

Regular Meeting

The 1506th meeting of the Town Of Stonington's Planning and Zoning Commission was held on Tuesday, December 17, 2013 at the Mystic Middle school, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:03pm. Also present were Commissioners Frances Hoffman, Bob Mercer, John Prue, and Curtis Lynch; Alternate Gardner Young, and ZEO Candace Palmer. Alternate Eric Beverly and Town Planner Keith Brynes were absent.

Seated for the meeting were Ben Tamsky, Bob Mercer, John Prue, Curtis Lynch, and Fran Hoffman.

Minutes:

Ms. Hoffman motioned to approve the December 3, 2013 minutes. Mr. Prue seconded. Motion approved, 4-0-1. Roll Call: Prue – approve, Mercer – approve, Lynch – approve, Tamsky – approve, Hoffman – abstain. Mr. Prue requested the end time and attendees at the executive session be reflected in the minutes.

Commission Initiatives:

Even though the issue had been removed from Commission Initiatives, Mr. Tamsky provided an update on the Directors of Planning and Public Works positions. He noted that Commissioners will be able to contribute to the development of the Director of Planning position job description. He and Ms. Hoffman expressed interest in taking part in the selection process.

Administrative Review:

Consideration of Certificate of Zoning Compliance for 2nd floor office space. Property located at 232 Greenmanville Ave., Mystic. Assessor's Map 171, Block 2, Lot 3. Zone TC-80. Staff stated that the applicant requested the request be tabled to the 1/7/14 meeting.

Old Business:

PZ0360SD, SUP & GPP Meehan Group, LLC – Request approval for modification of drainage design for previously approved Clairemont subdivision, now Old Mystic Estates (Toll Brothers). Property located at Whitehall Ave., Jerry Browne Rd., & Pequot Trail, Old Mystic. Zones RA-40 & RR-80. *Public Hearing Closed 9/3/13. Tabled to 1/7/14 meeting.*

PZ1314CAM Eleanor & Colin McKay - Coastal Area Management Review for demolition & removal of existing single family residence and construction of a new SFR over the same area as the original house. Property located at 52 Old North Rd., Mystic. Assessor's Map 175 Block 2 Lot 1. Zone RM-15. The applicant has requested an extension to the next regularly scheduled meeting on 1/7/14.

PZ1316SPA & GPP Sun Seaport RV Resort, LLC – Site Plan Approval & Groundwater Protection Permit applications for paving of existing gravel driveway and related site improvements. Property located at 45 Campground Rd., Mystic. Assessor's Map 167 Block 1 Lot 3. Zones GBR-130 & GC-60.

Staff stated all paving is for the area on the east side of the site plan. Both the ZBA and the IWWC have approved the application, the ZBA with one stipulation and the ZBA with 2 stipulations. Clint Brown, PE, represented the applicant and indicated on the site plan those areas proposed to be paved. A modified rain garden will provide a filter berm for the area in front of the main office.

Mr. Prue motioned to approve the application with the stipulations noted in the staff report. Ms. Hoffman seconded. The motion was withdrawn to clarify the stipulations. Mr. Prue moved to approve the application as presented with the stipulations from the IWC & ZBA application approvals. Ms. Hoffman seconded. The motion was withdrawn again to clarify wording regarding the site plan application and the groundwater protection

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permit. Mr. Prue motioned to approve the site plan application with the stipulations from the IWC & ZBA approvals. Ms. Hoffman seconded. All in favor 5-0.

Stipulations:

1. Staff shall be notified prior to the start of construction to inspect sediment and erosion control measures.
2. Provide a detailed maintenance schedule for the stormwater quality basin on the final plans. Maintenance schedule is to be approved by the Town Engineer.
3. Approval is only for the drives located on the east side of the submitted site plan delineated as "New Bit. Conc. pavement; Phase 2," (New Bituminous Concrete Pavement). Pavement is not to exceed the current width of the driveway or 15' with the exception of the area in front of the office structure. That area is approved as submitted.

Mr. Prue moved to approve the Groundwater Protection Permit as presented. Ms. Hoffman seconded. All in favor 5-0.

Mr. Prue made some general comments regarding a recent decision by the appellate court concerning the granting of waivers from application requirements and requested Town Attorney Londregan provide guidance on the matter to the Commission. Ms. Palmer provided comments to clarify the court's ruling. Commissioners agreed to discuss the subject at a later date.

Mr. Prue recused himself from the public hearing for application **PZ1315SUP D'Amato Investments, LLC (David Brambila)**, and left the meeting. Gardner Young was seated for Mr. Prue for the remainder of the meeting.

Public Hearing(s): 7:30 p.m.

Ms. Hoffman read the call for the public hearing.

PZ1315SUP D'Amato Investments, LLC (David Brambila) - Special Use Permit application for a full-service 80-seat restaurant and a 32-seat eat-in bar room with liquor permit (full wine, beer & liquor), in approximately 3,200 square feet of existing structure. Property located at 163 South Broad St., Pawcatuck. Assessor's Map 37 Block 1 Lot 4A. Zone GC-60.

Attorney Frank Eppinger, representing the applicant, presented a history of the restaurant site and information on the owner/operator of the proposed Mexicali Fresh Mex Grill restaurant. He submitted a number of exhibits including newspaper articles and information on the applicants and other Mexican restaurants they operate, noting that every restaurant they own is managed by a family member. The proposal calls for remodeling the existing restaurant space and additional space from the adjacent unit, for a total area of 3200 sq. ft. They are requesting a full service bar liquor license, as some previous restaurants on site had. He shared the restaurant layout plan and noted that the site plan from 2012 remains unchanged, and as such, the applicants are asking the Commission to waive the requirement for a new site plan. Attorney Eppinger noted that no live entertainment or music is planned for the restaurant.

There was no one speaking in favor, in opposition, or general comments for this application.

Staff recommended an additional stipulation regarding the live music.

There was no rebuttal from the applicant.

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Mr. Young moved to close the public hearing. Mr. Mercer seconded. All in favor 5-0. Mr. Mercer motioned to approve the waivers requested. Mr. Young seconded. The motion was withdrawn due to clarify wording. Ms. Hoffman motioned to accept the waivers requested based on comments from the appropriate governmental departments and applicability of category of the waivers. Mr. Young seconded. All in favor 5-0.

Mr. Mercer motioned to approve the special use permit application with 4 stipulations: Mr. Young seconded. All in favor 5-0.

Stipulations:

1. Signage is limited to no more than the sizes permitted for this unit under previous Zoning Permit #ZON 11-277.
2. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.
3. Hours of operation shall be limited to no later than 12:00AM from Sunday through Thursday and 1:00AM on Friday and Saturday.
4. No live entertainment permitted without authorization of the PZC.

Ms. Hoffman read the call for the hearing at 8:45pm. The commission had expressed concern that the applicant requested their hearing be opened and continued until 1/21/14, given they were within the 65 day time limit. **PZ1317SUP Sea Research Fndtn. (Waterstone Retail, Inc.)** – Special Use Permit application for development of ~ 1.7 acres of an 11.1 acre site for construction of a 13,000 SF retail sales building, 53-car parking lot, and special wall signage. Property located at Maritime Drive (Lot 1), Mystic. Assessor's Map 150 Block 1 Lot 28A. Zone M-1. Mr. Tamsky motioned to open and immediately continue this public hearing until 1/21/14. Mr. Young seconded. All in favor, 5-0.

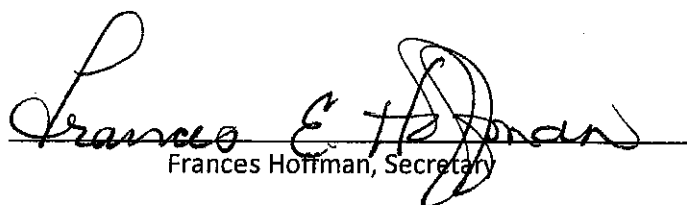
New Submittal(s):

PZ1318RA Paul G. Holland, Jr. – Regulation Amendment application to change the current GBR-130 zoning district side yard setback requirement of 75 feet on each side to a minimum of 25 feet on one side with a total of 100 feet for both sides.

PZ1319SUP Sea Research Foundation, Inc. - Special Use Permit application for development of a 3± acre gravel surface parking lot with paved driveways and new landscaping on a 10.47 acre site. Property located at Coogan Blvd. and Maritime Drive (Lot 2), Mystic. Assessor's Map 150 Block 1 Lot 28. Zone M-1.

Ms. Hoffman motioned to accept the two new submittals for future public hearings. Mr. Young seconded. All in favor, 5-0.

Mr. Young motioned to adjourn the meeting. Mr. Mercer seconded. All in favor, 5-0. The meeting adjourned at 8:47pm.


Frances Hoffman, Secretary