

## Regular Meeting

The 1731<sup>st</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office, 40 Field Street, Pawcatuck, July 18, 2023. The meeting was called to order at 7:00 PM by Chairman Ben Philbrick. Also present for the meeting were Commissioners Ryan Deasy, Charles Sheehan, Lynn Conway, and Gary Belke; Alternates Andy Meek and Bennett Brissette; Town Planner Clifton Iler, and Director of Economic and Community Development, Susan Cullen.

Chairman Philbrick thanked Marjorie Selinger for her service and introduced the new alternate, Bennett Brissette.

Seated for this meeting were Ben Philbrick, Ryan Deasy, Chuck Sheehan, Lynn Conway, and Gary Belke.

### Minutes:

Mr. Deasy made a motion to approve the minutes of June 20, 2023, seconded by Mr. Sheehan, all in favor, 5-0.

### Commission:

Chairman Philbrick read the Allyn, et al. v. P&Z – declaration of court hearing date of July 27, 2023 at 2PM for accepting the stipulated judgement.

Pre-application workshop for Mill at The Marina - Restoration of Historic Thread Mill, Mark R. Kepple, Esq.

Mark Kepple, Attorney, discussed property owner, Jonathan Cousins', experience in restoring mills. He noted that this is a project that requires assistance from both the development company, as well as the Town, to fully realize this project. He explained that the building must be made weathertight by winter. The Town has offered an environmental assessment grant and all contaminated brownfield will be removed from the location.

Mr. Cousins discussed his specialization in mill building restoration and preservation, noting that the project will require many hurdles to cross and agency approvals to attain.

Eric Denardo, P.E., Project Engineer, presented aerial imagery of the project, discussed the parking area and the plan to use the existing concrete space with a very small expansion. Plans were discussed for using the lower level as a parking garage. The storm water management system was discussed, as well as the potential acquisition of the warehouse that abuts the property.

Atty Kepple said discussions were had with the owner of the warehouse regarding the acquisition and demolition of that structure. The separate plans presented reflect the proposed site with and without the acquisition of this building.

Chris Macfarlane, Landscape Architect, Landworks Studio, Inc., discussed plans for parking, landscaping, amenities, and grading. The outbuilding on the property would be developed into a single-family unit. Per Mr. Macfarlane, most of the vegetation is invasive and would have to be cleared, discussed the proposed retaining and water walls, and the plans for a pool, seating, and meadow, should the abutting warehouse space be acquired subsequently demolished.

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Mr. Cousins confirmed that 20% of the units will likely be affordable housing as that is a necessity for many of the relevant subsidies.

John Seger, Seger Architects, Inc., discussed his expertise in restoring historic buildings. There are plans to demolish the connection between the main building and the single-story structure. Renderings were presented showing the new main entrance, windows, roof, and masonry plans. Commissioners discussed the proposed restorations.

The Commission questioned the small commercial building on the property which is currently abandoned and vacant. Mr. Cousins stated that the idea is to renovate this space at the same time as the main building and then list it for a commercial lease. Project engineer, Eric DeNardo, P.E., discussed the proposed plan for stormwater management once the areas of contamination are identified.

Atty Kepple again noted that the Town is crucial in assisting with this project, however, the company is also alleviating a liability for the Town. There will be no age limitation for tenants.

**Administrative Review:**

**PZ2311SPA & CAM Latimer Point Condo Assoc.** – Request approval for the reconstruction and extension of a deck located at 12 North Shore Way, Stonington, Assessor's Map 154 Block 2/Lot 11. Zone RM-20. This is a post-approval addition to the application prior to production of final mylars for review and signature.

This is a reconstruction and very minor addition to existing deck square footage.

Mr. Sheehan made a motion to approve the application with the five stipulations from the Meeting Report, seconded by Mr. Deasy. All were in favor, 5-0.

**Stipulations:**

1. Final site plans shall be reviewed to the satisfaction of the Town Engineer.
2. Individual Zoning Permits for site development plans shall be submitted for properties that propose new construction and/or substantial improvements to ensure compliance with flood hazard regulations.
3. Individual site development plans shall include adequate erosion and sedimentation control measures as determined by the Town Engineer.
4. Improvements shall conform to Public Health Code Requirements as determined by CTDEEP.
5. Modifications to individual site development plans required by CTDEEP shall be reviewed and approved by Town staff and the Commission, as necessary.

**PZ1810SPA & GPP Mystic Apartments, LLC (D. Lattizori)** – Request approval for modification of the previously approved berm and retaining wall. Property located at 50 Perkins Farm Dr., Mystic. Assessors Map 134 Block 3 Lot 2. Zone GDD.

David Lattizori, Lattizori Development, discussed changes to wall size; there will be an overall reduction of 40%. The wall will be precast with architectural finish. There will be a 48" fence for fall protection. The Commission discussed with Mr. Lattizori the height of the new berm structure in relevance to the existing one. Mr. Lattizori confirmed the plans for water flow and E&S control. The berm will be raised by two feet if more excavation is needed. The Commission discussed a condition of approval that the recorded plans be modified to include everything that was mentioned.

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Mr. Deasy made a motion to approve the request with the three stipulations from the Meeting Report and the additional stipulation that the plans be modified. This was seconded by Mr. Sheehan. All were in favor, 5-0.

## Stipulations:

1. Final site plans shall be reviewed to the satisfaction of the Town Engineer.
2. Prior to the issuance of a Zoning Permit, final plans shall be signed by the Commission and recorded in the Town's Land Evidence Records
3. An updated landscaping plan shall be submitted and reviewed to the satisfaction of the Town Planner and Town Engineer.
4. An updated plan with all the approved changes and E&S controls shall be provided for Planning Staff and Town Engineer review. A mylar for Chairman signature shall be filed in the Town land records.

## Old Business:

**PZ2312BR Mystic Apartments, LLC (D. Lattizori)** -- Bond Reduction/Release application for work performed under PZ1810SPA & GPP Lattizori Development for construction of a 121-unit residential apartment building (Harbor Heights I). Property located at 50 Perkins Farm Dr., Mystic. Assessors Map 134 Block 3 Lot 2. Zone GDD.

There was a discussion regarding the remainder bond funds and their potential to be utilized in phase 2 of the project. Moving forward, the Commission would like to see the mathematical calculations regarding the work that has been completed and the work that is yet to be completed. It was mentioned that the Town Engineer did not have any concerns with phase 1.

Mr. Sheehan made a motion to approve reducing the \$69,305.00 bond to \$20,000.00, seconded by Mr. Deasy, all in favor, 5-0.

**PZ2313CAM Suzanne & James Walsh (E. Wenke)** - Coastal Area Management Review application to accompany zoning permit application 23-121ZON for the demolition of existing single-family residence (SFR) and the construction of a new 2,000± sf SFR. Property located at 86 Noyes Ave., Stonington. Assessor's Map 129 Block 8, Lot 7. Zone RM-20/RH-10 applies.

Daniel Day, General contractor, provided a brief overview of the project.

Mr. Iler read the recommendations from DEEP. The amended site plans reflect comments made by ZEO Candace Palmer.

Mr. Sheehan made a motion to approve the CAM application with the stipulations from the Staff Report. This was seconded by Mr. Deasy, all were in favor, 5-0.

## Stipulations:

1. Final site plans shall be reviewed to the satisfaction of the Town Engineer.
2. Prior to the issuance of a Zoning Permit, the final plans shall be signed by the Commission and recorded.
3. Modifications to the site development plans, if necessitated following CTDEEP comments, shall be reviewed and approved by Town staff and the Commission, as necessary.

**PZ2315BR Masons Island Landing (B. Ferrara)** - Bond Reduction/Release application for work performed under application PZ0667CNU & CAM Masons Island Landing, for the redevelopment of an existing

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4.2+/- acre parcel into five (5) residential duplexes & three (3) single family residences. Property located at 29-30 Dubois Dr., Mystic, CT. Assessor's Map 175, Block 4, Lot 10. Zones RM-15 & RC-120.

Mr. Iler read the Town Engineer's comments recommending denial of the application:

"I recommend holding the E&S Bond in the amount of \$34,000.00 until the deficiencies as outlined below are rectified.

Proposed site items requiring modification:

- Turf establishment to include Loam & Seed.
- Install BMP's: Silt fence, silt sacks or haybales at CB's, erosion control matting (on slopes)
- Stone splash pads or other outlet control devices at roof leader outlets
- Street sweep and/or remove sediment from pavement
- Intercept channelized flows (retain sediment) on site prior to migration to catch basins"

Mr. Deasy made a motion to deny the application, seconded by Mr. Sheehan. All were in favor, 5-0.

Reason:

1. Town Engineer's recommendation that the bond be held until identified deficiencies are rectified.

**Public Hearing(s):**

**PZ2309SUP Old Mystic Fire District (K. Richards)** – Special Use Permit application for the on-site placement of two mobile training trailers to facilitate training for firefighters. Property located on Main St., Old Mystic. Assessor's Map 166 Block 6 Lot 11. Zone RA-20.

*PH continued from 6.6.23.*

Seated for this hearing were Ben Philbrick, Ryan Deasy, Charles Sheehan, Lynn Conway, and Alternate Andy Meek.

Kenneth Richards, Old Mystic Fire Department Chief, submitted approximately 240 written petitions from residents of Stonington in support of approval of this application. Mr. Richards discussed the ladder lock that was put in place to restrict access for safety. There were discussions about the possibility of putting in a chain link fence around the access points to the training trailer. In regards to the privacy concerns, Chief Richards discussed the options of building an 8-foot fence or install arborvitaes on top of a 4-foot berm. Chief Richards discussed with the commission why other sites are currently not acceptable, the frequency and effect of live burns, and the importance of continuing this training.

Keith Richards, OMFD Assistant Chief, clarified with the Commission that this training site also serves departments outside of Stonington. Assistant Chief Richards discussed the frequency of using training materials such as "propane props," and explained the attendance and general resident location for those that serve the OMFD. He provided further clarification as to why other sites will not work. There is a plan to send out monthly training calendars. Reverse 911 calls will go out five days prior and 48 hours prior.

The Commission discussed how this use falls within the RA-20 zoning district.

**Public Comments:**

Georgia Wood, 32 No. Stonington Rd., did not approve of this permit due to the visual aspects from her property, the effect on air quality, and the lack of communication from the Old Mystic Fire Department.

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Leonard Peta, 34 No. Stonington Rd, was glad to see that some of the issues were addressed, however, he has questions about the use of a berm and trees. The image of this site does not fit the surrounding area and properties will become devalued. Mr. Peta is concerned that the fire department will turn this into a permanent use if the permit is granted.

Geoffrey Wood, 32 No. Stonington Rd, supports the training of firefighters but does not feel that this is the ideal site. Mr. Wood was concerned about safety, traffic, the effect on the environment, etc. Multiple documents were submitted by Mr. Wood reflecting his health, the health of certified beekeeping on his property, amongst other items. Mr. Wood also discussed and submitted recommendations from the National Fire Protection Agency. Mr. Wood discussed a potential alternative site in Groton. Mr. Wood read a letter written by Nancy Peta of 34 No. Stonington Rd.

Kristina Foldi, 84 Route 27, Mystic, does not believe this use belongs in this area. The smoke is a hazard and property values will drop. Ms. Foldi commented on the wording of the petition submitted by Chief Richards. She does not believe the safety concerns of the ladder have been properly addressed. Ms. Foldi stated that fire safety drills do occur in the summer in contrast to what was stated previously.

Alan Short (?), 84 Route 27, Mystic, is concerned about the plans for water runoff, the smoke, the potential use of a fence, and the safety of rare species of fish in a nearby creek.

Andy Bellinghieri, 21 Beach Dr., is a member of the Old Mystic Fire Department and resident of Stonington. The Department must train with live fire to perform their duties properly. This is about safety and practicality.

Josh Welch, 357 Al Harvey Rd., stated for the commission that he would not be a fire fighter if it were not for this training facility. Mr. Welch stressed the importance of this location for the training so that they can still respond to calls efficiently.

Tracy Swain, 54 Courtland St., sympathized with the residents and referenced the Architectural Review Board as a potential neutral party to determine aesthetically pleasing modifications.

John Morris, 279 Al Harvey Rd., supported this application. According to Mr. Morris, many training events do not impact neighboring properties. If the site were to be relocated, volunteers would diminish in numbers and another location would be far more expensive.

Sharon Findeisen - Route 27, felt the trailers did not fit in with the historic, unique, and beautiful homes in the area. She questioned how extensive the search for other properties was. The smoke carries more than what was stated.

Josh Welch read letters written by Bob Mercer and Anne Page in support of this application.

Marcel Dufresne (????), 6 No. Stonington Rd (??) Groton?, can see and hear this lot for 9 months of the year. He spoke very highly of the department but does not believe this is a good look for the site. There should be a wider search for another lot.

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Geraldine Richards, 66 Lantern Hill Road, wife of the Chief, had been a member of the department for over 40 years and the site has been used for training the entire time. The training only uses safe materials.

## Rebuttal:

Chief Richards, stated that the impact of the smoke is very minimal. Only 3% of training involves live fire burning. Chief Richards commented on the reference to the National Fire Protection Agency. The trailers are permanent structures as the wheels were removed per recommendation of the Town. A fire hydrant is required on a training site. The site in Groton was reviewed but is quite restrictive and it would take 20 minutes to respond to some calls in Old Mystic. The tree plan was proposed as an alternative to fencing the lot. Moving and preparing another site would be extremely costly to the Town and taxpayers.

Michael Checo, President of Old Mystic Fire Department, discussed the impacts of not having a training facility. The live burnings are only during fall, winter, spring. They will not do live burns on days where more people tend to be outside.

Town Planner Clifton Iler read the Staff report.

The Commission questioned where other sites similar to this are located, and what other departments do when they don't have access to these facilities. Chief Richards stated there are none within twenty miles. Other departments use this site for their training a couple times a year, noting that New London is the only county that does not have a fire school. Chief Richards said that he did not reach out to the other departments to ask them to attend the meeting.

Chairman Philbrick offered the idea of only having live burns from November through February. Chief Richards said he would accept that, explaining that the trailers cannot be moved between trainings as the transportation equipment is no longer in their possession and the trailers are bolted together.

The Commission felt that just limiting the live burns did not alleviate many of the other issues that the residents had.

The Commission explained that they can close the public hearing, which prevents submittal of any new information, and make a decision at a future meeting. They discussed the requirements for the applicant to withdraw the application and a denial without prejudice.

Mr. Sheehan made a motion to close the public hearing, seconded by Mr. Deasy, all were in favor, 5-0. The public hearing closed at 11:02 PM.

Mr. Deasy made a motion to adjourn the meeting, seconded by Mr. Deasy, all were in favor, 5-0. The meeting was adjourned at 11:02 PM.



Lynn Conway, Secretary