

Regular Meeting

The 1592nd meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday May 16, 2017 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman, David Rathbun at 7:00pm. Present for the meeting were Commissioners, David Rathbun, Curtis Lynch, Gardner Young, Shaun Mastroianni, Frances Hoffman and Alternate, Lynn Conway. Town Planner, Keith Brynes and Director of Planning, Jason Vincent were also present. Alternate, Harry Boardsen was absent.

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

Minutes:

Ms. Hoffman moved to approve the minutes of the May 2, 2017 meeting, seconded by Mr. Lynch, Ms. Hoffman recommended corrections to the minutes. The vote was taken on the amended minutes, 4-0-1, Mr. Rathbun abstained.

Administrative Review:

Commission discussion regarding LS-5 buffer requirements at 40-44 Washington St., Mystic, for potential bakery:

Mr. Brynes summarized the issue in which a bakery is considering locating at 40-44 Washington St. and interpretation is needed as to whether the extra LS-5 buffer requirements for "food take out" in Section 4.3.4.3 would apply to such a use. Mr. Lynch moved that the Commission's interpretation of "food take-out" is that a drive-thru or walk up window must be present; seconded by Ms. Hoffman. The motion was approved 5-0.

Old Business:

PZ1708SD Natasha Neef (Peter Gardner) – Subdivision application for the creation of two (2) lots. Property located at 123 Wolf Neck Rd., Stonington, CT. Assessor's Map 140 Block 1 Lot 2A. Zone RR-80.

Mr. Gardner presented the application. The current lot is 7.1 acres, the subdivision would create two lots, one with the existing home on 4.53 acres and the second with 2.57 acres. Mr. Gardner believes the barn located on the second lot can be considered a primary structure due to the allowance of agricultural uses in the zone. Mr. Gardner presented the plans as well as the potential location for a home and septic system on the smaller lot.

Mr. Lynch moved to approve the application with stipulations recommended by staff; seconded by Mr. Mastroianni. The motion was approved 5-0.

Stipulations of approval:

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 \$17,500 was approved by the Planning & Zoning Commission, each new lot shall be assessed \$8,750."

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PZ1705RA & ZC Stonington PZC - Regulation text amendment to create a new Heritage Mill (HM) Zoning District, and map amendment to change three properties from M-1 to HM (82 Mechanic St. - Map 4 Block 7 Lot 15; 100 Mechanic St. - Map 4 Block 7 Lot 16; & 150 Mechanic St. - Map 4 Block 7 Lot 17), and change several properties from M-1 to DB-5 (2 Prospect St. - Map 4 Block 17 Lot 3; 66 Prospect St. - Map 4 Block 18 Lot 3A; 8-10 Palmer St. - Map 4 Block 17 Lot 2; 85 Mechanic St. - Map 4 Block 17 Lot 1; 87-89 Mechanic St. - Map 4 Block 17 Lot 9; 99 Mechanic St. - Map 4 Block 17 Lot 6; Mechanic St. - Map 4 Block 17 Lot 7; Mechanic St. - Map 4 Block 17 Lot 8; Mechanic St. - Map 4 Block 18 Lot 4; Prospect St. - Map 4 Block 17 Lot 4; Prospect St. - Map 4 Block 17 Lot 5), Pawcatuck. *PH closed 5/2/17.*

Mr. Brynes summarized staff's recommended revisions that were decided on at the last meeting. For the more intense, industrial uses staff recommended the threshold of 10,000 square feet to require a Special Use Permit.

Mr. Lynch moved to approve the application as presented in the staff report; seconded by Mr. Mastroianni. The vote was taken, all in favor 5-0, motion approved. Effective date of the Regulation Amendment is 6/6/17.

Public Hearing 7:30pm:

PZ1707RA Martin Olson Irrevocable Trust – Regulation Text Amendment to increase the maximum height and floor area ratio permitted within the Tourist Commercial (TC-80) zoning district. *PH continued from 5/2/17.*

The applicant provided conceptual renderings of a 65-foot high hotel and a 40-foot high hotel for the Commission.

Public Comment:

Carlene Donnarummo stated that the Commission should ask the applicant about the current average height of the buildings in Olde Mistick Village, and whether the additional height will provide usable space or just architectural detail. She also recommended a rendering of the hotel traveling down I-95.

Mr. Lynch asked that Mr. Vincent review the outcome of the Economic Development Commission's previous workshop on the TC-80 zone. Mr. Vincent stated that recommendations included that more building square footage be made available, preferably vertically. A greater amount of mixed use with residential and commercial uses should be allowed in the area. Mr. Vincent stated that this application can provide an incremental step for those changes to move forward.

Bill Sweeney, attorney for the applicant, stated that the buildings within the Olde Mistick Village are all under 40' and most are two stories. The most important request for these buildings is the increase in Floor Area Ratio. Mr. Sweeney stated there will be usable space with the hotel's additional height, not just architectural features. Mr. Sweeney stated that perspective and context is very important to height as well. Mr. Sweeney further explained the 65' height Special Use Permit provision and how it protects the Town.

Ms. Conway stated that the zone is more than just the Olde Mistick Village, it will affect all properties in this area. Ms. Conway also reminded the Commission of the culture of the community and that they should look at the overall vision for the community. Ms. Conway expressed concern that several large developments have recently been approved.

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Mr. Young moved to close the public hearing; seconded by Mr. Mastroianni. Motion was approved 5-0. Mr. Lynch moved to approve the application; seconded by Mr. Mastroianni. Mr. Mastroianni stated he was glad to see the renderings and recommended staying away from anything that would encourage a flat roof. Ms. Hoffman stated that she is still concerned with the height and its impact on the area. Mr. Lynch stated that he believes the application conforms with the Plan of Conservation and Development and its goals. Mr. Young and Mr. Rathbun stated that they believe the height works for the area and that there is not a great amount of developable property in the zone. The vote was taken 4-0-1 with Ms. Hoffman abstaining. The motion was approved. Effective date of the Regulation Amendment is 6/6/17.

PZ1709SUP Martin Olson Irrevocable Trust - Special Use Permit application to create 12,226 SF of space for a financial services office. The proposal includes a 2,871SF addition to the structure (Building 22), that was previously approved for reconfiguration to downsize an existing restaurant to create a second leasable area. Property located at 27 Coogan Blvd., Mystic. Assessor's Map 164 Block 3 Lot 1. Zone TC-80.

Mr. Mastroianni moved to continue the public hearing to June 6, 2017; seconded by Ms. Hoffman. The motion was approved 5-0.

Mr. Rathbun recused himself. Ms. Conway was seated for Mr. Rathbun.

PZ1710SUP McQuade's Mystic, LLC – Special Use Permit application to amend existing special use permit to allow the sale of beer and wine within existing cafeteria for on-site consumption. Property located at 14 Clara Drive, Mystic. Assessor's Map 164 Block 4 Lot 3. Zone TC-80. Robert Avena, attorney for the applicant, presented the application. The property currently has a permit for off-premise liquor consumption but does not currently sell beer in the aisle of McQuade's. A separate liquor store in the same building does sell liquor for off-premise consumption. The first change would be to sell beer in the aisles of McQuade's (which was already permitted by the Commission during McQuade's construction). They are also requesting on-premise sales of beer and wine within the cafeteria at the McQuade's store. The sales would be controlled by the attendant with beer and wine behind the counter that may be purchased when buying food. A valid ID must be scanned to verify age for consumption. They will also need to apply with the State Liquor Commission for a permit. Mr. Lynch questioned whether there are any like applications that set a precedent. Mr. Avena replied that they are not aware of any similar places in the area, but nationally this is a growing trend. The cafeteria has been permitted as a restaurant.

Mr. Lynch questioned whether any restaurants have been denied a liquor permit in Town. Mr. Vincent and Mr. Brynes are not aware of any.

Public Comment:

Carlene Donnarummo stated that she was surprised that they were discussed the sale of beer for off-premise consumption based on the ad.

Mr. Vincent and Mr. Brynes clarified that this is covered by their existing Special Use Permit which they have not acted on to date. Mr. Brynes stated that the Police Commission had no issue with the application.

Mr. Lynch moved to close the public hearing; seconded by Mr. Mastroianni. The motion was approved 5-0.

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Mr. Lynch moved to approve the Special Use Permit application; seconded by Mr. Mastroianni. Ms. Hoffman questioned how they prevent over-serving of customers. Mr. Vincent stated that to obtain insurance the servers must be TIPS or SMART certified. The vote was taken, all in favor 5-0, motion approved.

Mr. Young moved to adjourn; seconded by Mr. Lynch. All in favor 5-0. The meeting adjourned at 8:39pm.



Frances Hoffman, Secretary