

Special Meeting

The 1418th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, April 6, 2010 at Mystic Middle School, 204 Mistuxet Ave., Mystic. The meeting was called to order at 7:00 p.m. by Chairman John Swenarton. Present were Commissioners Lynda Trebisacci, Ben Tamsky, and Bob Mercer; Alternates Chris Regan and Gardner Young; Town Planner Keith Brynes and Director of Planning Bill Haase. Alternate Rob Marseglia was absent. Paul Holland arrived at 7:25 p.m.

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

Minutes:

Mrs. Trebisacci made a motion to approve the minutes of the March 16, 2010 meeting. Mr. Mercer seconded. The minutes were unanimously approved, 5-0.

Administrative Review:

ZON10-038 Robert & Camille Taylor – Approval of replacement signage and new handicap ramp for property located at 232 Greenmanville Ave., Mystic. Assessor's Map 171, Block 2 Lot 3. Zone TC-80.

Staff investigated the size of signage previously permitted at the site. ZEO Joe Larkin, in response to the Commission's request, determined that a permit was issued in 1975 for an 18 square foot detached sign, and that no evidence exists that the 36 square foot sign was properly permitted. Applicant Robert Taylor spoke on behalf of the application. Mr. Brynes noted that there had been a larger sign there for over 5 years. Other buildings such as the Boathouse are allowed larger signs either by special use permit or legal non-conformity. Camille Taylor questioned the ZEO's finding of the permit. Mr. Swenarton suggested the application be tabled so that more information and any previous permits could be brought forward. Mrs. Trebisacci made the motion to approve the request for the handicap ramp while tabling the sign issue. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

PZ0928SD Richard C. Panciera Charitable Remainder Trust II – Application for a 5-lot subdivision of a 58.36± acre parcel. Proposed project consists of 4 lots for single family residences, and a 5th lot reserved for future development. Property located on Mary Hall & Greenhaven Rds., Pawcatuck. Assessor's Map 7 Block 1 Lot 44. Zones RA-20, RM-20 & RR-80. Request for a 90-day extension to file final mylars.

Mr. Brynes noted that this is the second request for an extension to file final mylars. There is an issue regarding the acceptance of open space since the Land Trust does not wish to accept the property, thus delaying the plans from being finalized. Carlene Donnarummo asked what would occur if the extension was not granted. Mr. Brynes replied that the subdivision approval would expire.

Mrs. Trebisacci made a motion to approve the request for a 90-day extension to file final mylars. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

10-047ZON Whitehall Avenue, LLC – Approval of replacement signage (Best Western to Ramada) for property located at 9 Whitehall Ave., Mystic. Assessor's Map 164, Block 1 Lot 3. Zone TC-80.

Mr. Brynes presented the signage information, noting that the change from the originally approved multi-tenant signage program was significant enough to warrant Commission review.

Mr. Tamsky made the motion to approve the signage. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Old Business:

PZ1008SPM & CAM Latimer Point Condominium Association, Inc. - Site plan application & Coastal Area Management Review for proposed additions to existing houses & various deck & shed additions / alterations. Property located at addresses in the southern portion of Latimer Point, Stonington, CT. Assessor's Maps/Blocks/Lots: 154/2/8, 154/4/2, 154/4/7 154/4/12, 154/4/29, 154/6/10. Zone RM-20.

Mr. Brynes recommended tabling the application pending receipt of DEP review information.

Mr. Tamsky made the motion to table the application to the next meeting. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Public Hearings 7:30 p.m.:

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

Mrs. Trebisacci made a motion to change the order of the public hearings by moving application **PZ1006SUP & GPP Keith L. Main (NERP)** to the top of the hearing order. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

PZ1006SUP & GPP Keith L. Main (NERP) - Special Use & Groundwater Protection Permits for construction of a 19,097 square foot retail building, adjacent 15,000 SF outdoor display & sales area, loading dock, and associated parking, utilities, landscaping & lighting. Property located at 335 Liberty Street, Pawcatuck, CT. Assessor's Map 17, Block 3, Lots 3, 4 & 4A.

Attorney Ted Ladwig, representing the applicant, requested the public hearing be opened and immediately continued to the meeting of April 20, 2010.

Mr. Tamsky made a motion to continue the public hearing to the April 20th meeting. Mr. Holland seconded. The motion was unanimously approved, 5-0.

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.
Continued from 3/16/10.

Attorney Eric Janney, representing the applicant, presented an overview of the request, noting variances received and the Architectural Review Board recommendations. He introduced the development team of John Johnson, Thames River Development; Chad Frost, Kent + Frost Landscape Architects; Steven Lloyd, Architect; and Michael Blair, Pequot Commercial realtor. Mr. Frost described the site, the history of the existing structure, and the request for a zone change to IHRD. Mr. Tamsky questioned Mr. Frost's statement that no other uses were possible for the building without tearing it down. He replied that other uses were possible but the existing use as office space was not viable, which was why they were going with the adaptive reuse to allow for mixed commercial, office and residential. Mr. Holland asked why a waiver had been requested for a drainage analysis. Mr. Frost explained that is no formal drainage system/structure on site, only surface drainage exists. The plan is to reduce the amount of existing impervious surfaces on site. He described the landscaping of the small site to make it more useable for vehicular traffic. He emphasized that the design will bring out the historical interest of the building. The entrance sign will be a large metal spool form. He described the parking layout of 36 spaces which requires shared parking. Michael Blair stated that the residential units would be rented at a rate of \$1350.00 to \$2250.00 a month. There was a discussion of the request for a maximum reduction of 50% of the shared parking. Mr. Holland voiced his concern was the unknown business usages and related hours of operation. Mr. Frost described the two-way traffic road and the 10-foot wide easement to the boatyard. Architect Lloyd described his design for the building. Since the building is in the flood plain, the mechanicals would be placed in a shed monitor on the roof. Mr. Frost noted that the DEP was not in favor of the zone change as that they wanted it to be zoned for water-dependent (marine) uses. Mr. Frost countered that it never had a marine use nor access to the water.

Public Comment for: Neil Kluepfel, William Scheer, Michael Blair

Public General Comments: Carlene Donnarummo

Staff presented an overview of the five areas requiring decisions: consistency with the POCD, the Master Plan, Special Use Permit, Site Plan approval, and CAM Review. Mr. Brynes read comments by DEP and other routing respondents.

Rebuttal: Mr. Frost stated that the applicant would be willing to reduce the shared parking to a space or two beyond the six required to meet the regulations. The proposal would have less of a demand on parking than a 3-story office building which could be permitted as-of-right. Mr. Frost stated that demand does not exist for marine commercial uses at the site as evidenced by the marina's lack of interest in the property.

Mr. Young asked about the viability of renting the property next to a working marina. Mr. Holland stated that he was satisfied that the applicants have considered this in their marketing plan.

Mr. Holland made a motion to close the public hearing Mrs. Trebisacci seconded, The motion to close the hearing was unanimously approved, 5-0. Mr. Holland made a motion to find the application consistent with the POCD. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0. Mr. Holland made a motion to approve the Master Plan and the proposed Rezone with related waivers. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0. Mr. Holland made a motion to approve the Special Use Permit for parking, with the one stipulation, and related waivers. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0. Mr. Holland made a motion to approve the Site Plan with two stipulations. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0. Mr. Holland made a motion to approve the CAM. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Stipulations:

1. Special Use Permit approval allows for seven (7) shared parking spaces.
2. Sign shall conform to illumination requirements of Section 7.12.3.
3. Final plans shall comply with the Town Engineer's comments dated 12/29/09.

PZ1004SUP Mystic River Marina, Inc. - Special Use Permit Application to remove limitations placed on liquor sales under current Special Use Permit (PZ0726SUP) approval. Property located at 36 Quarry Road, Mystic, CT. Assessor's Map 181, Block 1, Lot 8. Zone RM-15.

Attorney Sara Moriarty, representing the applicant, presented the application, with an extended discussion of the previously approved special use permit and stipulated judgment allowing the marina to expand. She noted that there were no complaints during the operation of that restaurant (the Blue Door). The Commission discussed the 2007 opinion of the Town Attorney that the stipulated judgment allows the Commission to grant liquor sales at the restaurant. Mr. Brynes stated that expansion of the number of seats in the restaurant would require a new Special Use Permit application. Mr. Young asked if they built a bar but kept the 56 seats would they need to come for back for another Special Use Permit application. Mr. Brynes replied that a new Special Use Permit would not be required if the total number of seats remained at 56.

Public Comment for: None

Public Comment Against: Tim Murney, Michael Wall, Jeff Aiosa, John Cory, Doris Cory, Mark Wainston, David Carreau, Jim Stanton, Mary Oberhelman, Rosalie Lee, Peter Taylor, Linda Knott, Oliver Wilson

Staff: Mr. Haase reviewed his report and saw a tradition of expansion at this property. Mr. Brynes thought that it did conform to the regulations and that the Commission would have to determine whether the standards of Section 6.6.4 are met.

Rebuttal: Attorney Moriarty offered that the applicant's target market is customers who would be those arriving by boat. The Commission determined that this item amounted to new information.

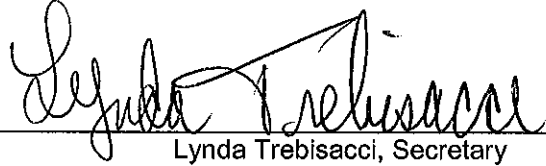
Public Comment to the new information: Michael Wall

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

Mr. Tamsky made the motion to deny the application based on the finding that it does not conform to ZR 6.4.5. Mrs. Trebisacci seconded. The motion to deny the application was approved, 4-1.
Roll Call: Mercer - approve, Trebisacci - approve, Swenarton – approve, Tamsky – approve, Holland – deny

Mr. Holland made a motion to set the effective date for PZ0938ZC, SUP, SPA, & CAM Kluepfel Holdings, LLC for April 26, 2010. Mrs. Trebisacci seconded. The motion was unanimously approved 5-0.

Mr. Tamsky made a motion to adjourn. Mr. Mercer seconded. The meeting was adjourned at 11:08 P.M.



Lynda Trebisacci, Secretary