

Special Meeting

The 1520th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, July 15, 2014 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 6:30pm. Present and seated for the meeting were Commissioners Ben Tamsky, Bob Mercer, John Prue, Curtis Lynch, and Alternate Gardner Young. Town Planner Keith Brynes was also present. Town Engineer Scot Deledda, Town Attorney Tom Londregan, and Special Counsel Kevin Tighe were present for their respective Executive Session discussions. Commissioner Frances Hoffman was absent.

Executive Session:

Mr. Prue motioned to go into Executive Session to discuss pending litigation referenced below. Mr. Mercer seconded.

1. Pursuant to Section 1-200(6) (B) of the Connecticut General Statutes the Stonington Planning and Zoning Commission will meet in Executive Session to discuss pending litigation regarding CT Superior Court Appeal instituted by Toll CT, Limited Partnership and Toll Brothers, Inc. against the Town of Stonington and the Planning and Zoning Commission.
2. Pursuant to Section 1-200(6)(B) of the Connecticut General Statutes, the Stonington Planning and Zoning Commission will meet in executive session with the Town Attorney, special counsel Kevin Tighe and Keith A. Brynes, Town Planner, to discuss pending litigation and strategy and negotiations with respect to pending litigation, namely:
 - Carol Holt vs. Town of Stonington, case pending 2nd Circuit Court of Appeals;
 - Carol Holt vs. Town of Stonington, Joe Larkin (official capacity) and Joe Larkin (individual capacity), case pending in U.S. District Court for Connecticut;
 - Carol Holt vs. Town of Stonington, administrative appeal pending in Connecticut Superior Court;
 - Carol Holt and Thomas Wyper vs. Town of Stonington Zoning Board of Appeals, administrative appeal pending in Connecticut Superior Court.

The Commission reconvened from Executive Session at 7:20PM. No votes were taken. Atty. Londregan departed the meeting.

Mr. Tamsky called the special meeting to order at 7:22pm. Seated were Commissioners Ben Tamsky, Bob Mercer, John Prue, Curtis Lynch, and Alternate Gardner Young.

Meeting Minutes:

Review of minutes was tabled.

Commission Initiatives:

There were no new updates to report.

Administrative Review:

PZ1401SD & GPP Standard Oil Co. of South Minster - Subdivision and Groundwater Protection Permit applications for a 3-lot re-subdivision of a 17.18 acre parcel. SD approved 4/1/14. **Request 90-day extension to file final mylars.**

Mr. Prue motioned to approve the request for a 90-day extension. Mr. Young seconded. All in favor 5-0.

The meeting recessed at 7:27pm for break until the start of the public hearings at 7:30pm.

Public Hearing(s): Mr. Prue read the call for the public hearing at 7:30pm

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

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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.

Mr. Tamsky asked the applicant's attorney, Ted Ladwig, to explain the concept of floating zone, provide a comparison of the prior approvals to the current proposal, relevant changes in the regulations since the previous approval, and the proposed project's relation to the underlying zoning district. Project Architect Tim Wentz, discussed the 2005/2007/2008 design and modification approvals versus the current plan. He reviewed site plan drawings for the project and shared 3-D perspective photos of the project from the roadway and water. Joseph Lenahan, PE, presented the history of the site and explained details in different grading levels on the property. They have met all setbacks per regulations, modified the access point and have no access or impact to the wetlands or conservation area. Civil engineer Vincenzo Chiaravalloti, stated that this new plan has less impervious surface. He also explained the proposed storm water system. Mr. Lenahan shared the traffic impact statement, indicating there would be no impact on area roads and the intersection. The commission asked for two additional computer generated 3D views: one from the water (southern pier), and a second from the other side of the hill at elevation 36. There was some discussion about the IHRD zone. Mr. Brynes summarized the administrative issues involved with this application. Mr. Prue had an issue with the zone change. Attorney Ladwig quoted the applicable regulations concerning this zoning issue and provided several reasons why this project would be beneficial for the town: fiscal contribution, minimal impact on schools, fit with the character of the Mystic area, provides the "best use" of the location, and helps address the Town's housing needs.

The meeting recessed at 9:26pm and reconvened at 9:34pm.

Mr. Brynes presented a summary of the extensive staff report, stating the project is feasible and there were no issues from any reviewing agency. He referenced the recommended stipulations from the Staff report, should the PZC approve this application. He also stated the IHRD zone provides flexibility on the bulk of a project, and there is no artificial ceiling or limit on bulk.

Speaking in favor: Dan Reeve, representing the Mystic YMCA

Speaking in Opposition: Mary Rioux, Tiffany Stanton, and Stephen Wolinski. Mr. Wolinski submitted photos of wildlife, deforestation, and two multi-apartment structure fires where fire truck apparatus accessibility may have been an issue, and his written comments.

Commissioner John Prue left the meeting at 10:09pm.

General Comments: Carlene Donnarummo spoke and submitted her comments in writing.

Attorney Ladwig and the Commission agreed to reserve the rebuttal until the next meeting. Mr. Tamsky asked Attorney Ladwig if his client would be open to a floating a balloon marker to indicate the height of the proposed building. Mr. Tamsky also asked for a visual comparison of the proposed project to both Stoneridge and the Mason Island condos, and the height to the top of the building from grade. Mr. Lynch motioned to table the public hearing to 8/19/14. Mr. Mercer seconded. All in favor 4-0.

Mr. Mercer read the call for the second public hearing at 10:32pm. Seated were Gardner Young, Curtis Lynch, Ben Tamsky, and Bob Mercer.

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

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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.

Attorney John Casey submitted the professional team working on this project and submitted their credentials to the commission as exhibits. He also submitted the postal return receipts as an exhibit. Attorney Michele Maresca presented the application and summarized the meaning of section 830G (affordable housing). She submitted 2 exhibits: Affordable Act and the Appeal's list. She stated this act does apply to this project because of Stonington's affordable housing rate of 4%. She pointed out the non-conforming height of the buildings and added they are requesting a few waivers as stated in their cover letter with the application. Ed Wenke, PE and Project Manager, gave an in depth presentation on the details of the site plan, grading, facilities, utilities, emergency service access, and pedestrian walkways/sidewalks. Architect Brian Schuch presented a computerized 3D virtual tour of the proposed site and its structures. Architect Bernie Lombardi answered questions on the HVAC system.

Mr. Mercer motioned to continue the public hearing to the 8/5/14 meeting. Mr. Young seconded. All in favor 4-0.

Adjournment: Mr. Mercer motioned to adjourn the meeting. Mr. Lynch seconded. All in favor 4-0. The meeting adjourned at 11:35pm.

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