

Special Meeting

The 1443rd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday May 17, 2011 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman John Swenarton at 7:04 P.M. Present were Commissioners Bob Mercer, Ben Tamsky, John Prue, and Rob Marseglia; Alternates Curtis Lynch, Gardner Young, and Frances Hoffman; and Acting Director of Planning / Town Planner Keith A. Brynes.

Seated were Mr. Swenarton, Mr. Marseglia, Mr. Mercer, Mr. Prue, and Mr. Tamsky

Approval of Minutes: #1442, May 3, 2011 Mr. Marseglia made the motion to approve the minutes. Mr. Prue seconded. Mr. Tamsky asked whether there was "consensus" by the Commission to modify the "substantial improvement" definition on page 3- paragraph 5. The Commission suggested striking the paragraph after the word "changes." Mr. Marseglia made a motion to approve the minutes with one correction. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Correspondence:

Reports: Staff, Commission

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

ZBA #11-10 Catherine Moffett – Seeking a variance from ZR 5.1.1 front yard setback from 30' to 4' for an existing shed. Property located at 5 Allyns Alley, Mystic. Assessor's Map 177 Block 7 Lot 9. Zone RA-20.

Staff recommended tabling the application until after the ZEO reviewed the issue. Mr. Tamsky made a motion to table. Mr. Prue seconded. The motion to table the application was unanimously approved, 5-0.

Zoning Enforcement & Violations:

Mr. Tamsky noted possible illegal banners at Latitude 41 restaurant on Greenmanville Ave. Mr. Mercer mentioned the new restaurant at the Ramada Inn on Whitehall Ave. had put many banners around the parking lot. The Commission directed staff to file Zoning Complaints on these issues.

Mr. Prue stated that there were recent zoning related disputes taking place within the Planning Department including a recent pool permit and a buffer for perimeter landscaping being cut down. Consensus of the Commission was that staff should bring such issues to the Commission for clarification and direction.

Administrative Review:

Request renewal of **PZ9505SUP Robert Jeffreys** – Application for Special Use Permit for a Bed & Breakfast. Property located at 91 Palmer Neck Rd., Pawcatuck. Assessor's Map 51 Block 1 Lot 2. Last renewal 7/18/06.

Mr. Marseglia made a motion to approve the renewal request. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

PZ0736SUP Anthony J. Torraca - Special Use Permit Application to allow for outdoor seating (16 seats) at existing restaurant in accordance with Section 6.6.16.14. Property located at 6 Holmes St., Mystic, CT. Assessor's Map 174 Block 2 Lot 2. Zone DB-5. Request to modify approved SUP to move eight (8) of the approved outdoor seats to the front sidewalk, as per Town of Stonington resolution and ordinance.

Mr. Brynes noted that the request was for relocating 10 outdoor seats, not 8. Mr. Tamsky did not believe this should be an administrative review matter but rather a full Public Hearing.

Attorney Sarah Moriarty spoke for Anthony J's and explained that they have already been approved with a Special Use Permit for outside seating but wish to move the seating to the sidewalk, which requires a lease from the Town. Mr. Prue asked about the Town's liability and vehicular traffic. Attorney Moriarty stated that a new resolution approved by the Board of Selectmen includes insurance provisions that were reviewed by the Town Attorney.

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Anthony J's will have to receive final approval from the Board of Selectmen after receiving approvals from the Planning and Zoning Commission as well as the Building, Health and Fire Departments, and CT Liquor Control.

Mr. Marseglia made a motion to approve the application with the stipulation that the application shall be reviewed to the satisfaction of Town's Building Department. Mr. Mercer seconded. The motion was approved 3-to 2.

Roll Call: Mercer - approve, Marseglia - approve, Swenarton - deny, Tamsky – deny, Prue - approve

Old Business:

PZ1019RA Town of Stonington - Zoning Regulations (Signage) Text Amendments to Article I: 1.2 Definitions; Article II: 2.13 Performance Standards, 2.15 Architectural Design Review; Article III: 3.3 Residential RM-20, RM-15, RH-10 Zones; Article IV: 4.1 Development Area (DB-5), 4.2 Convenience Shopping (CS-5), 4.3 Local Shopping (LS-5), 4.4 General Commercial (GC-60), 4.5 Tourist Commercial (TC-80), 4.6 Marine Commercial (MC-80), 4.7 Manufacturing (M-1), 4.9 Highway Interchange Zone (HI-60); Article V: 5.2.2 Bulk & Use Table; Article VI: 6.6.5 Special Use Permit – Drive-in Window; Article VII: 7.12 Sign Regulations: 7.21 Neighborhood Development District (NDD); Article VIII: 8.4 Site Plan Requirements. *Public Hearing Closed 2/15/11*

Mr. Brynes announced a Special Meeting will be held on May 24th to address the signage application. Mr. Marseglia made a motion to table the application to the May 24th meeting. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

PZ1109SPA Latimer Point Condominium Association - Site plan application & Coastal Area Management Review for proposed deck, ramp & sheds. Properties located at 54 East Shore Rd., 1 Reid Rd., and 111 Latimer Point Rd., Stonington, CT. Assessor's Maps/Blocks/Lots: 154/4/13, 154/4/7 & 154/43. Zone RM-20.

Mr. Edward Lally, surveyor, of Ed Lally Associates reviewed the application. He stated they were in compliance of all the regulations and discussed the history of the Latimer Point Condominium Association.

Mr. Marseglia made a motion to approve the Coastal Area Management application. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the Site Plan application. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

PZ1116BR LCS Westminster, LLP – Application for release/reduction of an \$89,122.00 Erosion & Sedimentation Bond associated with **PZ0704SUP LCS Westminster, LLP**, for the construction of a 936 sq. ft. storage garage, a reduction of the approved parking from 431 spaces to 371 spaces, & the associated relocation of 2 carport structures. Property located at 186 Jerry Browne Rd., Mystic. Assessor's Map 150 Block 1 Lots 15, 16 & 25. Zone RA-40.

Mr. Brynes explained that this bonding is for planting and grading of the rear landscaping for the Stoneridge complex.

Mr. Tamsky made a motion to approve release of the full amount. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

PZ1106RA Town of Stonington PZC (FEMA) – FEMA-mandated Zoning Regulations Text Amendment to adopt revised regulations for development in designated FEMA floodplains that meet or exceed the minimum federal standards of 44 CFR 60.3 and new state requirements. *Public Hearing Closed 5/3/11.*

Mr. Tamsky made a motion to approve the text as amended in the staff report. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

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Public Hearings: 7:30 p.m.

PZ1110SUP Douglas Hanson - Special Use Permit application to operate a full service, 75-seat restaurant and bar with on-premises liquor sales. Property located at 59 West Broad St., Pawcatuck, CT. Assessor's Map 1, Block 4, Lot 2. Zone DB-5.

Doug Hanson spoke on behalf of the applicant and explained that the new Pawcatuck Parking Overlay District now allows him to increase to the restaurant to a 75 seats with a full bar. Signage will consist of one wall sign and awning signs similar to those approved for the former restaurant, Apizzo. The upper stories will be used only for storage. The restaurant will close by 11:00PM and no exterior changes are proposed.

Public Comment: Joyce McElhaney of the Stonington Community Credit Union discussed parking issues between the restaurant and credit union and was concerned that their customers will not have on-site parking. Ms. McElhaney suggested that restaurant employees park elsewhere to preserve parking lot spaces for customers.

Staff: Mr. Brynes noted that the Police Commission and other departments had no issues with the application. Mr. Brynes noted the 2008 stipulation of approval preventing the restaurant from limiting their parking spaces to only restaurant use.

Rebuttal: Mr. Hanson felt that more of his parking was used by the credit union than the other way around. His staff will be asked to park elsewhere. Mr. Hanson noted that the Pawcatuck Parking Study recommended shared parking as a goal.

Mr. Tamsky made a motion to close the Public Hearing. Mr. Prue seconded. The motion to close the Public Hearing was unanimous, 5-0.

Mr. Marseglia made a motion to approve the waiver requests. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the application. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

PZ1113SUP & CAM KAC Realty, LLC - Special Use Permit & Coastal Area Management Review applications to allow removal of existing building & construction of a 2-story, 5,499 sq ft structure for Residential Mixed Use with 2 dwelling units, 51-seat restaurant, 25 off-street parking spaces, & associated landscaping & utilities. Property located at 17-19 East Main St., Mystic, CT. Assessor's Map 174 Block 2 Lot 4. Zone DB-5.

Mr. Clint Brown of DeCesare-Bentley, spoke on behalf of the applicant and reviewed the history of the site which included a building being moved. Utilities and the drainage system have already been put in. Plans have been reviewed and approved with recommendations by the Architectural Design Review Board. Timothy Garrish, of Gardner and Garrish Landscape Architecture, presented the landscaping plan. Two of the Architectural Design Review Board's recommendations were not followed since the applicants believed the recommended grass strip would be too difficult to maintain and a hybrid elm would interfere with power lines.

Mr. Brown requested a waiver of the parking lot buffer requirement from the RH-10 zone at the rear of the site from 10' to 5.5'. Mr. Prue stated that in case of conflict in the regulations, the stricter standard should apply.

Ms. Hoffman asked whether permeable pavement could be used. Mr. Brown replied that the existing drainage system must drain water towards a central location. This plan is less intensive than the Special Use Permit approved by the Commission in 2008 with the same drainage system.

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Mr. Marseglia asked about building materials. Mr. Brown responded that material would be white wood siding. No signage has been designed yet, but plans indicate that any signage would require town approval and compliance with regulations.

Mr. Prue asked how the buffers could be waived. Mr. Brown argued they have the desired buffer effect with less width and double evergreens in back. He stated that they have 25 parking spaces, one more than the required 24.

Public Comment: Carlene Donnarummo thought the abutting neighbors should be provided with the full buffer.

Staff: Mr. Brynes reviewed the application and the three recommended stipulations in the staff report.

Rebuttal: Mr. Brown stated that there was previously no buffer at the rear of the site and their plan was an improvement over the past and current site conditions.

Mr. Prue stated that this plan is much better than the previously approved residential building and that he would rather see a parking space eliminated rather than reduce the buffer requirement. Angela Kanabis, applicant, of KAC Realty, stated that in downtown Mystic parking is always important.

Mr. Marseglia requested that Staff ask Attorney Londregan to give a professional clarification on the legality of waivers of bulk requirements in the zoning regulations.

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

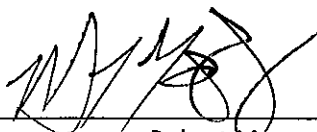
Mr. Tamsky made a motion to approve the CAM application. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to approve the waivers request. Mr. Prue seconded. The motion was unanimously approved.

Mr. Tamsky made a motion to approve the application with the three stipulations stated by Staff and the additional stipulation of eliminating the 25th parking space in favor of a 10-foot wide rear buffer. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Staff stated that the Effective Date for Zoning Regulation Amendment **PZ 1106RA Town of Stonington** will be July 18, 2011.

Mr. Tamsky made a motion to adjourn. Mr. Prue seconded. The motion was unanimously approved. Chairman Swenarton adjourned the meeting at 9:49 P.M.

 6/21/11

Robert Marseglia, Secretary