

MINUTES
ZONING COMMISSION
APRIL 4, 2012 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Cady, French, Hudecek, O'Neill, Sutherland, Marquardt (7:02 pm)
Absent:
Staff: Davis, Gilot

Chairperson Sutherland called the meeting to order at 7:00 p.m. and seated Cady for Marquardt.

II. PUBLIC HEARING

1. Special Permit #325, 12 Water Street, Unit D4, PIN 261918305500, WDD Zone. Proposal is to convert an existing retail space into a standard restaurant. Review is per Section 6.3 of the Zoning Regulations. (Brian and Katherine Straub, Applicants)

The Chairperson read the legal ad. The applicant, Katherine Straub, 133 Ensign Drive, Mystic, presented the application for a small vegetarian/vegan restaurant serving breakfast and lunch only. The design objectives were detailed. The space is about 350 s.f. located in an existing structure. There would be brick pavers with some outside seating and a bike rack on the site. The restaurant would be open year-round, and market to the local community. Harmony with development – The restaurant seats no more than 30 diners, serving families, with a varied menu, consistent with other local restaurants in the area. Regulations require 11 parking spaces; the applicant will ask the Planning Commission to waive that requirement based on shared use in a mixed use development (i.e. Margarita's – different hours of operation). Traffic circulation - hours of operation – the restaurant will be open during off hours so no increase in traffic is anticipated. They would expect to serve people already in downtown Mystic. Environmental impact – small carbon footprint due to vegan nature of menu; an automatic grease recovery unit is required. There will be minimal grease from cooking, with no dairy, no eggs, and custom hoods with fire suppression would be used, as well as environmentally friendly cleaning products. There will be minimal construction, and minimal impact on noise, etc. They would remove existing foliage and the outside seating would be made of sidewalk level pavers on stone to facilitate drainage. Best practices would be used to minimize waste and dust in construction.

Mr. Straub showed photos of the location of the proposed restaurant in the courtyard. The bath and entrance are ADA compliant. The hours of operation would be 7 a.m. to 3 p.m., 6 days a week (closed Monday).

Staff stated that the mailings were in order. Staff distributed copies of a letter received by a neighbor, Mr. Dan Lucente. Staff doesn't believe this type of use is problematic. The Planning Commission had no comment on the referral. A floor plan is in the file. An exterior seasonal deck is proposed, replacing 3 shrubs. The location of existing and proposed exhaust fans was detailed. The applicant said he spoke with Mr. Lucente regarding the noise of the fan, and minimal fumes anticipated. Mr. Straub said the fan would be used minimally, not a lot of oil used, so not much odor created. The location of the propane tank at the back of the Margarita's space was detailed on photos provided by the applicant

The Chairperson asked for public comments.

Alan Brush, 92 High Street, commented on the common space in Factory Square, and the change in the use of that space, and the expansion of Voodoo Grill. Mr. Brush also said he was concerned with increased noise from the restaurant and the exhaust fans.

Eleanor Wenderoth, 84 High Street, said she was concerned with speeding, parking, noise, and congestion.

Mary Jane Brush, 92 High Street, also had concerns with excessive noise in the neighborhood, would like to see a noise ordinance, and would like the Commission to address the noise in the area.

Susan Sayer, 37 Bay View Avenue, Mystic, said it would be unfortunate that a new restaurant would have to be penalized because of another restaurant's problems.

Charles Wenderoth, 84 High Street, asked for clarification of the location of the exhaust fan. Mr. Straub detailed the location on the photo. Mr. Wenderoth expressed concerns with the noise and the parking in downtown Mystic.

Mr. Wenderoth also asked if the business was sold, could a new applicant change it to something different. The Chairperson said a new application would be required.

The Chairperson asked the applicant for any further comments.

Brian Straub, 133 Ensign Drive, said there would be no speakers or outside music in the courtyard. The exhaust fan is well insulated and he does not anticipate any noise issues. It must be located 10 feet from windows, 75 ft. from dumpsters. He said he does not anticipate any parking issues at 7 am.

Allen Brush, 92 High Street, asked for clarification of where the fan would point.

Brian Straub said it faces south to Mr. Lucente's yard, and he has spoken to Mr. Lucente about it.

The public hearing was closed at 8:00 p.m.

Motion made to add "Consideration of Public Hearing" to the agenda after "Approval of the Minutes". Motion made by French, seconded by Hudecek, and passed unanimously.

III. APPROVAL OF THE MINUTES OF March 7, 2012

MOTION: To approve the minutes of March 7, 2012 as amended.

Motion made by French, seconded by Marquardt. Motion passed 4-0-1, one abstention (Hudecek).

IV. CONSIDERATION OF PUBLIC HEARING

MOTION: To approve Special Permit #325 to convert an existing retail space into a standard restaurant, based on the WDD criteria.

Motion made by Hudecek, seconded by O'Neill.

The Commission discussed whether the special permit would be exclusively for this restaurant as proposed, or the use as a restaurant in general. Staff said that Section 8.3 allows the Commission to regulate the use in such a way that if they wanted to tie it that closely to the use as proposed they could, but typically menus are not regulated through special permits. If criteria are attached, it would make it difficult for someone else to come in and do something different.

The Commission discussed limiting the permit to the scope of the proposal. Any substantive change relative to noise, odor, hours of operation, etc., would require another application. Staff said the Commission can decide if a modification is minor or not.

The Commission preferred to limit the use to breakfast and lunch.

French moved the question.

Motion passed unanimously.

V. PUBLIC COMMUNICATIONS

French said the waterways presentation by Juliana Barrett of OLISP will be on April 10th at Groton Library at 7 pm.

VI. OLD BUSINESS

1. Discussion of proposed text amendment to Zoning Regulations Section 8.3

Staff is still working on these and can have the Town Attorney review if the Commission is still interested in going forward with this section.

2. Commission Work Program for 2012

Chairperson Sutherland offered the Commissioners another week to send comments on the work program to staff and copy the Chairperson. She will set up a meeting with staff to discuss timeline, etc., and invited Commissioner French to attend the meeting.

Staff reviewed the status of the POCD update for the Commission.

VII. NEW BUSINESS

1. New Applications
Special Permit #326 – 4 Pearl Street, Harp & Hound
Special Permit #327 – 13 Water Street, 85th Day Restaurant

Public hearings will be scheduled to open on May 2, 2012.

VIII. REPORT OF CHAIR - None

IX. REPORT OF STAFF - None

X. ADJOURNMENT

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Motion to adjourn at 8:29 p.m. made by Hudecek, seconded by O'Neill, so voted unanimously.

Mariellen French, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Assistant III