

## Regular Meeting

The 1523rd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, August 19, 2014 at the Mystic Middle school, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:02pm. Present and seated for the meeting were Commissioners: Ben Tamsky, John Prue, Bob Mercer, Curtis Lynch (arriving at 7:04 pm) and Alternate, Gardner Young. Town Planner Keith A. Brynes was also present. Commissioner, Frances Hoffman, and Alternate, Shaun Savoie, were absent.

**Appoint Alternates:** Gardner Young was seated for Frances Hoffman.

**Minutes:** Mr. Prue moved to approve the 8/5/14 minutes. Mr. Mercer seconded. All in favor 4-0.

Mr. Prue moved to approve the 8/12/14 minutes with as corrected. All in favor 4-0.

Mr. Curtis Lynch arrived for the meeting at 7:04pm.

### Old Business:

**PZ1408SUP Spruce Meadows, LLC** – Special Use Permit application for construction of two multi-unit residential structures, a community building with caretaker unit on top floor, parking, and associated improvements. Total number of dwelling units proposed is 43. Property located at 86 & 88 South Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lots 3 & 4, Zone LS-5. *Public Hearing continued from 8/12/14.*

Seated for the deliberations were Mr. Young, Mr. Prue, Mr. Tamsky and Mr. Mercer. Mr. Tamsky stated he was here for the first 2 meetings and listened to the recording of the last meeting. Mr. Prue stated that he listened to the recording of the 1<sup>st</sup> meeting.

Mr. Prue moved to approve the application; seconded by Mr. Mercer. Staff stated that per CT General Statutes Section 8-30g, the only way to deny this Affordable Housing Application is with a clear health and safety concern. The Commission discussed the location of the sidewalk on Rt. 1. The Commission agreed on the need to change the staff stipulation regarding the sidewalk to relocate the sidewalk next to the street. Mr. Prue withdrew his motion to approve. Mr. Mercer seconded the withdrawal.

Mr. Prue moved to approve the Special Use Permit Waiver Requests. Mr. Mercer seconded. All in favor 4-0.

Mr. Prue moved to approve PZ1408SUP with 4 stipulations. Mr. Mercer seconded. All in favor 4-0.

### Stipulations:

1. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits. The bond 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 reviewed to the satisfaction of the Town Engineer and Pawcatuck Fire District.
3. The two lots shall be formally combined prior to the issuance of any Zoning Permits.
4. The public sidewalk shall be relocated into the public right of way along Rt. 1. Pedestrian connections between Spruce Meadows and Spruce Ridge shall remain.

The meeting recessed at 7:40pm and reconvened at 7:48pm.

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### Public Hearing(s):

**PZ1407ZC, 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 gross floor area of 162,482± 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. *Public Hearing continued from 7/15/14.*

Seated for this continuation are: Mr. Mercer, Mr. Tamsky, Mr. Prue, Mr. Young, and Mr. Lynch.

Attorney Ladwig spoke in rebuttal and presented 3-D renderings the Commission had requested for the proposed development. Project Engineer, Joe Lenahan, shared renderings of the proposed building height compared with the other existing buildings in the community. Mr. Lenahan summarized a balloon float which was done to portray the height of the buildings. Balloons were mistakenly flown up to 18' too high for the 1<sup>st</sup> half of the day. Plans were designed to the satisfaction of the Fire Marshal and a truck turning radius plan was developed. Mr. Lynch asked about project phasing. Bryan Robik of Edgewood Mac, LLC stated that most site work would be done at one time with individual buildings constructed incrementally per demand. Mr. Ladwig discussed ways in which this proposal conforms to the IHRD regulations and Plan of Conservation and Development. Mr. Prue questioned the comparisons with the 2005 approval when the Commission's 2008 Consent Agenda approval removed the top floor. Mr. Ladwig stated that the IHRD regulations do not have a limit on maximum floor area ratio and that this proposal does not have to abide by the limits of the 2008 plan.

Mr. Tamsky called for public comment only on new information submitted by the applicant since the last meeting.

Speaking in Favor: none

### Speaking in Opposition:

Stephen Wolinski, James Buckley, James Stanton, Amy Lewis, Mary Rioux, Asa Pollard, and Rosemary Buckley spoke in opposition. Mr. Stanton submitted a protest petition and letter as exhibits. He presented a diorama, prepared by neighbor, David Bishop, demonstrating the scale of the project. Staff stated if a petition is signed by the owners of 20 percent or more of the area of property within 500' of the zone change, it forces a 2/3 supermajority vote to approve the project (4 out of 5 commissioners). Staff will calculate whether the petition meets this threshold and inform the Commission prior to their vote.

Speaking with General Comments: Karen Mohr.

Meeting recessed at 9:35pm and reconvened at 9:43pm

Attorney Ladwig provided rebuttal and stated that the original Color Lab wall and tower are now structurally unfeasible. He objected to the submission of the petition after the initial public comment period. Mr. Tamsky asked staff to check statutes for the legality of the petition and consult with the Town Attorney if necessary. Mr. Prue asked if the previous approvals could still

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be built with current FEMA regulations. Mr. Lenahan answered that despite the raised base flood elevation the original plans could still be constructed with minor modifications. Mr. Prue moved to close the public hearing. Mr. Young seconded. All in favor 5-0. Deliberation will be at the next meeting on 9/2/14.

Mr. Prue moved to adjourn the meeting. Mr. Lynch seconded. All in favor 5-0. Meeting adjourned at 10:02pm.

