

Regular Meeting

The 1642nd meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, August 20, 2019 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman David Rathbun at 7:00pm. Also present for the meeting were Commissioners Ben Philbrick and Shaun Mastroianni; Alternates Fred Deichmann, Lynn Conway, and Peter Chomowicz; and Town Planner Keith Brynes. Director of Planning Jason Vincent and Commissioners Gardner Young and Curtis Lynch were not in attendance.

Seated for the meeting David Rathbun, Ben Philbrick, Shaun Mastroianni, Peter Chomowicz, and Lynn Conway.

Minutes:

Mr. Mastroianni moved to approve the minutes of the August 6, 2019 meeting, seconded by Mr. Philbrick, Mr. Deichmann made a correction that Mr. Chomowicz was not present. The vote was taken on the amended minutes 5-0, motion approved.

Administrative Review:

19-183ZON Town of Stonington (T. Curioso) – Zoning Permit application to place a 20' x 20' pre-built shed behind the outdoor basketball courts at the high school. Property located at 176 South Broad St., Pawcatuck. Assessors Map 25 Block 1 Lot 19. Zone RR-80.

The high school is proposing to place a storage shed near the basketball courts. It will be in conformance with the bulk requirements of the site.

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

PZ1610SPA Prospect Northeast Development, LLC – Request approval to swap positions of Buildings #13 and #14 at 33 Prospect St., Pawcatuck. Assessor's Map 4 Block 16 Lot 7. Zone NDD-1.

The new owner of the project has commenced construction on the property and is requesting to swap positions of the homes to vary the look and make it less uniform.

Mr. Mastroianni moved to approve the request, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

Request for comments for the proposed relocation of a cell tower facility from 86 Voluntown Rd. to 8 Alice Court, Pawcatuck. Assessor's Map 18 Block 2 Lot 5E. Zone HI-60.

Mr. Brynes explained that the tower owners are proposing to relocate the cell tower. The proposed location will be less visible both from the road and from a neighboring house. The Connecticut Siting Council is responsible for approving cell tower locations. The Commission can make comments but a decision is not required.

Public Hearing(s):

PZ1915SUP Whaler's Inn Acquisition, LLC (W. Sweeney) - Special Use Permit application to increase existing seating in former restaurant from 60 to 100 seats and operate under a hotel liquor permit, with the possible merger of the two lots. Properties located at 20 East Main St. and 9 Cottrell St., Mystic.

Regular Meeting

Assessors Map 182 Block 4 Lots 13 & 3. Zone DB-5. *Continued from 8/6/19. Applicant has requested a further continuance of the public hearing to 9/3/19.*

PZ1917SUP & CAM Callanish, LLC (C. Brown) Special Use Permit & Coastal Area Management Review applications to permit the conversion of the 2nd floor of commercial structure into 13 residential units, pursuant to ZR 6.6.14 - Rehabilitation of Existing Buildings. Properties located at 11 & 18 Main St., Lot 39 on Main St., & Lot 7 on Mill St., Old Mystic. Assessors Map 166 Block 3 Lot 1, Map 166 Block 6 Lot 36, Map 166 Block 6 Lot 39 & Map 166 Block 4 Lot 7. Zone CS-5. *Applicant requests the public hearing be opened and immediately continued to 9/17/19.*

Mr. Philbrick moved to continue the hearing to September 17, 2019, seconded by Mr. Chomowicz, all in favor 5-0, motion approved.

PZ1918SUP Richard A. Mann (Phoenix Ent., LLC) - Special Use Permit application to modify both the approved hours of general operation and the hours of live music. Requesting approval to host "Car Shows" from 5:00pm to 8:00pm on Tuesday nights during the summer through the end of October. Property located at 215 Liberty St., Pawcatuck. Assessors Map 16 Block 4 Lots 12 & 12A. Zone LS-5.

Sharon White, general manager for the Phoenix restaurant, presented the application. The applicant requested that the hours of operation be adjusted to end at 11:00pm on weekdays, and midnight on the weekends. The applicant is also requesting that the restaurant be allowed to remain open one hour past the hours of live music. They stated this will allow better traffic flow after live music for some to leave and some to linger. They would like to continue to operate as a restaurant after the music ends. The applicant is also requesting approval to hold car shows during the summer for 50-75 participants from 5:00-8:00pm once a week during the summer (June-October). Any music played outdoors will be provided by a DJ and will adhere to town ordinances. They plan to hold the show in front of and on the left side of the facility to be at the farthest point from the neighboring homes. Mr. Philbrick questioned the parking during car shows. Operations will be schedule to avoid conflicts of overcrowding. Mr. Philbrick questioned whether they are ok restricting the show to the south side of the lot. The applicant was agreeable. Mr. Philbrick expressed concern with the amplified music outdoors. Mr. Mann stated that WBLQ was there for their ribbon cutting with speakers and it was not overly amplified. Outdoor dining and drinking are contained to the patio and guests will not be walking around with food and beverage. Mr. Chomowicz asked if there would be additional lighting for the show. They will not add any lighting from what is there. Mr. Chomowicz recommended having a sound study to determine feasibility. Ms. Conway asked for clarification of their current hours. Ms. White stated that they would like to operate as a restaurant after the 11:00pm cut off for music and would not like to be limited to approved hours of operation as other restaurants operate. They are required to provide food service through their hours of operation by their café license from the State of Connecticut. The commission continued to express concern over the noise. Mr. Mann offered to pull the shows if it is determined they are an issue.

No Public Comment in Favor

Public Comment Against:

Julie McNeill read her letter of opposition into the record. They are adjacent neighbors and are requesting that the car shows not be approved. They are opposed to outdoor amplified sound that could disrupt the neighborhood and violate current stipulations. She is also concerned with traffic and flow

Regular Meeting

near the property. They have had some issues with noise but have not complained to the police thus far and are trying to be good neighbors.

Larry McNeill also stated his opposition due to its potential effect on the neighborhood.

Michael Murphy, resident across the street stated they can hear the music but it has been acceptable. He is ok with the restaurant extended beyond the music hours. He is very concerned with the outdoor amplified music. He was able to hear the radio announcer last time they had him and did not make a complaint at the time because this meeting was coming and it was a short time. This proposal is for 3 hours, which is extensive for a neighbor.

Brian Kilty, neighboring property owner stated he agrees with their proposal on hours of operation, but does have an issue with the operator of the proposed car shows and the potential for DJs to be too loud.

Jean Fiore, spoke about her concern with precedent being set and the lots paving the way for expansion of the operation.

No General Comment

Rebuttal:

Mr. Mann stated he understands the neighbors' concerns and does not want to have a loud DJ and requested that they be allowed to try and if it is an issue for the neighbors that they will cease the shows. Mr. Chomowicz asked if they need a DJ for a car show to be successful. Mr. Mann explained that the system would just be a small system to make announcements and play some background music. Mr. Rathbun expressed that he does not feel music is necessary, but understands announcements.

Mr. Brynes reviewed comments from other commissions and recommended stipulations. The applicant is proposing live music Tuesday – Sunday until 11:00pm and will not go any later than the current hours. Mr. Mastroianni asked for clarification on whether they would still like to request the outdoor amplified music. The applicant stated they are willing to forego the amplification if they can still hold a car show.

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

Mr. Chomowicz moved to approve the application for Part A with recommended stipulations, modifying number 4 to restrict sales outside the patio, adding a stipulation for the car show to take place on the south side of the lot, and no amplified outdoor sound. Stipulation one would be modified to address timing of Tuesdays June – October for one year. No second.

Ms. Conway moved to approve the application to change the hours of operation and live music, no portable toilets will be used on premise, no amplified sound outdoors, sale of food and alcohol is only permitted on the patio, signage shall conform with zoning regulations, applicant shall work with Stonington Police Department to coordinate outdoor events, and any outdoor events are restricted to the south side of the building, Tuesdays 5:00 – 8:00pm June through October. Seconded by Mr. Mastroianni. Ms. Conway explained her reasoning for not limiting to a year. The vote was taken, all in favor 5-0, motion approved.

Stipulations:

Regular Meeting

1. Requested changes to hours of operation, food service, and indoor live music are approved.
2. No portable toilets shall be used for outdoor events.
3. No amplification or sale of food or alcohol are permitted outdoors with the exception of the approved patio area.
4. Site and building signage shall conform to Section 7.12 of the Zoning Regulations.
5. The applicant shall work with the Stonington Police Department and/or the Stonington Board of Police Commissioners to coordinate public safety elements.
6. Any outdoor events are restricted to the west and south sides of the building.
7. This approval authorizes car shows only on Tuesdays from 5:00PM to 8:00PM from June 1st to October 31st.

Mr. Philbrick moved to adjourn, seconded by Mr. Mastroianni, all in favor 5-0, the meeting adjourned at 8:27pm.



Shaun Mastroianni, Secretary