

## Regular Meeting

The 1696<sup>th</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, May 17, 2022. The meeting was called to order by Commissioner Ben Philbrick at 7:00pm. Present for the meeting were Ben Philbrick, Fred Deichmann, Charles Sheehan, Lynn Conway, Ryan Deasy; Alternates Gary Belke, Andy Meek, Marjorie Selinger, and Town Planner Keith A. Brynes.

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

### Minutes:

Mr. Deasy moved to approve the minutes of May 3, 2022, seconded by Mr. Sheehan, the vote was taken 4-0-1, motion approved.

Roll Call: Philbrick - approve, Deasy - approve, Sheehan - approve, Conway - approve, Deichmann - abstain

### Administrative Review:

**22-09ZON Garbarino & Garbarino V-4 Enterprises (Lisa Howard / Stay on Park, LLC)** – Zoning Permit application for Change of Use from Personal Services to Retail furniture sales / storage & furniture refurbishing. Property located at 2 Avery St., Mystic. Assessor's Map 161, Block 17, Lot 4. Zone LS-5.

Mr. Brynes summarized the application. The applicant is proposing to convert the building to furniture sales from the current dog daycare use. Retail is permitted in the zoning district, however, furniture refurbishing is a gray area in the regulations. As it is an accessory use, it is up to the commission whether it fits with the zone. According to the zoning regulations, the new use would reduce parking demand compared to the previous use. Mr. Sheehan asked if there would be any spray painting associated with the refurbishment. Business owners, Mr. & Mrs. Howard stated that everything would be hand painted. Mr. Belke asked for a clarification on the square footage calculations listed on the application. Thomas Switz, realtor, stated they used ballpark figures so they are not exact. Ms. Conway asked about the signage on site. Mr. Brynes stated that this application includes no signage. Further research on the history of the nearby billboard is needed to see whether it is a legal non-conformity. Mr. Meek asked if the restoration process requires a dust collection system. Mrs. Howard stated they do not require it. Ms. Conway asked how much of the business is refurbishment. Mrs. Howard stated she is unsure of the percentage, they are growing and sell a lot of furniture, most of their refurbishment goes hand in hand with sales.

Mr. Deasy moved to approve the application, seconded by Mr. Deichmann. Mr. Sheehan recommended a stipulation. The motion was amended by Mr. Deasy to include the stipulation, seconded by Mr. Deichmann. Motion approved 5-0.

### Stipulation:

1. No dust collection or paint spraying is allowed without proper permitting.

### Public Hearing:

**PZ2211SUP Jannat, LLC (Z Kohl)** - Special Use Permit application to permit construction of 1-story, 3,500 SF convenience store with gasoline filling pumps and canopy. Proposal includes repaving, stormwater drainage, and associated site work. Property located at 54 South Broad St., Pawcatuck. Assessor's Map 14, Block 2, Lot 6. Zone LS-5.

## Regular Meeting

Mr. Deichmann moved to continue the public hearing to June 21, 2022 per the applicant's request, seconded by Mr. Deasy. Motion approved 5-0.

**PZ2206SUP & GPP Brookside Associates, LP (W Sweeney)** – Special Use and Ground water Protection Permit applications for an Affordable Housing Project submitted pursuant to CGS 8-30G. Proposed consists of 100 housing units and associated improvements. Property located at 111 South Broad St., Pawcatuck. Assessor's Map 37, Block 1, Lot 1A. Zone GC-60.

Attorney William Sweeney presented the application. Gilbane Development is the developer for the project. They are the original developers of Brookside Village and have owned and maintained the property since that development's construction. They were also the builders of Stonington High School. The application is being submitted under CT General Statutes 8-30g as an Affordable Housing project. Multi-family residential development is not typically permitted in this zone and the development does not meet many of the town's zoning requirements. Under this statute the Commission cannot deny the application due to zoning non-compliance unless they are able to prove denial is necessary due to health, safety, and public interest issues that outweigh the need for affordable housing. They are proposing 100 units of housing in a four-story building comprising of studio, one bedroom, and two-bedroom units. Thirty percent of units will be deeded for the next forty years as affordable units. Of these affordable units, 50% will be reserved for households earning 80% or less of Area Median Income and 50% will be reserved for households making 60% or less of Area Median Income. The development is privately funded and no tax abatements or financial assistance is being sought for the project. The project has been approved by the Architectural Design Review Board and has been reviewed by many town departments. The project is in the Groundwater Protection Overlay District. Typically, CTDOT would not require Office of State Traffic Administration (OSTA) review of a development of this size, but due to cross easements with Brookside, they have determined that this project will be subject to state review.

Chris Duhamel, project engineer, presented the site plan for the project. The new development will be on its own parcel of land, which will be divided through a "free split" (not a formal subdivision). They are not changing Brookside's existing access off of Rt. 1. However, the existing bus lane will be removed and a new site driveway will be added. Mr. Duhamel reviewed the stormwater management plan. The plan will manage the stormwater runoff for the site as well as the offsite runoff from Brookside Village and will improve water quality. A new detention basin will be constructed in the southwest corner of the site. The plan conforms with the regulations and has addressed the Town Engineer's comments. They have also worked with the fire department on access and placement of hydrants. They are providing access on the site for school busses to pick up children. Mr. Sheehan asked about the ponding in the detention basin and asked if there would be a need for fencing. There would not be permanent ponding and there would be a small period of time when it would retain water; the slopes down to the basin are light. Mr. Sheehan asked about the plantings in the detention basin and asked about emergency spillway for a greater than 100-year storm. Landscape Architect Elena Pascarella described the grass plugs which will be planted in the basin. Mr. Philbrick asked about the siting of the new access. Mr. Duhamel stated that due to the slope of the hill it was determined that is the best placement. The location will be part of the OSTA review process.

Derek Hug, traffic engineer, presented the results of the traffic study. The study looked at the proposed impact on several area intersections and their Levels of Service. The study assessed current and future conditions. Levels of Service were the same under all scenarios, but they are proposing timing changes to the signal at the intersection of Routes 1 and 234 that would improve the northbound Level of Service

## Regular Meeting

during peak hours. This change would be reviewed by CTDOT. There are very low crash incidences on the corridor and no fatalities in the past 3 years. The study found that the proposed development could be achieved with minimal impact. They are also proposing a pedestrian connection with sidewalks. Mr. Sheehan asked if in 2021 traffic counts were impacted by COVID. Mr. Hug said they were impacted and this was factored into the calculations. Mr. Meek asked about the sidewalk construction. Mr. Sweeney stated there is a town project to install sidewalks and the development plans reflect the sidewalk. Mr. Brynes stated the north side will not connect all the way to the Pawcatuck Shopping Center, but will connect to the south side with connecting crosswalks. Mr. Brynes stated the town is proceeding with their sidewalk plans regardless of private developments, which may not come to fruition. Ms. Conway asked if the Commission could require the developer to cover the cost of the sidewalks. Mr. Sweeney stated that either way the sidewalks will be built and the state has already granted money to the town.

Torben Arend of Gilbane Development presented the project elevations. They have designed the exterior to fit in with similar buildings in the area such as the high school and the police station. Mr. Sheehan asked about the fire suppression system. The analysis will be done at the building permit level. The amenities will be for this building's residents only. The affordable units will be evenly distributed among the unit types.

Elena Pascarella, landscape architect, presented the planting plans. Ms. Pascarella reviewed the planned screening and plantings which will last and not disrupt the sidewalks. New trees will be a minimum caliper of 2 ½". Mr. Sheehan asked about the plantings near the building. Mr. Deasy asked about the lighting. A photometric plan has been submitted and lights are dark sky compliant. There will be a sign at the entrance that is not lit.

Mr. Deichmann asked about the subsurface contamination report and asked about further investigation. Mr. Sweeney stated that due to the site's former use as an auto salvage and gas station there was a subsurface investigation performed. Test pits showed solid waste in one area, and one area with elevated levels of lead. The material in that area will have to be removed and retested. This process will be overseen by the state. During construction there will also be a soil management plan and report. Mr. Sweeney stated that the owners have a legal obligation to clean up the site. A Closure Report by a licensed environmental professional can be filed with the town. Mr. Belke asked if they talked to the neighbors about the development. Mr. Sweeney stated they did not.

### General Public Comment:

David Rathbun stated that due to the former operations the site was very unclean and urged a Phase 2 environmental review of the soils on the site.

Carlene Donnarummo stated she was disappointed with the lack of visitor parking provided. She asked for clarification on the calculations for the town's percentage of affordable housing. The soil contamination warrants a Phase 2 environmental report. The developers should install the sidewalks themselves so the current funds can be used elsewhere.

### Rebuttal:

Mr. Sweeney explained that they have already done a Phase 2 environmental review by testing soils on the site. Phase 3 would be a Soil Management Plan which they have already offered to supply. Mr. Sweeney stated the development meets the requirements of the new state statute for parking (Public Act 21-19) and additional parking could not be required. Parking provided is in line with typical amounts for a development of this type. The town's percentage of affordable housing dropped due to a loss of

## Regular Meeting

some CHFA mortgages. This project would improve the percentage of affordable housing but the town needs about 400 affordable units to meet the 10% goal set in state statutes. Ms. Conway stated concern with the project only meets the minimum standards of 8-30g and does not provide for lower income levels. Mr. Sheehan stated he feels they have done significant work in examining the soils but would like to see more attention paid to the southeast corner of the site. Mr. Sweeney responded that the excavation process is typically the best process for determining and removing the soils. Mr. Sheehan reiterated that he would like to see additional test pits be done for delineation and a Closure Report prior to construction. Mr. Sweeney agreed to the condition. Ms. Conway stated that she feels they should pay for the sidewalk as the developer. The developer stated they would be amenable to doing it during their construction, but they are unsure if they are on the same timeline. Mr. Sweeney offered a compromise that if the town has not yet moved forward with their plan, the developer would install the sidewalk to gain their Certificate of Occupancy. The project is projected to begin in Spring 2023, but will depend on access to financing.

The meeting recessed at 9:01pm and reconvened at 9:07pm.

Mr. Brynes reviewed the staff report which looked at the feasibility of the project; no concerns with feasibility were found as long as the soil contamination is addressed. Mr. Brynes reviewed the decisions to be made and the proposed stipulations from the staff report. Mr. Meek asked why this portion of the property was not developed with the rest of the site in the 1980's. Mr. Brynes stated that the previous application file did not indicate any constraints to the development of this portion of the site. Mr. Sweeney stated that the front area of the site was intended to be an additional development phase that was never built.

Mr. Deasy moved to close the public hearing, seconded by Mr. Sheehan. Motion approved 5-0.

Mr. Deasy moved to approve the Groundwater Protection Permit with stipulations, seconded by Mr. Sheehan. Motion approved 5-0.

Stipulation:

1. Additional test pits should be executed in the southeast corner of the site to determine where contamination starts and stops. The contaminated area should be delineated on a plan certified by a Licensed Environmental Professional. When work on remediation is complete a Closure Plan, certified by a Licensed Environmental Professional, shall be provided to the Town.

Mr. Deasy moved to approve the Special Use Permit waivers, removing the request to waive the soil survey since one was provided, seconded by Mr. Sheehan. Motion approved 5-0.

Mr. Deasy moved to approve the Special Use Permit with stipulations, seconded by Mr. Sheehan. Motion approved 5-0.

Stipulations:

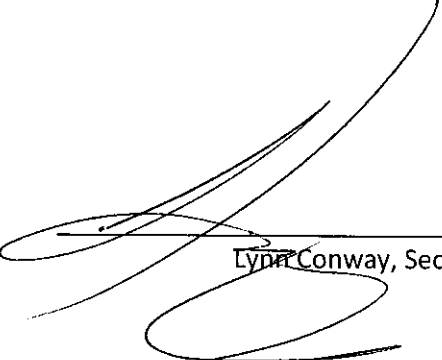
1. Final plans shall be reviewed to the satisfaction of the Pawcatuck Fire District.
2. Final plans shall be reviewed to the satisfaction of the Town Engineer.
3. Final plans shall be recorded in the Town's Land Evidence Records after Commission signature.
4. The applicant shall post an Erosion and Sedimentation 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

## Regular Meeting

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.

5. 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.
6. Sidewalk construction shall be required prior to issuance of a Certificate of Occupancy.

Mr. Deasy moved to adjourn, seconded by Mr. Deichmann. Motion approved 5-0; the meeting adjourned at 9:19pm.



Lynn Conway, Secretary