

## Regular Meeting

The 1612<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, April 17, 2018, 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 Ben Philbrick, Curtis Lynch, and Shaun Mastroianni; Alternates Fred Deichmann, Robert Hannon, and Lynn Conway, and Director of Planning Jason Vincent. Town Planner Keith A. Brynes and Commissioner Gardner Young were absent.

Seated for the meeting David Rathbun, Shaun Mastroianni, Ben Philbrick, Curtis Lynch, and Lynn Conway.

**Minutes:**

Mr. Lynch moved to approve the minutes of the April 3, 2018 meeting, seconded by Mr. Mastroianni, all in favor 5-0, motion approved.

**Administrative Review:**

**18-059ZON Atlantic Associates of Stonington, LLC (H. Wes Maxwell)** – Zoning Permit application for a change of use to office for a landscape architect, formerly an antiques shop, and associated signage. Devising former retail space into 2 units. Property located at 530 Stonington Rd., Stonington. Assessors Map 99 Block 4 Lot 23C. Zone GC-60.

The applicant is proposing to divide a former retail space into two office spaces. The change of use will reduce the parking requirements. Mr. Lynch questioned whether any of the parking will be used for storage of landscaping materials or equipment. Mr. Maxwell responded that they will not.

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

**18-064ZON Lattizori Development, LLC** – Zoning Permit application for a change of use to retail, formerly financial institution. Devising former financial space into 2 units. Property located at 80 Stonington Rd., Mystic. Assessors Map 153 Block 3 Lot 1. Zone GC-60.

The applicant is requesting to divide the former Saving Institute Bank unit into two units. The drive thru window will be converted into an entrance. Mr. Vincent read through the proposed stipulations in the staff report. The police commission made recommendations for additional signage and removal of shrubs for access and visibility. Mr. Lynch requested a painted crosswalk from the new entrance to the parking area.

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

**Stipulations:**

1. The applicant shall work with Town staff to enhance pedestrian safety prior to the issuance of a Certificate of Zoning Compliance. This may include elimination of a parking space(s) near the canopy entrance.
2. Any liquor sales shall require a Special Use Permit per Section 4.4.3.15.
3. No new commercial signage is approved at this time. Signage shall require permitting through the Department of Planning.
4. Install painted crosswalk from entrance to parking area in area demarcated as "proposed walkway."

## Regular Meeting

The meeting recessed at 7:10 pm and reconvened at 7:30 pm.

**Public Hearings:**

**PZ1806SUP Whaler's Inn RE, LLC (W. Sweeney)** – Special Use Permit application to allow beer and wine sales limited to the new lobby area of the Whaler's Inn. Property located at 20 East Main St., Mystic. Assessors Map 182 Block 4 Lot 13. Zone DB-5.

Attorney William Sweeney presented the application. The applicant is proposing the sale of beer and wine in the lobby area of the Whaler's Inn. Mr. Sweeney presented photos submitted as Exhibit #2. The lobby was recently moved and renovated. There are about ten seats in the lobby area and a small infill deck. There will not be a bar, but beer and wine could be purchased at the reception area and charged to the purchaser's room. Beverages must remain in the lobby area, and liquor will only be served until 10:00 pm. Mr. Lynch questioned how they will enforce hotel guests being the only customers. Mr. Sweeney stated that the guests have room keys and staff is familiar with their guests due to the size of the hotel. They intend to have beverages charged to the guest's room account. Mr. Lynch requested a stipulation for drinks to be charged to rooms so that it ensures that only guests are served. This is an interim plan until they apply for a hotel liquor permit once the restaurant has been changed over from Bravo Bravo. The State Liquor Commission must give final approval.

No Public Comment

Mr. Vincent reviewed the staff report, noting that the Police Commission stated they would like to see the liquor sales end at 10:00 pm and did not see any safety or traffic concerns as long as the service remained within the lobby. Mr. Vincent recommended four stipulations.

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

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

Stipulations:

1. There shall be no liquor sales after 10:00 pm.
2. There shall be no live entertainment.
3. Alcohol sales shall be billed directly to the room account of the guest.
4. A Hotel Liquor permit shall require a separate Special Use Permit at the time they seek State Liquor Commission permit approval.

Mr. Lynch recused himself from the next application. Mr. Deichmann was seated.

**PZ1807SUP Atlantic Associates of Stonington, LLC (T&A Lynch)** – Special Use Permit application to expand 8-seat Retail Restaurant (Café Macondo), by 512 square feet to increase seating to 18. Property located at 530 Stonington Rd., Stonington. Assessors Map 99 Block 4 Lot 23C. Zone GC-60.

Todd Lynch, applicant, presented the application to expand the use from Retail Restaurant to Restaurant, stating that there will be adequate parking. Due to the cyclical nature of their business with peak hours of 11:00 am, dying off in the afternoon, there doesn't appear to be a parking conflict with the neighboring pizza restaurant. Mr. Lynch stated they applied for a permit for a single mixed-use

## Regular Meeting

handicap restroom, for which they have approval. They will not be expanding the nature of the menu, possibly just offering a few more options in existing food & beverage categories. Mr. Lynch stated that they have no plans to apply for a liquor permit.

No Public Comment

Mr. Vincent reviewed the staff report and recommended a stipulation regarding the town's maximum seating notice.

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

Mr. Deichmann moved to approve the application with one stipulation, seconded by Ms. Conway, 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.

Mr. Lynch was reseated.

**PZ1810SPA & GPP Lattizori Development** – Site Plan and Groundwater Protection Permit applications for construction of a 121-unit residential apartment building, parking, access drive, utilities, stormwater management, lighting, landscaping, lot line modifications, and site improvements. Property located at 189 Jerry Browne Rd., Mystic. Assessors Map 134 Block 3 Lots A, 2, & 2A-2N; Map 150 Block 2 Lots A, B, 1, & 1A-1X. Zone GDD.

Attorney Theodore Ladwig presented the application, reviewing how this application satisfies some of the goals of the Plan of Conservation and Development. The applicant received a brief this afternoon regarding the access road location. Mr. Ladwig explained that the Regulations prefer road locations to be at existing intersections, but it is not necessary. The commission has approved the location of the access road in the master plan process. Mr. Lynch asked for clarification on the master plan and site plan. The traffic engineer will speak about numbers and access during construction.

Michael Cegan, Richter & Cegan Landscape Architects, presented the site plan. Mr. Cegan reviewed the approved master plan. Phase one includes the 121-unit residential building and site access as well as the utility corridor. The apartment building site is about 10.3 acres and will have a U-shaped building with covered garage parking around the perimeter. A large amount of impervious surface has been removed by designing the overflow parking in a meadow area. The structure will be surrounded by meadow and there will be significant landscaping around both the building and the courtyard area. The lighting will be full cut off on the entry road and the parking area, with no light trespassing the neighboring property. There will be two main signs at the two entrances and secondary signs for direction on the campus. The sign at this entrance will only reference apartments and townhomes. Mr. Cegan addressed the comments from the town engineer. School buses will come into the site to pick up students rather than being picked up on Jerry Browne Road where there is no sidewalk. The applicant will provide a bike rack in an appropriate location near the building. Ms. Conway questioned lighting around the entry signs. They have not proposed any but may need uplighting. Ms. Conway questioned how the number of light poles was determined. Mr. Cegan explained that it is done by an electrical engineer through photometrics. Ms. Conway questioned how far the development will be from the highway. They are 25

## Regular Meeting

feet from the property line and there is an additional buffer on the other side. There is a hedge row behind the garages buffering the highway. Mr. Deichmann questioned whether widening of the highway will affect the property line.

Paul Biscuti, Project Engineer, presented civil engineering design for road, utilities, and stormwater management. Mr. Biscuti reviewed the stormwater management system for the apartment building, explaining that the system will have catch basins and pipes for the parking and roof area. There will be a large bio-retention basin at the rear of the apartment area. The design honors the requirements of the Groundwater Protection Overlay District. Swales will provide filtration prior to entrance to the retention basins. The application has been approved by the Inland Wetlands and Watercourses Commission. Mr. Biscuti reviewed the sanitary sewer system, utilities, and stormwater management for the primary access drive. Mr. Biscuti stated that they have reviewed at length the stormwater management, describing the watersheds and how the flow will not increase to the neighboring Lee Gardiner parcel. Mr. Biscuti reviewed the additional runoff from the Coogan Boulevard entrance. They have analyzed the entire 294-acre watershed and the increase will not create any downstream problems. Mr. Lynch asked them to comment on Mr. Gardiner's assertion that the project would increase flows across his driveway. Mr. Biscuti stated that the professional making the conclusions is a geologist and does not have the qualifications to understand the plans and research they have performed as an engineer or hydrologist. There is no activity in the watersheds that affect Mr. Gardiner's property as there is no change in this area. Mr. Deichmann questioned what the recourse actions are for the owner if the calculations are incorrect. Mr. Deichmann questioned whether they have considered the townhome development impacts to the neighboring property owner. Mr. Biscuti stated they have not, as yet, but will consider this thoroughly prior to that application. Mr. Philbrick asked for clarification on the basins around the entrance to the access road. The systems for the townhome phases will have to stand alone because this system cannot take on more water. It will have to be designed carefully and thoughtfully. None of the basins in this phase will have standing water on a permanent basis. Mr. Biscuti testified there will be no increase to flooding in the area due to there being a hydraulic outlet.

David Sullivan, Traffic Engineer, spoke about the traffic study. The master plan finding showed there were no increase to service quality and no impact to safety on the major intersections studied. The secondary access has been studied and sightlines are sufficient. The southern site driveway was previously studied in the master plan was estimated above what would be occurring with the Phase One development. The service level would be an A grade, with the Police Commission providing approval of the plan, as well. The Office of State Traffic Administration is currently reviewing the plan, and the applicants have addressed all traffic comments with them. The drive comes into Jerry Browne Road, a "collector" road. The preference to come into the intersection at Pequotsepos Road was thoroughly discussed with the Police Commission, and it was decided to locate the driveway as proposed in order to deter traffic from using it as a primary access and in consideration of environmental concerns. Ms. Conway raised concern with the recreational nature of the road and would prefer if there were two access roads to the site for all stages of development. Mr. Sullivan clarified how the service level is calculated.

Tim Wentz, project architect spoke about the design of the building and the sizes of the individual units. Every unit will have a private balcony. The siding is varied between clapboard and shake siding, with gray and white exterior colors. The structure will have dormers for architectural design and ventilation. Ms. Conway asked for clarification on the height calculations. The design of the 6-and 8-bay garages on site will match the architecture of the building, with ten garage buildings totaling in 68 spaces. Mr. Lynch

## Regular Meeting

noted that this building will have minimal impact to the neighborhood because it is not visible from Jerry Browne Road, less impact than the existing Stoneridge development.

## Public Comment in Favor:

Ruth Walsh, resident of Stoneridge, spoke in support of the application. She is grateful for the stone wall renovation and that it will be part of the property. She spoke about the innovative nature of the plan and applauded the communication with Stoneridge.

Chet Andrews, resident of Stoneridge, spoke in support of the application. He thanked the commission for their professionalism as well.

Sue Sutherland, board member of Avalonia Land Conservancy, spoke in support of their open space set aside and the quality of the open space. This will also allow connection to land parcels for trails to other trusts.

Kate Waterman, resident of Stoneridge, former planning board member, spoke in support of the application.

Dave Hammond, chair of the Economic Development Commission, spoke in support of the application. A project of this size and nature will build the grand list and support property taxes in town. The site plan is consistent with the master plan.

Joan Weigle, resident of Stoneridge, spoke in favor of the application. Her unit faces Jerry Browne Road and looks forward to maintaining her scenic view.

Tim Murray, Mystic resident, spoke in favor of the application and the quality of the development. The developer has worked above and beyond for this to benefit the town.

Chris Regan, spoke in favor of the application. The project is quality and will benefit the community greatly.

Hi Stevens, chairman of the Stoneridge Residents Association, spoke in favor of the application.

Mon Dickenson, vice chairman of the Stoneridge Residents Association spoke in favor of the application.

Ruth Waller, resident of Stoneridge, spoke in favor of the application, noting that the developer has kept all parties informed throughout the project.

Dale Wolbrink, representing Mystic Aquarium, spoke in support of the application.

Al Valente, chair of the Greater Mystic Chamber of Commerce, spoke in support of the application. He spoke about the balance of open space and economic development.

## General Public Comment:

Carlene Donnarummo, suggested expanding proposed stipulation #2 regarding final approval from the Town Engineer, specifically, his 21 comments listed in the 4/17/18 DOP Meeting Summary Report.

## Regular Meeting

Mark Hibbard, resident of 229 Jerry Browne Road, stated he previously had concern about water run off to his property. He stated it was addressed thoroughly tonight by the engineer but is still concerned about the effects, either more or less runoff to his property. Additionally, he would prefer the location of the original access road

Rachel Gaudio, attorney for Lee Gardiner, stated that Mr. Gardiner does not oppose the development but is concerned about the location of the access road and stormwater runoff.

Bob Oliver?, resident of Stoneridge, former engineer spoke in support of the application. He spoke with the neighbor, Mr. Gardiner, who stated he deals with the runoff. Mr. Oliver recommends taking a measurement now to compare it to after the development.

Mr. Rathbun asked about the drainage affecting Mr. Hibbard. Mr. Biscuti stated that there will not be more or less water. He explained the different soil types in the area and how they affect water runoff. He explained that they will be relooking at drainage concerns as they move into the next phase of development.

Mr. Biscuti addressed the Town Engineer's comments referred to earlier. He stated the technical comments were minor and the rest were procedural. The comments will be easily addressed and they have no problem doing so.

Mr. Rathbun questioned who will control the open space. Mr. Vincent stated that since it is in the Groundwater Development District there are specific restrictions put on Open space. There are three options for control of the conservation easement: the Town of Stonington, a land trust, or a homeowners association. The conservation easement paperwork would need to be provided at the time final plans are submitted prior to issuance of a zoning permit, and the easement would need to be filed prior to issuance of a Certificate of Occupancy (CO).

Attorney Ladwig clarified that they are in compliance with the regulation regarding location of the residential access road.

Mr. Vincent reviewed the exhibits submitted, the staff report, and the Town Engineer's comments. The Town Engineer emailed that he was satisfied with the current standing of the project. Mr. Vincent said he has heard significant testimony from the engineers on the stormwater drainage system, stating that it is very conservative with safety factors built in to handle capacity. Mr. Vincent stated that there will be another study on I-95 widening to come. Mr. Vincent provided staff comments and the recommended stipulations. Mr. Lynch recommended a stipulation for the Town Engineer to agree that the runoff will not be increased to the Gardiner parcel. Mr. Vincent felt the concern had been sufficiently addressed. Ms. Conway questioned Mr. Gardiner's concern with losing rear access to his property. Mr. Vincent explained that this access was provided under the previous subdivision approval requirements for town roads. The town road no longer exists in this proposal, thus extinguishing those rights from the subdivision approval. Mr. Vincent explained the difference between the Master Plan and the subsequent site plan for the project.

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

The meeting recessed at 10:47pm and reconvened at 11:12pm.

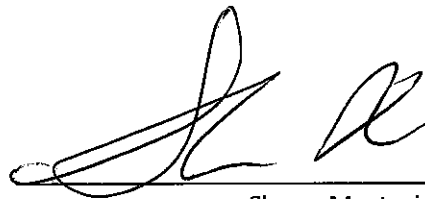
## Regular Meeting

Mr. Lynch moved to approve the site plan and groundwater permit applications with the stipulations read by Mr. Vincent, seconded by Mr. Mastroianni. Ms. Conway stated that she only feels the 69-foot height of the cupola is being accepted due to testimony that it will not be visible from the street. The vote was taken all in favor 5-0, motion approved.

## Stipulations:

1. Final plans shall be recorded prior to the issuance of any Zoning Permits.
2. Final plans shall be reviewed to the satisfaction of the Town Engineer, specifically addressing comments listed in the 4/17/18 Staff Report.
3. 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.
4. 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.
5. Final plans shall include a pedestrian walkway from the apartment building to Jerry Browne Rd., via the utility corridor. Walkway surface shall be stone dust or similar material.
6. Per Section 7.23.6.6.12.4 of the Zoning Regulations, the applicant shall file with the Commission and the Town Attorney a proposed contract for the transfer of the Preservation Area that must be executed and filed with the Town Clerk before any Zoning Permits or Certificates of Occupancy are issued for development.
7. Final plans shall include bicycle parking facilities as per Section 7.10.4.6.

Mr. Lynch moved to adjourn, seconded by Ms. Conway, all in favor 5-0, the meeting adjourned at 11:16pm.



---

Shaun Mastroianni, Secretary