

## Regular Meeting

The 1691<sup>st</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education District Office at 40 Field Street, Pawcatuck, on Tuesday, March 15, 2022. The meeting was called to order by Chairman Ben Philbrick at 7:00pm. Also present for the meeting were Commissioners Charles Sheehan, Ryan Deasy, and Lynn Conway; Alternates Gary Belke and Marjorie Selinger; and Town Planner Keith A. Brynes. Commissioner Fred Deichmann and Alternate Andy Meek were absent.

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

**Minutes:**

Mr. Deasy moved to approve the minutes of the March 1, 2022 meeting, seconded by Ms. Conway, all in favor 5-0, motion approved.

**Old Business:**

**PZ2203BR Toll Brothers-Old Mystic Estates** – Application for release of Performance & Maintenance Bond posted to satisfy requirements of proposed construction activity related to **PZ0360SD SUP & GPP Meehan Group, LLC**. Bond instrument is Letter of Credit #30002932 for \$2,935,000.00 for a 48-lot subdivision located off Pequot Trail, Mystic. Bond reduced to \$1,700,000.00 on 6/26/12, reduced to \$1,125,000.00 on 5/15/18, & reduced to \$310,290.00 on 11/16/21. Requesting full release of remaining bond.

Mr. Brynes presented the application for release of the performance bond for the public improvements. The Town Engineer has recommended full release of the bond. There is one issue to be corrected, but that can be covered through the maintenance bond that will still be in effect for one year after the roads are accepted. The Zoning Enforcement Officer did not recommend release of the bond due to sedimentation and erosion control issues. The Erosion and Sedimentation Control Bond is still in effect and would be able to cover issues for that category. There are additional bonds in place for other issues on the site. Ms. Conway asked when the bonds were priced out. Mr. Brynes stated it was 2011. Ms. Conway raised concern that prices have increased, and it is less likely to cover repairs. Mr. Brynes explained the E&S Bond was for the entire development although it is halfway completed. If the commission were to deny the request, they would need to produce a letter of what needs to be completed for the bond. Mr. Sheehan asked for clarification that the Town Engineer has recommended release of the bond, which he has. The performance bond would not be able to be used for E/S issues later, only the E&S bond could be used.

Mike Zemola, Toll Brothers representative, stated there is currently a performance bond in place as well as a separate bond for E/S controls and an offsite E/S control bond that they are not requesting back at this time. Mr. Zemola stated issues with the E/S have been resolved since her comment on February 11<sup>th</sup>, but they are leaving those two bonds in place just in case. The ZEO has issued violation for a couple of fences that have failed on site.

Mr. Deasy moved to approve the application, seconded by Mr. Sheehan. Ms. Conway stated she feels the bond should not be released due to the fact that it is still ongoing and there is unraveling pavement. Mr. Sheehan stated he has concerns, but cannot see a reason to deny release of this performance bond based on those issues that are unresolved. The vote was taken 4-1, motion approved.

Roll Call: Belke – approve, Conway – deny, Philbrick, - approve, Sheehan – approve, Deasy – approve.

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**PZ2205SPA Sea Research Foundation Inc. (S. Cherenzia)** - Site Plan Application for modifications of the Mystic Aquarium central courtyard including demolition/removal of the reflection pool, surrounding paved areas, walkways, and infrastructures in order to provide a more open layout and access deck. Property located at 55 Coogan Blvd., Mystic. Assessor's Map 164, Block 3, Lots 2-1 & 2-2. Zone TC-80.

Sergio Cherenzia stated they are awaiting comments from the Town Engineer's review and requested to be heard at the next meeting if possible. Keith Sorenson, Sea Research Foundation, added that they have a small window of time to complete the project since it is in a public space.

The application was tabled to the April 5, 2022 meeting.

**Public Hearing(s):**

**PZ2201SUP & CAM Secchiaroli, LLC (S Cherenzia)** - Special Use Permit & Coastal Area Management Review applications for the renovation and demolition of a portion of an existing restaurant building and construction of a new one-story, 5,000SF building for Retail and Accessory Storage. Property located at 29 Old Stonington Rd., Mystic. Assessor's Map 153, Block 1, Lot 4. Zone GC-60.

*Public Hearing continued from 2/15/22. Applicant requested the Public Hearing be continued to the 4/19/22 meeting.*

**PZ2204SPA Lattizori Development, LLC** – Site Plan application for construction of a 123-unit residential apartment building (Harbor Heights II), parking, access drive, swimming pool, utilities, stormwater management, lighting, landscaping, and site improvements. Property located at 50 Perkins Farm Drive, Mystic. Assessor's Map 150, Block 2, Lots 2&3 and Map 134, Block 3, Lot 4. Zone GDD.

David Lattizori presented the application background. The master plan modification was approved for a 124-unit apartment building but this application is for 123 units. Mr. Lattizori reviewed how the site is functioning and how it would proceed with this last phase of development.

James Cowen, project soil scientist, stated there are no wetland impacts for this phase of construction and a wetland permit has been issued. Disturbed soil is vulnerable to invasive species so they will be mitigating with a New England Conservation Wildlife mix for these areas which will be monitored over a three-year period. The berm will receive treatments to eradicate mugwort pursuant to being reshaped, but it is currently stable. Mr. Cowen recommended that the final seed mix not be planted until the mugwort is eradicated. Mr. Cowen stated they will manage invasives, but have not agreed to eradicate all invasives on the property.

Todd Ritchie, project engineer, presented the existing site conditions. Mr. Ritchie presented the overall site design plan for the apartment building. They will be cutting about 30,000 cubic feet of land and will proposing to use this fill to expand the berm. The berm will be brought up to the required height. Mr. Ritchie reviewed the utility and grading plan for the building, including a booster station for water pressure. Stormwater will be treated through underground systems and stored. The berm will be expanded, but outside of the upland review area of the wetlands. There are erosion and sedimentation controls in place for construction as well. Mr. Sheehan asked for the maximum height of the retaining walls. Mr. Sheehan asked about accessibility of the sidewalks. Mr. Ritchie explained they meet it except for grade. Mr. Sheehan recommended periodic landings. Mr. Sheehan raised concern with pedestrian walkability and would like to see the restoration of the stone walls and those improvements continue. Mr. Ritchie spoke to improvements at the intersection that will be made. Mr. Lattizori stated he no longer owns the land between the stone walls and the road, but they have chosen to maintain the area.

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Once the emergency access corridor is closed, he plans to rebuild the stone wall and plant native seed mix over time. Additional trees have also been planted.

John Hammer, landscape architect, presented on the cross sections of the site. Mr. Hammer explained the strategy of the terraced side to help with views within the site and based on the topography of the site. There will be significant screening in place from the entrance drive as well as interior to the parking. Mr. Hammer presented imagery of the plantings.

Tim Wentz, project architect, presented the landscape renderings. The elevations are very similar to Harbor Heights I, the exception being the proportion of unit makeup in the building. There will be loft units added in this phase. Mr. Philbrick asked about whether there will be solar installed. Mr. Lattizori stated that solar will be added to the Hartford Healthcare building and both Harbor Heights buildings. Mr. Wentz reviewed the floor plans for the building and interior depictions. Mr. Sheehan asked about HVAC, which will be handled by mini-splits in the unit.

Attorney Theodore Ladwig, reviewed the master plan approval from December. Mr. Ladwig spoke about the positive comments received at the last hearing from those that live at the current Harbor Heights. Mr. Sheehan asked if the applicant would file an as-built for the berm after the expansion. Mr. Ladwig committed to doing so.

## Public Comment in Favor:

Chelsea Leonard, resident of 4 Plover Lane, Mason's Island, spoke in favor of the project as it will bring more local customers to the area, as well as helping with the labor shortage.

## General Comment:

George Webb, 29 Park Ave., asked about architectural renderings of the booster station and would like to see it resemble the building. Mr. Webb asked that the trails be left in their current condition and questioned whether a traffic study was completed for this phase. Mr. Sheehan stated there was one completed at the last approval. Mr. Webb asked about the connectivity in the site referenced in the staff report, about the secondary access road for utilities, and whether the parking lot will just be open. Mr. Webb presented his proposed conditions of approval, traffic on Perkins Farm Drive regarding width of road and striping, walking safety and would like to see a walking trail on the west side of the development. He also requested that there be no construction related traffic on Perkins Farm Drive.

Jim Connolly, 12 Park Ave., stated his concerns with the traffic speeds within the site and asked for stop signs on Perkins Farm Drive.

## Rebuttal:

Mr. Ritchie stated that the booster station will not have a building and will be sub-grade with utilities screened by a fence and plantings. They will consider installing stop signs on Perkins Farm Drive to deal with speed, this had not been brought to their attention previously. The roads are built to construction standard though the width may be slightly smaller, the majority of construction traffic will come in through Jerry Browne, but it is not possible to eliminate all construction traffic from Perkins Farm Drive. Mr. Ritchie spoke to trails on the current site plan and proposed dog park. Mr. Ritchie reviewed the site connectivity between the medical building phase and the residential. The applicant proposed installing a stop sign and crosswalk for connectivity to the southern walking trail. Ms. Conway asked about the lighting plan. Mr. Ritchie reviewed the site lighting. There will not be carports or garages. Mr. Lattizori stated it will be the same lighting plan as phase one of the project. Ms. Conway asked about lighting

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view from Jerry Browne Road. Mr. Hammer explained full cut off is required so the light will not extend to the road. Ms. Conway asked about the pool/interior building lighting being seen from Jerry Browne Rd. Mr. Lattizori explained the wetlands area has some of the tallest trees on the site and will provide a large amount of cover. The berm will also provide significant screening. Mr. Lattizori reviewed the tree plan along Perkins Farm Drive and the timber guard rail, and spoke to clearing the walking paths in the winter and working to deal with traffic speeds. Mr. Hammer spoke about the sidewalks near the retaining walls. Mr. Sheehan asked them to look at feasibility of making the sidewalk ADA accessible in terms of grade.

Mr. Brynes reviewed the comments received in the staff report. The Architectural Design Review Board has approved the proposal and comments have not been received from the police commission. The applicant stated there were no additional comments at their meeting since those made at the master plan review. The Town Engineer had extensive comments but stated it could be approved with a stipulation that they be met. Mr. Ritchie stated they have addressed the comments, but could not submit in the timeframe for tonight's meeting. The Fire District had similar comments. Mr. Brynes reviewed the recommended stipulations from the staff report and those additionally proposed for an as-built plan of the berm prior to issuance of a certificate of zoning compliance, continuance of the stone wall after construction access road is removed, and installation of a stop sign and cross walk at Perkins Farm Drive and Perkins Reserve.

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

Mr. Sheehan moved to approve the application with the stipulations, seconded by Mr. Deasy, all in favor 5-0, motion approved.

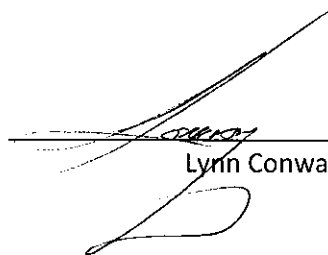
## Stipulations:

1. Final plans shall be recorded prior to the issuance of any Zoning Permits.
2. Final plans shall be reviewed to the satisfaction of the Town Engineer, Town Planner and Old Mystic Fire District regarding previous review comments.
3. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of a Zoning Permit. The bond shall be either in the form of a certified check or irrevocable letter of credit meeting the requirements of Section 8.6.3 of the Zoning Regulations. The bond amount shall be established by the Town Engineer after an estimate of the costs of installing and maintaining appropriate erosion and sedimentation control measures is provided by the applicant and approved by the Town Engineer. Work shall remain bonded for a minimum of one year from the date of Zoning Compliance.
4. The applicant's design engineer of record shall provide inspection services and certify to the construction of the application's stormwater management system to ensure compliance with design specifications. Certifications shall include, but not be limited to: system bottom inspection, material specifications and testing and system installation prior to back fill. In addition to inspection services, as-built conditions of the drainage system shall also be provided to the Department of Planning prior to the issuance of a Certificate of Zoning Compliance.
5. CTDEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities is required. Copy of the Permit shall be provided to the Town prior to construction.
6. The applicant shall verify with the Office of the State Traffic Commission as to whether the development's existing permit needs to be modified. Any modification to this permit shall be provided to the Town prior to construction.

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7. The 3 lots that comprise this development phase shall be combined prior to the approval of a Zoning Permit for construction.
8. As-built plans of the berm shall be submitted prior to issuance of a Certificate of Zoning Compliance.
9. The applicant shall continue the stone wall along the Jerry Browne Rd. frontage to match the existing wall or provide an equivalent.
10. Stop signs and a crosswalk shall be added to the intersection of Perkins Farm Drive and Park Ave.

Mr. Deasy moved to adjourn, seconded by Mr. Philbrick, all in favor 5-0, the meeting adjourned at 9:24pm.



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Lynn Conway, Secretary