

Regular Meeting

The 1619th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, August 21, 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 and Ben Philbrick; Alternates Fred Deichmann and Lynn Conway; Town Planner Keith Brynes, and Director of Planning Jason Vincent. Commissioners Gardner Young and Curtis Lynch were absent.

Seated for the meeting David Rathbun, Ben Philbrick, Shaun Mastroianni, Fred Deichmann, and Lynn Conway.

Minutes:

Mr. Deichmann moved to approve the minutes of the August 7, 2018 meeting, seconded by Mr. Mastroianni, all in favor 5-0, motion approved.

Preliminary discussion of Accessory Dwelling Unit Regulations

Mr. Brynes stated that a community conversation was held on the topic May 31st. There were comments received but not a clear consensus on the community's goal. Staff is looking for guidance from the commission on next steps. Ms. Conway asked which parts exactly are unclear. Mr. Brynes explained that the regulations appear in different sections but the requirements within each section are not the same, leading to uncertainty as to when some apply and when they don't. It is the commission's discretion to decide whether they are looking to clarify the rules or make them more permissive. Ms. Conway stated she would prefer clarity but does not see a need to expand them to allow for easier permitting of accessory units. Mr. Deichmann and Mr. Philbrick were both in agreement with Ms. Conway. Mr. Rathbun directed staff to create a draft amendment to clarify the accessory dwelling regulations with an option to add pertinent zones.

Preliminary Discussion of Solar Access Regulations

Mr. Brynes explained that the zoning regulations regarding solar access are outdated. They have not kept pace with the newer, available technologies. Many other towns have them as an accessory use with less restrictions. Commissioners agreed that better making solar access more available is beneficial. Mr. Brynes will prepare a draft amendment updating the regulations. Ms. Conway asked for staff to be in touch with those in the field to clarify definitions and acquire information needed to keep the solar access regulations current.

Public Hearings:

PZ1820RA Russell E. Sergeant, AIA (Alamoe) – Regulation Text Amendment to modify the provisions of ZR 6.6.21 Residential Mixed Use (RMU) to permit RMU in the GC-60 zone by Special Use Permit. Amend ZR Sections 4.4.3, 5.2.1 & 6.6.21.1.

Mr. Sergeant presented the application. The applicants are property owners of the Wilcox Marine property on Old Stonington Road. They have had issues filling the vacancy on the second floor. When they purchased the property attached housing was allowed, but after a study in 2006 attached housing was eliminated and RMU was created. However, this was not permitted in the GC-60 or CS-5 zones. The property owners renovated and added space to make the property more desirable for commercial uses. This was completed in 2007 and has been listed with no interest to date. In 2008 a study was done on Route 1 which encouraged RMU in the village fringe areas. All five of the GC-60 zone areas on Route 1 are in village fringe areas. The Plan of Conservation and Development supports this addition of RMU. The Route 1 Study also encouraged use of existing infrastructure rather than building new single-family

Regular Meeting

homes on farmlands. Mr. Sergeant reviewed the potential build-out based on FAR. There is sufficient area for development to meet the housing needs of the community. Mr. Sergeant reviewed the proposed amendment language. Staff has proposed additional recommendations to the language. Mr. Sergeant agrees with staff's recommendations for minimum lot size and buffer requirements. The applicant has notified all 73 potentially affected property owners and to present, has received seven letters of support. Mr. Sergeant read one of the letters into the record. Mr. Philbrick asked if there were any letters opposed, Mr. Sergeant replied that there were not. Mr. Deichmann asked why this zone was left out of RMU. Mr. Sergeant stated that he is unsure. Mr. Brynes said they were more focused on the village commercial areas and did not discuss this at the time. Ms. Conway asked how many properties in the zones where it was allowed had converted to mixed use.

Public Comment in Favor:

Dave Hammond, chair of the Economic Development Commission presented a letter of support for the application. The letter highlights four of the benefits of the amendment.

No Public Comment Against or General Comment

Mr. Brynes presented the possible benefits including economic benefit, additional housing availability, environmental benefits, and design aesthetic. Possible risks include excessive development or use conflicts, which is mitigated by the Special Use Permit process. Another risk is the loss of commercial land, which is mitigated with the RMU requirements that a portion of the property must remain commercial. Mr. Brynes presented three alternatives staff has prepared. The first would keep the minimum lot size at 60,000SF, the second would allow for a minimum lot size of 5,000SF. Many properties in the GC-60 zone are undersized but are good candidates for RMU. The last alternative modifies buffer requirements for RMU. Mr. Brynes reviewed the current buffer requirements, and also recommended removing the ten-unit cap for this zone.

Rebuttal:

Mr. Sergeant stated over ten units may require more restrictions.

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

Mr. Philbrick moved to approve the applications with staff's recommendations without removal of the ten-unit cap, seconded by Mr. Deichmann. Mr. Mastroianni recommended adding a percentage requirement for affordable housing. Mr. Deichmann asked how you deal with cases that have two units. Mr. Rathbun recommended the requirement for greater than 10 units. Ms. Conway stated there should be more research performed prior to a decision being made. Mr. Rathbun stated that we should look at affordable housing as a whole rather than in pieces. Ms. Conway further discussed the buffer requirements point. The vote was taken 4-1, the motion was approved.

Roll Call: Deichmann – favor, Philbrick – favor, Rathbun – favor, Mastroianni – favor, Conway – oppose

PZ1821SUP Murphy Pt. Realty, LLC (K. Simonds) – Special Use Permit application for a Medical Clinic in 440 square feet of existing building. Property located at 4 Broadway Ext., Mystic. Assessors Map 174 Block 20 Lot 5. Zone M-1.

Regular Meeting

Mr. Simonds presented the application for a special use permit for a change of use from an office to a medical clinic. It is currently in use on Fridays and Saturdays only, operating on opposite hours from the other use in the building. The parking requirements are the same as the previous office use. It has been operating without issue since opening due to good tenant management. They are working to secure additional parking across the street.

No Public Comment in Favor or Against

General Comments:

Resident, Ben Tamsky, stated that the town did create the parking issue by previously approving six spaces, and noting that the applicant is not asking for a more intense use.

Mr. Brynes reviewed the recommended stipulations and stated there would be shared parking. Mr. Deichmann recommended that expansion of use require a revisit.

Rebuttal:

Mr. Simonds stated that they have worked hard to balance the uses to avoid parking issues.

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

Mr. Deichmann moved to approve the application with stipulation to address fire code issues and that expansion of hours of any uses requires additional approval, seconded by Mr. Philbrick. The vote was taken, all in favor 5-0, motion approved.

Stipulations:

1. This approval does not include Dedicated Off-Site Parking.
2. Outstanding Fire Code violations must be addressed.
3. The expansion of hours of any uses will require additional Commission approval.

PZ1822SD Claudia Peresman (G. Fedus) - Subdivision application for a 3-lot re-subdivision of an 8.02 acre parcel. Property located at 90 Farmholme Rd., Stonington. Assessors Map 59 Block 1 Lot 5. Zone RR-80.

Mr. Fedus presented the proposal to subdivide an 8-acre property to three lots. The access to the rear lots over a shared drive across a wetlands area. The access drive has been approved the wetlands commission. The town engineer's comments will be complied with as well. The applicant is asking for a waiver from the technical standard requirement to pave the driveway. Part of the proposed driveway is through wetlands.

No Public Comment

Mr. Brynes reviewed the recommended stipulations.

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

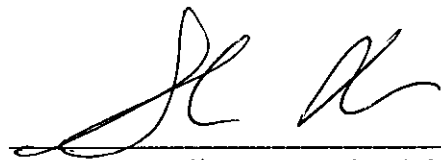
Regular Meeting

Mr. Mastroianni moved to approve the application with the stipulations recommended by staff, seconded by Mr. Deichmann, 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. 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 \$14,200 was approved by the Planning & Zoning Commission, each new lot shall be assessed \$4,733.33."
3. Final plans shall be reviewed to the satisfaction of the Town Engineer.

Mr. Mastroianni moved to adjourn, seconded by Mr. Philbrick, all in favor 5-0, the meeting adjourned at 8:45pm.



Shaun Mastroianni, Secretary