

## Regular Meeting

The 1417<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, March 16, 2010 at Mystic Middle School, 204 Mistuxet Ave., Mystic. The meeting was called to order at 7:03 p.m. by Chairman John Swenarton. Present were Commissioners Lynda Trebisacci, Ben Tamsky, Paul Holland, and Bob Mercer; Alternate Gardner Young; Town Planner Keith Brynes and Director of Planning Bill Haase. Alternates Rob Marseglia and Chris Regan were absent.

Seated for the meeting were John Swenarton, Lynda Trebisacci, Ben Tamsky, Bob Mercer and Paul Holland.

### Minutes:

Mr. Tamsky made a motion to approve the March 2, 2010 minutes, Mr. Holland seconded. The minutes were approved, 4-0-1.

Roll Call: Swenarton - approve, Trebisacci - abstain, Tamsky - approve, Mercer – approve, Holland - approve

### ZEO - Pending Variances - A-2 survey waiver requests:

ZBA #10-02 Sammy Piotrkowski

Mr. Brynes recommended granting the waiver of the A-2 survey.

Mr. Holland made a motion to approve waiving the A-2 survey. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

### Administrative Review:

**PZ0830SPM & CAM Zheng Investments, LLC (Canavan)** – Approval of replacement signage for property located at 6 Greenmanville Ave., Mystic. Assessor's Map 173, Block 7 Lot 1. Zone CS-5.

Chuck Canavan explained that, due to the sign manufacturer's failure to adhere to the one originally approved, the applicant was requesting approval of a similar design. Mr. Canavan stated that the approved plans also showed a detached sign with a 6-foot wide base. Mr. Holland questioned the proposed uplighting of the sign. Mr. Brynes stated that in the past, the Commission has preferred full cutoff down lighting of signs. Mr. Swenarton asked why the owner was having such a difficult time complying with the originally approved sign. Mr. Canavan stated it was a cultural difficulty. The request is to have the smaller signs placed within the framework that has already been erected.

Mr. Holland made a motion to deny the request. Mrs. Trebisacci seconded. The motion was unanimously denied, 5-0.

It was suggested that the applicant proceed with their original approved signage request.

Mr. Brynes requested that another signage issue be added to the agenda. Mr. Holland made the motion to amend the agenda to include **ZON10-027 Robert and Camille Taylor** - Approval of replacement signage for property located at 232 Greenmanville Ave., Mystic. Assessor's Map 171, Block 2 Lot 3. Zone TC-80. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Mr. Brynes gave a history of the request, noting that the sign size is preexisting nonconforming, and as is customary, allows for continuation of the larger size. The applicant, Mr. Taylor, spoke on behalf of the application.

Attorney Mark Kepple stated that he felt the application should be deferred until it could be reviewed by the public, himself included.

Mr. Tamsky requested a written statement from the ZEO regarding the preexisting nonconforming status of the sign.

Mr. Holland made the motion to table the application to the April 6<sup>th</sup> meeting. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Chairman Swenarton called for a 5-minute recess.

**Public Hearings 7:30 P.M.:**

**PZ0939SUP Estate of Stephen E. Owens** - Special Use Permit application for approval to operate a bakery in 2-story carriage house and an additional residential unit in the 2-story main structure. Property located at 21 East Main St., Mystic. Assessor's Map 174 Block 2 Lot 5. Zone DB-5.

Chad Frost of Kent & Frost presented the application. The applicant wishes to redevelop an existing mixed-use building to add an additional dwelling unit to the main structure, and operate a retail restaurant bakery in the rear building formerly used for storage. They also request on-site shared parking with 15 spaces required and 13 provided, including a full handicapped space. Deliveries to the bakery would occur only during normal business hours. Mr. Tamsky asked if there was a buffer between the residential zone in the rear. Mr. Frost replied that there is an existing 6-8 foot high solid wood fence, small shrubs & three fairly large trees across the rear of the property. Mr. Brynes explained that the DB-5 Buffer Requirement is an open space with planting of 0.2 of lot area. Mr. Tamsky questioned as to whether the change of use to a bakery would be an intensification. Mr. Frost said that the site is a dense downtown location similar to others in the area where existing fencing and foliage between sites provide some light and noise buffers. Mr. Mercer thought the office space could be reduced to create a more viable apartment unit, reducing the overall number of tenants, thus creating less demand for parking. Mrs. Trebisacci asked whether the Fire Department had concerns about emergency vehicle access to the bakery structure in the event of an early morning fire. Mr. Frost replied that there was access from abutting properties. Additionally, the applicant has met with the Fire Marshal over a number of specific issues which would have to be resolved prior to receiving occupancy approval.

**Public Comment in Favor:**

Michael Blair, a commercial real estate agent with Pequot Commercial, spoke in favor of the application and discussed how difficult it was for the applicant to find a suitable location.

**Public Comment Against:**

Attorney Mark Kepple, representing abutting neighbor Dorothy Crouse, read a letter from Mrs. Crouse protesting the application due to its lack of screening and change of use. Mr. Kepple provided a history of the property as professional office space with a residential unit which has never been lawful and compliant with the zoning regulations. Mr. William Scheer thought that shared parking was not viable and that an entire parking study should be done for downtown Mystic.

**Staff Comments:**

Mr. Brynes said that Commission approval of the 2008 Site Plan confirmed the existing uses on the property, and there are no current zoning violations. Comments received from Building Official Wayne Greene's review of the application stated that the floor plan could be improved upon, yet could work. Mr. Greene indicated there are a number of issues that need to be addressed by his office when a building application is received. Mr. Brynes also noted that shared parking arrangements are in use for two other businesses in the area.

Mr. Mercer thought that eliminating a parking space in order to provide a buffer, and reducing the office space square footage in order to provide larger residential units, would provide an opportunity to bring the site more into compliance. Mr. Haase reminded the Commission that it was the Shared Parking request that triggered the Public Hearing, not the building usage. The uses determine how many parking spaces would be required. Mr. Holland and Mr. Tamsky did feel the bakery usage was more central to the Public Hearing. Mr. Holland would have preferred a better impact statement but was satisfied with the one provided. Mr. Tamsky was concerned with the buffer issue and Mr. Swenarton preferred that the square footage of one or two of the offices be used in the residential units instead. Mrs. Trebisacci wanted to retain the parking space rather than provide the buffer.

**Rebuttal:**

Mr. Frost stated that the former owner's violations have no bearing on the current applicant and his future plans. In response to Mr. Swenarton's request for more specific information on the shared hours, Mr. Frost provided the following: bakery owner only at 4:00 A.M., remainder of staff, 7:00 A.M. - 6:00 P.M. Mr. Frost would consider removing the parking space to create a buffer but stated that doing such would not help the parking issue. Mr. Frost stated that the applicant would consider reducing the office square footage to increase the apartment sizes.

Carlene Donnarummo thought the Fire Marshal had not yet approved of the application. Mr. Haase noted that during the application process the Fire Marshal provides an advisory review at first with more reviews and oversight as the project develops. The Fire Marshal recommended approval of this site plan application but would need to review specific building plans.

Chairman Swenarton opened the floor to public comment only on the stipulations proposed by Staff and the Commission.

Attorney Kepple stated that the narrow driveway was difficult for two-way auto navigation.

Mr. Holland made a motion to close the Public Hearing. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Mr. Holland made a motion to approve the application with four stipulations and the request for waivers. Mrs. Trebisacci seconded. The application was approved, 3-1-1.

Roll Call: Mercer - approve, Trebisacci - approve, Swenarton - abstain, Tamsky - deny, Holland - approve.

**Stipulations:**

1. One parking space per occupied residential unit shall be signed for resident parking only.
2. An application for a Multi-Tenant Signage program, along with Architectural Design Review Board review, will be required prior to the issuance of any Signage Permits.
3. Final Plan shall reduce office space by a minimum of 500 square feet.
4. Final Plan shall provide additional screening along the rear property line.

Commissioner Paul Holland left the meeting.

**PZ0938ZC, SUP, SPA, & CAM Kluepfel Holdings, LLC** - Request Zone Change (to IHRD), Special Use Permit (shared parking), Site Plan Application, & Coastal Area Management Review approvals to rehabilitate an existing 22,500 sq. ft. historic mill building for mixed use: commercial/professional on 1st floor, & 12 residential units on the 2nd & 3rd floors. Property located at 60 Willow St., Mystic. Assessor's Map 182 Block 1 Lot 11. Zone MC-80.


Chairman Swenarton seated Gardner Young for this Public Hearing.

Mr. Haase reviewed the process for acquiring a zone change for the Industrial Heritage Reuse District and subsequent requirements and procedure for implementing the proposal.

Attorney Eric Janney introduced the application team of John Johnson, developer, Chad Frost, landscape architect, Steven Lloyd, architect, and Michael Blair, agent.

Mr. Tamsky made a motion to continue the Public Hearing to the April 6, 2010 meeting. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to adjourn the meeting. Mrs. Trebisacci seconded. The meeting was adjourned at 10:40 P.M.

  
Lynda Trebisacci, Secretary