

Regular Meeting

The 1683rd meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education District Office, 40 Field Street, Pawcatuck, on Tuesday, October 19, 2021. The meeting was called to order by Chairman Ben Philbrick at 7:01pm. Also present for the meeting were Commissioners Fred Deichmann, Charles Sheehan, Ryan Deasy, and Lynn Conway; Alternate Gary Belke, and Zoning/Wetlands Enforcement Officer Candace Palmer.

Seated for the meeting Ben Philbrick, Fred Deichmann, Ryan Deasy, Charles Sheehan, and Lynn Conway.

Minutes:

Mr. Deichmann moved to approve the minutes of the October 5, 2021 meeting, seconded by Mr. Deasy, all in favor 5-0, motion approved.

Administrative Review:

Prospect Place / Prospect Place East - Request to remove internal sidewalks from approved Site Plans: PZ0634SPA & PZ1610SPA. Property located at Mitchell St., Mechanic St. & Prospect St., Pawcatuck, CT., Assessor's Map 4, Block 18, Lots 3 & 3B. Zone NDD-1.

Ralph Sylvester, applicant reviewed the proposed modification. The last phase of this project was not constructed and the original developer did not build the sidewalk connecting to Mechanic Street. Due to the topography of the area and flood risks, the applicant is requesting not to construct the internal sidewalks. Mr. Deichmann asked how the current occupants feel. The current residents are in favor of the trees/screening instead. There is a section that goes around the exterior of the development. Mr. Sheehan asked what the slope of the walk would be. The applicant stated they did not calculate this but the walk would have to be zig-zagged to accommodate the slope.

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

21-249ZON Stonington Country Club - Zoning permit application to construct a 12' x 12' restroom facility on the golf course. Property located at 396 Taugwonk Rd., Stonington. Assessor's Map 69, Block 1, Lot 3. Zone GBR-130.

Peter Gardner presented the application, stating that Ledge Light Health District has given approval for the facility and the restroom will have its own leaching field.

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

Old Business:

PZ2126CAM Joseph & Lori LaRosa (G. Fedus) - Coastal Area Management Site Plan Review application in response to NOV#21-011 for the construction of multiple retaining walls within the CAM designated boundary. Property located at 39 Lindberg Rd., Stonington. Assessor's Map 129, Block 1, Lot 4. Zone RM-20.

Mr. Deasy moved to table the application, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Public Hearing

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PZ2125SUP & CAM Mark J. Densmore Living Trust (R. Sergeant) – Special Use Permit and Coastal Area Management Review applications for demolition of a one-story retail building and construction of a 44.5' x 30' two-story mixed-use structure with office/retail on the first floor and an apartment on the second. Property located at 26 Old Stonington Rd., Stonington. Assessor's Map 153, Block 2, Lot 3. Zone GC-60.

Rusty Sergeant presented the application. The applicant is proposed a mixed-use facility with an office on the first floor and one apartment on the second. They had originally planned for a larger building, but have since reduced their application. Mr. Sergeant stated the POCD specifically targets village areas for mixed use projects. The property is 50-70 feet from the nearest residential property. The WPCA is allowing the project to move forward due to being started before the moratorium. Mr. Sergeant stated they have approval from the police commission. They have met with the ADRB and received a positive review for the architecture. Mr. Sergeant spoke about the area and its unique mix of businesses, with a recently approved mixed use project across the street. The site has sufficient parking for the use with two designated for the residential use. Ms. Conway asked about the total square footage of the existing building. The applicant responded that it is 2,548SF and the proposed building is 2,970SF. Ms. Conway asked about whether the project was now on one site and if it follows setbacks. Ms. Palmer stated that they received a variance from the ZBA on the 12th for the front yard setback. There is an easement for the driveway in perpetuity. Arthur Hayward stated the easements are incorporated into the site plan and would be part of the record and conveyance. Mr. Hayward stated he has resolved all comments. Mr. Sheehan asked about parking lot lighting. The applicant reviewed their lighting plan. Mr. Sheehan asked about compensatory excavation for fill and the applicant explained that it is not required in a tidal flood zone. Mr. Hayward reviewed the drainage plan. Mr. Philbrick asked the applicant to confirm the roof drains will be on the final plan. Ms. Conway asked about the signs, which the applicant stated will be built to regulation. Mr. Sheehan spoke about the WPCA moratorium. Ms. Palmer read a letter of approval from the WPCA to move forward with the project due to additional flow being allowed for certain approved projects. Mr. Sheehan spoke about the WPCA moratorium in more detail and the projects that have been allowed to move forward.

No Public Comment

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

Mr. Sheehan moved to approve the special use permit waivers, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

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

Mr. Sheehan moved to approve the application, seconded by Mr. Deichmann. The commission discussed the easement. Mr. Sheehan amended his motion to include the stipulations from the staff report, seconded by Mr. Deasy. 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 in the Town's Land Evidence Records.
2. Final plans shall depict the building's source of drinking water.
3. Final plans shall be reviewed to the satisfaction of the Town Engineer.

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4. 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.
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.

PZ2127SUP Moogie, LLC (Whole Beast, LLC) - Special Use Permit application for a full-service, on-premise liquor sales permit for existing Grass & Bone restaurant. Property located at 24 East Main St., Mystic. Assessor's Map 182, Block 4 Lot 9. Zone LS-5.

Attorney Bill Sweeney presented the application. The applicant is proposing to add full liquor service to the existing restaurant Grass & Bone. Dan Meiser is no longer part of the business and new owners Aaron Lakely and James Wardwell are moving forward with the business and plan to bring the restaurant more upscale. They are not proposing a change to the seating or hours of operations. The police commission has endorsed the plan and is happy the hours are not being extended. The applicant is requesting several waivers due to the minor change in operations. There will be no dedicated space for a bar.

No Public Comment.

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

Ms. Conway asked about how the consumer bar could be avoided. Ms. Palmer explained that they would not be able to get a building permit because the special use permit would be consulted.

Mr. Deichmann moved to approve the special use permit waivers, seconded Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deichmann moved to approve the application with a stipulation, seconded by Mr. Deasy, the vote was taken 4-1, motion approved.

Roll Call: Philbrick – approve, Deasy- approve, Conway – oppose, Deichmann – approve, Sheehan - approve.

Stipulation:

1. Stipulations of original approval apply.

PZ2128SUP Garbarino & Garbarino V-4 Enterprises, LLC (Whole Beast, LLC) -- Special Use Permit application for a wine and beer, on-premise liquor sales permit for existing Nana's Pizzeria & Bakery retail restaurant. Property located at 32 Williams Ave., Mystic. Assessor's Map 161, Block 16 Lot 2. Zone LS-5.

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Attorney Bill Sweeney presented the application which has the same owners that are proposing to add beer and wine sales to this restaurant that does not currently serve any alcohol. There is no consumer bar, they are not changing their hours of operation or interior. The police commission has given a favorable recommendation. The use is consistent with the zone and neighboring businesses. Mr. Deichmann stated the restaurant is very small and mostly takeout and does not see why they would want to serve alcohol. Mr. Sweeney stated that this is only for on premise consumption. Mr. Deichmann asked about the picnic tables. Mr. Sweeney stated they would have to gain state approval and they may not be able to gain without control over the patio area. They would have to come back for outdoor service if it was possible, they are only applying for indoor service. Ms. Conway asked how long the restaurant has been open. Mr. Lakely responded one year. Ms. Conway asked about seating and take out. Mr. Lakely stated they have 4 seats currently and about 45% of their business is takeout. Currently they have a cashier and if serving alcohol, they would have TIPS certified servers.

Public Comment:

Carlene Donnarummo stated that her reading of the application as listed on the agenda is not clear about indoor vs. outdoor.

Mr. Sweeney stated the property is leased and their premise is the indoor area. Mr. Deichmann asked about Grass & Bone's patio. Mr. Sweeney stated that falls under the Governor's Executive Order which does not run out until March 2022.

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

Mr. Sheehan moved to approve the special use permit waivers, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Mr. Sheehan moved to approve the application with a stipulation, seconded by Mr. Deasy. Ms. Conway stated that she does not feel this is an established business of this nature and feels it is outside their scope. Mr. Deichmann is concerned with alcohol being dispensed in this premise. Mr. Sheehan stated that he doesn't feel the property should be discriminated based on its size, and the state liquor control can manage whether they are properly serving consumers. Mr. Deasy stated he agrees it is discriminatory to deny based on size or time of operation. The vote was taken 3-2, motion approved.

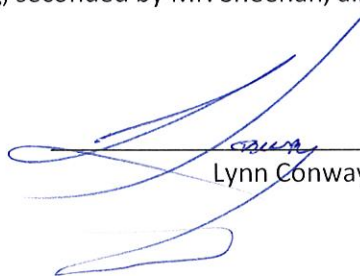
Roll Call: Sheehan – approve, Deichmann – deny, Philbrick – approve, Conway – deny, Deasy – approve.

Stipulation:

1. No outdoor consumption of alcohol is allowed without further approval from this Commission.

Mr. Philbrick moved to cancel the November 3, 2021 meeting, seconded by Mr. Deasy, all in favor 5-0, motion approved.

Mr. Deichmann moved to adjourn the meeting, seconded by Mr. Sheehan, all in favor 5-0, the meeting adjourned at 8:17pm.



Lynn Conway, Secretary