

## Special Meeting

The 1516<sup>th</sup> meeting of the Town Of Stonington's Planning and Zoning Commission was held on Thursday, May 8, 2014 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:01pm. Also present were Commissioners John Prue, Frances Hoffman, and Curtis Lynch; Alternate Gardner Young, and Town Planner, Keith A. Brynes. Commissioner Bob Mercer was absent.

Seated were Ben Tamsky, John Prue, Frances Hoffman, Gardner Young, and Curtis Lynch.

**Minutes:**

Ms. Hoffman moved to approve the minutes of April 15, 2014, with Mr. Prue seconding the motion. Ms. Hoffman withdrew her motion after requesting more substance to one section of the minutes. Staff will review the recording to expound on Commission Initiative #6 discussion, specifically, Carlene Donnarummo's opinions and suggestions. The commission had a brief discussion on this matter and decided to appoint a commission member and Ms. Donnarummo to draft a letter to the legislature. Ms. Hoffman asked for more "substance" to be written on Ms. Donnarummo's comments and how the commission felt.

**Commission Initiatives:**

Discussion of 2014 Plan of Conservation and Development: Mr. Prue shared his concern over the plan, asking, "does it truly capture where the community is and where we want to go?" Mr. Lynch said he has similar concerns and asked what the risks are, requesting that good principles be the priority. Both commissioners will draft some concrete suggestions together for the POCD subcommittee.

Discussion of Technical Standards Document Adoption: Mr. Tamsky requested this agenda item be eliminated through inclusion with Commission Initiatives item F, Review of draft changes to the Subdivision Regulations.

Review Draft changes to the Subdivision Regulations: Mr. Brynes submitted the Draft to commissioners but they stated they need more time to review them. Ms. Hoffman asked for a copy of the Technical Standards. Mr. Brynes will send out another copy of the Standards to all commissioners.

**Administrative Review:**

Commission interpretation regarding whether Zoning Regulation Section 2.9 (Undersized Lots) can be applied to single family residences permitted in commercial zones. Mr. Brynes addressed the memo on this in the staff report, stating the language of Section 2.9 does not limit to only residential zones. Mr. Prue asked if there was any written policy on this. Mr. Brynes said he's aware of one situation where the 2.9 regulation is cited, although the house is not built yet. Mr. Tamsky said the language is ambiguous and should be corrected. There was a discussion over the interpretation of 2.9 and its restrictions, questioning whether 'use' could change in the future after a single family residence is sold. Staff recommended tabling this item. Mr. Prue motioned to table this to the May 20<sup>th</sup> meeting. Ms. Hoffman seconded. All in favor 5-0.

**Old Business:**

**PZ1405BR Toll Brothers - Old Mystic Estates** - Application for reduction of Performance & Maintenance Bond posted to satisfy requirements of proposed construction activity related to PZ0360SD SUP & GPP Meehan Group, LLC. Bond instrument is Letter of Credit #30002932 for \$2,935,000.00 for a 48-lot subdivision located off Pequot Trail, Mystic. Bond reduced to \$1,700,000.00 on 6/26/12. Applicant requests further reduction to \$878,795.00. Mr. Brynes recommended tabling this item until the next meeting. Mr. Prue motioned to table this item to the next meeting and asked that the Town Attorney be involved on this issue. Mr. Brynes said an engineering firm is filling in for any needs, until a town engineer is hired. Mr. Young seconded. All in favor 5-0.

The meeting recessed at 7:31pm and reconvened at 7:35pm.

**Public Hearing(s):**

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Ms. Hoffman read the call for the public hearing at 7:35pm.

**PZ1402SUP Atlantic Associates (Evangelos Koukoularis)** – Special Use Permit application to expand existing restaurant (Stonington Pizza Palace), into neighboring unit of same building, increasing seating to 75. Property located at 530 Stonington Rd., Stonington. Assessor's Map 99 Block 4 Lot 23C. Zone GC-60.

Attorney Ted Ladwig, representing the applicant, stated the revised application is for 54 seats, not 75 seats as previously submitted, noting that the revised number of seats was calculated to conform with parking requirements. He read a statement from Mr. Koukoularis concerning impacts from the expansion. Mr. Koukoularis indicated he's keeping the same business practices and plan for the future. Mr. Brynes stated the following items noted in the staff report: comply with WPCA grease trap requirements, change posted seating sign in restaurant to read 54 seats, the detached sign face for restaurant would need to comply with ZR 7.1.2.3.1 prior to issuance of zoning compliance, and the requirement for a site plan was waived because it is not necessary for this expansion. The applicant stated he is willing to change the color of the detached sign to meet the regulations.

Speaking in favor: Restaurant patrons Donald Procke, Kevin Buckley, and Tim Murray read a statement and/or spoke in support of the proposed expansion.

Speaking in Opposition: None

General Comments: Carlene Donnarummo spoke in favor of expansion but asked for stipulations regarding WPCA notification, town sanitarian and building official approval prior to issuance of zoning compliance.

There was no rebuttal.

Ms. Hoffman motioned to close the public hearing. Mr. Lynch seconded. All in favor 5-0. The public hearing was closed. Ms. Hoffman moved to approve the waiver requests. Mr. Lynch seconded. All in favor 5-0. Ms. Hoffman moved to approve the application for 54 seats with stipulations. Mr. Prue seconded. All in favor 5-0.

1. Maximum number of seats shall be 54.
2. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.
3. Applicant shall satisfactorily address comments from the Building Official, Town Sanitarian and WPCA prior to the issuance of a Certificate of Zoning Compliance.
4. Existing detached sign face shall be in conformance with current signage regulations prior to issuance of a Certificate of Zoning Compliance.

The meeting recessed at 8:14pm and reconvened at 8:18pm.

Ms. Hoffman read the call for the second public hearing at 8: 20pm.

**PZ1403SUP & CAM Mystic Motor Inn, Inc. (Tim Brown)** – Special Use Permit application and Coastal Area Management Review to increase current restaurant (Flood Tide) seating from 120 to 195, replacing existing sloped roof with a 1,520 SF wooden deck to accommodate 75 additional seasonal seats. Property located at 7 Williams Ave., Mystic. Assessor's Map 174 Block 12 Lot 10. Zone LS-5.

Chad Frost, Landscape Architect, presented the application for the new owners of the property, highlighting the renovation changes that will take place in two phases. They are requesting 75 additional seats for a seasonal outside deck. The Architectural Design Review Board gave positive comments on this plan. There will be low rail lighting on the deck but no obtrusive lighting. There will be no live music/entertainment outside, as addressed on pg.21 of the staff report (police commission report). Ms. Hoffman expressed concern over increased traffic and the drainage impact to the area, specifically Pequotsepos Cove. Mr. Brynes said everything conforms to zoning regulations and shared responses from several agencies. He also read the DEEP letter. Mr. Lynch expressed his support for Ms. Hoffman's concerns.

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## Speaking in Favor:

Tim Murray stated his support for the renovation, saying it's good for the entire town. He said he believes all the new residences in the area are causing concern for the cove. Harry Boardsen stated his support for this project as an excellent addition to the town. John Goldstein stated his support and is happy the Inn is getting overhauled. Michael D'Amato, one of the owners of the property, addressed concerns stated earlier and shared improvements being made on a property that was neglected for many years. He commented on the traffic issue also. There was more discussion on the drainage issue and ideas that could be explored.

## Speaking in Opposition: None

General Comments: Carlene Donnarummo made several points of concern including approval from architectural review board, Ms. Hoffman's level of experience and credentials, as it relates to preserving the cove/environment, approval for lighting plan, heed the DEEP letter, and possibly make a better plan for water runoff, with Ms. Hoffman's assistance.

Rebuttal: Mr. Frost addressed the lighting issue and expanded on the drainage issue by suggesting some additional "leak offs" and small retention areas to help slow down the water and filter it, since there's so much ledge on this property. Mr. Frost/owners are willing to meet Ms. Hoffman on site to discuss ideas for better drainage, to protect the future of the cove. It will be staff's decision on the final drainage plan.

Mr. Prue moved to close the public hearing. Ms. Hoffman seconded. All in favor 5-0. The public hearing was closed.

Mr. Prue moved to approve the CAM application. Mr. Young seconded. All in favor 5-0.

Mr. Young moved to approve the waiver requests for the application. Ms. Hoffman seconded. All in favor 5-0.

Mr. Prue moved to approve the application with 2 stipulations from the staff report. Mr. Prue withdrew his motion. Ms. Hoffman moved to approve the application with 3 stipulations. Mr. Prue seconded the motion. Mr. Prue added a fourth stipulation. Ms. Hoffman seconded that addition. All in favor 5-0.

## Stipulations:

1. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.
2. No amplified entertainment shall be permitted on the deck.
3. Applicant shall meet with a representative from the Planning and Zoning Commission to determine effective methods of mitigating site runoff and submit a plan to staff for approval.
4. There shall be no lighting on the deck other than wall sconces, table lighting, and egress.

Mr. Young motioned to adjourn the meeting. Mr. Lynch seconded. All in favor 5-0. The meeting adjourned at 9:33pm.

  
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Frances Hoffman, Secretary