

## Regular Meeting

The 1632<sup>nd</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, March 19, 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, Shaun Mastroianni, and Gardner Young; Alternates Fred Deichmann, Lynn Conway, and Peter Chomowicz; Town Planner Keith Brynes, and Director of Planning Jason Vincent. Vice Chair, Curtis Lynch was not present.

Seated for the meeting were David Rathbun, Ben Philbrick, Shaun Mastroianni, Gardner Young, and Peter Chomowicz.

**Minutes:**

Mr. Philbrick moved to approve the minutes of the March 5, 2019 meeting; seconded by Mr. Young. Vote taken, 4-0-1, motion approved.

Roll Call: Philbrick - approve, Mastroianni - approve, Young – approve, Chomowicz - approve, Rathbun - abstain

**Administrative Review:**

**19-023ZON VIII\_HIII Whitehall Ave, LLC (F. Grace)** – Zoning permit application for an 8' x 10' walk-in cooler and demolition only of adjoining office space for future expansion of restaurant (additional permitting for use is required). Property located at 56 Whitehall Ave., Mystic. Assessors Map 164 Block 2 Lot 2-2. Zone TC-80.

The applicant is proposing to add an 8' x 10' walk in cooler to the rear of the building. The fire district has provided comments approving of the proposed cooler. They expressed concern with the interior demolition affecting common space and egress. Francis Grace, the applicant, confirmed that the demolition would only be in the leased space, not in the common area and would not disturb the egresses.

Mr. Philbrick moved to approve the application as stipulated; seconded by Mr. Chomowicz. All in favor 5-0, motion approved.

Stipulation:

1. This approval is for an 8' x 10' cooler and demolition limited only to the former Seaport Medical Office area.

**19-037ZON Mystic Food & More, LLC** - Zoning permit application for gas filling area canopy replacement and signage. Property located at 34 East Main St., Mystic. Assessors Map 174 Block 18 Lot 1. Zone LS-5.

The applicant is proposing a new flat roof canopy and one new light pole to previously approved plans. Applicant, Kalim Malik, stated that the canopy will be similar to others in town and the lighting will help with safety in the parking area.

Mr. Chomowicz moved to approve the application as stipulated, seconded by Mr. Young, all in favor 5-0, motion approved.

Stipulation:

1. Banner sign(s) shall be removed.

**Old Business:**

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**PZ1904SPA & GPP BCMAN, LLC (A. Nenna)** – Site Plan and Groundwater Protection Permit applications to construct a 625 SF addition (office space), and a 3,205 SF garage addition to existing garage. Proposal includes paved parking and access drives with associated drainage. Property located at 62 Voluntown Rd., Pawcatuck. Assessors Map 18 Block 2 Lot 7. Zone HI-60.

Anthony Nenna, project engineer, presented the site plan application. Mr. Nenna reviewed the existing conditions on site. The applicant is proposing a new garage over the existing concrete pad on which they currently perform work. A small office addition is also planned. The new building will allow for better groundwater protection by keeping contaminants indoors and properly cleaned. The Architectural Review Design Board approved the application in October 2018, and a Wetlands permit was issued by the Inland Wetlands and Watercourses Commission. The Town Engineer had several comments which the applicant is addressing. They will also be installing a new septic system with approval required by Ledge Light Health District. The applicant stated they would agree to a stipulation disallowing outdoor repairs on site. The storm water management plan will ensure treated run off to the wetlands.

The Town Attorney's opinion stated it is the Commission's discretion to determine whether the current outdoor auto repair is a legally non-conforming use. If so, the garage covering it could be approved. Mr. Nenna presented a 1971 aerial photograph showing a concrete pad behind the building. Mr. Rathbun stated that it has been operating in this way since 1969, and much of the repair was also outside then, and feels it is a legal non-conforming use. Mr. Vincent stated that the permit would give clear restrictions as to where on the site activities are allowed.

Applicant, Richard Manfredi, spoke about the business' operations and the current difficulty in repairing multiple large vehicles indoors.

Mr. Brynes reviewed the recommended stipulations.

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

Stipulations:

1. Final plans shall be recorded in the Town's Land Evidence Records prior to the issuance of any Zoning Permits.
2. Final plans shall be revised to the satisfaction of the Town Engineer and Ledge Light Health District.
3. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits for development 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. No parking/storage of vehicles or materials on the Rt. 49 right-of-way or on unpaved areas of the property is permitted. No outdoor repair shall be permitted.
5. The design engineer shall provide inspection services for the construction of the underground roof infiltration system and onsite bio-retention system due to the site being located within a Groundwater Resource Protection District. The engineer shall confirm that systems are

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installed in accordance with the design specifications including conducting a bottom of system inspection, system inspection prior to back fill and final cover inspection.

6. Signage shall conform to Section 7.12 of the Zoning Regulations.

**Public Hearings:**

**PZ1906SUP BVS Stonington Development, LLC (W. Sweeney)** – Special Use Permit application to install a special wall sign in excess of 18 square feet. The proposed wall sign will be 67 SF. Property located at 350 Liberty St., Pawcatuck. Assessors Map 17 Block 1 Lot 13. Zone CS-5.

Attorney Sweeney presented the application. The applicant is proposing a special wall sign in excess of 18 square feet. The applicant did not propose signage at the time of their Special Use Permit approval for a new Hartford Healthcare medical office building. The applicant is proposing a 67 square foot, halo-lit sign. The applicant has satisfied all points for Special Wall Signs regarding size, mechanics and safety. The property has a variance for a 42SF detached sign with full interior illumination that was granted by the Zoning Board of Appeals in 1991 for Maple Breeze Park. The applicant will be installing a freestanding sign which is 30SF and is within the Town's interior illumination regulations.

No Public Comment.

Mr. Brynes stated the application conforms to zoning regulations. Mr. Chomowicz asked if staff felt any of the studies for which requested waivers were requested applied to this application. Mr. Brynes affirmed they did not.

Mr. Young moved to close the public hearing; seconded by Mr. Chomowicz. All in favor 5-0, motion approved.

Mr. Chomowicz moved to approve the application; seconded by Mr. Young. All in favor 5-0, motion approved.

**PZ1902SUP 2 Lincoln Ave., LLC (J. Barton)** – Special Use Permit application for rehabilitation of an existing building (ZR 6.6.14) for creation of an additional residential dwelling unit (studio-sized), reducing a 3-bedroom dwelling unit to a 2-bedroom unit. Property located at 2 Lincoln Ave., Mystic. Assessors Map 174 Block 15 Lot 3. Zones LS-5 & RH-10.

Mr. Barton presented the application. He is proposing to bring the property back to its original condition and have three rentable units, a two-bedroom and a studio apartment. There will be no increase in the number of bedrooms.

**General Comment:**

Lila Anderson, part owner of 6 Lincoln Avenue asked about whether the new apartment is upstairs or downstairs and raised concern about the parking.

**Rebuttal:**

Mr. Barton stated that the business owners do park on the street, but residents park on-site; no extra cars should result on Lincoln Ave. as a result of the extra upper floor apartment.

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Mr. Brynes stated the site would actually have a lower parking requirement with this application due to the requirements of the "Rehabilitation of Existing Buildings" section of the Zoning Regulations.

Mr. Mastroianni moved to close the public hearing; seconded by Mr. Chomowicz. All in favor 5-0, motion approved.

Mr. Chomowicz moved to approve the application; seconded by Mr. Mastroianni. All in favor 5-0, motion approved.

**PZ1834SD & GPP AJ Holdings, LLC (H. Heller)** - Subdivision and Groundwater Protection Permit applications for a 22-lot residential subdivision in accordance with CT Affordable Housing Act CGS 8-30g. Property located at 126 South Broad St., Pawcatuck. Assessors Map 25 Block 1 Lot 11. Zones RR-80 & GC-60. *Continued from 2/5/19.*

Mr. Vincent provided an overview of the State Statutes regarding Affordable Housing and reviewed the Commission's level of discretion on this application. Mr. Mastroianni asked about the possible sale of the duplexes. Mr. Rathbun stated that he had listened to the recording of the original hearing date.

Attorney Harry Heller presented the application. Mr. Heller stated the affordable housing units must be designated as such for 40 years, and if the unit was sold it would have to abide by the affordability covenants for that period. Even owner occupation would be required to meet the requirements. The applicant has submitted revised plans after comments from various agencies to address public health and safety concerns. The applicant is proposing a 22-lot residential subdivision for duplex rental units. Mr. Heller noted it is consistent with the Town Plan of Conservation and Development (POCD) as well as the State POCD. The project will connect to public sewer and water and there is adequate capacity. Westerly Water's hydraulic analysis has been completed and shows adequate water pressure. The proposed open space set-aside will go to the Town of Stonington based on its adjacency to Spellman Park. Open space acreage has been increased per the Conservation Commission's recommendation.

Comments received from reviewing agencies and studies had requested a road width of 24'. Revised plans have been redesigned to be 26' wide in compliance with the Town's Technical Standards document. The applicant was asked to consider sidewalks in the project and the applicant has decided to propose sidewalks on the westerly side of the private road and along the frontage to Route 1. The applicant is proposing a curbless street due to the upland soils on site. The applicant believes they have addressed all of the Town Engineer's concerns. Duplexes will feature a colonial design with some variation from building to building. The traffic study shows no significant impact to the area traffic flow. The specific affordable units have not been designated yet but must be distributed out throughout the units and be substantially the same as the market rate units per state law. Garages are not proposed, but each unit has a designated driveway. Sheds will not be allowed but full basements are provided for storage. Ms. Conway asked why the applicant will not be providing full cut off lighting. Mr. Heller stated the solar lights chosen create a better atmosphere for the neighborhood and are very subtle.

Mr. Philbrick asked about the location of the fire hydrant. Project engineer, Kyle Haubert, showed the location of the fire hydrant near the maintenance building. Mr. Philbrick questioned the existing stone walls on the property. Applicant, Joe Hasted stated that the current stone walls are not in good condition, but he would like to incorporate them into the site entrance if possible.

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The applicant will be designating the westerly side of the road as “no parking” to satisfy Police Commission and Fire District concerns. The Fire District is requesting an emergency pull station near the hydrant and the applicant does not feel it is necessary. Mr. Brynes reiterated the Fire Chief’s concern that it be installed.

## Public Comment in Favor:

Dave Hammond, chair of the Economic Development Commission spoke in support of the application.

No Public Comment Against.

## General Comment:

Byron Stillman, resident of 138 South Broad Street, raised concern over the pedestrian risk with additional residents and concerns about sightlines from the drive. As Assistant Chief of the Pawcatuck Fire District, he also spoke in support of the pull station. Mr. Stillman stated a buffer is needed next to his property to prevent pedestrians cutting through his property to avoid Route 1 traffic.

Janis Mink, resident of Stonington and member of the Moss Farm neighborhood organization, raised concern with housing and additional cars added to Route 1. Ms. Mink advocated for pedestrian accessibility and bicycle transportation and for zoning ordinances to require them.

Laura Graham, resident of Stonington and member of the Moss Farm neighborhood organization, questioned the lack of funding for sidewalks. Mr. Rathbun stated that the concerns must be addressed with the Board of Finance to support funding for sidewalk construction. Ms. Graham stated that adding sidewalks to nowhere exacerbates the issue and that they should not be added without a comprehensive plan. The Commission recommended avenues to address concerns over the sidewalk funding.

Carlene Donnarummo, resident of Pawcatuck, stated that she is in favor of the sidewalks and is appreciative of the start. She did raise concern with the lack of review by the Architectural Design Review Board and the size of the units. The lack of parking for visitors and additional family members is also a concern. Ms. Donnarummo also urged the applicant to consider a community space.

## Rebuttal:

Mr. Heller stated that the applicants believe that sidewalks are a benefit the community and do not consider them inherently unsafe in the meantime. Mr. Rathbun spoke about concerns for Mr. Stillman’s property. The applicant stated they can work on plantings and screening. The applicant has room for 9 visitor parking spaces near the maintenance building with pavers.

Mr. Brynes reviewed the recommended stipulations. Mr. Chomowicz asked how parking rules will be enforced on the private drive. Mr. Heller said it will be posted and enforced by the landlord with towing being an option. Ms. Conway discussed the possibility of denial due to the lack of sidewalks in the community for public safety. Mr. Brynes explained that per case law the Commission cannot impose offsite improvements for developers of subdivisions. Courts have found that to do so would take away property rights for a problem that is the Town’s to solve.

Mr. Mastroianni moved to close the public hearing; seconded by Mr. Young. All in favor 5-0, motion approved.

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Mr. Philbrick moved to approve the application with stipulations; seconded by Mr. Mastroianni. All in favor 5-0, motion approved.

## Stipulations:

1. 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.
2. Final plans shall be reviewed to the satisfaction of the Town Engineer.
3. Final plans shall include new addresses and Assessor's lot numbers to be assigned by the Town.
4. Deeds for individual lots shall include language regarding private drive per Section 9.2.1 of the Subdivision Regulations.
5. Zoning Permit is required prior to commencement of site work.
6. Dedication of open space parcel must occur prior to or concurrent with the recording of final plans per Section 8.3.5 of the Subdivision Regulations. Should the Town accept the open space, Board of Selectmen approval will be required.
7. Final plans shall include emergency pull box as per Pawcatuck Fire District comments.
8. AutoCAD (or approved equivalent) drawing of the approved subdivision shall be submitted to the Town prior to recording.
9. West side of road shall be designated as "no parking."
10. Screening shall be maintained and enhanced to the rear and side of the Stillman property (138 S. Broad).
11. A minimum of 9 unpaved guest parking spaces shall be added to the maintenance facility lot.

## Discussion of procedure regarding failed Commission motions:

The Commission discussed the Town Attorney's opinion stating that the Commission should always make motions to approve and allow the motion to fail if denying.

Mr. Mastroianni moved to adjourn; seconded by Mr. Chomowicz. All in favor 5-0, the meeting adjourned at 9:29pm.



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Shaun Mastroianni, Secretary