

Regular Meeting Final Minutes

The 1742nd meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office, 40 Field Street, Pawcatuck, November 21, 2023. The meeting was called to order at 7:00 PM by Vice Chairman (Acting Chairman) Ryan Deasy. Also present for the meeting were MaryEllen Mateleska, Ben Philbrick, Gary Belke, Bennett Brissette, and Town Planner Clifton Iler. Absent from the meeting was Charles Sheehan, Lynn Conway, and Andy Meek.

Seated for this meeting were Ryan Deasy, MaryEllen Mateleska, Ben Philbrick, Gary Belke, and Bennett Brissette.

Minutes:

Mr. Belke made a motion to approve the minutes of October 17, 2023, as written, seconded by Mr. Philbrick, all were in favor, 5-0.

Mr. Belke made a motion to approve the minutes of October 25, 2023, as written, seconded by Mr. Brissette. The vote was taken as 4-0-1; Deasy - approve, Mateleska - approve, Belke - approve, Brissette - approve, Philbrick - abstain (was not present).

Correspondence

Expansion of St. Edmund's Retreat (Received 11/8/23)

Per Mr. Iler, this is currently being worked on with the ZEO. All comments should be forwarded to him.

Reports

Zoning Enforcement and Violations

Zoning Official Report - October 2023 - This report has been included in the Commission's packets and no action is recommended from Mr. Iler.

Old Business

PZ2325SPA Unicorn Project, LLC (B. Middleton) - Site Plan Approval application to modernize and update an existing motel. Project includes new exterior materials, bringing railings and stairs up to code, new covered entry, replacement pool, rooftop solar panels, and two additions (416 SF and 648 SF). Property located at 247-251 Greenmanville Avenue, Mystic; M/B/L 171-1-1. Property is located in the TC-80 Zone.

Bill Middleton, 251 Greenmanville Ave, explained that his plans consist of cleaning up the site and making minor modifications, filling in the old pool and building a more accessible one, cleaning up landscaping, updating railing heights to code, etc. Mr. Middleton confirmed for the Commission that the lounge area consists of a bar and lobby.

Mr. Brissette has recused himself from this discussion and vote due to conflicts of interest.

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Mr. Iler recommended tabling this discussion until the next meeting to provide time to receive comments from the Town Engineer.

Mr. Philbrick made a motion to table this discussion, seconded by Mr. Belke, all were in favor, 4-0.

Public Hearing(s):

Seated for both public meeting were Mr. Deasy, Ms. Mateleska, Mr. Philbrick, Mr. Belke, and Mr. Brissette.

PZ2324SUP Hero Holdings, LLC (C. Burkhalter)

Clay Burkhalter, Co-owner of Hero Holdings, LLC, DBA Hounds Events Center, applied for a permit for amplified and live music under the town zoning regulations. The main type of events will be weddings, anniversaries, birthday parties, etc. Occasionally they would like to have live afternoon music which will be held indoor. Mr. Burkhalter mentioned that a sound study had been completed, determining that the proposed noise is within state guidelines. The music would not go past 10 PM, per Mr. Burkhalter.

The Commission confirmed with Mr. Burkhalter that no music will be outside. The windows and doors may be open, however the sound test was done under either circumstance and both passed state guidelines.

Mr. Iler recommended a stipulation that all music will occur indoors and between the hours of 9 AM and 10 PM.

Mr. Philbrick made a motion to close the public hearing, seconded by Mr. Belke, all were in favor, 5-0. The public hearing closed at 7:11 PM.

Mr. Philbrick made a motion to approve the application, seconded by Mr. Belke, all were in favor, 5-0.

PZ2322SPA & GPP Fair Housing of Connecticut, LLC (M. Ranelli) - Site Plan Application and Groundwater Protection Permit applications for an Affordable Housing Project submitted pursuant to C.G.S. 8-30g. Proposal consists of 113 single-family housing units and associated site improvements. Properties located at 207, 215, and an unaddressed parcel on Liberty Street, Pawcatuck; M/B/L: 16-4-12; 16-4-12A; 16-4-13. Properties are located in the LS-5 Zone.

Attorney Matthew Ranelli introduced the associates that would assist in the explanation of this application. Atty Ranelli summarized the project and its unique nature as it is pursuant to CGS 8-30g. Atty Ranelli discussed a general history and intent of CGS 8-30g, specifically the way that it may go against local zoning. However, 30% of the units must be deed restricted. Atty Ranelli discussed that danger to public safety can be a reason for denial, however it must be clear and very difficult to remedy. Stonington's need for affordable housing was discussed. According to Atty Ranelli, the Affordability Plan that was submitted explains the style of the units, the associating pricing with state and federal guidelines, and models of deed restrictions.

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Per Atty Ranelli, the Stonington Plan of Conservation and Development mentions the need for housing diversity. The project will have public water and sewer, no wetlands within 100 feet, and it is not in a flood hazard zone.

Sergio Cherenzia, Cherenzia & Associates, 99 Mechanic St, displayed the lots on GIS, discussed the prior uses for this building (bar, nightclubs, etc.), and discussed the abutting properties and the current zoning that exists here. Mr. Cherenzia located the stormwater catch basins which he explained are not adequate for the site and often water pools and sits on the site for periods of time. Per Mr. Cherenzia, the site is 1,000 feet from the river, it is accessed by two curb cuts, both with two-way traffic, and it is serviced by Westerly water and sewer.

Mr. Cherenzia discussed the entire site layout, including the two different types of units. All units will have 3 bedrooms; some will have 2 full bathrooms, others will have 2.5. 'Type A' will have a garage on the first floor while 'Type B' will not, with parking spaces in front of the units. The units will be approximately 36 feet from door to door and 10 feet of grass space behind each. Mr. Cherenzia discussed the storm water management system which will be bolstered according to the Town Engineer's comments. The system will be very congested underground according to Mr. Cherenzia. Mr. Cherenzia discussed the ability for a fire truck to maneuver through the site, as well as pathways that will increase the walkability of the site to accommodate comments from the Police Commission. According to Mr. Cherenzia, any snow fall that is more than a 'dusting' will have to be moved off-site. There will be standard trash pickup, no dumpster, and indoor or outdoor trash bins depending on the unit style. Lighting will be placed at the front and rear doors with flood lights over the garage. There will be no storage of toxic or hazardous materials. The intent is to use a centralized mailbox for the site. The Commission questioned the ability to maintain the groundwater system as well as the effect of increasing the amount of pavement and impervious land.

Paul Azzinaro, Principal Architect, Azzinaro Architects, Westerly, RI, discussed some history to Section 8 housing and his personal experience working with these projects. Mr. Azzinaro discussed how carrying 30% of the units as affordable affects the cost analysis of the project. Per Mr. Azzinaro, there are enough recognizable features to act as 'identifiers' for the units. Mr. Azzinaro displayed and discussed the 3D renderings of the project. The interior walls will have two-hour fire/sound protection. The Commission commented that the front has a better appearance than the rear. Per Mr. Azzinaro, the lack of decks reflects the need for open space, and privacy screenings would affect the safety and reduce the flexibility of that space.

Atty Ranelli commented that there is an area on the lot designated for open space that will be discussed. The Commission acknowledged the lack of delineation between each units' open space. Per Atty Ranelli, these types of projects exist in other towns, however the applicant is willing to accommodate these issues via an HOA or other means.

Josh Wheeler, Landscape Architect, 355 Research Parkway, Meriden, discussed the common space area in one corner of the lot. A rough estimate of 30 feet by 70 feet was given for this area. Mr. Wheeler discussed the trees that will be planted along the DOT right of way against

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Liberty St. Trees will be planted throughout the project in areas that will not compromise the congested underground infrastructure. Lighting is being considered for the common space area.

Per Atty Ranelli, it is not financially feasible to remove a row of units. There are also plans for a school bus shelter.

Michael Dion, Principle Traffic Engineer, 355 Research Parkway, focused on the commuting traffic and the neighborhood within the property. Traffic counts were taken from three local intersections. Mr. Dion discussed the number of trips that would occur during peak morning and afternoon commute hours, as well as peak hours on Saturdays. The location of the curb cuts allows for plenty of 'sight distance' for those turning out or breaking for people that are turning in, according to Mr. Dion. Mr. Dion confirmed for the Commission that a left turn only lane does not appear to be necessary, however it can be done if the state determines it to be. Mr. Dion discussed that speed bumps do not appear to be necessary within the lot due to the road design.

Atty Ranelli discussed the price points of these units; half of the affordable units must meet the 80% AMI requirement, and the others at 60%. Respectively, these will be priced around \$281,000 and \$191,000 (subject to change). These units will be deed restricted for 40 years. The rest of the pricing information can be found in the affordability report.

Mr. Iler deferred his comments to until after the public had a chance to speak.

Public Comments in Favor: None

Public Comments Against:

Harry Clarke, 11 Antoinette St, licensed professional civil engineer, discussed how many busses could be needed depending on the number of school children that would live here (estimated two per unit). Mr. Clarke discussed the lack of 'play space' and the negative effect that this may have on childhood development. Mr. Clarke was also concerned with the wooded area behind the lot being used by children, the request to waive a school impact study, and if more than one emergency vehicle can navigate this lot at once.

Kerry Clarke, 11 Antionette St, discussed that safety was a common concern at every meeting that has occurred for this project. According to Mrs. Clarke, the cost of a potential lawsuit due to damaging the aquifer, or other personal damage, outweighs the benefit of this project.

Deborah Downie, 5 Back Acres Way, read an abbreviated version of a letter that she had sent to the Town Planner. Mrs. Downie spoke as a groundwater scientist and resident of Stonington, not as Selectwoman. Mrs. Downie discussed that the maximum density approach is a threat to safety. If the aquifer were to become contaminated, there is no other source of drinking water. This has real potential to impact the local water supply according to Mrs. Downie.

Bryan Keilty, 20 Oak Hill Gardens, discussed the amount of revenue that will be brought in by selling all of these units. Mr. Keilty was concerned that the traffic studies presented did not use

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the summer 'beach traffic' as part of their analysis. There are already other projects ongoing on this road, only making the traffic situation worse. Mr. Keilty was concerned about the safety of children and recommended using a fence around the project.

Linda Luzzi, 27 Manor St, expressed concern for the property's drainage, any blasting that may occur to construct this project, the lack of green space, and the proximity to the property's lines of the buildings in the proposal.

Julie McNeil, 21 Faulise Ave, was not in disagreement with the affordable housing aspect of this project, however the size is too large and a fence should be required for children safety.

Ali Geroulo, 23 Russell Ave, mentioned that the traffic study did not include the sideroads around her property (Russell, Glasgow, etc.). Mrs. Geroulo expressed concern about the fire truck accessibility for this lot as well as the potential impact on the aquifer.

Thomas Geroulo, 23 Russell Ave, Attorney, explained and read that case law has indicated that water protection outweighs the need for affordable housing and was the reason for denial in another case. Per Atty Geroulo, a class action lawsuit is a liability that would come from multiple towns and states as the aquifer crosses state lines. Atty Geroulo insisted that Mrs. Downie is an 'expert witness' in the field and her comments should be treated as such.

John Charest, 13 Marie Ave, 3rd generation resident of Stonington, was concerned about the walkability of the site, the number of units, the overall architecture, the lack of traffic study during summer months, and the overall risk of water pollution.

Amy Mish, 195 Liberty St, expressed concern regarding the traffic congestion and the possibility of children playing in the woods which is heightened by the lack of access to the W Vine school playground.

Nicholas Verzillo, Manor St, resident of Pawcatuck for 55 years, believed this project has no common sense and is run by a developer with a lack of town interest. Mr. Verzillo claimed to have not been notified of this meeting and was unable to prepare. Mr. Verzillo was concerned with traffic, snow removal, and fire safety.

Joel Borden, 11 Manor St, expressed concern that the traffic between 3 and 5 PM is already dangerous.

John Fischetti, 47 Russell Ave, expressed concern about the aquifer and who will be held accountable if there is an issue of water contamination. Mr. Fischetti believes that parking for this project will be further affected by people using their garages for storage instead of parking.

Helen Jankoski, 430 River Rd, expressed concern regarding the water wells and the potential impact to the aquifer.

Michael Murphy, 1 Glasgow Rd, expressed concern regarding the number of issues that the applicants claimed would be resolved by an HOA. Mr. Murphy believes that there should be more research done regarding the aquifer.

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Seth McAdams, 28 Russell Ave, had concerns regarding a lack of fire suppression, aquifer pollution, safety to adjacent property owners, lack of sidewalks, light pollution, school bus accessibility, and snow removal.

Eileen MacGregor, 13 Faulise, expressed confusion towards the size of this property and why it cannot be reduced. There was also concern regarding the traffic, the potential to pollute the aquifer, and who is truly profiting from this project.

Michelle Wheeler discussed and questioned the interest of the developing party in this project and in this town as a whole. Ms. Wheeler discussed a recent history of selling prices for this property. According to Ms. Wheeler, the business was closed due to condemnation, not taxes. Safety is another concern. Ms. Wheeler would've liked to have been notified earlier of these meetings.

Rebuttal:

Atty Ranelli mentioned that changes have and will be made based on comments from the Town Engineer, fire department, etc. Atty Ranelli offered tabling this discussion to work through the comments mentioned this evening, however the Commission requested a rebuttal.

Per Atty Ranelli, they do not expect to house two children for each living unit, there will be additional 'play' space, and the fire truck analysis was done using the largest vehicle from the fire department. According to Atty Ranelli, many concerns are 'what-if' scenarios; a contaminated aquifer would be very bad, however the source and likelihood of this contamination should be considered, and the Commission is tasked with determining if these risks are 'real'. Atty Ranelli reiterated that a drainwater study has been supplied, the buildings meet all current life safety codes, and the traffic study was done using a manual that is used by the DOT.

Mr. Cherenzia confirmed that blasting may not be required. Ledge removal can be done mechanically, however if blasting were needed there would be a thorough plan for pre and post blast.

Atty Ranelli mentioned that the applicant has been responsive to police and fire department comments. There is no requirement for a sprinkler system and fire walls are commonly used. They have already been told that the town will not take responsibility for snow removal. Per Atty Ranelli, the public comments are being heard, however they must be weighed against the safety regulations and current science regarding the aquifer.

Mr. Philbrick questioned why the applicant had requested a waiver for a school impact report. According to Atty Ranelli, the impact on schools is typically not a factor in approving or denying an application such as this, however they will try to offer an estimate of the number of children that would live here and attend public schools.

Mr. Belke asked for an estimate of market value for the 'non-affordable' units, however no number was given and the affordability plan was referenced. Mr. Philbrick confirmed with Atty

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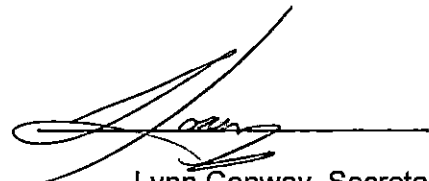
Ranelli that there will be no sidewalk along Liberty St. There is also currently no fencing however they will look into that.

Staff Comment:

Mr. Iler recommended to continue the public hearing on December 19th, not December 5th, as this project will come again before the ADRB and Police Commission. Mr. Iler clarified that the applicant has been working very diligently with town staff and they have compromised and made improvements to implement the town's concerns. Mr. Iler reiterated that there is little financial flexibility in the viability of this project. Mr. Iler highlighted that certain state legislature makes a project like this possible and recommended an alternate route for the public to have their voice heard on this matter.

Mr. Philbrick made a motion to continue this public hearing at the December 19 meeting, seconded by Mr. Belke, all were in favor, 5-0.

Mr. Philbrick made a motion to adjourn the meeting, seconded by Mr. Belke, all were in favor, 5-0. The meeting was adjourned at 10:30 PM.



Lynn Conway, Secretary