

Special Meeting

The 1654th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, March 3, 2020, at the Stonington Board of Education District Office, 40 Field Street, Pawcatuck, CT. The meeting was called to order at 7:00pm by Chairman David Rathbun. Also present for the meeting were Commissioners Gardner Young, Lynn Conway, Fred Deichmann, and Ben Philbrick; Alternates Charles Sheehan and Ryan Deasy; and Acting Director of Planning/Town Planner Keith Brynes. Alternate Peter Chomowicz was not in attendance.

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

Minutes:

Mr. Philbrick moved to approve the minutes of the February 18, 2020 meeting, seconded by Mr. Deichmann, the vote was taken 4-0-1, motion approved.

Roll Call: Young – approve, Deichmann – approve, Philbrick – approve, Conway – approve, Rathbun – abstain

Administrative Review:

20-033ZON 2 Lincoln Ave., LLC (G. Catalan) – Zoning permit application for change of use from retail to retail restaurant, and associated sign. Property located at 2 Lincoln Ave., Unit 4, Mystic. Assessor's Map 174 Block 15 Lot 3. Zone LS-5.

Mr. Brynes reviewed the application. The applicant is requesting a change of use from a parcel store (retail) to a nutrition membership store (retail restaurant). There is no impact to bulk requirements

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

Request determination as to whether a "Farm Distillery" qualifies within the "Processing/Bottling of Agriculture /Aquaculture Products Grown on Premise" use allowed by Special Use Permit. Property located at 170 Pawcatuck Ave., Pawcatuck. Assessor's Map 35 Block 2 Lot 6. Zone RR-80.

Mr. Brynes presented the request. The property owners are requesting a determination as to whether they may apply for a special use permit to have a farm distillery on their property. The farm is interested in operating a small, craft distillery as per CT General Statutes Section 30-16(h) and does not intend to have the distillery open to the public. Mr. Brynes reviewed the state law which states that towns may prohibit public access, but not the distillery use. The applicant does not plan at this time to have any public offerings. Mr. Brynes recommended getting more clarification from the state on whether it is a state permit process or whether a special use permit is required. Mr. Brynes will get more information for the next meeting to present.

PZ2002SD & CAM Michael Norcia, Jr. (G. Fedus) – Subdivision and Coastal Area Management Review applications for a 3-lot subdivision of a 1.13-acre lot. Property located on Oakwood Ave., Pawcatuck. Assessor's Map 5 Block 1 Lot 5. Zone RA-15. *Applicant requests Public Hearing be opened and immediately continued to 3/17/20.*

Mr. Deichmann moved to continue the public hearing to March 17, 2020, seconded by Ms. Conway, all in favor 5-0, motion approved.

Special Meeting

PZ2003ZC, SPA & CAM Mystic Seaport Museum (C. Frost) - Master Plan Zone Change, Site Plan, & Coastal Area Management Review applications for demolition of a 2-story restaurant building and construction of a 3-story restaurant/boutique hotel, guest cottage, utility structure, swimming pool, and the relocation of the dock office to Chubb's Wharf. Property located at 75 (105) Greenmanville Ave., Mystic. Assessors Map 173 Block 1 Lot 1. Zone MHD.

John Casey, attorney for the applicant, presented the application and background of the site. This application is for their seventh amendment to the Maritime Heritage District zone.

Steve White, President of Mystic Seaport Museum, spoke about the history of the current Latitude 41 restaurant site. The building was constructed in 1965 for dining and special functions based on the operations of the museum at that time. The museum has been looking at their infrastructure and making sure it serves them best on this large site. The building has structural and flooding issues which caused them to choose to replace the building. They looked strategically at how best to utilize the space and with the changing model of tourism to be destination focused so that visitors can stay at the same property they visit. They chose the Greenwich Hospitality Group to partner with to achieve this goal due to their history with the museum and property. The recent exhibition brought 91,000 visitors this winter with an estimated \$3.4 million impact.

Chad Frost, project architect, presented the site plan. The dock office is proposed to be relocated to Chubb's Wharf. The existing Latitude 41 property would be demolished and the new hotel structure would be set further back from the road. The current building also has a pump house structure due to its need to be constantly pumped of water due to flooding. Mr. Frost presented the signage plan for the addition and removal of signs on site. Mr. Frost reviewed the current site conditions, the erosion and sedimentation control plan, demolition plan, site improvements plan, and site grading plan. The building is currently not FEMA compliant and the new building will be compliant and raised an additional foot. Mr. Philbrick asked whether there will be fill needed, Mr. Frost explained there will be minor fill, but most will be from on site. Mr. Sheehan asked about the FEMA compliance standards and flood management. He questioned whether they had considered LOMA, the applicant has some at grade features that did not make it possible. Mr. Frost reviewed the lighting plan, site planting plan, site details, and site utility plan. They are currently reviewing the calculations to determine load and it is possible the flows will be less than the current use due to the heavy restaurant use which will change with this application. Mr. Frost reviewed the storm water management plan and site circulation plan. The application creates a drop off and valet area which is a major safety improvement. Mr. Frost reviewed the parking calculations for the site. There is a significant reduction on required parking due to the lessened restaurant and banquet use. Ms. Conway questioned the motive for reducing the restaurant and adding the hotel use. The applicant explained that they are trying to fulfill visitor demand and produce quality services rather than quantity. Mr. White explained that the purpose of destination tourism is to encourage year-round visitation and allow consumers to remain on site. Mr. Frost presented the rendered site plan. Mr. Frost explained the orientation of the site access and the confusion that would have been caused by making the light a four-way intersection. Mr. Frost reviewed the public access to the site and the connection to the Boathouse Park property. Mr. Frost reviewed the Town's reviewing engineer comments.

Bruce Binfield, project architect, presented the architecture plan for the building. Detailed floor plans and renderings were presented. All of the windows facing the water (north, south and west sides of the

Special Meeting

building) will have turtle glass which reduces the light shining out to 40%. Several view and rendering were presented. Ms. Conway asked for some additional measurements to determine scale. Mr. Philbrick asked about the height of the floors on the interior and if any height could be brought down there. Mr. Casey stated that the Architectural Design Review Board has approved the design. Ms. Conway asked about the possible effect of fog on the lighting. The applicant stated they have been very sensitive to exterior lighting in the planning.

Mark Fertucci, transportation engineer, presented the traffic impact study. The study focused on the intersection at Rossie Pentway and entrance/exit to the site. Due to the time of year of the counts were inflated based on DOT percentage standards from a traffic study done at I95 and Coogan Boulevard intersection to calculate for the summer months. The trip increase was minimal for the intersection for the new use. The calculated level of service is currently an A or B during peak hours Saturday. The access to the site is also an A to enter the site however the exit from the site is calculate to be D at the highest peak on Saturday afternoons. The commission expressed concern with the back up on 27 in the summer that can happen at peak hours and the ability to make a left out of the site across traffic. Mr. Sheehan asked about a visualization of the traffic flow. Mr. Rathbun asked about making it a right turn only out of the site. The plan must be reviewed by the State Traffic Administration and DOT so they will have additional feedback on the plan. The crash data was reviewed as well and it was determined to be safe from a traffic perspective although there was a tragic alcohol-related fatality last year. Mr. Fertucci reviewed the valet queue as well.

Mr. Casey summarized the application and its benefit to the community. Mr. Casey addressed the most recent letter from DEEP. There is no negative impact to the water-dependent use on this part of the site and access will be increased. Though the project is in a flood zone, it is being built to high standards with much better flood management. Mr. Casey addressed that threat to life is likely not an issue due to the temporary nature of a hotel that guests would cancel their trip or leave due to a storm. There are evacuation plans as well. The museum already has a full emergency management plan and the hotel would be incorporated.

The meeting recessed at 9:07pm and reconvened at 9:11pm.

Public Comment in Favor:

Tony Sheridan, President of the Chamber of Commerce of Eastern CT, spoke in support of the application and the museum's benefit to redefining tourism and our community. The change and ability to stay ahead of tourism interests is important for us to retain our share of the market.

Christopher Regan spoke in support of the application on behalf of Peggy Roberts, President of the Greater Mystic Chamber of Commerce. Mr. Regan added his support and spoke about his happiness to see the site cleaned up and modernized as an entrance to Mystic. Mr. Regan responded to the hotel and traffic concerns raised and believes that the traffic will be mostly during off-peak hours.

Dave Hammond, chair of the Economic Development Commission, spoke in favor of the application and reiterated their letter of support submitted.

Lisa Konicki, President of the Ocean Community Chamber of Commerce, spoke in support of the application and the quality of the project for the community.

Special Meeting

Public Comment Against:

James Tennant, property owner on Hinckley Street, spoke against the application due to the increased commercialization and traffic potential for the area. He disagrees with the traffic study and level of service. He is concerned it will add curb cuts and compound the problem. He is also concerned with the land being leased to a private developer.

General Comment:

Rick Newton, resident of Mystic, spoke about the DEEP letter and addressed their comments about a flood contingency plan and dry access during a 100-year storm event. Mr. Newton spoke about his concerns with the capacity of the Mystic reservoir.

James Short, resident of Denison Avenue, stressed that traffic must be looked at on Route 27 due to the new uses added over the years. He feels the entrance should be at the stop light. He is very concerned about the traffic in the area and its potential impact to residents and visitors.

June Strunk, resident and Second Selectman, spoke about the planned Boathouse Park and its potential impact to the project.

Rebuttal:

Mr. Casey stated that there will not be more curb cuts on Route 27, the proposed entrance/exit is already being used for access to Latitude 41 by delivery trucks and vehicles. There are currently four curb cuts on the Boathouse Park property however the new plans will only have two curb cuts.

Mr. Frost started by addressing that this is a 27-room hotel and a lower use restaurant and understands the commissions concern but reminded the commission this is only an increase of 12 trips per day. Mr. Frost spoke about the safety benefit of slowing down traffic in the area and its impact on pedestrians. Mr. Frost stated that a roundabout would have a negative impact due to not stopping traffic. Mr. Fertucci added there is also not enough space. Mr. Frost enforced that the data is accurate and empirical. Mr. Deichmann stated that the traffic on this side of Route 27 is new for the public. There will still be self-parking which will have the highest use rather than the valet service. Ms. Conway asked about whether they considered the Boathouse Park traffic. Mr. Frost explained that they cannot technically, but they have considered it from a design perspective. The parking lot has been configured for access to the Boathouse by the crew team and their equipment. Mr. Deasy asked them to explain the consideration of orienting the drive with the intersection. Mr. Frost explained that making it a four-way intersection will cause additional confusion with accessing the museum and have a negative impact. Mr. Frost stated there are doing a lot of resiliency planning for flooding. The building will have dry egress in a 100-year storm, however, Route 27 will not, it will have about 5 feet of water. Sea level rise is definitely going to occur and evacuation plans must be considered.

Mr. Brynes stated the plan conforms to the standards of the zone, but it is the commission's decision whether it conforms to the purpose of the zone and fits with the neighborhood. There are five decisions to be made on the application. Mr. Brynes read DEEP's letter into the record. Mr. Brynes reviewed the recommended stipulations by staff from the staff report.

Special Meeting

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

Mr. Philbrick moved to find the application in conformance with Plan of Conservation and Development, seconded by Mr. Deichmann. Ms. Conway stated she feels that the building being pushed back towards the water is a negative impact on the neighborhood and that they do not have a justification. Mr. Young stated it is above the flood plain and a good development. The vote was taken 4-1.

Roll Call: Young – approve, Deichmann – approve, Rathbun – approve, Philbrick – approve, Conway – deny

Mr. Philbrick moved to approve the waivers requested, seconded by Mr. Deichmann. The vote was taken 4-1, motion approved.

Roll Call: Young – approve, Deichmann – approve, Rathbun – approve, Philbrick – approve, Conway – deny

Mr. Philbrick moved to approve the Master Plan/Zone Change application with stipulations, seconded by Mr. Deichmann. The vote was taken 3-2, motion approved.

Roll Call: Young – approve, Deichmann – approve, Rathbun – approve, Conway – deny, Philbrick – deny

Mr. Philbrick moved to approve the Site Plan Application with stipulations recommended by staff, seconded by Mr. Deichmann. Ms. Conway discussed her opposition to the height of the building. Mr. Young stated he is in favor of the height and the hiding of mechanicals. The vote was taken 3-2, motion approved.

Roll Call: Young – approve, Deichmann – approve, Rathbun – approve, Conway – deny, Philbrick – deny

Stipulations:

1. Final plans shall be recorded prior to the issuance of any Zoning Permits.
2. Final plans shall be reviewed to the satisfaction of the Town's engineering consultant.
3. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits per 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.
4. The applicant shall develop a hotel evacuation plan for flood conditions. This plan shall be reviewed to the satisfaction of the Stonington Emergency Management Director prior to issuance of a Zoning Permit.
5. Prior to issuance of a Certificate of Zoning Compliance, the applicant and Police Department shall develop a plan for parking enforcement at the 7 shared parking spaces.
6. Prior to issuance of a Zoning Permit, the applicant shall supply sewer flow projections to the satisfaction of the WPCA.
7. Final plans shall include Flood Hazard information and certifications including FEMA Map #, Dry Access statement, and information on the building's compliance with flood hazard requirements per Sections 7.7 & 8.4.1.12.

Special Meeting

8. Final plans shall include a table stating minimum building setback dimensions required for the zoning district and distances provided per Section 8.4.1.8 & .11.
9. Final plans shall label the adjacent Mystic River Boathouse Park property as located in the MHD as this property was rezoned by the Commission on 2/19/19.

Mr. Philbrick moved to approve the Coastal Area Management application, seconded by Mr. Young. The vote was taken 3-2, motion approved.

Roll Call: Young – approve, Deichmann – approve, Rathbun – approve, Conway – deny, Philbrick – deny

PZ2001RA Town of Stonington PZC – Zoning Regulation Amendment to modify the Flood Hazard Overlay District Regulations to conform to new FEMA Flood Insurance Rate Maps for the Pawcatuck River which will be effective 4/3/20. These changes are to map references only and do not modify any regulations.


Mr. Brynes presented the application. FEMA has updated maps for the Pawcatuck River area and will not affect many residents. However, the map references must be changed in the Zoning Regulations.

No Public Comment

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

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

Mr. Deichmann moved to adjourn, seconded by Mr. Young, all in favor 5-0, the meeting adjourned at 10:22pm.



Ben Philbrick, Secretary