

## Regular Meeting

The 1525<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, September 16, 2014 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:00pm. Seated for the meeting were Commissioners Ben Tamsky, John Prue, Bob Mercer, Frances Hoffman, and Curtis Lynch. Town Planner Keith Brynes and Alternates Gardner Young and Shaun Savoie were present.

**Minutes:** Ms. Hoffman motioned to approve the 9/2/14 meeting minutes. Mr. Mercer seconded. All in favor, 5-0.

**Administrative Review:**

**PZ0935SUP & GPP Bassam Awwa** – Request modifications to approved Special Use Permit and Groundwater Protection Permit applications for construction of a 4,026SF medical clinic with associated parking, landscaping, drainage, utilities, & new detention basin. Property located at 118 S. Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lot 9. Zone LS-5.

Mr. Brynes presented the request, explaining the proposed modifications, and noted that the renderings of the changes are in the staff report. The building architect was present for questions and explained that some of the issues causing the construction delays were the elevator size and the location of the main entrance.

Ms. Hoffman motioned to approve the application. Mr. Mercer seconded. All in favor 5-0.

**Old Business:**

**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 closed 8/19/14.*

Staff reviewed the status of the master plan zone change, CAM, & site plan applications, noting that the deadline for the Commission to make a decision is October 21<sup>st</sup>. Mr. Brynes stated that the protest petition submitted does not meet the required 20% threshold of lot area owners, and that it is the Town Attorney's opinion that the petition could be submitted as long as the public hearing was still open. Since the 20% threshold for the petition was not met, a super majority vote is not required. Mr. Prue motioned to deny the applications. Mr. Mercer seconded. A discussion followed that included all commission members stating their concerns over the project and the need to provide feedback and guidance to the applicant. Comments addressed improvement in the property design, the scale being too big and intrusive to the area and from the water view, utilizing the previously approved floor area guidelines along with the plans from the 2005/2008 approvals, improving the exterior design, including the suggestion of a flat roof, and a redesign that includes sketches and a model of the project within the proposed area to understand the scope of the project. The vote was unanimous to deny the application, 5-0.

**Reasons for Denial:**

1. The scale of the proposed project development is too large and out of character for the area.
2. The proposed design is not in keeping with the goal of mill re-use.
3. The proposed building height is excessive.

The meeting recessed at 7:43pm and reconvened at 7:48pm.

**Public Hearings(s):** Ms. Hoffman read the call for the public hearing.

**PZ1413SUP James A. Hall IV (Bharat Banga)** - Special Use Permit application to permit 15 to 20-seat Indian-Fusion restaurant with beer & wine service in existing building. Property located at 100 West Broad St., Pawcatuck. Assessor's Map 4 Block 5 Lot 5, Zone LS-5.

The applicant, Bharat Banga, gave a brief summary of the proposal and responded to Commission questions. Commissioners discussed the proposed hours of operation and number of seats. It was determined that the

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restaurant would have a maximum of 20 seats, with no outside seating. There are no parking requirements as this parcel is in the Downtown Pawcatuck Parking Overlay District but parking will be provided behind the building. Renovations will be made to the interior and there will be no additions to the structure. Mr. Brynes stated that the application and proposed signage conforms to zoning regulations, and the applicant received a variance from the Zoning Board of Appeals for the buffer requirements.

Speaking in favor: Jim Grills spoke of how well the applicant's other restaurant in Mystic is operated. Jeanne Fellows Grills, the realtor for the property owner, also spoke highly of Mr. Banga's other restaurant. There was no one speaking in opposition. Carlene Donnarummo spoke with general comments, suggesting the building be tied into the fire alarm system.

Ms. Hoffman motioned to close the public hearing. Mr. Prue seconded. All in favor, 5-0.

Ms. Hoffman motioned to approve the waiver requests. Mr. Prue seconded. All in favor, 5-0.

Mr. Prue motioned to approve the application with the three stipulations from the staff report and two additional.

Ms. Hoffman seconded the motion. All in favor 5-0.

## Stipulations:

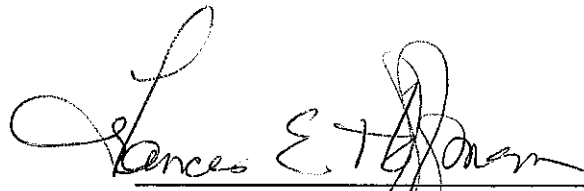
1. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant. Maximum seating shall be 20.
2. Parking lot shall be striped in accordance with plans and include a handicapped parking space in accordance with the State Building Code.
3. Two parking spaces shall be reserved for residential use only and be signed accordingly.
4. The building shall be tied into the fire alarm system.
5. The restaurant shall close by 11:00pm.

**Commission Initiatives:**

Discussion of 2014 Plan of Conservation & Development: The next scheduled POCD meeting is on 10/6/14 in order to review the current draft.

Discussion of policy/Commission interpretation regarding potential conflict between Zoning Regulations 7.7.8.2.1, 7.7.8.3.2 and FEMA regulations related to additions to legally non-conforming buildings that are not 'substantial improvements' in flood hazard areas: The commission discussed about the two options presented for this issue: Option #1 treats non-substantial improvements differently by exempting them from the current requirements, and Option #2, which treats non-substantial improvements the same as any new construction. Option #1 is how the issue is currently regulated by FEMA and the Town, and Option #2 adopts a stricter standard than does FEMA. Mr. Tamsky suggested a compromise between the two options by treating enclosures of decks differently from substantial improvements. Mr. Brynes will modify the language and present to the commission at the next meeting.

Mr. Prue motioned to adjourn the meeting. Mr. Mercer seconded. All in favor, 5-0. The meeting adjourned at 8:55pm.



Frances Hoffman, Secretary