

## Special Meeting

The 1604<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, December 5, 2017, at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman David Rathbun at 7:00pm. Also present for the meeting were Commissioners Curtis Lynch, Gardner Young, Ben Philbrick, and Shaun Mastroianni; Alternates Harry Boardsen and Lynn Conway, and Director of Planning Jason Vincent. Town Planner Keith Brynes was absent.

Seated for the meeting were David Rathbun, Curtis Lynch, Shaun Mastroianni, Ben Philbrick, and Lynn Conway.

**Minutes:**

Mr. Lynch moved to approve the minutes of the November 6, 2017, meeting, seconded by Mr. Philbrick. Mr. Lynch recommended edits to the minutes. The vote was taken on the amended minutes, all in favor 5-0, motion approved

Gardner Young arrived and was seated,

**Administrative Review:**

**17-220ZON Castle Realty, LLC (McDonalds USA)** – Zoning permit application for interior and exterior renovations to McDonalds restaurant building. Property located at 2 Coogan Blvd., Mystic, CT. Assessor's Map 171 Block 2 Lot 2A. Zone TC-80.

Jim Cranston, project engineer, presented the application. The goal is to bring the property into ADA compliance and update the architectural features. The building exterior would be redone in the style of the newer McDonalds restaurant similar to the location in Pawcatuck. The design has been approved by the Architectural Design Review Board. The proposal includes additional landscaping as requested by the ADRB.

Mr. Lynch moved to approve the application, seconded by Mr. Young, all in favor 5-0, motion approved.

**PZ1724SPA CGR Associates, LLC** – Request modifications to approved site plan for construction of a 6,000SF accessory structure. Modifications include increasing structure footprint to 7,200SF & associated site improvements. Property located at 35 Campground Rd., Mystic. Assessor's Map 167 Block 1 Lot 6. Zones GC-60 & GBR-130.

David Snediker, owner, explained that his recently approved application proposed a 50' x 120' accessory structure, but upon further review, are now requesting the size be increased to 60' x 120'. Mr. Vincent explained that, even with the increase, the bulk requirements for the zoning district will be met.

Mr. Lynch moved to approve the modification request, seconded by Mr. Mastroianni, all in favor 5-0, motion approved.

**PZ1408SUP Spruce Meadows, LLC** – Request modifications to approved special use permit for construction of two multi-unit residential structures and a community building with caretaker unit. Modifications include elimination of full basements in each structure and related improvements. Property located at 86 & 88 South Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lots 3 & 4. Zone LS-5.

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Ed Wenke, project engineer, presented the application. The modifications are being requested in order to make the project more economically viable. The proposal includes changing from full basements to slab foundations for the structures. Phasing of the community building is no longer proposed. Mr. Lynch asked if there were any changes to use or bulk. Mr. Wenke stated that it actually reduces bulk. Mr. Vincent recommended a stipulation to allow phasing if needed.

Mr. Lynch moved to approve the application with the stipulation recommended by staff, seconded by Mr. Young, all in favor 5-0, motion approved.

Stipulation:

1. If development phasing occurs, temporary staging and stockpile areas for Phase 2 shall be provided for within issuance of a zoning permit.

**17-265ZON Pawcatuck Neighborhood Center** – Zoning permit application for a 7.5' x 12' accessory structure. Property located at 27 Chase St., Pawcatuck. Assessor's Map 4 Block 5 Lot 10. Zone LS-5.

Susan Sedensky, PNC executive director, stated that they would like to place a greenhouse on the property.

Mr. Lynch moved to approve the application, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

The meeting recessed at 7:27pm and reconvened at 7:30pm

**Public Hearing:**

**PZ1727SUP & CAM Hendels Mystic, LLC & Hendels Washington St., LLC** – Special Use Permit & Coastal Area Management Review applications to permit construction of a 14,157 SF mixed use building with associated site improvements including shared parking, drainage, and landscaping. Properties located at 3 Roosevelt Ave. & 48 Washington St., Mystic. Assessor's Map 174 Block 16 Lots 1 & 2. Zone LS-5. *Public Hearing was opened on 11/21/17, and immediately continued to 12/5/17.*

Attorney William Sweeney presented the application. The applicant is proposing a mixed use (residential and commercial), building as well as updates to the current Henny Penny gas station on site. The building will offer New England architecture with retail on the ground level and high quality residential units above. The Police Commission has approved the project and their traffic concerns have been addressed. The project was approved by the Architectural Design Review Board. The proposed site plan meets the standards of the allowed mixed-use development as described in the Zoning Regulations. A formal legal interpretation regarding the redevelopment of a property after demolition of a historic building was obtained from the Town Attorney. The Town Attorney stated that the regulation does not prohibit redevelopment.

Clint Brown, project engineer, presented the site plan. Mr. Brown reviewed the current site conditions, noting that there is currently a gas station and convenience store on site and the rest is open area. The applicant is proposing a four-story building with retail units on the ground floor and three floors with 8 residential units. There will be two new driveway cuts off of Washington Street. They are proposing 31 new parking spaces for this building with porous pavement being used. The dumpster enclosure will be fully fenced and landscaped. The exterior of the gas station will be redone as well. The site does not currently have any drainage or stormwater system. The applicant is proposing rain gardens to manage the storm water of the existing and new buildings. The parking paving will be pervious and will include

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stormwater detention underground. The applicant is requesting shared parking due to the nature of the site being accessible by foot, bicycle, bus or train. Mr. Brown reviewed the waivers requested. The applicant's school impact study stated that there may be up to three school age children in the residential units. The applicant has addressed all comments except for a few technical items that could be addressed in the stipulations. The applicant may relocate the handicap space for the convenience store.

Kermit Hua, traffic engineer presented the traffic study results. After adding vehicle trips caused by the new building, the intersections all operate at acceptable levels. The study did not identify any future issues that need to be addressed. Based on the Police Commission's recommendation, they will only allow traffic to enter the new property from the Roosevelt Avenue side. Cars will have to exit on the Washington Street side to avoid additional traffic near the curve on Roosevelt Avenue. Mr. Philbrick raised a concern with turning out of Washington Street onto Broadway. Mr. Brown explained that they have extensively reviewed this with the Police Department and DOT. It is not ideal, but this is the best solution for the property. Mr. Rathbun raised concern with the traffic being able to exit onto Washington Street, fearing that many people will exit the gas station and cut through the new property. The commission recommended making it pedestrian only. The applicant is agreeable to this and further discussed the parking numbers. Ms. Conway further questioned the types of accidents.

Tim Gerrish, landscape architect, presented the landscaping plan. There are wires that prevent tall tree growth so they have chosen trees that work with that limitation. There will be a hedge that wraps around the property. There will be significant screening to the neighboring property. Mr. Brown reviewed the rain garden cross sections.

Peter Springsteel, project architect, presented the building elevations. Mr. Springsteel stated that the plan is in conformance with the Plan of Conservation and Development, and is well demonstrative of its goals. The fourth story is built into the roof line so it looks more like a three-story building. There will be 8 residential units comprised of 1 and 2 bedrooms. The retail space can accommodate four retailers. Mr. Rathbun raised concern with the fact it is four stories and appears out of place with the neighborhood. Mr. Springsteel explained that the building heights along Route 1 in this area are up and down and the taller buildings actually buffer the traffic from the major roadway. The commission continued to raise concerns regarding the height of the building stating that it will impact the residential neighborhood. The site plan was reviewed by the Architectural Design Review Board and they have accommodated their recommendations. Mr. Mastroianni questioned how it has been designed to fit with the neighborhood. Mr. Springsteel stated that many of the design elements match those found in the neighborhood.

Attorney Sweeney stated that they would be open to discussing the plans further after public comment.

**Public Comment in Favor:**

Tim Murray stated that this location and structure will enhance this area. The existing stores have struggled and additional retailers would create a more viable area. The mixed-use development is important for the area.

Robert Hannon, stated that this part of town has struggled with foot traffic and this will encourage more pedestrian access. This building would help to provide walkable services to downtown. Mr. Hannon spoke to Jon Hendel's quality of work as well.

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Tom Schlink, spoke in support of the development to aid Mystic and encourage residents to spend their time and money in Mystic rather than Westerly.

## Public Comment Against:

William Morrison, a resident of Lincoln Avenue, raised concern with the shadows, lighting and height of the building.

## General Public Comment:

Carlene Donnarummo, raised questions about a blight affecting dogwood trees, prohibiting restaurants in the retail space, and the lack of a 3D rendering.

Ben Tamsky, agreed with the concern for the neighbors.

## Rebuttal:

Attorney Sweeney stated they are not proposing any restaurants due to the parking constraints. A restaurant would require a change of use if proposed. Though the submitted 3D rendering does not show the context of the neighborhood, the applicants feel it meets the standard of the regulation. Mr. Sweeney stated that the zone is the local shopping district and although they would like to protect the neighbors, the area is meant for commercial uses.

Mr. Brown reviewed the lighting plan of a single two fixture light in the center of the lot and all lights are cut off by the property line. Mr. Gerrish addressed the dogwood blight, the species they have chosen does not have the same issues.

Attorney Sweeney discussed the building height, the property complies with the maximum height of the zone at forty feet as measured by the guidelines of the regulations. Attorney Sweeney stated the design meets the regulation and has been vetted by the Architectural Design Review Board; it is difficult to come to the commission and be told it is too tall. Attorney Sweeney stated that he believes it is not an unreasonable height based on the neighborhood and similar uses in the area. Mr. Lynch raised concerns with the 3D rendering presented.

Mr. Vincent reviewed the staff report and explained how height is calculated to determine maximum height.

## General Comments:

Ben Tamsky asked whether building height is being measured from the base flood elevation even though the building is at grade. Mr. Vincent stated that the height was actually measured from the grade and base flood elevation was only pointed out for reference.

Ms. Conway stated that the commission should take into consideration the neighbors and this potential project's effect on them. Other tall buildings cited by the applicant are not directly next to a residential neighborhood.

Mr. Boardsen stated that this is an LS-5 zone, and they are 100 feet away from the closest residential abutter. The building is built to requirements and is compliant with the POCD. Mr. Boardsen is concerned with apparent contradiction between the goals of the POCD and the objections regarding height. He commended the addition of rental units in Mystic. He believes there should be less planting along Broadway Avenue.

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Attorney Sweeney stated that the applicant is amenable to either site access decision by the commission. If the commission decides to close the access to pedestrian only, they would be able to add an additional two spaces, which would no longer require the shared parking.

Mr. Young moved to close the public hearing, seconded by Mr. Mastroianni, all in favor 5-0, motion approved.

Mr. Mastroianni moved to approve the application, special use permit waivers, and stipulations recommended by staff; motion seconded by Mr. Young.

Mr. Lynch stated that he didn't want the 3D rendering waived as it is relevant to the neighborhood and would like to consider the pedestrian only access.

Mr. Mastroianni stated that the property does not conform with the residential character of the neighborhood as required in Zoning Regulations section 2.13.5. The application does not meet the standards for granting a Special Use Permit, particularly Section 6.4.5 that states no adverse effects will result to the character of the district.

The vote was taken 1-3-1, the motion failed.

Roll Call: Young – approve, Philbrick – oppose, Rathbun – oppose, Mastroianni – oppose, Lynch – abstain.

Mr. Vincent stated that a written resolution to deny the application, stating the commission's reasons, would be prepared by staff for a vote within the allowed decision timeframe.

Mr. Lynch moved to adjourn, seconded by Mr. Mastroianni, all in favor 5-0, the meeting adjourned at 9:56pm.



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Shaun Mastroianni, Secretary