

Regular Meeting

The 1617th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, July 17, 2018 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman David Rathbun at 7:00 pm. Also present for the meeting were Commissioners Gardner Young, Ben Philbrick, and Curtis Lynch; Alternates Fred Deichmann and Lynn Conway; and Town Planner Keith Brynes. Director of Planning Jason Vincent and Commissioner Shaun Mastroianni were absent.

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

Minutes:

Mr. Philbrick moved to approve the minutes of the June 19, 2018 meeting, seconded by Mr. Young, the vote was taken 3-0-2,

Roll Call: Philbrick – approve, Young – approve, Lynch – approve, Conway – abstain, Rathbun - abstain

Commission Reports:

Appointment of Commission member to Plan of Conservation and Development Implementation Committee

Mr. Lynch moved to appoint Mr. Philbrick, seconded by Ms. Conway, all in favor 5-0, motion approved.

Administrative Review:

"Grass & Bone" request for an Extension of Use of restaurant patio space for the weekend of the Mystic Art Festival, Aug 10-12, 2018. Property located at 24 E. Main St., Mystic. Assessors Map 182 Block 4 Lot 9. Zone LS-5.

Harley P. Chase VFW Post request for an Extension of Use of restaurant patio space for August 4, 2018. Property located at 162 South Broad St., Pawcatuck. Assessors Map 25 Block 1 Lot 18. Zones GC-60 & RR-80.

The commission discussed with staff the need to create standard operating procedures allowing these requests to be approved by staff with the added acknowledgement to the Police Department. The State Liquor Commission is the ultimate authority for liquor permits. Ms. Conway asked for clarification on the permitted hours of operation. Mr. Meiser clarified that the permit would be for the regular hours of operation of the patio which would end at 10:00pm.

Mr. Young moved to approve the requests, seconded by Mr. Lynch, all in favor 5-0, motion approved.

ZON18-133 Clavdy, LLC – Replace 12' x 12' ice cream tent with an 8' x 12' tent for storage and service bar. Tent shall be placed to the south side of 20' x 40' outdoor dining area tent. Extend dates of seasonal tents to April 15th thru Thanksgiving. Property located at 20 Old Stonington Rd., Stonington. Assessors Map 153 Block 2 Lot 4. Zone GC-60.

The applicant was cited for some compliance issues with the original approval. The applicant has relocated the outdoor bar that was not previously approved. The applicant is asking for modifications to their original permit to replace the ice cream tent with a tent for storage and a service bar and to extend the dates of seasonal tents. Mr. Eck clarified the proposed location and the current conditions on the site. The former outdoor bar is no longer being used as a bar but does still have TVs available for

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viewing. Mr. Eck stated they were under the understanding that the live music is allowed by their liquor permit but was not aware a Special Use Permit from the PZC was required for live amplified music. Mr. Eck stated that they will not have amplified music until they receive the required Special Use Permit.

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

Stipulations:

1. This approval does not include the proposed sunroom addition on the south side of the building.
2. Amplified live entertainment is not permitted; a Special Use Permit application may be submitted for consideration of this activity as per Section 6.6.16.

PZ0667CNU & CAM Masons Island Landing, LLC (Mystic Point) – Request changes to approved redevelopment of an existing 4.2+/- acre parcel into 5 residential duplexes & 3 single family residences. Property located at 29-30 Dubois Dr., Mystic, CT. Assessors Map 175 Block 4 Lot 10. Zones RM-15 & RC-120.

The request was tabled.

Public Hearings:

PZ1814SUP & CAM 2X Nice, LLC (M. Comeau) – Special Use Permit & Coastal Area Management Review applications to permit the demolition and reconstruction of a 3,389 SF, 3-story mixed-use building with associated site improvements. Property located at 19 Roosevelt Ave., Mystic. Assessors Map 174 Block 15 Lot 5. Zone LS-5.

Mark Comeau, Project Architect, presented the application. The property owner purchased the site to redevelop and provide a business space for his wife. Since the initial purchase, there was significant damage from a pipe and there are many code issues. They plan to demolish the current structure and rebuild with a flood proof basement, ground floor salon business, and apartments on the second and third floors in a relatively similar footprint. The new design also consolidated the entrance to a single curb cut. There is parking provided on site but the applicant pointed out there is also significant parking in the surrounding areas as well. The building would be built to FEMA flood standards. The buildings on either side are similar in height and size. Mr. Rathbun questioned whether they have addressed the Town Engineer's comments on the flood standards. Mr. Comeau clarified that they are using the same technique as was approved for the new Bravo-Bravo structure. Mr. Lynch asked for clarification on the staff recommended stipulation. Mr. Comeau clarified that the plan is certified to be designed by an approved engineer. Ms. Conway asked about the lighting. There will be a single light in the rear.

General Comments:

Ted Tylaska, owner of 21 Roosevelt Avenue, stated they love the design of the building but he has questions about the parking. Mr. Brynes clarified that it is a pre-existing legal non-conformity; zoning requires 8 spaces and there are six on-site. Mr. Tylaska clarified there is no parking immediately in front of the building. He also handed out a photo of the power pole in the middle of the proposed shared driveway and would like that the pole not be placed on their property in its relocation. They would also like assurances that their property will be accessible during construction.

Rebuttal:

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Mr. Comeau stated the owner is attempting to be progressive with parking in town and there is decent shared parking in town. Ms. Conway stated that the six does not provide for customers. They will try to work with their neighbor to see if two additional spots could be obtained. They will also be meeting to discuss maintenance. They will put provisions in their E&S plan for ingress and egress for 21 Roosevelt. They have been in discussion with Eversource to relocate the pole, which would likely be located to the left-hand side of the property and not towards 21 Roosevelt.

General Comments:

Carlene Donnarummo recommended a stipulation to require the applicant to work with Eversource to relocate the power pole to a location agreeable to the three property owners.

Ted Tylaska noted that there is no guarantee residential parking spaces will be empty during the day due to more tenants working from home.

Ms. Conway is still concerned about the number of parking spaces.

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

Mr. Lynch moved to approve the application with five stipulations recommended by staff plus two additional, seconded by Ms. Conway, all in favor 5-0, motion approved.

Mr. Lynch moved to approve the Special Use Permit Waivers and CAM application, seconded by Ms. Conway, all in favor 5-0, motion approved.

Stipulations:

1. Final plans shall be recorded prior to the issuance of a Zoning Permit.
2. Final plans shall be reviewed to the satisfaction of the Town Engineer.
3. Final plans shall conform to all Flood Hazard requirements; if the applicant cannot meet the "dry-flood proofed" certification requirements prior to construction, no such space below the Base Flood Elevation shall be permitted.
4. Any dumpster shall be located outside of building setbacks and screened with fencing or evergreen trees or shrubs at least 6 feet high per Section 7.10.4.6 of the Zoning Regulations.
5. Propane tank shall meet minimum building setbacks.
6. Access for 21 Roosevelt Ave. shall be kept free and clear during construction.
7. Applicant shall will work with Eversource to find an acceptable relocation area for the utility pole and transformer.

PZ1816SD Kevin & Melissa Breault (M. Scanlon) – Subdivision application for a 2-lot re-subdivision of a 5.18 acre parcel. Property located at 731 New London Turnpike, Stonington. Assessors Map 89 Block 1 Lot 1B. Zone RR-80.

Michael Scanlon presented the application. The property was originally a single building lot, and the applicant purchased an additional portion of a lot for a single large lot. The applicant is now proposing the subdivide that parcel into two building lots and will provide a fee-in-lieu of open space. The lot had an existing drive onto the lot which will be upgraded and has been approved by the Wetlands Commission. Mr. Lynch questioned whether there are any septic issues. Ledge Light stated it is suitable for on-site septic. Any issues would be addressed in the building permit stage. Ms. Conway asked for the

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original rationale in combining the lots. Mr. Breault stated that the property owner behind him offered him the parcel between him and was recommended to combine it into his property has since regretted that choice. Mr. Breault asked for clarification on the fee-in-lieu of open space. Mr. Brynes clarified that they did look into whether this was provided in the original subdivision and it does not appear there was any Open Space provision.

No Public Comment

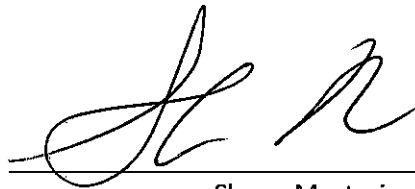
Mr. Lynch moved to close the public hearing, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

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

Stipulations:

1. Final plans shall include new street address and Assessor's lot numbers as assigned by the Town.
2. Final plan shall be reviewed to the satisfaction of the Town Engineer.
3. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$____ was approved by the Planning & Zoning Commission, each new lot shall be assessed \$____."

Mr. Lynch moved to adjourn, seconded by Mr. Philbrick, all in favor 5-0, the meeting adjourned at 8:44pm.



Shaun Mastroianni, Secretary