

Special Meeting

The 1673rd meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via WebEx on Tuesday, April 6, 2021. The meeting was called to order by Chairman David Rathbun at 7:01pm. Also present for the meeting were Commissioners, Gardner Young, Ben Philbrick, and Fred Deichmann; Alternates Ryan Deasy and Chuck Sheehan; and Town Planner Keith Brynes. Commissioner Lynn Conway was absent.

Seated for the meeting were David Rathbun, Ben Philbrick, Gardner Young, Fred Deichmann, and Ryan Deasy.

Minutes:

Mr. Philbrick moved to approve the minutes of the March 23, 2021 meeting, seconded by Mr. Young, all in favor 5-0, motion approved.

Administrative Review:

21-073ZON GBD Realty, LLC – Zoning permit application for a 30-seat restaurant with drive-thru windows in a formerly approved restaurant. Property located at 148 So. Broad St., Pawcatuck. Assessors Map 25 Block 1 Lot 14. Zone GC-60.

Attorney Ted Ladwig presented the application for a 30-seat restaurant with drive-thru windows. The applicant stated that they have not abandoned the drive-thru on site in spite of tenant turnover since the owner's purchase of the property. Attorney Ladwig presented the photographs of current state of the drive-thru indicating the signage for the queuing lane, menu board area. The board itself was removed to prevent vandalism, but the electrical connections remain. The windows remain although one was modified for a potential tenant that Mr. Ladwig states did not move in, although department records show the retail store was in operation for approximately 4 months. The photos show there is sufficient parking and screening on site. Mr. Ladwig also discussed safety issues related to COVID that can be avoided with drive-up service. Mr. Philbrick asked about whether the exit has a no left turn sign. Mr. Ladwig stated the curb curves to funnel drivers to take the right. Mr. Philbrick recommended a "No Left Turn" sign and the applicant agreed to that.

Mr. Philbrick moved to approve the application with one stipulation, seconded by Mr. Deasy. Mr. Deichmann expressed concern about the length of time the drive-thru was not used. Previous permitting was issued stating that due to a change in the Regulations, drive-thru windows would no longer be allowed in the zone. Mr. Ladwig responded that the CGS state that mere non-use does not constitute abandonment.

Mr. Brynes did note that a current letter from the owner, who has owned the property since 2011, states that he did not intend to abandon the use when one of the windows was removed for the retail use in 2013. The letter references a 2013 conversation with former Director of Planning, Jason Vincent, who did not work for the Town between 8/2007 and 1/2016.)

The vote was taken 4-1, motion approved.

Roll Call: Philbrick – approve, Deichmann – deny, Young – approve, Deasy – approve, Rathbun – approve.

Public Hearing:

PZ2101SPA & CAM Whaler's Inn RE, LLC (W. Sweeney) – Site Plan and Coastal Area Management Review applications for the construction of 15 paved parking spaces adjacent to and serving the retail

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and residential uses at 11 Cottrell Street. The project entails merging the 11 Cottrell St. property with the vacant lot at 1-3 Haley Street. Properties located at 11 Cottrell St., & 1-3 Haley St., Mystic. Assessor's Map 182 Block 4 Lots 4 & 4A. Zones DB-5 & RH-10.

Attorney William Sweeney presented the application. Mr. Sweeney reminded the commission that this is an application for a site plan application and not a special use permit, therefore it must be approved if it meets the zoning regulation requirements. Mr. Sweeney stated the site plan meets the bulk and use requirements. The parking spaces will service the building at 11 Cottrell Street which houses mixed-use with retail. The current parking on site is a legal non-conformity of only 5 spaces on the rear driveway of the site. There is a lack of off-site parking available in Mystic causing issues for the use of the building and the neighborhood. Mr. Sweeney reviewed the site plan which proposes to merge the Oddfellows building lot with the vacant lot to accommodate dedicated parking for the building. The parking lot is a permitted accessory use in the RH-10 zone for a split zone property such as this. They are proposing sub-surface infiltration for stormwater collection which has been approved by the Town Engineer. The CAM jurisdiction line does run through the front of the property so it has been reviewed and approved by DEEP. Mr. Sweeney reviewed the lighting and landscaping plan. The screening provided screening to neighboring properties as well as a privacy fence. Various town reviewers have provided comments which the applicant has addressed. The Police Commission recognized the need for off street parking in Mystic. Mr. Sweeney discussed the neighbor's desire to have curbing on the edge of the parking lot facing their property which they are happy to do if approved by the Town Engineer. They also agreed to move the fence back as much as possible and would like to continue with new plantings to ensure they are all viable. Mr. Sweeney addressed a letter from Mr. Scheer and stated this is allowed in the zone by the regulations and the level of this application does not consider impacts. However, they do not feel it is a negative impact to the area.

Mr. Young asked about the use of the parking lot. Mr. Sweeney explained that this is not affiliated with the whalers Inn hotel, and the parking will be used for the residential units in the Oddfellows building, as well employees and customers of the retail in the building. The applicant will have to police the parking for their users and plan to develop a signage program for the lot. Mr. Philbrick asked about a gate for the lot with a swipe pass. Mr. Sweeney said it could work for their residential tenants, but would be too limiting for customer access. Mr. Philbrick asked about the number of meters on the building and indicated he saw 10. Hotel Manager, Amanda Arling, stated some of the units were combined, are common areas, used for storage, or not being used at this time. Mr. Philbrick asked about making the parking spots angled. Mr. Sweeney stated the design guidelines suggest this layout for the aisle width and maintaining the 25-foot buffer. Mr. Philbrick asked about the alley width and questioned the emergency access capability. It cannot accommodate a fire truck, but can fit an ambulance. Mr. Deichmann questioned the demolition of the previous structures on the lot and a supposed promise not to make it a parking lot. Mr. Sweeney stated that a promise like that was never made. It was understood it was in the RH-10 zone and they would have to comply with those regulations. Mr. Rathbun asked about planting on the north side of the lot. Mr. Sweeney stated there is limited space between the two paved areas, but they are willing to look at it with their client.

Public Comment in Favor:

Steve Coan, resident of Pawcatuck and former member of the Police Commission, spoke in favor of the application and its ability to provide off-street parking. Mr. Coan spoke to the property owner's investment in the community and commitment to the town.

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Michael McHugh, resident of the area, spoke in favor of the application and his experience as an employee in downtown Mystic, noting the difficulties finding parking and commending the efforts to provide more.

Kathleen, resident of Pawcatuck spoke in favor of the application and feels additional parking is much needed for the area.

Bruce Flax, Executive Director of the Greater Mystic Chamber of Commerce spoke in support of the application.

Amanda Arling, read a letter of support from Susette Tibus into the record.

Josette Schultz, resident and property owner in Stonington spoke in support of the property owners and the application.

Public Comment Against:

Ben Tamsky, speaking on behalf of the Mystic River Park Commission, read a statement expressing that they do not feel the parking lot is allowed by use because it is not an accessory to a permitted use in the RH-10 zone, allowing the DB-5 zone to encroach on the RH-10 district. Mr. Tamsky agrees it is a gray area and may be best interpreted by the Superior Court. Mr. Tamsky expressed concern with the parking being used for the hotel or restaurant next door.

Jim Santos, abutting neighbor spoke about his concerns with the buffer and screening. Mr. Santos feels some of the trees on site currently provide a good buffer and is concerned with the fence placement. He would like to see the fence further from the property line to block more of the light from the vehicles parking. Mr. Santos stated the property owner has been working with him and he's happy to continue to work this out with them. Mr. Santos also stated his request for the curbing was due to significant flow onto his property during heavy rain events.

General Comment:

Carlene Donnarummo stated that she recommends a fence if the trees cannot work for the north side of the parcel.

Bill Scheer, resident of 4 Haley Street, spoke to his letter of opposition and his interpretation of the regulations.

Rebuttal:

Attorney Sweeney directed the commission to look at the accessory uses permitted for the property and agreed it is difficult to police users of parking lots, noting it is the responsibility of the property owner to police their lots. Mr. Sweeney stated that by building this parking lot, the property becomes less non-conforming, and is now at 14 spaces rather than 5 spaces. Additionally, the number of spaces will not be able to be reduced. Mr. Sweeney stated they are willing to work with Mr. Santos on pulling back the fence and compromising on the landscape plan. Mr. Sweeney stated they will explore plantings on the north side of the lot.

Mr. Philbrick asked about making the apron of porous materials to reduce sheeting onto Haley Street. Mr. Sweeney stated that the town has design standards for aprons they must comply with and the drainage has been approved by the Town Engineer and DEEP.

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Mr. Brynes reviewed the staff report and proposed stipulations. Mr. Sheehan recommend gate valves to protect the storm water system in 100-year flood events, but not to condition approval on it.

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

Mr. Philbrick moved to approve the CAM application, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Mr. Deichmann moved to approve the site plan application with stipulations recommended by staff and those cited by Mr. Brynes, seconded by Mr. Deasy, Mr. Deichmann again expressed concerns over the demolition history of the structures of the lot. The vote was taken 5-0, motion approved.

Stipulations:

1. Prior to the issuance of a Zoning Permit, final plans shall be signed by the Commission and recorded.
2. Final plans shall be reviewed to the satisfaction of the Town Engineer.
3. Final plan shall depict zoning district boundaries.
4. Landscaping plan shall depict layout and dimensions shown on site plan.
5. The applicant's design engineer of record shall provide inspection services and certify to the construction of the stormwater management system to ensure compliance with design specifications. Certifications shall include, but not be limited to: system bottom inspection, material specifications and testing and system installation prior to back fill. In addition to inspection services, as-built conditions of the drainage system shall also be provided to the Department of Planning prior to the issuance of a Certificate of Zoning Compliance.
6. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of a Zoning Permit. The bond shall be either in the form of a certified check or irrevocable letter of credit meeting 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. Work shall remain bonded for a minimum of one year from the date of completion.
7. Applicants shall explore modifying landscaping plan to add trees along the north side of the parking lot, maintaining existing landscaping along the east side, moving the proposed fence in from the property line with 5 Haley St., and add curbing along the east side of the parking lot pending Town Engineer review of this feature. Modifications shall be reviewed and approved by Staff.

Mr. Philbrick moved to adjourn, seconded by Mr. Young, all in favor 5-0, the meeting adjourned at 9:07pm.


Ben Philbrick, Secretary