

Regular Meeting

The 1635th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, May 21, 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, Gardner Young, and Shaun Mastroianni; Alternates Lynn Conway, Fred Deichmann, and Peter Chomowicz; and Town Planner Keith Brynes. Commissioner Curtis Lynch was not present.

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

Public Hearing:

Mr. Rathbun was recused from the following hearing and Mr. Deichmann was seated in his place.

PZ1910SUP James & Pamela Wright (P. Springsteel) – Special Use Permit application to allow a height exception for a 164 square foot cupola and associated roof space to 10 feet above the roof mid-point on a single-family residence. The cupola meets the requirements of ZR 6.6.20. Property located at 285 River Rd., Pawcatuck. Assessors Map 7 Block 2 Lot 12. Zones MC-80 & RC-120.

Project architect, Peter Springsteel, presented the application. The cupola follows regulations which allow the design element to exceed the normal height requirement by Special Permit. The closest neighbor is 100 feet away. The home is currently undergoing approved renovations and the owners would like to break up the long, low appearance of the home. Mr. Philbrick asked about lighting and access. The applicants have not discussed lighting other than the interior lighting from the second floor below. The cupola will not have a floor. The height is just enough to get some windows in there. They are not considering exterior lighting.

No Public Comment

Mr. Brynes reviewed the section of the regulations on architectural height exemptions.

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

Mr. Young moved to approve the Special Use Permit waivers, seconded by Ms. Conway, all in favor 5-0, motion approved.

Mr. Young moved to approve the application as presented; no second was offered.

Ms. Conway moved to approve the application with a stipulation that there shall be no exterior illumination of the cupola; seconded by Mr. Deichmann.

Ms. Conway questioned the interior lighting, Mr. Mastroianni shared that he thought that it would not be an issue.

The vote was taken all in favor 5-0, motion approved.

Stipulation:

1. There shall be no exterior illumination of the cupola.

Mr. Rathbun was reseated.

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Minutes:

Mr. Philbrick moved to approve the minutes of the April 16, 2019 meeting; seconded by Mr. Young. All in favor 5-0, motion approved.

Administrative Review

PZ1610SPA Prospect Northeast Development, LLC – Request approval to flip orientation of Building #3 at 48 Prospect St., Pawcatuck. Assessor's Map 4, Block 18, Lot 3B. Zone NDD-1.

The applicant is requesting to change the orientation of a building on the previously approved plan. Ms. Conway moved to approve the application; seconded by Mr. Mastroianni. All in favor 5-0, motion approved.

19-093ZON Whaler's Inn RE, LLC – Zoning Permit application for alterations to west end of main building: remove 7' x 13' storage room, enclose fire escape, remove Bilco doors, and enlarge stairs, converting one to ramp. Property located at 20 East Main St., Mystic. Assessors Map 182 Block 4 Lot 13. Zone DB-5.

Mr. Brynes reviewed the proposed changes. Most of the changes are behind the building away from the street. Attorney William Sweeney presented a map of the proposed changes as well. Bravo Bravo vacated last month and the applicant is now renovating that space as well as the basement. The applicant is proposing to remove the door that was used by Bravo Bravo and will use the door on the corner. They will be removing a storage shed and stairs and will add new stairs with a ramp. Existing fire escape stairs will be enclosed. Mr. Philbrick asked whether they have Fire Marshal approval. Mr. Sweeney explained they will be getting approval and it will be a new fire tower up to today's standards. Mr. Deichmann asked if there is handicap access to the restaurant. Mr. Sweeney stated it does not currently have access, but there is a ramp on the plan to be built out.

Ms. Conway moved to approve the application; seconded by Mr. Young.

Ms. Conway asked for clarification on handicap access, Mr. Brynes explained that this is handled through the building permit process.

The vote was taken all in favor, 5-0, motion approved.

19-098ZON 48 Stonington Rd., LLC (C Depot, Inc.) – Zoning Permit application for the installation of a 36-tank propane bottle cage with crash barriers at side of existing structure. Property located at 48-50 Stonington Rd., Mystic. Assessors Map 160 Block 2 Lot 2. Zone GC-60.

The applicant is proposing a cage to store propane bottles for customers to buy and return bottles. Ms. Conway discussed putting the cage in the back, but there are access concerns with the rear.

Ms. Conway moved to approve; seconded by Mr. Mastroianni. All in favor 5-0, motion approved.

19-100ZON Clavidy., LLC (C. Burkhalter) – Zoning Permit application for the construction of a pergola and wooden platform in patio area. Property located at 20 Old Stonington Rd., Mystic. Assessors Map 153 Block 2 Lot 4. Zone GC-60.

Dog Watch Mystic is proposing a pergola and platform over where a seasonal bar was previously approved. Detached pergolas are treated as arbors per regulations and are exempt from building setbacks. Clay Burkhalter, co-owner, stated that the platform is not secured to the patio and can be

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removed seasonally if needed. The pergola and accordion, canvas roof structure would be removed seasonally or pulled back during storms. It is retractable like an awning. The purpose is to provide shelter from the heat and rain. There will not be bands on the platform. The lighting will be string light Edison bulbs. Pergola is proposed from April 1 to October 31.

Mr. Mastroianni moved to approve the application; seconded by Mr. Philbrick.

Ms. Conway recommended a stipulation to clarify taking the posts down in the winter. Mr. Mastroianni does not feel it is necessary.

The vote was taken all in favor 5-0, motion approved.

19-106ZON Longinidis Realty, LLC (Alan Drouin) – Zoning Permit application for the construction of a 12' x 29' pergola over outdoor seating area. Property located at 25 Roosevelt Ave., Mystic. Assessors Map 174 Block 15 Lot 7. Zone LS-5.

A new outdoor seating area was approved by the Commission last year. Since it is attached to the building, this pergola must conform to setbacks, which it does. Builder, Alan Drouin, explained that the pergola will only cover the seating area. Ms. Conway asked about lighting. There is existing lighting near the ground and they may add string lights. Current bright lights are planned to be removed.

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

Mr. Brynes recommended the Commission motion the following item onto the agenda:

Request 90 day extension to file final plans for approval PZ1838SD Linehan Custom Homes, Inc.

Property located on Johnston St., Pawcatuck. Assessors Map 13 Block 1 Lot 9. Zone RA-15.

Mr. Mastroianni moved to add the item onto the agenda; seconded by Mr. Philbrick. All in favor 5-0, motion approved.

Mr. Young moved to approve the 90 day extension; seconded by Ms. Conway. All in favor 5-0, motion approved.

Old Business

PZ1913CAM George B. Dunnington (A. Hayward) – Coastal Area Management Review application to accompany future zoning permit application for the demolition and reconstruction of an existing single-family residence. Property located at 12 Jerome Ave., Mystic. Assessors Map 174 Block 23 Lot 16. Zone RH-10.

The application was tabled until the 6/4/19 meeting.

Public Hearing:

PZ1912SUP Thirty Broadway, LLC (M/Bar) – Special Use Permit application for the addition of live entertainment to an existing wine bar/café pursuant to ZR Section 6.6.16.1. Property located at 30 Broadway Ave., Mystic. Assessors Map 174 Block 18 Lot 10. Zone LS-5.

Attorney William Sweeney presented the application. Since it's approval, M/Bar has been successful and has had music in the afternoons on the weekends. They occasionally host performers that plug into an amplifier, and once it was pointed out by the Zoning Officer that this was not permitted, they wanted to come into compliance. They commissioned a sound study to show that the amplification would not

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exceed the standards for neighbors. The applicant is only requesting amplified music inside the building and up until 10pm.

Robert Levandowski, President of Fuss & O'Neill Manufactured Solutions, reviewed the noise analysis submitted by his firm, which concludes that the sound from amplified live entertainment would not exceed the standards in the Zoning Regulations. The background noise at various locations was measured before and during a musical performance to gauge the effect. The levels measured are below the town's 65 decibel limit. Mr. Chomowicz asked whether the building's garage doors will be open while music is played. Mr. Sweeney stated that based on concerns voiced by the Police Commission and letters of opposition, they are agreeable to a stipulation that the doors be down for amplified music. Most of the music will be acoustic, but some performers would like to plug in a guitar or use a microphone. The study was conducted with a full bar and the existing doors. The music was a singer with a single microphone and an acoustic guitar. They also meet all of the other requirements of the regulations around live music. Mr. Sweeney addressed the concerns stated in the letters of opposition.

Public Comment Against:

Suzanne Moore, owner of the mixed-use property at 40-44 Washington St., spoke about issues with the M/Bar property's management and parking conflicts with her property that have been occurring. She is concerned problems could increase with the addition of live music.

Public Comment in Favor:

Shelly Renault, owner of the mixed-use building at 27 Broadway Avenue, stated that the music has not affected her building or tenants since they began. They also have never had parking issues on her lot. She would like to see it end at 10pm as they proposed.

Rebuttal:

Mr. Sweeney stated that he would like to mediate any parking concerns Ms. Moore, but parking is not the subject of this application. There has been clear testimony from a neighbor about the positive impact of the music.

Ms. Conway asked if the majority of the entertainment was a single performer with an amplifier. Owner, Michael Connery, stated that is correct; performers are usually just a guitar and a singer. The applicant is agreeable to a stipulation that the doors be down for amplified music. Ms. Conway asked about a stipulation for a single instrument. Mr. Connery explained that they would not want to rule out duos. Mr. Sweeney explained that they have an ongoing requirement to comply with decibel levels.

Mr. Brynes reviewed the recommended stipulations including a stipulation that garage doors shall remain closed during performances.

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

Ms. Conway moved to approve the application with the 3 stipulations recommended by staff and an added stipulation to limit to a single amplification; no second was offered.

Mr. Mastroianni moved to approve the application with stipulations recommended by staff; seconded by Mr. Young.

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Ms. Conway stated that although she does not think M/Bar will bring in large bands the permit does go with the property and a future owner might. Mr. Mastroianni stated that he feels that the current stipulations are enough. Mr. Young stated the small building itself prohibits a level of volume exceeding the standard.

The vote was taken 3-2, motion approved.

Roll Call: Mastroianni – approve, Rathbun – approve, Philbrick – deny, Young – approve, Conway – deny.

Mr. Young moved to approve the Special Use Permit waivers; seconded by Mr. Mastroianni, motion was approved 3-2.

Roll Call: Mastroianni – approve, Rathbun – approve, Philbrick – deny, Young – approve, Conway – deny.

Stipulations:

1. No amplified live entertainment shall occur outdoors.
2. No amplified live entertainment shall occur past 10:00PM.
3. No amplified live entertainment shall occur while garage doors are opened.

Mr. Mastroianni moved to adjourn the meeting; seconded by Mr. Philbrick. All in favor 5-0, the meeting adjourned at 8:43pm.



Shaun Mastroianni, Secretary