

Regular Meeting

The 1594th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, June 20, 2017, at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Commissioner David Rathbun at 7:00pm. Also present for the meeting were Commissioners Curtis Lynch, Gardner Young, Shaun Mastroianni, and Frances Hoffman; Alternate Lynn Conway, Town Planner Keith Brynes, and Director of Planning Jason Vincent.

Seated for the meeting were David Rathbun, Curtis Lynch, Frances Hoffman, Shaun Mastroianni, and Gardner Young.

Administrative Review:

17-075ZON Ma Brown, LLC – Zoning permit application for 24 outdoor seats at existing restaurant (Angie's). No increase in total number of seats is proposed. Property located at 25 Roosevelt Ave., Mystic. Assessor's Map 174 Block 15 Lot 7. Zone LS-5.

The applicant is proposing to replace 24 indoor seats with 24 outdoor seats during the summer months. They will be applying to the State Liquor Commission to serve liquor in the outdoor seating area.

Mr. Lynch moved to approve the application with the recommended stipulation by staff, seconded by Mr. Young, all in favor 5-0, motion approved.

Stipulation:

1. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.

66 Voluntown Rd. (Kayla Group, LLC) – Commission interpretation of change of use for property located at 66 Voluntown Rd., Pawcatuck. Assessor's Map 18 Block 2 Lot 6A. Zone HI-60.

This particular property is currently zoned for a private garage and not for commercial use, and exists in an area where there are a number of pre-existing non-conformities. RJ's Diesel Repair is interested in purchasing the neighboring property to expand their business but auto repair is not currently permitted in the zone. The zoning regulations allow for an applicant to request to change a non-conforming use, but a non-conforming use may not be expanded. The applicant would need to apply for a Groundwater Protection Permit. The commission discussed the Groundwater Protection Permit and the value that it would provide.

The meeting recessed at 7:26pm and reconvened at 7:30pm.

Public Hearing 7:30pm:

Seated for the hearing were David Rathbun, Curtis Lynch, Frances Hoffman, Gardner Young, and Lynn Conway. Shaun Mastroianni recused himself.

PZ1715RA Town of Stonington PZC – Regulation Amendment to modify the buffer requirements in the LS-5 Zone. Amend ZR 4.3.4.1 to require fifteen (15) feet of screening for a commercial use adjoining a residential zone, and eliminate the screening requirements of ZR Sections 4.3.4.2 and 4.3.4.3.

Mr. Brynes presented the application. The application is to amend the buffer requirements between commercial and residential uses in a commercial zone. The application would remove the buffer requirements for same zone abutters, but increase the buffer requirements for different zone abutters. There are currently various buffer requirements for different commercial uses nearby residential uses in

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the LS-5 zone. The majority of the properties in this zone are currently legal non-conformities due to their history. The proposal does not change the 20-foot buffer for parking lots against a residential use in a zone. The existing buffer requirements are preventing mixed use development as well as residential uses becoming commercial within the zone. This issue goes against the goals of the POCD which encourage mixed use development.

Public Comment in Favor:

Blunt White, economic development commission spoke in favor of the application. He stated that the majority of the commercial uses in the zone require a special use permit. This process allows the Commission an opportunity to provide accommodations to the neighbors for a reasonable buffer, rather than having a hard regulation on a buffer.

Suzanne Moore, property owner in the LS-5 zone, spoke in favor of the application. She has used the property for mixed uses and has recently struggled with buffer requirements affecting her ability to acquire new tenants. She stated that many properties in the zone cannot meet the regulations now if they wish to make changes.

Dave Hammond, Chair of the Economic Development Commission, spoke in favor of the application. Mr. Hammond spoke about the POCD task of making reasonable steps to incentivize mixed use in the village areas.

Sal Ritacco, an attorney in Pawcatuck and board member of the Ocean Community Chamber of Commerce, spoke in favor of the application and its ability to create better mixed-use development in the LS-5 zone.

Attorney William Sweeney spoke in favor of the application as submitted. Most of the uses in the LS-5 district require special use permit which would give the commission the opportunity to provide a better case-by-case basis for buffers and screening. In an informal workshop, this came up as one of the regulations that does not work for the community. Mr. Sweeney discussed the wording issues with the current regulations.

Public Comment Against:

Bob Hartley, resident of 36 Washington Street, has concern with a commercial property abutting his property and what uses could occupy the space.

James Hartley, former resident of 36 Washington Street, and the son of Bob Hartley, stated that uses with evening hours would greatly affect their home.

Carlene Donnarummo, spoke about the definition of attached housing. Ms. Donnarummo is concerned with the amendment and believes that there is not a high demand for mixed use development in the zone. Ms. Donnarummo believes that the staff is misinterpreting the definition of attached housing.

Paul Sartor, resident of Mystic, stated he was in agreement with Carlene Donnarummo. Mr. Sartor is concerned with the notification process for residents that this would affect. Mr. Sartor is concerned with how this amendment will affect residents and that this should not be a blanket change for all of LS-5.

Rebuttal:

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Mr. Brynes clarified that a commercial unit with a residential unit above triggers a buffer requirement in the current regulations. Mr. Brynes stated that any change of use would come before the commission in the form of administrative review or special use permit, allowing the commission the opportunity to comment on it.

Ms. Hoffman asked Carlene Donnarummo for clarification on the history of the attached housing definition.

Mr. Brynes responded to comments that this would only benefit two properties, noting that Staff calculations show that about forty properties would be affected and benefit from the change.

Mr. Lynch moved to close the public hearing, seconded by Mr. Young, all in favor 5-0, motion approved. Commissioners discussed a balance between residences and commercial uses.

Mr. Lynch moved to approve the application as it is in conformance with the POCD, and with a stipulation that when applications concerning LS-5 buffer requirements come before the commission, those protections for neighbors be outlined for the commission. The motion was seconded by Ms. Hoffman. Commissioners discussed the proposed regulation amendment and its effect on the community. The Commission amended the proposed language with a clause stating they may require a buffer or screening to a residential use in the zone. The vote was taken 4-1, the motion was approved. The effective date shall be July 10, 2017.

Roll Call: Young – approve, Hoffman – approve, Lynch – approve, Rathbun – approve, Conway – deny

The meeting recessed at 9:11pm and reconvened at 9:19pm.

Seated for the following hearing were David Rathbun, Curtis Lynch, Frances Hoffman, Gardner Young, and Shaun Mastroianni.

PZ1713SUP Moogie, LLC (Whole Beast, LLC) – Special Use Permit application to expand Restaurant use to 52 seats with a liquor permit for on-premises liquor (beer & wine) sales. Property located at 24 East Main St., Mystic. Assessor's Map 182 Block 4 Lot 9. Zone LS-5.

Attorney William Sweeney presented the application on behalf of the applicant. The property has been used as a restaurant since the 1970s most recently Café 511. The applicant is proposing a new restaurant that will feature an on-site butchery called Grass and Bone. The cuts available in the case will be available for purchase to take away or can be prepared for consumption at the restaurant. The applicant is proposing to be open seven days a week from 6:00am to 11:00pm. The applicant is requesting to increase seating to a maximum of 52 seats. They are able to meet the parking requirements, and are applying for a liquor permit to sell beer and wine at the counter. They are not proposing a bar within the restaurant. Attorney Sweeney stated that due to the property's pre-existing non-conformity, the buffer requirements would not apply. There currently is a fence screening the property from the residence behind them. Mr. Sweeney presented aerial photos and past certificates of zoning compliance that serve as evidence that the lack of a buffer is legally non-conforming.

Julia Leeming, project architect, presented photos of the existing building and site plan. The applicant will not be making changes to the footprint. Ms. Leeming presented the minimal changes to the floor plan. The applicant is making use of the existing structure, proposing an open floor plan with counter service. Ms. Hoffman recommended bringing in planters to bring some green to the property.

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Applicant Dan Meiser stated that, depending on permitting they plan to open for business within 1-2 months.

Public Comment in Favor:

Blunt White, spoke in favor of the application and its benefit to the community.

Attorney Sal Ritacco, spoke in favor of the application and the local benefit.

Dave Hammond, Economic Development Commission Chair, spoke in favor of the application and its conformance with the POCD.

James Higgins, spoke in support of the application and its unique offering to the community.

Public Comment Against:

William Coyle, an adjacent property owner, is concerned about an intensification of parking in the area and the sale of beer and wine. He is also concerned about trash removal and food deliveries.

Carol Grass, adjacent property owner, raised concern with the parking spaces on site and accessibility.

General Comments:

Paul Sartor, neighboring resident is concerned with the intensifying use of the property and potential after this business.

Carlene Donnarummo, was concerned that the full health district's comments were not included in the staff report. She also stated that she hoped the applicant would consider reducing the seats.

Rebuttal:

Attorney Sweeney stated that they did contact Mr. Coyle's son regarding the application. Mr. Sweeney stated that they would support notifying their customers not to park on Willow Street, liquor sales will be restricted to beer and wine, the restaurant will not have a bar, and it will close at 11:00pm. There is an existing dumpster on site with an enclosure and they would be happy to work with their neighbor on minimizing any cleanup noises. They will only have small box trucks delivering early in the morning and will park in the lot. The parking has been approved as proposed for the previous tenant, and they will work to inform patrons to be mindful of Willow Street. Mr. Sweeney recommended that the commission can stipulate that there will not be a consumer bar, just a service bar so that the property will be protected in case of future ownership. The applicant is requesting 52 seats but may not use all 52, as they have currently planned for 45.

Mr. Brynes clarified that the comments from the health district do not affect the zoning approval, they are just standard language for opening a restaurant. Mr. Brynes outlined the recommended stipulations.

Ms. Conway has concern with the intensification of use for the location and lack of a buffer.

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

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Mr. Lynch moved to approve the application with four stipulations and waivers, seconded by Mr. Mastroianni. Ms. Hoffman stated that she strongly encourages the applicant to add planters to the site. The vote was taken all in favor 5-0, motion approved.

Stipulations:

1. Any proposed signage shall conform to Section 7.12 of the Zoning Regulations.
2. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.
3. Approval shall be effective as of July 10, 2017.
4. No "Consumer Bar," as defined by Connecticut General Statutes, is allowed with this approval.

Mr. Young moved to adjourn, seconded by Mr. Mastroianni, all in favor 5-0, the meeting adjourned at 10:31pm.



Frances Hoffman, Secretary
Shaun Mastroianni