

Regular Meeting

The 1705th 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 September 20, 2022. The meeting was called to order by Chairman Ben Philbrick at 7:00pm. Also present for the meeting were Commissioners Charles Sheehan, Lynn Conway, and Ryan Deasy; Alternates Gary Belke and Andy Meek; and Town Planner Keith A. Brynes. Commissioner Fred Deichmann and Alternate Marjorie Selinger were not present.

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

Minutes:

Mr. Deasy moved to approve the minutes of the August 16, 2022 meeting; seconded by Mr. Sheehan. The motion was approved 5-0.

Mr. Deasy moved to approve the of the September 6, 2022 meeting; seconded by Mr. Sheehan. The motion was approved 3-0-2. Mr. Meek and Mr. Philbrick abstained.

Administrative Review:

22-209ZON Ian Camfield – Zoning Permit application for change of Use from Retail to Personal Services (Rhodes Collar dog training). Property located at 769 Stonington Rd., Stonington. Assessor's Map 75, Block 1, Lot 6. Zone GC-60.

Mr. Brynes summarized the application. At the last meeting the commission interpreted that the Rhodes Collar's business could be considered a Personal Services use in this zone. The business is now applying for the change of use. The application conforms to the bulk and use requirements for the zone. Mr. Philbrick asked how much retail there would be at the store. Glenna Doyle of Rhodes Collar stated they will just have accessory items to training such as leashes, harnesses, and beds. Mr. Philbrick asked about the adjacent day care center. They are in support and dogs are leashed when entering and exiting the building.

Mr. Deasy moved to approve the application, seconded by Ms. Conway, all in favor 5-0, motion approved.

Old Business:

PZ2225BR EG Perkins Reserve, LLC– Bond Reduction/Release application for Bond No. 19-002 for E&S Control associated with PZ1836SPA & GPP Lattizori for the construction for 50 townhouse-style units of residential. Property located at 30 Park Ave., fka Perkins Farm Dr., Mystic. Assessor's Map 134 Block 3 Lot 3. Zone GDD.

Mr. Brynes summarized the application and the revised comments from the Town Engineer which indicating his comments have been satisfied. He recommended approval of the full release of the bond.

Mr. Sheehan moved to approve the bond release, seconded by Mr. Deasy, all in favor 5-0, motion approved.

Public Hearings:

PZ2223SD & CAM Masons Island Company (Prominent Development) – Subdivision & Coastal Area Management Review applications for an 11-lot residential re-subdivision. Property located on School

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House & Cormorant Roads, Mystic. Assessor's Map 181, Block 3, Lot 1. Zone RM-15. *Continued from 9/6/22.*

Mr. Belke was seated in place of Mr. Meek.

Norm Thibeault, project engineer, summarized the application to date. Since the last meeting he has met with the Town Engineer to review the stormwater calculations. The existing stormwater basin is actually built larger and deeper than designed and has capacity to accommodate the 100 year storm. They are discharging less water than the original 2004 plan. The Town Engineer is now comfortable with approval of the application and they have agreed upon an Erosion and Sedimentation Control Bond amount. Mr. Thibeault reviewed the requested waivers. They are also asking for a waiver on the maximum cul-de-sac length as required by the Subdivision Regulations.

Public Comment

General Comment

Rick Newton called attention to the DEEP comments which recommend caution regarding development on Mason's Island due to its tendency for flooding. The causeway is at risk of flooding and could be impacted by sea level rise.

Public Comment in Favor

Betsy LaBelle, 9 Nauyaug Point Road, Mason's Island Property Association, spoke about the Association's support of the plan.

Jim Moody, neighbor on Old North Road, supports but wants to confirm the Town Engineer is satisfied with the surface run off. Mr. Thibeault reviewed the storm water drainage and stated that the berm will intercept flows to neighboring properties and direct it to the basin.

Mr. Brynes stated that the Town Engineer is satisfied with stormwater management. The Quiambaug Fire District and the Police Commission have reviewed the revised plans and are in support of the design of the cul-de-sac. Mr. Brynes reviewed the comments received on the application and the proposed stipulations of approval. Mr. Sheehan recommended a stipulation to address the lot that will require a FEMA Letter of Map Amendment (LOMA-F).

Mr. Deasy moved to close the public hearing; seconded by Mr. Sheehan. The motion was approved 5-0.

Mr. Sheehan moved to approve the Subdivision application waivers; seconded by Mr. Deasy. The motion was approved 5-0.

Mr. Deasy moved to approve the Coastal Area Management application; seconded by Mr. Sheehan. The motion was approved 5-0.

Mr. Sheehan moved to approve the Subdivision application with 9 stipulations; seconded by Ms. Conway. The motion was approved 5-0.

Stipulations:

1. Final plan shall be reviewed to the satisfaction of the Town Engineer.

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2. Final plans shall include new street address and Assessor's lot numbers as assigned by the Town.
3. AutoCAD (or approved equivalent) drawing of the approved subdivision shall be submitted to the Town prior to recording. A fee in lieu of this drawing, to cover the Town's cost to create such a digital file, may be submitted per Section 3.9.2 of the Subdivision Regulations.
4. Open space transfer and drainage easement shall be recorded concurrent with the Subdivision Plans per Section 8.3.5 of the Subdivision Regulations.
5. Per Section 5.10.2 of the Subdivision Regulations, boundary markers must be installed. Installation shall be certified through a registered land surveyor prior to sale of any lots.
6. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits per the requirements of Section 8.6.3 of the Zoning Regulations and Section 6.1.6 of the Subdivision Regulations. Bond shall be either in the form of a certified check or irrevocable letter of credit. 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 completion.
7. Final plans shall include "private drive note" specified in Section 9.2.2 of the Subdivision Regulations.
8. Prior to construction, the applicant shall submit an Unanticipated Discovery Plan to the Department of Planning. Such plan shall be prepared by a professional archaeologist and shall outline procedures to follow, in accordance with state and federal laws, if archaeological materials or human remains are discovered.
9. Development on Lot 6-22 cannot occur until FEMA LOMA or LOMA-F is granted.

The meeting recessed at 7:53pm and reconvened at 7:58pm. Ms. Conway departed the meeting.

PZ2217SD & SUP Cherenzia Excavation, Inc. & EG Home, LLC (W. Sweeney) – Subdivision and Special Use Permit applications for modification of an approved re-subdivision plan consisting of 42 single-family homes within a common interest community on a single reconfigured lot. Property located on Mary Hall & Greenhaven Rds., Pawcatuck. Assessor's Map 7, Block 1, Lots 44 & 44F thru 44L. Zone RM-20. *PH continued from 8/16/22.*

Seated for the hearing were: Ryan Deasy, Charles Sheehan, Ben Philbrick, Gary Belke, and Andy Meek.

Attorney William Sweeney presented the application on behalf of EG Home. They are proposing to modify a previously approved Subdivision and Special Permit application. EG Home has contracted with Cherenzia Excavation to purchase the land previously approved for the "Crescent Club" project. That project included a total of 71 dwelling units, including 64 townhouse units and 7 single-family homes. Only 4 single family homes were constructed and sold as part of the preliminary phase of that project. The approvals for the previous project are still valid but EG Home would like to modify the permitted plans to with 42 single-family luxury homes. They are applying through the Open Space Development tool which requires 50% of the property to be preserved as permanent open space. The development will be a Common Interest Community with individual homes for sale on one common lot. The current plan has received a permit from the Inland Wetlands and Watercourses Commission.

The applicant has met with the neighbors to review the proposed plan and has received favorable responses. Mr. Sweeney reviewed the existing conditions of the site. They are proposing to eliminate the 8 single-family lots along Greenhaven Rd. to create one larger lot for the project. The area along

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Greenhaven Rd. will be preserved as open space. They are using a similar road system with the entrance off of Mary Hall Rd. The access to Greenhaven Road will now be emergency only. The development will be surrounded by the natural vegetation. There will be a sidewalk system and community amenities on the site. There will be a detention basin system to manage storm water runoff. The project will be serviced by city water and sewer. The site will have hydrants and the adequacy of fire flows has been verified by Westerly Water and the Wequetequock Fire District. Landscaping plans are provided and will be consistent among homes. Due to the ledge on site, blasting will still be required. They have increased the previous approval's provisions for pre-blast foundation and well surveys and have incorporated them into this plan. A traffic impact analysis concludes that no traffic congestion will result. The traffic Level of Service is projected to remain at Level A after construction. The open space attached to this project will be maintained by the homeowners' association. Mr. Sweeney reviewed the conventional subdivision plan which establishes the number of units allowed. Chris Bennett, of EG Home, reviewed the proposed architecture. Several styles will be offered to present a more varied streetscape. Homes will be Energy Star certified. Compared to the previously approved townhouse structures, the smaller footprints of the homes may allow them to do less blasting. Mr. Sweeney reviewed the benefits of the project and the approval process.

Public Comment

General Comments

Carlene Donnarummo stated concern with applications not being ready before public hearings are scheduled with the Commission. She is also concerned that the Zoning Official's comments have not been incorporated into the approval. She asked how much space each home would have. She would like to know if visitor parking will be available, if there will be basements and if there will be an HOA fee. The water company's requirement for a new line should be stipulated.

Rick Newton stated he feels the Open Space Development regulation is not appropriate for this application. The space in the center cannot be considered open space as it is not contiguous unless approved by the Conservation Commission. He is also concerned about the proposed cutting in the open space.

Mark Bancroft, 81 Mary Hall Road, stated he was approached by the builder and expressed his concerns. He is in support of the project and feels his concerns have been mitigated.

Tim Griggs, expressed concern with the narrow lots and the streetscape of front facing garage doors. He feels it the project is a great improvement from the last plan.

Maureen Cavanaugh expressed concerns with the blasting. She asked about the price of the homes and clarification on the number of designs. She also asked how long approvals remain valid and when the traffic study was done.

Francis Slater, across the street on Greenhaven Road, asked for clarification regarding the access to Greenhaven Road and whether the open space will have any additional plantings. She also asked for the timeline for the project and for further clarification on the blast notification radius.

Sager Bonnebacker, resident on Greenhaven Road, stated the developer has been very communicative and the changes to the plan are welcome. He would like to hear some specific figures on the traffic impact.

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Public Comment Against

Michael McFadden, resident on Mary Hall Road, stated concern with all traffic now being on Mary Hall Road. He is concerned with the light pollution from car headlights exiting the property on his home and would like to see some mitigation. He is in favor of sidewalks throughout the project. Mr. Sheehan asked if he would be open to working with the developer to do add screening to his property. He stated that he would.

Maureen Cavanaugh asked if anything could be built in the open space in the future.

Rebuttal

Attorney Sweeney stated that staff review comments often come after public hearing dates are set and that statutory timelines apply. The project would be a common interest community. Residents would only buy the home and the land is a common area of which one would own a share. Each unit will have 2 garage spaces and there are 25 spaces of additional visitor parking. There are driveways leading into the units with additional spaces for guests. The units will have full basements. Mr. Sweeney stated he feels the Open Space Development is a balance of conservation and development. The central area can be counted as open space as it can be contiguous across roadways. There will not be individual house lots, and most garages do face the front. There will be varying types of high-quality siding used. The trim will be PVC or wrapped aluminum. They have tried to mirror the previous stipulated judgement approval's conditions on blasting and have expanded the radius of homes to receive pre-blast well surveys. They are offering pre-blast and post-blast surveys to homes within 500 feet of the outside perimeter of the property and up to 1,500 feet by request. Mr. Deasy asked where the material from the blasting will go. Matt Gilchrest of EG Home stated that the blasting material will be processed to be used on site. The houses are proposed to sell for approximately \$600,000. There are four different floor plans and several building designs so there can be many combinations to create variations in the streetscape. The traffic study was done in Spring of 2022. The total open space is approximately 35 acres. The open space will be left in its natural state with only dead trees removed. The open space will not be able to be developed in the future. The emergency access road has no change in location from the previous application and will be gated. Construction is expected to begin in early 2023. They will work with the town to determine a process to notify those in the blasting radius.

Mr. Sweeney described the changes in projected vehicle trips compared to the previous plan. There will be no negative impacts to Level of Service or safety at the site intersection with Mary Hall Road. The entrance is in the exact same location as the previous approval. There will be a retaining wall along the side of the entrance drive and they are more than happy to provide screening with an easement on adjacent property. They are proposing sidewalks from the central green to Mary Hall Road but they have no frontage on Mary Hall Road to install sidewalks. There will be very low traffic on the private road. Few school children are expected in the development. Matt Gilchrest stated that when building a similar project, they were asked by residents to eliminate sidewalks to maximize space as people walk in the road. The only people entering the community will likely be residents. The road is 24 feet wide. The biggest cuts in the ledge material are around 10 feet. Mr. Sheehan agreed that sidewalks are impractical due to the plans' configuration.

Mr. Brynes stated that when applications are submitted the office staff must comply with the timeframes state statutes and schedule them for a public hearing. The Zoning Official's comments listed in the staff report were the stipulations from the Inland Wetlands Commission and will be listed on the

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plan. The Conservation Commission did review and recommend approval of the plan on 7/25/22, but it was missed in the staff report. Mr. Sheehan described the Town's planned improvements to the water system in this area which include providing a loop to remedy the current dead ends in the system. The Commission should grant them leeway to work with Westerly Water to make the best decisions. Mr. Brynes stated that the Town Engineer has provided final comments and recommends approval with a condition for his final review. The Town has done a feasibility review with no concerns regarding feasibility. Mr. Brynes reviewed the recommended stipulations from the staff report. Mr. Deasy recommended a stipulation that a blasting communication plan be developed with the Planning Department. Mr. Sheehan recommended a stipulation that the developer work with the neighbors on screening for light intrusion with their properties provided they cooperate.

Mr. Philbrick asked how many trees will be coming down along Mary Hall Rd. Mr. Sweeney stated that the survey may no longer be accurate, but will likely be 3-4 trees. Mr. Philbrick asked about softening the appearance of the chain link fence. Mr. Sweeney stated it will be black coated. Mr. Philbrick asked about the retaining wall material. Deborah Bates of BL Engineers stated they are architectural segmented blocks with a textured appearance. Mr. Philbrick asked about the light pole detail. Mr. Sweeney stated that the lights will be dark skies compliant and that the chosen design can be submitted to staff for approval. Mr. Philbrick asked about the fire pit safety. Mr. Gilcrest stated it is propane and managed with a remote and a timer for safety. Public access is not proposed to the site's open space due to the proximity to homes. There is access to the Stonington Land Trust open space from Meadow Road. An easement to the town's 2-acre open space parcel will be provided for any necessary maintenance. Mr. Sheehan asked if there is standby power for the wastewater station. Ms. Bates stated there is a generator planned. Mr. Belke asked how many houses are in the 500-foot blasting radius. Mr. Sweeney stated there are about 24 and if an issue develops it would be remedied using the \$7 million insurance policy for this purpose.

Public Comment

Sager Bonnebacker asked about the easement to the open space property and whether there will be a path developed. Mr. Sweeney stated it is just a right to access with no trail or clearing, and will be seldomly used by the town. The easement could be relocated away from homes.

Mark Bancroft stated that he is concerned with the appearance of the chain link fence near the site entrance. Chris Bennett of EG Home stated they are open to the type of fence but it must meet safety requirements.

Francis Slater expressed concern with the potential effects of the blasting on foundations. Atty. Sweeney stated that the pre and post-blast surveys will address any structures.

Ms. Bates clarified there is a generator on sheet SU-01.

Mr. Deasy moved to close the hearing; seconded by Mr. Sheehan. The motion was approved 5-0.

Mr. Deasy moved to approve the application waivers requested; seconded by Mr. Sheehan. The motion was approved 5-0.

Mr. Deasy moved to approve the Special Use Permit application with stipulations; seconded by Mr. Sheehan. The motion was approved 5-0.

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Mr. Sheehan moved to approve the Subdivision application with stipulations; seconded by Mr. Deasy. The motion was approved 5-0.

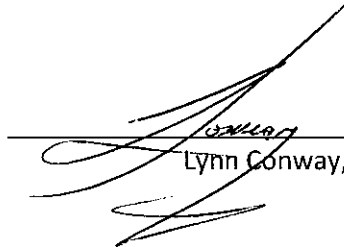
Stipulations

1. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits per the requirements of Section 8.6.3 of the Zoning Regulations and Section 6.1.6 of the Subdivision Regulations. Bond shall be either in the form of a certified check or irrevocable letter of credit. 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 completion.
2. 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.
3. Final plan shall depict new address and lot numbers as assigned by Town. Any new private street name shall be approved by staff after referral to police and fire officials.
4. General Blasting Notes on Sheet GN-1 shall be adhered to during development; Blasting Communications Plan shall be developed and approved by the Town.
5. All sewer installation shall conform with Article XII, Hookups, of the Rules and Regulations of the Stonington Water Pollution Control Authority. The sanitary sewer system constitutes a "community sewerage system" and therefore a homeowner's association consisting of all properties served by the sewer system must be established and enter into an operation and maintenance agreement with the Water Pollution Control Authority prior to any use of the system.
6. Prior to removal of any of the trees along Mary Hall Road (as shown on the Intersection Sight Line Exhibit dated 7/26/22) the developer shall provide written notification to property owners for trees removed from the right-of-way in front of their property and request permission to plant an 8-foot tall tree on their property but near the right-of-way line. The property owner should be given two weeks to respond in writing and if a response is not obtained or a response is negative, a tree shall be planted on the developer's property instead.
7. No rock crushing or use of heavy machinery shall be permitted between the hours of 5:00PM and 8:00AM on weekdays, nor anytime on weekends or legal holidays.
8. Rock crushing location shall be approved by Town staff in a central location and sited to have the least impact on surrounding neighbors.
9. Construction shall comply with the Construction Standards of Section 7.4.
10. Excavated and/or processed material shall be used only on-site or for off-site improvements associated with this development.
11. Excavation of vertical cuts shall not exceed ten feet at any one time.
12. Final plans shall be reviewed to the satisfaction of the Town Engineer.
13. Westerly Water approval shall be provided prior to issuance of any Zoning Permits for construction.
14. Conservation easement and management plan shall be required for areas to be held by the condominium association as permanent open space.

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15. The applicant shall work with adjacent neighbors at the Mary Hall Rd. project entrance to develop and implement a headlight screening plan provided cooperation is received.
16. Wastewater lift station shall be equipped with standby power.
17. Final plans shall relocate proposed right of way easement to Town open space (MBL 7-1-440) away from adjacent residences with final location subject to DPW approval.

Mr. Deasy moved to adjourn; seconded by Mr. Sheehan. The motion was approved 5-0. The meeting adjourned at 10:15pm.



Lynn Conway, Secretary