

Regular Meeting

The 1570th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, June 21, 2016 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Acting Chair David Rathbun at 7:00pm. Also present for the meeting were Commissioners Curtis Lynch (arrived 7:20PM), Gardner Young, and Frances Hoffman; Alternates Lynn Conway and Shaun Mastroianni; Town Planner Keith Brynes, and Director of Planning Jason Vincent. Chairman John Prue was absent.

Seated for the meeting were David Rathbun, Fran Hoffman, Gardner Young, Shaun Mastroianni, and Lynn Conway.

Old Business:

PZ1613BR Denison Pequotsepos Nature Center – Bond Reduction/Release application for release of a \$25,078.30 Erosion and Sedimentation control bond posted to satisfy requirements of approved Special Use Permit application PZ1418SUP & CAM. Property located at 162 Greenmanville Ave., Mystic. Assessor's Map 172 Block 2 Lot 5. Zones RM-15 & RA-40.

Construction has been completed and both the Town Engineer and Zoning Enforcement Officer provided positive comments.

Ms. Hoffman moved to approve the bond reduction; seconded by Mr. Young. All in favor 5-0, motion approved.

PZ1608SUP Goran & Desiree Subotic - Special Use Permit application to extend the current permitted hours of operation to Monday thru Saturday, 9:00 AM to 9:30PM, and Sunday, no later than 8:00 PM. Property located at 325 Mistuxet Ave., Mystic. Assessor's Map 133 Block 6 Lot 5B. Zone RA-40. *Public Hearing closed 6/7/16.*

Mr. Brynes presented the draft approval or denial resolutions developed by Staff for the Commission's consideration. Mr. Lynch arrived at 7:20PM.

Ms. Hoffman moved to approve the application with the recommended stipulations listed in the staff report; seconded by Mr. Mastroianni. Commissioners discussed the recommended stipulations. The motion was approved, 4-1.

Roll Call: Young – approve, Hoffman – approve, Conway – deny, Mastroianni – approve, Rathbun – approve.

Stipulations:

1. Maximum number of students under instruction shall be limited to 51.
2. Maximum number of paid evening events shall be 8 per year. These events will be fully-concluded by 9:00 pm. Fully-concluded requires that no customers or students are located in the school space (2 lower floors) and that the door is locked.
3. Documentation of compliance with health code requirements shall be provided.
4. Applicant shall provide unobstructed access along the shared drive at all times.
5. The Commission shall review the adequacy of measures to comply with the above stipulations within one year of this approval. Should the Commission find evidence of a pattern of zoning violations or failure to abide by the above stipulations, the Commission shall schedule a Show-Cause hearing to consider the revocation of this permit.

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The meeting recessed at 7:26pm and reconvened at 7:30pm.

PZ1614SUP McQuade's Mystic, LLC – Special Use Permit application for a recreational facility (escape room adventure), in an existing multi-tenant building. Property located at 14 Clara Drive, Mystic. Assessor's Map 164 Block 4 Lot 3. Zone TC-80.

Mr. Rathbun recused himself from the hearing. Seated for the public hearing were Gardner Young, Frances Hoffman, Curtis Lynch, Lynn Conway and Shaun Mastroianni.

Shelly and Brian Wilson, business owners, presented the application for the escape room adventure facility. The applicant has met with the Police Commission and local and state fire officials, all having no issues with the proposal. The applicant submitted a letter of support cosigned by the two adjoining business owners. Ms. Conway asked whether parking would be an issue. The applicant stated there are 50 spaces available and they anticipate using less than 20 even at their maximum.

Public Comment in Favor:

Paul Sartor spoke in favor of the application and the concept.

Lisa Konicki, president of the Ocean Community Chamber of Commerce, spoke in favor of the application.

David Brown, representing the Greater Mystic Chamber of Commerce, spoke in favor of the application.

No Public Comment Against or General Comment

Mr. Brynes stated Staff has no issues with the application.

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

Ms. Hoffman moved to approve the application; seconded by Mr. Lynch. All in favor 5-0, motion approved.

PZ1611RA Suzanne R. Moore – Regulation Amendment to ZR Section 4.3.4 Buffer Requirements to change the buffer requirements in the LS-5 Zone to fifteen (15) feet of screening for a commercial use adjoining a residential zone, and eliminating the screening requirements of ZR Sections 4.3.4.2 and 4.3.4.3.

Mr. Rathbun rejoined the meeting. Mr. Mastroianni recused himself from the application. Seated for the application were Gardner Young, David Rathbun, Frances Hoffman, Curtis Lynch, and Lynn Conway.

Suzanne Moore, applicant, presented the application and the history of her building and discussed the larger issue with commercial uses in the LS-5 zone abutting residential uses. Her building is now 60% vacant and the buffer regulation limits uses that can be permitted. Mr. Lynch discussed the impact on the neighbors and what the Commission could do to protect them if the amendment were approved. Ms. Conway questioned whether the buffer restrictions are what is causing the tenant vacancy problem in the applicant's building.

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Public Comment in Favor:

Lisa Konicki, executive director of the Ocean Community Chamber of Commerce, spoke in favor of the application and asked the Commission to make it clearer and easier for commercial uses to operate in commercial zones. Ms. Konicki submitted a letter from the chamber.

Blunt White, chair of the Economic Development Commission, spoke in favor the application. Mr. White stated that Ms. Moore's property in Westerly is fully leased and the Mystic property has lost two possible tenants due to the buffer restrictions. Mr. White expanded upon the letter of support submitted by EDC. Mr. White stated they are in favor of removing the buffer requirements and leaving the power to PZC to require appropriate buffers on a case by case basis.

David Brown, spoke on behalf of the Greater Mystic Chamber of Commerce in favor of the application and read a letter of support from the chamber.

Peter Stewart, owner of property on Williams Avenue, spoke in support of the application and in favor of the commission considering buffering on a case by case basis.

Public Comment Against:

Mary Lou Henkin, a Mystic resident, stated that residents should be entitled to buffers to separate the commercial and residential.

Frederick Allard, a Bay Street resident, spoke against the application and submitted an analysis of land uses in Mystic, noting existing conflicts between adjoining residential and commercial uses in Mystic.

Donald Hartley spoke against the application on behalf of his parents, who are residents of 36 Washington Street, adjacent to the applicant's property.

Mystic resident, Paul Sartor, spoke against the application.

The meeting recessed at 8:55pm and reconvened at 9:00pm

General Comments:

Carlene Donnarummo, responded to comments made by the applicant, Ms. Moore, and discussed the use of the phrase, "attached housing," in the staff report. Ms. Donnarummo believes the issues of the applicant should be addressed in the comprehensive rewrite of the Zoning Regulations.

Mr. Brynes gave an overview of findings from the staff report.

Ms. Conway questioned staff on the impact to residential uses. Mr. Vincent gave some background regarding properties in the LS-5 zoning district. The Commission discussed the comprehensive Zoning Regulations rewrite.

Ms. Hoffman moved to close the public hearing; seconded by Mr. Young. All in favor 5-0, motion approved.

Ms. Conway moved to deny the Regulation Amendment; seconded by Mr. Lynch. Ms. Conway discussed predictability of the buffer regulations for owners.

Ms. Conway withdrew her motion.

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Ms. Hoffman moved to reopen the public hearing to allow for rebuttal; seconded by Mr. Lynch. All in favor 5-0, motion approved.

Rebuttal:

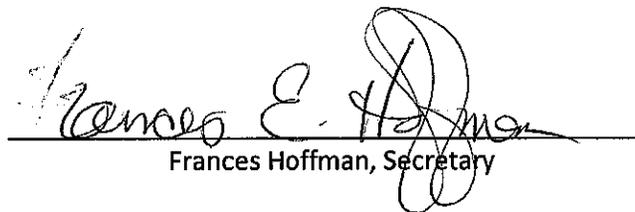
Ms. Moore stated that she had been previously allowed to change uses without having to meet the buffer requirements which is why she did not realize the extent of the buffer regulations. Ms. Moore also clarified that the proposed changes would only be within the LS-5 zone and not effect those in residential zones that will still have a buffer. Buffering between commercial uses in the LS-5 and adjacent properties in residential zones would remain in the form of a 15' screened buffer.

Ms. Hoffman moved to close the public hearing; seconded by Mr. Young. All in favor 5-0, motion approved.

Ms. Conway moved to deny the application; seconded by Mr. Lynch. Commissioners discussed the application. Mr. Rathbun proposed revisiting buffer requirements for all zoning districts. The motion to deny the application passed 4-1.

Hoffman – in favor of denial, Lynch – in favor of denial, Conway – in favor of denial, Rathbun – in favor of denial, Young – oppose denial.

Ms. Conway moved to adjourn, seconded by Mr. Young, all in favor 5-0. The meeting adjourned at 9:57pm.



Frances Hoffman, Secretary