

Special Meeting

The 1618th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, August 7, 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 were Commissioners Shaun Mastroianni, Gardner Young, Ben Philbrick, and Curtis Lynch; Alternate Fred Deichmann, Town Planner Keith Brynes, and Director of Planning Jason Vincent. Alternate Lynn Conway was absent.

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

Minutes:

Mr. Philbrick moved to approve the minutes of the July 17, 2018 meeting, seconded by Mr. Lynch, motion approved 4-0-1.

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

Administrative Review:

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. Assessor's Map 175 Block 4 Lot 10. Zones RM-15 & RC-120.

The development was originally approved in 2007 and a portion of the property has been built. The applicant is requesting modifications to the three single family homes that have not yet been built.

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

18-142ZON New England Real Estates, LLC (Perkins) – Zoning permit application for a sign and change of use from Retail Restaurant to Retail. Property located at 27 Broadway Ave., Mystic. Assessor's Map 174 Block 14 Lot 2. Zone LS-5.

The applicant is requesting a change of use from Retail Restaurant to Retail from the former Ju Sushi to B. Carver's Home & Gifts.

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

18-139ZON C & R Tsiakiris (M. Bonnano) – Zoning permit application for change of use from Retail Restaurant to Financial Institution. Property located at 38 South Broad St., Pawcatuck. Assessors Map 14 Block 3 Lot 1. Zone LS-5.

The applicant is requesting a change of use from Retail Restaurant to Financial Institution. There will be sufficient parking and no changes to the exterior of the building.

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

Special Meeting

PZ0360SD SUP & GPP Old Mystic Estates, fka Clairemont Cluster SD – Discussion of stipulation of approval requiring Public Access Easement over open space not transferred to a land trust.

The applicant is requesting a modification to the previously approved stipulation requiring a Public Access Easement over open space that was not going to be transferred to the Stonington Land Trust. Much of the land that is not being taken by Land Trust has retention basins or other potentially unsafe infrastructure, making it not suitable for public access. These areas will be owned by a Homeowner's Association. Commissioners identified and discussed the affected open space areas, agreeing that public access would not be required. There will be public access to the lands acquired by the Stonington Land Trust.

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

Stipulation:

1. A Conservation Easement is still required over areas not accepted by the Land Trust.

CGS 8-24 Review of conformance with the Plan of Conservation and Development – Proposed municipal acceptance of completed portions of roads associated with the Old Mystic Estates Subdivision. Portion of Nautilus Way & Latitude Circle. Assessors Map 165-5-1X (partial) & 148-3-3X.

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

Public Hearings:

PZ1818SUP Laveer Properties, LLC (K. Scanlon) – Special Use Permit application for a change of non-conforming use from one commercial unit and one residential unit to two residential units. Property located at 11 Velvet Lane., Mystic. Assessors Map 172 Block 3 Lot 12. Zone RA-20.

Kevin Scanlon presented the application for change of use from a commercial unit and residential unit to two residential units (duplex). The building is located in a residential neighborhood. They will not be changing the structure of the building or intensity of use.

No Public Comment

Mr. Brynes explained that a duplex in a RA-20 zone is not permitted (a non-conforming use). The previous non-conforming use as a paving contractor office and a residence has a history of noncompliance issues. This application is to allow for a change from one non-conforming use to a different non-conforming use.

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

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

Special Meeting

PZ1815RA Robert Walker & Lindsay Chamberlain (W. Sweeney) – Regulation Text Amendment to modify the provisions of ZR 7.3.5 24-foot design height limitation in coastal areas to allow, by Special Use Permit, a structure with the height limits established in ZR Sections 5.1.1 and 5.2.1.

Attorney William Sweeney presented the application. The applicant is seeking a zoning amendment to allow, by Special Use Permit, relief from the 24-foot design height limitation. The current regulation caps the height in the coastal zones at 24 feet regardless of design, with no outlet to seek relief. This regulation was originally established to protect waterfront views for neighboring properties. The Special Use Permit process would provide for an applicant to seek for relief while still protecting neighbors' views. The Architectural Review Design Board was in favor of the proposed change, but recommended that the commission remove the ridge line reference instead of requiring a Special Use Permit. Though this would work for the applicant, they are still recommending the Special Use Permit for an extra level of oversight.

No Public Comment

Mr. Brynes stated benefits include flexibility and economic benefit for the town, but risks are the possible obstruction of neighbors' views. The ARDB's recommendation is simpler, removes the lengthy Special Use Permit process, and would only permit a modest increase in height. Mr. Vincent stated this is the only reference to ridge line and would recommend that streamlining terminology would benefit future applicants.

Mr. Sweeney recommended that the commission act on the issue through either method.

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

Mr. Mastroianni moved to approve the application with the modification to use the language proposed by the ADRB as on page 32 of the staff report, seconded by Mr. Young. The vote was taken 5-0, motion approved. The effective date is August 27, 2018.

ADRB Amendment Modification Language:

Design Height Limitation in Coastal Areas. [ADOPTED MARCH 31, 1986; AMENDED JUNE 21, 2005; SEPTEMBER 6, 2005; OCTOBER 18, 2005; APRIL 19, 2011]

No structure within 150 feet of Mean High Tide (USGS Datum) may have its maximum height ~~to ridge line~~ greater than 24 feet above the 100 year Flood Hazard Level or Average Finished Grade, whichever is higher. Notwithstanding anything contained herein to the contrary, the Commission may modify the requirements of this section for specific structures in the MHD, NDD and IHRD zone if specifically approved in the Master Plan.

PZ1817SD, SUP & GPP People's United Bank (Readco, LLC) – Subdivision, Special Use Permit, & Groundwater Protection Permit applications for re-subdivision of a 7.7+/- acre parcel, and construction of a 25,206 SF medical office building with associated parking and site improvements. Property located at 350 Liberty St., Pawcatuck. Assessors Map 17 Block 1 Lot 13. Zones CS-5 & RM-20.

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Attorney Theodore Ladwig presented on behalf of the applicant. The applicant is proposing a 3-lot subdivision for a medical office building, a lot for future development, and an open space parcel open space with a conservation easement.

Matt Bruton, project engineer, presented the site plan. The applicant is proposing a three-lot subdivision with two building lots and one conservation lot. One of the building lots will also have a conservation easement to buffer the neighborhood. Mr. Vincent explained the purpose of the conservation easement. They are not proposing any development in the upland review area. The applicant is proposing a two-story medical office building with 126 parking spaces. There will be a main drive accessed at the existing traffic signal. There will be a front entrance for drop offs and a rear entrance for those parking. The topography will buffer and protect the neighborhood due to the existing slope and proposed excavation. Lighting will be full cut off with no spillage off property line. Storm water management will be within the existing system and will be maintained by the property owner. There will be on site catch basin, sub-surface detention system and infiltration system.

Dominick Celtruda, landscape architect reviewed the landscape plan. There will be significant trees added and islands in the parking area. There will also be planting around the building. The applicant included some maples to preserve the history of the site. They will be planting evergreens along the south side near the neighboring property. Mr. Philbrick asked for clarification on the retaining wall and slope.

Fred Greenberg, traffic engineer presented the traffic study. The applicant is proposing a single curb cut at White Rock Bridge Road at the existing light. The applicant is proposing a left turn lane in the current median and connecting to the existing light. The proposed plan will be reviewed by DOT but it is their opinion the intersection will operate well. Liberty Street currently carries 23,400 trips a day so it can easily accommodate the added 875 trips.

Nick Michievich, project architect presented the proposed building design. Front and rear parking with associated entrances will allow for more parking close to the building. The spaces are designed for future tenants and provide a shell. The mechanical units on the roof will be in the center and screened with panels. The applicant modeled the building after commercial buildings in the Liberty Street area. The materials will be high quality and sustainable. The applicant presented photos with the building placed on the property with sightlines from the street. The ADRB initially was unhappy with the original design but worked with the applicant to modify the plan and give it more depth. They substituted the exterior façade elements for higher quality materials with greater depth. The signage will be in a future application.

Attorney Ladwig spoke again, summarizing the application.

Public Comment in Favor:

Keith Main, resident of 311 Liberty Street, questioned the south end of the property retaining wall and the view of the neighboring property. He is concerned with screening of the wall for potential access. He is in favor of the application overall.

Annette Headley, resident to the rear of the property questioned how it would affect the rear of her property.

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John Rich, resident of Timber Ridge Drive spoke in favor of the application and its low impact use.

No Public Comment Against

No General Comment

Rebuttal:

Mr. Bruton clarified that they are proposing a fence around the retaining wall as well as the conservation area.

Mr. Brynes stated the Town Engineer had remaining comments that they have made into recommended stipulations. Mr. Brynes reviewed the stipulations. Mr. Vincent reviewed the high quality of development and effort put in by the applicant.

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

Mr. Lynch moved to approve the resolution in the staff report, seconded by Mr. Philbrick, 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 and shall include confirmation of the permeability rate of the soils, depth to seasonal high ground water and depths to refusal in the vicinity of the underground roof infiltration system. Additional deep soil tests and permeability tests will be required to confirm the design assumptions as necessary.
3. CTDOT approval of the proposed intersection and off-site improvements is necessary prior to issuance of any Zoning Permits.
4. 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.
5. The applicant shall submit an inspection fee equal to 5% of the total cost of sanitary sewer installation and public improvements within the Town right-of-way. The applicant is responsible for any inspection costs that exceed this 5% amount.
6. The design engineer shall provide inspection services for the construction of the underground detention and infiltration system. This shall include a bottom of system trench/excavation inspection, impermeable liner inspection, system inspection prior to back fill and final cover inspection. Confirmation of the inspections & design engineer sign-off shall be provided to the Town prior to issuance of Certificate of Zoning Compliance.
7. Dedication of open space parcel and conservation easement 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 and/or conservation easement, Board of Selectmen approval will be required.
8. This approval does not include any signage.
9. Right of Way easement for the shared driveway and Sidewalk Easement shall be filed prior to the issuance of any Zoning Permits.

Special Meeting

The meeting recessed at 8:42pm and reconvened at 8:46pm.

PZ1819RA Town of Stonington P&Z Commission – Regulation Text Amendment to modify the definition of the term “Substantial Improvement” as it relates to modifications in flood hazard areas, specifically, to add an exemption for historic structures as allowed in FEMA’s definition of “Substantial Improvement.”

This application would allow for exemption of historical properties from the definition of substantial improvement as allowed by FEMA. To be considered historic, it must be on the national or state register or a contributing structure in a historic district. This would be a valuable change for historic preservation. The Town and Historical Society is pursuing possible designation of some village areas in town. Developers will likely still comply with some regulations for better development.

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

Mr. Lynch moved to approve the application, seconded by Mr. Mastroianni, all in favor 5-0, motion approved. The effective date is August 27, 2018.

Mr. Lynch moved to adjourn, seconded by Mr. Philbrick, all in favor 5-0, the meeting adjourned at 8:56pm.



Shaun Mastroianni, Secretary