

Special Meeting

The 1507th meeting of the Town Of Stonington's Planning and Zoning Commission was held on Tuesday, January 7, 2014 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; Alternates Gardner Young and Eric Beverly, Town Planner Keith Brynes, and Town Attorney Tom Londregan.

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

Minutes:

Ms. Hoffman motioned to approve the December 17, 2013 minutes. Mr. Mercer seconded. Motion approved, 4-0-1. Roll Call: Prue – abstain, Mercer – approve, Lynch – approve, Tamsky – approve, Hoffman – approve

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development – Mr. Lynch reported that the POCD Committee expects to have the first draft of the POCD by the end of the month and requests the PZC take a week to review it in order to have a special joint meeting on February 11th to go over the draft plan. Mr. Brynes updated the Commission on timeframes required for review by DEEP and other outside stakeholders prior to submittal to the PZC for adoption. He also noted that the State does allow for extensions of time for completion and we are looking to a late summer / early fall acceptance. Mr. Lynch and Ms. Hoffman requested an updated listing of the policies listing the general goals within the framework of The Plan to aid them in their review of the draft plan. Mr. Brynes provided them with a draft table of contents and said that he would provide a subsequent list of the goals organized by responsible parties.

Mr. Lynch thanked Mr. Brynes for putting the relevant zoning regulations into the Staff Report.

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 had asked the request be tabled to the 1/21/14 meeting in order to give the applicants' attorney time to review Town Attorney Tom Londregan's memo regarding possible protection under CGS 8-13a or common law estoppel. Mr. Tamsky suggested all commissioners listen to the recording of the 12/7/10 PZC meeting. A copy of the recording was provided to Attorney Londregan.

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.*

Seated for deliberations on this request were Ben Tamsky, Bob Mercer, John Prue, Eric Beverly, and Fran Hoffman.

Mr. Prue motioned to **deny** the modification request for all reasons noted in the resolution drafted by staff. Mr. Mercer seconded. Ms. Hoffman read the recommended resolution language into the record.

Recommended Resolution Language:

Special Meeting

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.

Based on the testimony received during the public hearing and input from Town staff, the Department of Planning recommends denial of this application for the following reasons:

Evidence received from the Town Engineer in his memo to the Commission dated 11/15/13 and the Town's consultant, Jacobson Engineering, dated 11/8/13, concludes that the proposed on-site drainage basins may result in significant drainage impacts on downstream properties. These impacts include the horizontal flow component of the proposed basins which may result in seeps or breakouts of stormwater. As noted in the Jacobson Engineering report, adequate test pits and groundwater monitoring data have not been provided.

The applicant's proposed revision is specifically denied for failure to conform to the following specific sections of the Town's regulations:

- Failure to conform to Section 8.3.6.3 of the Zoning Regulations which requires that modifications to previously approved Site Plans, Special Use Permits or Master Plans "shall not be granted for proposals that in the opinion of the Commission will result in significant impacts to natural resources, drainage,..."
- Failure to show that, in accordance with Zoning Regulation Section 6.4.4, the applicant's proposal "will not create, at any point of determination as set forth in Articles II and VII, any dangerous or objectionable elements to area residents."
- Failure to show that, in accordance with Zoning Regulations Section 6.4.5, "no adverse effect will result to the character of the district, property values, historic features, prosperity, nor to the public health, safety and welfare of the residents of the area or the Town."
- Failure to show that, in accordance with Zoning Regulations Section 6.4.6, the proposal "will result in no deleterious impact to irretrievable environmental resources."
- Failure to conform to Section 6.4 of the Town's Subdivision of Land Regulations, Required Improvements and Design Criteria - Storm Drainage, specifically Section 6.4.1.1, General Hydraulic Design Requirements, which states that "Storm drainage systems constructed under these Regulations shall provide for the proper drainage of the tributary area to the satisfaction of the Commission. The subdivider shall make provisions for the proper elimination of all stagnant water within the limits of the proposed subdivision."
- Failure to conform to Section 9.1 of the Subdivision Regulations (General Principles), specifically Section 9.1.2.2 which requires the Commission finds consistency with "A pattern of land development that minimizes or eliminates non-essential disruption of or adverse impacts on significant natural features. Significant natural features include: tidal and inland rivers, streams, creeks, wetlands and marshes; wildlife habitats; beaches; islands; ponds; aquifer recharge areas; drainage basins for public water supply; and public open space."

Special Meeting

- Failure to conform to Section 10.1.3 of the Subdivision Regulations (Cluster Developments), in effect at the time of the approval of PZ0360SD, SUP & GPP, which requires that prior to approval, the Commission shall find that "Hydrologic conditions of the site and surrounding areas will not be adversely affected by said modifications."

RESOLVED, that the Planning and Zoning Commission of the Town of Stonington has reviewed the requested revisions to PZ0360SD&GPP Meehan Group, LLC and has determined that this application is not in compliance with the Zoning Regulations and the Subdivision Regulations of the Town of Stonington, for the aforementioned reasons and therefore is **DENIED**.

The motion was unanimously approved, 5-0.

Town Attorney Tom Londregan left the 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.

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

Mr. Brynes updated Commissioners on the status of the application, noting two of the Commissioners' concerns about the lack of rain gardens in the new proposal, as they were provided in the previously approved CAM.

Ed Wenke, P.E., the project engineer representing the applicants, reviewed the applications, explaining the proposed changes from the previously approved CAM, noting that the size of new structure was reduced, thus allowing for use of the existing septic system. He stated that there would be no change in the amount of impervious surface, noting that the site would be graded for sheet flow to the harbor and he did not recommend creation of a rain garden but noted that the owners would do so if the Commission wished. Mr. Wenke answered Commissioners' questions regarding roof drainage and degree of slope on the site.

Mr. Lynch felt the Town Engineer should have provided comment on the rain garden issue. Mr. Brynes said he had spoken with Town Engineer Larry Sullivan, who agreed that a rain garden wasn't necessary. Mr. Brynes added that long-term enforcement of one would be difficult.

Mr. Prue motioned to approve the application with the one recommended stipulation in the Staff report. Mr. Mercer seconded. The motion was unanimously approved.

Stipulation:

1. Final plans shall include flood hazard certification notes referred to in the Town Planner's 11/5/13 comments.

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

Ms. Hoffman read the call for the public hearing at 7:50pm.

PZ1311ZC, SPA & CAM Edgewood Mac, LLC - Request Master Plan Zone Change, Site Plan Application, & Coastal Area Management Review approval to redevelop site and build 55 attached residential dwelling units within four main buildings with a total footprint of 43,286 SF, an interior courtyard with a swimming pool and cabana, and associated parking, landscaping, and drainage. Property located at 2 Harry Austin Drive. Assessor's Map 160, Block 4, Lot 8. Zone IHRD.

Special Meeting

Attorney Ted Ladwig, representing the applicants, presented the highlights of the applications, explaining that this proposal is a simpler and cleaner process to request changes to the previously approved Master Plan for the site. He noted that it is in conformance with the Comprehensive Plan and the POCD, the Architectural Design Review Board found the plan appropriate, recommending approval, and the Inland Wetlands Commission has approved the application. Additionally, the Conservation Commission has recommended approval. He noted that there have been no substantial changes along Route 1 or Masons Island Road since the previous approval, and discussed the projected positives of the project for the Town.

Project Architect Tim Wentz presented the different building types in comparison to those of the previous approval, discussing the differences in the gross floor area (GFA), building orientation and heights, improved architectural design features, and layout of units. Responding to Mr. Mercer's question regarding parking, Mr. Wentz stated that the approved proposal did have under building parking, also.

Mr. Tamsky asked if there were scaled elevations showing a comparison of the proposed buildings to those previously approved. Mr. Prue requested clarification on the design configuration of the individual units. Commissioners asked where the original GFA calculations were derived from and Mr. Brynes explained he took them from the 2005 staff report. Mr. Tamsky requested dimensioned renderings to allow for GFA calculations. Ms. Hoffman agrees that the new proposed structure is more attractive than the former.

Project Civil Engineer Joe Lenahan presented a history of the site, explaining that the amount of impervious area was reduced in the 2005 approval, remediation of the site has been performed, noting they have submitted a Remedial Action Plan addendum and Soil Management Plan to DEEP. He explained the types of soils and vegetation in the "panhandle" strip of the parcel, noting that the dense thicket would be difficult to clear in order to create a walking path to the water. He stated that the number of parking spaces has been reduced to 148 from 160 and there are three proposed loading areas, two impervious and one pervious. In response to Mr. Lynch's question regarding making all parking and roadways pervious, Mr. Lenahan explained that impervious roadways are needed to support large trucks and emergency vehicles. He described the traffic pattern to and within the site, and indicated on a site plan where Harry Austin Drive ends, approximately 15-20' beyond the project property line.

Project Engineer Vincenzo Chiaravalloti discussed the stormwater management plan for the site, explaining that the previous developers had installed some stormwater infrastructure which they propose to use where possible. He explained that everything will be cleaned, tested, and replaced if necessary, to ensure the stormwater management system functions as calculated and designed.

The commission took a 5-minute break at 9:50PM and reconvened at 9:55PM.

Traffic Engineer Derek Hug presented the traffic studies, explaining the methods used for the trip generation calculations, and comparisons between the results of the new and the 2005 studies. He noted there were no changes in the results for either of the two intersections of Route 1 at Masons Island Rd. and Hewitt Rd., and Masons Island Rd. at Harry Austin Dr., stating that crash data was within normal ranges and there would be no significant impact resulting from the proposal. He responded to Commissioners' questions regarding vehicle delay times and level of service, stating that there were not significant differences between the 2005 and 2013 Traffic Impact studies.

Special Meeting

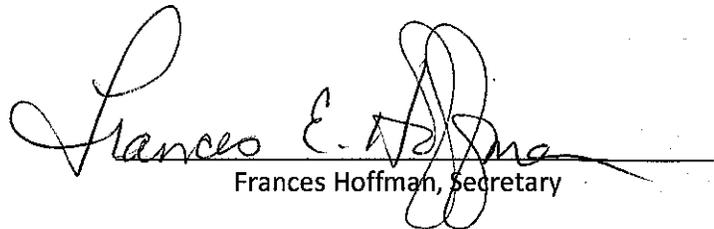
Mr. Wentz addressed signage for the site, stating that there is only one sign proposed and it will be constructed of brick and be no larger than 18 square feet, as permitted.

Attorney Ladwig requested that the public hearing be continued to allow for recalculation of the gross floor area of the buildings and provision of scaled elevations comparing the approved and proposed projects.

Mr. Tamsky requested scaled elevations of both the approved and current proposals showing a comparison of mass and bulk, and requested that Mr. Brynes clarify the regulation requirements for 3D renderings. Mr. Tamsky questioned how the proposal related to the IHRD regulations since no part of the original building will be used and there is no commercial use that implies public access. Ms. Hoffman agreed that IHRD zoning does propose mixed use.

Mr. Prue motioned to continue the Public Hearing to a special meeting at 7:00pm on 1/28/14 at a to-be-determined location. Ms. Hoffman seconded. The motion was unanimously approved.

Mr. Prue motioned to adjourn the meeting. Ms. Hoffman seconded. The motion was unanimously approved. The meeting adjourned at 10:37pm.



Frances Hoffman, Secretary