

Regular Meeting

The 1474th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, August 21, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:05 PM. Present for the meeting were Commissioners John Prue, Ben Tamsky, and Frances Hoffman; Alternate Curtis Lynch, and Town Planner / Interim Director of Planning Keith Brynes. Absent were Commissioner Bob Mercer and Alternate Gardner Young.

Seated for the meeting were Ms. Hoffman, Chairman Marseglia, Mr. Tamsky, Mr. Prue, and Mr. Lynch.

Approval of Minutes:

A motion was made by Ms. Hoffman, seconded by Mr. Tamsky to approve the July 17, 2012 meeting minutes. The motion was unanimously approved.

The Commission requested clarification regarding members seated for the August 7, 2012 meeting prior to approving the minutes.

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

ZBA #12-09 Tracy O'Lari – Seeking a variance from ZR 3.1.4.2 buffer requirements to reduce the non-infringement area in a RC-120 zone from 100' to 20' for construction of additions to a single family residence. Property located at 16 North Shore Way, Stonington. Map 154 Block 2 Lot 10 Zone RM-20 & RC-120.

Staff reported that this applicant is requesting a waiver of the A-2 Survey. After requesting the waiver, an A-2 Survey was located so this waiver is technically not necessary. Mr. Tamsky questioned whether the Latimer Point Condo Association would have to apply for the variance.

A motion was made by Mr. Tamsky, seconded by Mr. Prue to grant the waiver request. The motion was unanimously approved.

Commission Initiatives:

Mr. Prue asked staff to put the following two items on the next meeting agenda: discussion of the new Dwelling Unit Policy and discussion of a policy for issuing Certificates of Zoning Compliance prior to all work being completed.

Ms. Hoffman asked for an update on POCD Subcommittee discussions. Mr. Prue explained that the focus now is on who will get input from various local boards. Mr. Marseglia asked Staff to add discussion of agricultural uses in the LI-130 zone to the next agenda.

The Commissioners discussed prioritizing Commission Initiatives. Mr. Marseglia suggested that since there are no public hearings next meeting, the commission should have staff prepare preliminary applications for a revised Excavation and Filling Regulation and a revised A-2 Survey waiver regulation for variances. Mr. Brynes stated that he will consult the Town Attorney on whether a Regulation Amendment would be required to give the ZBA the ability waive the A-2 survey requirement.

Public Hearings:

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PZ1214SUP & CAM Noank Shipyard, Inc. - Special Use Permit & Coastal Area Management Review applications for construction of a 2-story, 8,340 square foot mixed-use marina support facility with retail, restroom, shower, laundry, & restaurant facilities; liquor sales, & architectural feature height exception. Property located at 2-4 Washington St., Mystic. Assessor's Map 182 Block 1 Lots 6, 12, & 16. Zones MC-80 & RC-120. *PH continued from 7/17/12.*

Seated for this hearing were Mr. Prue, Mr. Tamsky, Mr. Marseglia, Ms. Hoffman, and Mr. Lynch.

Chairman Marseglia opened the floor to rebuttal. William Sweeney, attorney for the applicant addressed comments from the Public, PZC, and Staff. Mr. Sweeney explained his focus will be on four main areas identified by PZC and the public: hours of operation, floor area ratio, Coastal Area Management, and traffic.

Mr. Sweeney stated that the applicant is willing to change the restaurant closing time from 2:00 AM to midnight. The kitchen will close at 10:00 PM, last call for liquor will be at 11:00 PM, and all staff and customers will be out and the doors locked by midnight. The applicant is agreeable to posting signs directing patrons to designated parking areas and lessening motorcycle noise.

Mr. Sweeney explained that floor area ratio issues have been resolved and the project submitted complies with the MC-80 FAR requirement. Revised calculations, based on two separate appraisals, show that the building floor area was grossly exaggerated, and land under 3' of mean sea level, rather than mean high water has been deducted from the FAR calculation.

Mr. Sweeney stated that the applicant met on site with DEEP's Office of Long Island Sound regarding their concerns, and believes there is no reduction in water-dependent use. He noted that there is already public water access area to this property at a public small boat launch area to the north east of the property at the end of Cottrell Street, and 40% of slips are already open to transient boaters. DEEP was provided with storm water plans and they are satisfied that tidal wetlands are not being disturbed. Bio-retention basin outlets may have to be redesigned per DEEP's request. Mr. Sweeney stated that they are compliant with Stormwater Management guidelines. Mr. Marseglia asked if there is adequate winter boat storage and Mr. Sweeney replied that there is.

Mr. Sweeney presented a traffic-generation table located in the engineer's report. Mr. Sweeney cautioned about looking at the real numbers and not the percentage increase, noting that some customers would be arriving by boat and as pedestrians, and there will be fewer customers in winter as half of the seating is outdoors. Mr. Sweeney stated that the traffic generated by this site will be very minimal and the project received a favorable recommendation by the Police Commission.

Ms. Hoffman expressed concerns about what happens off this applicant's property regarding how cars get to the establishment and impact surrounding areas. Mr. Sweeney felt there is no legal basis for off-site traffic impacts. Ms. Hoffman stated that the applicant could look into ways of channeling traffic away from residential areas. Mr. Sweeney asked if Ms. Hoffman meant coordinating with the town's way finding signs and stated that they are open to suggestions. Engineer Sergio Cherenzia stated that the parking calculations are based on zoning requirements, with any overflow parking located in the marina's customer parking area to the

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south, and would not impact the neighborhood. Mr. Sweeney stated that the applicant will install public water access signs at the north pier at the end of Cottrell Street.

Chairman Marseglia opened the floor to Staff Comments:

Mr. Brynes stated that he reviewed the FAR calculations and they are in compliance, and that he is in agreement with the Town Attorney's summary that the applicant did not have intent to abandon the non-conformity. Mr. Tamsky questioned how Mr. Larkin's memo relates to Mr. Londregan's memo and Commissioners felt the issue was irrelevant to this hearing. Mr. Prue feels Mr. Larkin touched on a policy issue that deserves a broader discussion at another time. Town Attorney Tom Londregan addressed the Commission stating that if the application meets the FAR requirement, the abandonment issue is irrelevant to the application. Ms. Hoffman asked about soil contamination issues and Mr. Sweeney replied that upon purchase of the property in 2004, the financing bank required soil tests which showed no contaminants onsite.

Public Comment:

Carlene Donnarummo felt the coastal public access should be nearer to the marina use. Mary Hendrickson agreed with Mr. Lynch's concerns of motorcycle noise and asked about signage limiting busses, limos, and idling motors. Chuck Sneddon stated that the business owner cannot be responsible for traffic control off-site and the application should be approved since it is a permitted use. David Snediker stated that neighbors are concerned about the safety of cyclists and pedestrians with the increase in traffic, recommending another entrance to this site. Mr. Snediker agreed that buffer landscaping would help block vehicle headlights.

Mr. Tamsky expressed concerns about parking for the public access and asked if the applicant could provide additional spaces. Harry Boardsen of Seaport Marine stated that there is adequate on-street parking for public access but three on-site spaces could be provided for public waterfront access. Mr. Sweeney stated that the applicant will work with Mr. Snediker regarding buffering from headlights. The applicant indicated they were willing to plant a buffer all the way down Willow Street from the new exit to the intersection.

A motion was made by Mr. Prue, seconded by Ms. Hoffman to close this public hearing. The motion was unanimously approved.

A motion was made by Mr. Prue, seconded by Ms. Hoffman to find this application consistent with the Coastal Area Management Act with the addition of public access and parking. The motion was unanimously approved.

A motion was made by Mr. Prue, seconded by Ms. Hoffman to approve the Special Use Permit waivers. The motion was unanimously approved.

A motion was made by Mr. Prue, seconded by Ms. Hoffman to approve the Special Use Permit application with eight (8) stipulations. The motion was unanimously approved.

Stipulations:

1. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits per Section 8.6.3 of the Zoning Regulations. The bond

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amount shall be established by the Town Engineer after an estimate of the construction cost is provided by the applicant and approved by the Town Engineer.

2. Final plans shall be recorded prior to issuance of any Zoning Permits.
3. Amplified live entertainment shall not be permitted.
4. Restaurant and bar hours of operation shall be limited to stop serving food at 10:00PM, stop serving beverages at 11:00PM, and close no later than 12:00AM.
5. Minor changes to the drainage outflows shall be reviewed to the satisfaction of the Town Engineer. Substantial changes to site drainage shall be reviewed by the Commission.
6. Regarding motorcycle noise, residential parking and traffic flow, internal use signs shall be presented for approval by the Planning and Zoning Commission.
7. Public water access and signage shall be placed at the northern pier at the end of Cottrell Street and parking for 3 vehicles shall be provided on site.
8. To limit headlight impact, shrub type screening shall be provided on property owned by Noank Shipyard on the east side of Willow Street between the entrance/exit and Washington Street.

PZ1215ZC Mystic Seaport Museum, Inc. - Zone Change application for revisions to the Marine Heritage District Master Plan for changes to current MHD and acquired properties/structures. Properties located off Greenmanville Ave., Rossi St., & Bruggeman Pl., Mystic. Zone MHD. *PH continued from 8/7/12.*

Brian Kent of Kent + Frost Landscape Architects, and Ken Wilson, Director of Facilities for Mystic Seaport, discussed the Maritime Heritage District regulations, explaining that the application is for changes to the Master Plan and a more detailed Site Plan application for the specific construction will be submitted at a later date. Other proposed changes include: demolition of North Boat Shed, Packard Cabin, and a portion of the GW Blunt White Building (stone headpiece to remain); construction of 20,000SF exhibit building and a new cul-de-sac drop-off area at the north entrance; smaller enhancements to existing buildings including handicap accessibility; changes to the signage program; incorporation of recently purchased 41 Greenmanville Ave. into the MHD zone, and the sale of 4 Rossie St. and 34 Greenmanville Ave. Mr. Kent explained that the new exhibit building will create a better-defined outdoor area with no impact on parking or wetlands, noting that plans have been submitted and preliminarily approved by CTDOT.

Architect Conrad Ello projected the building concept to the screen, describing how its design accommodates flood hazard issues.

The Commission asked why the Seaport is not rezoning the two sold properties. Mr. Brynes stated that the Town Attorney issued an opinion that the Seaport can sell the property to a private owner and remain zoned MHD. The new owner would need to request PZC approval if they wish to change the use. The Seaport did not want to rezone property not under its ownership. Mr. Wilson stated that the current use of the two sold properties is residential, and the PZC 2005 Master Plan decision stipulated that 4 Rossie St. remain residential.

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James Tenant asked if 90 Greenmanville Ave. was going to be rezoned. Staff answered that no change of use there is proposed. Mary Hendrickson stated that the Seaport is on the National Register of Historic Places, noting that the demolition of a building built in 1910 needs to be reviewed by Susan Chandler, the State Historical Architect. Ms. Hendrickson stated that in past years letters were sent to the entire neighborhood and not just abutting neighbors and she has not received any correspondence. James Tenant asked for clarification on what zone is being changed.

Staff Comments:

Mr. Brynes stated that the Town does not have a regulation that prevents demolition of an historic building and National Register requirements often apply when Federal funding is involved. Receipts of mailings were submitted by the Seaport to dozens of neighbors, and neighbors were also invited by the Seaport to a public meeting prior to the application. The Conservation Commission approved of the project but would like to see the historic buildings retained. Mr. Prue asked whether the sign violation at Latitude 41 restaurant had been resolved. Staff answered that it had not and a Municipal Citation was recently issued.

Rebuttal:

Mr. Wilson stated that the Rossie Mill Historic District is only on the east side of Greenmanville Ave., and the Seaport mailed letters to approximately 200 people. He noted that the meeting in April was well attended by the public. Mr. Marseglia asked the applicant if they would agree to a stipulation that addressed the historical value of the Packard Cabin and North Boat Shed. Mr. Wilson answered, yes.

Mary Hendrickson stated that the Seaport is also a part of the Mystic Bridge National Register Historic District and that the project should be reviewed by the State.

James Tenant stated that the Commission's approval should be clear as to which property is being rezoned.

A motion was made by Mr. Prue, seconded by Ms. Hoffman to close the public hearing. The motion was unanimously approved.

A motion was made by Mr. Prue, seconded by Ms. Hoffman to approve the requested waivers. The motion was unanimously approved.

A motion was made by Mr. Prue, seconded by Ms. Hoffman to find that this application is consistent with Plan of Conservation and Development. The motion was unanimously approved.

A motion was made by Mr. Prue, seconded by Mr. Lynch to change the zoning on 41 Greenmanville Avenue, Assessor's Map 173, Block 1, Lot 4 from GBR-130 to MHD. The motion was unanimously approved.

A motion was made by Ms. Hoffman, seconded by Mr. Prue to approve the Master Plan revisions with seven stipulations. The motion was unanimously approved.

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Stipulations:

1. Final plans shall be recorded in the Town Clerk's office after Commission signature.
2. Commission approval is required prior to the use of Building #184.
3. Site Plan review with a public hearing is required per section 7.20.5.
4. The parcels that are being sold by the Seaport shall remain part of the MHD unless a Zone Change application is applied for by the new owners and approved. The requirements of the MHD will remain in effect on these properties and any change of use will require a Master Plan Amendment per Section 8.4.3.5. As per stipulation of approval #4 of the original Master Plan Approval (#PZ0550ZC), 4 Rossie Street, shall remain a single family use.
5. Construction of the new exhibit building must be shown to meet all flood hazard requirements during the Site Plan review stage.
6. Prior to approval of the Site Plan application, the applicant will address historic and National Register significance of the pump house building.
7. Signage Program may be revised to include expansion of the detached sign for Latitude 41 restaurant following applicable regulations.

Effective date of the Zone Change is 9/10/2012.

Consensus of the Commission was to cancel the 9/4/12 Special Meeting.

A motion was made by Mr. Prue, seconded by Mr. Lynch, to adjourn. The motion was unanimously approved. Chairman Marseglia adjourned the meeting at 11:50 PM.



Frances Hoffman, Secretary