” in the footnotes to the bulk requirements table. This has been corrected in the proposed language.

§ 8.1 Commercial and Industrial Zone Bulk Requirements.

PROPOSED LANGUAGE²

Zone	Minimum Lot Area (sf)	Minimum Frontage (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft unless % stated)	Maximum Height (ft)	Maximum Floor Area Ratio
DB-5	5,000	50	0	0	0	By Review	0.6
CS-5	5,000	75	10	10	25% ^F	30	0.3
LS-5	5,000	50	10	0/5 ^D	10% ^F	40	0.5
GC-60	60,000	200	40	20/50 ^E	50	30	0.25
HI-60	60,000	200 ^A	25	25	25	25 ^G	N/A
TC-80	80,000	200 ^A	50	25	50	50 ^H	0.75
MC-80	80,000	150	50 ^B	25	50	20	0.25
PV-5	5,000	50	0 ^C	0	0	50 ^J	1.5
LI-130	130,000	200	50	25	50	30	0.25
HM	20,000	100	0	0	0	40	N/A
M-1	80,000	200	50	25	50	50	0.3

^A Property lines abutting Interstate 95 and Route 78 shall not be considered street lines for the purpose of determining yard setbacks and frontage.

^B When the rear yard is waterfront, a 5-foot minimum rear yard for yacht clubs and marinas is allowed.

^C 20-foot maximum front yard

^D A minimum side yard of 0 feet is permitted on only one side of the property. Both side yards shall total a minimum of 5 feet.

^E One side yard shall be a minimum of 20 feet, both side yards shall total a minimum of 50 feet.

^F The minimum rear yard requirement shall be proportional to the lot depth.

^G Maximum height of a structure may be increased to 50 feet if: 1) the front yard setback requirement is increased 1 foot for every 1 foot of structure which exceeds 30 feet in height; and 2) the side and rear yard setback requirements are increased 2 feet for every 1 foot of structure which exceeds 40 feet in height.

^H Maximum height of a structure may be increased to 65 feet, by Special Use Permit, to accommodate architectural features and rooflines.

^{#1} Maximum height of a structure may be increased to 70 feet, by Special Use Permit, for mixed-use development after careful consideration of impacts.

² The existing language of Section 8.1 skips the letter “I” in the footnotes to the bulk requirements table. This has been corrected in the proposed language.

§ 8.6 TC-80 Standards.

EXISTING LANGUAGE

8.6.1 Buffer Requirements

- A. 50 feet with 25 feet of screening (except in front yard).
- B. 50 feet of screening adjoining hotels (except in front yard).
- C. 100 feet with 50 feet of screening adjoining existing residences and residential zone.

PROPOSED LANGUAGE

8.6.1 Buffer Requirements

- A. 50 feet with 25 feet of screening (except in front yard **or along property lines that abut Interstate 95 and/or its on- and off-ramps**).
- B. 50 feet of screening adjoining hotels (except in front yard). **Minimum buffer requirements shall not be required for a hotel use that adjoins another hotel use.**
- C. 100 feet with 50 feet of screening adjoining existing residences and residential zone.

Attachment 1

Application for Text Amendment J and H Mystic Hospitality LLC – Applicant John Casey, Robinson & Cole LLP – Agent

Application Narrative

This narrative is in support of the Application for a Text Amendment to the Town of Stonington (the “Town”) Zoning Regulations (the “Zoning Regulations”) submitted on behalf of J and H Mystic Hospitality LLC (the “Applicant”) by its agent John Casey of Robinson & Cole LLP. The Applicant is the owner of property known as 253 Greenmanville Avenue, Mystic, CT (Parcel 171-1-2). This Application proposes amendments to Sections 8.1 (Commercial and Industrial Zone Bulk Requirements) and 8.6.1 (TC-80 Standards – Buffer Requirements) of the Zoning Regulations.

Background and Reason for Proposed Text Amendment

The Zoning Regulations currently include a provision – in the form of a footnote in the bulk requirements table in Section 8.1 – that specifies that property lines abutting Interstate 95 are not considered street lines for the purposes of determining yard setbacks and frontage. However, that footnote is only associated with the HI-60 zone in the table, even though the reasoning for the provision applies wherever a property abuts I-95. This amendment proposes to clarify that this provision applies to the TC-80 zone, which straddles I-95.

Additionally, this application proposes the following amendments to the TC-80 zone buffer requirements in Section 8.6.1: (1) property lines abutting I-95 would be exempt from buffer requirements; and (2) the 50 feet of screening for hotels would not apply when a hotel use abuts another hotel use.

These amendments are proposed to make the requirements for setbacks along I-95 in commercial zones consistent, to eliminate unnecessary buffer requirements that impose restrictions on reasonable redevelopment in the TC-80 zone, and to accurately reflect the existing built environment in the TC-80 zone, where many parcels do not have conforming buffers or setbacks along property lines that abut I-95.

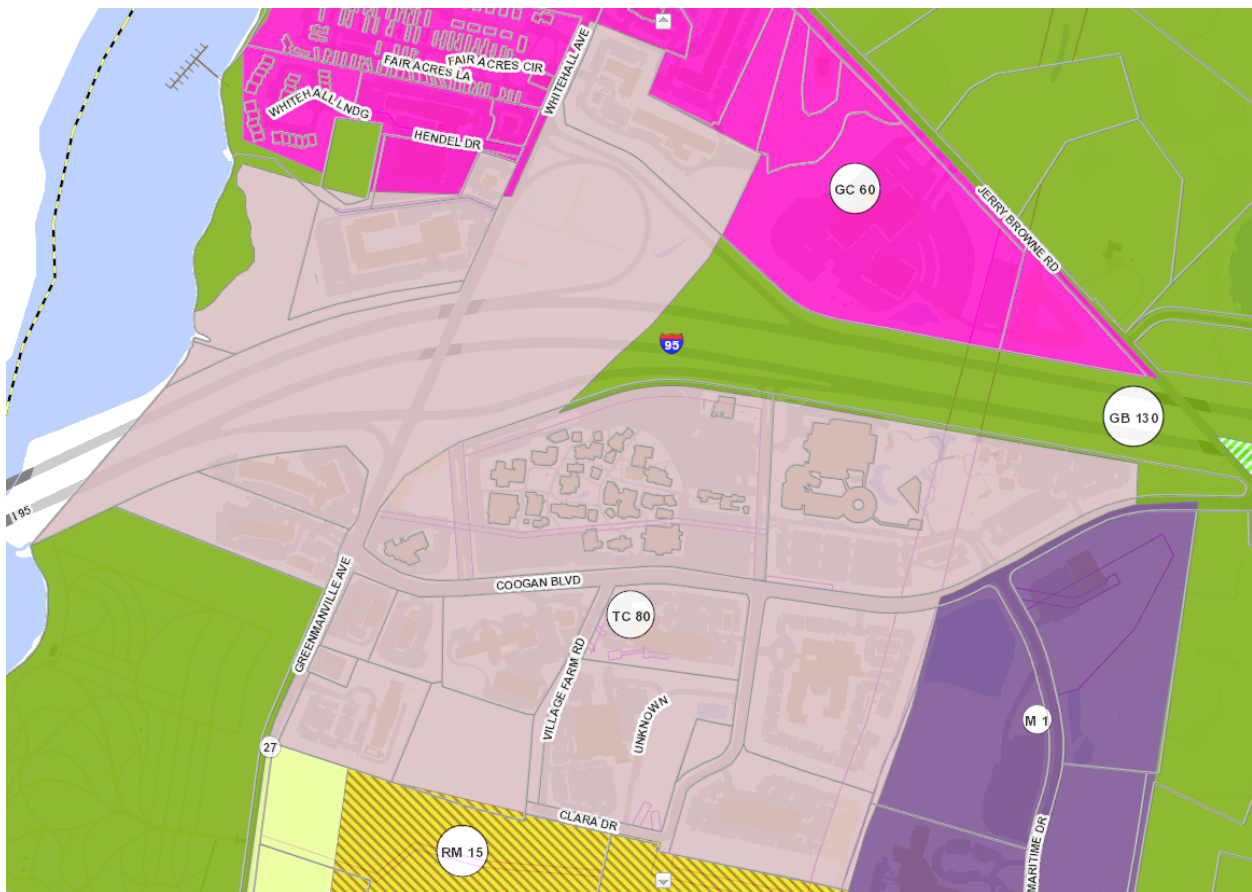
Consistency with the Plan of Conservation and Development

The proposed amendment is consistent with several goals and policies of the Plan of Conservation and Development (the “POCD”) related to retaining, supporting, and encouraging business development in the Town. Section 10.3 of the POCD states that “maintaining and supporting the businesses that are already here is as important as attracting new businesses.” A stated initial task for retaining and supporting existing businesses is to “work with local businesses to assure their expansions take place in Town whenever possible.” (POCD Section 10.3.2). Further, policy 10.4.1 specifically states that the Town should “promote economic drivers including but not limited to tourism...”

The proposed text amendment is intended to allow for the redevelopment of an existing hotel, which would add hotel room capacity within the Town. Current buffer requirements for the TC-80 zone, which have to be met when a property is redeveloped, are general in nature and apply regardless of the uses on the abutting properties. Specifically, the current requirements do not take into account that many TC-80 parcels have frontage on I-95 and often abut other commercial uses (including other hotel uses) where the need for buffers is less important than where a commercial use abuts a residential use. The existing buffer requirements present a challenge for the redevelopment of parcels along I-95, many of which do not have the space to provide the required buffer.

When the Applicant's hotel was constructed in 1970, it was not subject to the buffer and setback requirements in the current Zoning Regulations and, as such, there was no area allocated for buffers in the site layout. By approving the proposed amendment, it would allow the Applicant to expand its business within the Town. New hotel accommodations would boost the tourism industry in the Town, ensuring that visitors stay in Town and patronize local restaurants, shops, and attractions. To this end, the proposed amendment would further the goals, policies, and implementation tasks of the POCD related to business retention and support of the tourism industry in the Town.

Zoning Map of TC-80 Zone



Consistency with the Comprehensive Plan (defined as the existing zoning map and zoning text)

The stated intent of the TC-80 zone is to provide “service to tourist visitors to the Town with minimal impact on adjoining residential uses.” The proposed amendment only applies within the TC-80 zone, which encompasses a small western area of the Town along I-95 that includes Olde Mistick Village, the Mystic Aquarium, seven hotel properties, and seven other commercial properties. No changes to the zoning map are proposed with this amendment.

The proposed amendment would allow for the redevelopment of an existing hotel use within the TC-80 zone to better serve tourist visitors to the Town by removing buffer requirements along I-95 and between hotel uses.

The Zoning Regulations define “Buffer” as “An area within a required yard which contains trees, shrubs, walls, fences, rocks, berms and other landscaping materials and *whose primary function is to provide effective visual, noise, and odor insulation from adjacent property and roadways.*” Buffers are an appropriate land use tool to screen a more intense use from a less intense use, such as a commercial use from a residential use, and the burden of providing the buffer is placed on the property with the more intense use. However, buffers have less utility when they screen a less intense use from a more intense use – such as a hotel from the interstate – or when they are required between identical uses. There is no need to protect the users of the interstate from the commercial uses they pass while traveling at 65 miles per hour. Nor is there a need to protect the users of one hotel from the users of another hotel on the adjacent property.¹ This is especially so when the buffer requirement was imposed after the uses had been established, no current buffers exist, the lack of a buffer has not caused any problems over the years, and applying them when properties are proposed to be redeveloped would impose a requirement that could not be achieved due to existing site conditions.

Buffer requirements for commercial uses that abut residential uses would remain unchanged, thereby continuing to minimize impact on residential uses adjoining the TC-80 zone.

Conformance with the General Zoning Purposes (as set forth in Section 1.1)

The proposed amendment includes changes to the development standards in the TC-80 zone only and would not impact any other zoning district within the Town. All bulk and dimensional requirements intended to regulate the height, number of stories, and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of the yards, courts and other open spaces, the density of population and the location, form, proportion, and use of buildings and structures in the TC-80 zone will remain.

The proposed exemptions to buffer requirements would only apply to property lines adjoining I-95 and where hotel uses adjoin one another. Buffer requirements in the TC-80 zone intended to protect adjacent residential properties will remain unchanged, in keeping with the stated intent of the TC-80 zone to serve tourist visitors while minimizing impact on adjacent residential uses.

¹ Although this application would remove some buffer requirements, the landscape requirements for parking areas in Section 13.8 would still apply. As such, there are still requirements for green spaces and plantings on the parcels.

This Application does not propose any amendments that would reduce the Zoning Regulations' ability to preserve important natural inland and coastal resources with anticipation of the impacts of sea level rise, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Conclusion

As detailed above, the amendment is consistent with the comprehensive plan, the POCD, and the general purposes of the Zoning Regulations. The proposed language would only apply to the TC-80 zone, which is located within a small area of the Town along I-95. This minimal impact is consistent with purposes and goals of the Zoning Regulations and the POCD's intention of retaining, supporting, and encouraging the expansion of existing businesses in Town. For these reasons, we ask that the amendment be approved.