

Special Meeting

The 1728th meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office, 40 Field Street, Pawcatuck, on June 6, 2023. The meeting was called to order at 7:10 PM by Chairman Ben Philbrick. Also present for the meeting were Commissioners Ryan Deasy, Charles Sheehan, Fred Deichmann, and Lynn Conway; Alternates Gary Belke, Marjorie Selinger, and Andy Meek; Town Planner Clifton Iler and Director of Economic and Community Development Susan Cullen.

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

Chairman Philbrick announced Clifton Iler as the new Town Planner and thanked the Planning and Zoning Office for their help in the process.

Chairman Philbrick also announced this would be the last meeting for Commissioner Fred Deichmann. He was thanked for his service.

Minutes:

Mr. Deasy made a motion to approve the minutes of April 26, 2023, with a proper adjournment time of 8:12 PM, seconded by Mr. Sheehan, all in favor, 5-0.

Mr. Deasy made a motion to approve the minutes of May 16, 2023, seconded by Mr. Deichmann, all in favor, 5-0.

Mr. Deasy made a motion to approve the minutes of May 24, 2023, seconded by Mr. Deichmann, all in favor, 5-0.

Administrative Review:

PZ2115CAM Rufus Allyn & Roy Bohlander (C. Brown) – Presentation and potential vote on stipulation for Coastal Area Management approval for property located at 19 Chippechaug Trail, Mystic. Assessor's Map 176, Block 5, Lot 5A. Zone RA-20.

Andy Meek was seated for Fred Deichmann for this discussion.

Attorney John Chase represented the applicant and introduced Susan Marquardt, Professional Engineer, to discuss the revised plans after receiving comments from the Town Engineer, ZEO Candace Palmer, and the former Town Planner.

Ms. Marquardt discussed the comments that were received and how they will be addressed. The lot area has been revised and meet the minimum setback requirements. The owner of the parcel will acquire approval for a septic system. There has been a map reference added to the plans and seeding plans were addressed in the E&S notes. There was a discussion regarding the slope treatment and maintenance plan and building height restrictions were discussed.

Mr. Sheehan and Ms. Marquardt discussed the necessity for a wave action plan due to the slope of the lot and a stipulation was recommended for the application.

Mr. Deasy made a motion to approve the application, with the added stipulation of additional slope protection if needed, seconded by Ms. Conway. All were in favor, 5-0.

Stipulation (Amended):

"As part of the approval of the plaintiffs' application in paragraph 2 herein, the plaintiffs agree to have good faith discussions with the Town of Stonington engineer about erosion enhancements to the southeast corner of the proposed house site on the subject property, said improvements to potentially be incorporated into any

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final design and construction plans, in order to limit any negative impact and/or erosion to the subject property from potential wave activity that may occur thereon."

23-129ZON Ocean Breeze Land Co. – Zoning permit application for detached bathroom facilities at Haley Mansion. Property located at 9 Williams Ave., Mystic. Assessor's Map 174 Block 12 Lot 12. Zone RH-10.

Fred Deichmann was reseated in place of Andy Meek.

The applicant discussed the use of the Haley Mansion and the need for additional bathroom services to replace portable toilets that have previously been used. They will be seasonal bathrooms with no heating or cooling. The applicant discussed the application's compliance with setbacks and that the location will have minimal exposure to neighboring properties.

The Commission received confirmations that the water will be drained and shut off prior to the winter months, that the overhead tent runoff will run into the existing rain garden, and there is not a capacity issue when tying into the current sewer system.

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

23-126ZON EP Jones LLC. (Dan Meiser, Applicant) – Zoning permit application for seasonal awnings over existing deck. Property located at 14 Holmes St., Mystic. Assessor's Map 174 Block 3 Lot 1. Zone DB-5.

The Commission discussed the prior special use permits for this patio. The project conforms to the zoning regulations. This project will not create additional seating. There was a discussion regarding the addition of a time parameter for when this work will be completed. As the Commission is still awaiting an elevation drawing, they discussed an additional stipulation that the awnings be sloped towards the parking lot.

Mr. Sheehan made a motion to approve the application, with the added stipulations for the completion of the work, and an elevation drawing showing the slope, seconded by Mr. Deichmann. All were in favor, 5-0.
Stipulations:

1. The awning shall only be operational between April 15th and October 31st.
2. An elevation drawing showing that the awnings are sloped towards the parking lot shall be provided.

PZ2229SUP & GPP Amara-UZ - Request for a 90-day extension to file mylars for application approved 2/21/23. Properties located at 376, 380 & 384 Liberty St., Pawcatuck.

Mr. Sheehan made a motion to approve the extension, seconded by Mr. Deasy, all in favor, 5-0.

23-132ZON Ocean Community YMCA – Zoning permit application for Invasive Plant Management within the non-infringement area (NIA). Property located at 1 Harry Austin DR., Mystic, Assessor's Map 160 Block 6 Lot 14. Zone RC-120.

The Commission discussed the type of species and zoning restrictions that are relevant to this lot. There was clarification provided regarding the 100-foot non-infringement area, resulting in a recommendation for a stipulation that this information is verified.

Mr. Deasy made a motion to approve the application, with a stipulation, seconded by Mr. Deichmann. All were in favor, 5-0.

Stipulation:

1. The location of the non-infringement area shall be verified.

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PZ2235SD & CAM Old Stoneridge, LLC – Modification of an approved permit (subdivision application stipulation of approval), for property located at 111-113 Montauk Ave., Stonington CT., Assessor's Map 131 Block 3 Lot 6. Zone RR-80.

Attorney Theodore Ladwig confirmed that the administration of a fee in lieu of open space shall fall in line with State regulations. The wording in the current report was the current stipulation but this shall be amended - the fees will be paid upon the sale of the lots.

The Commission discussed the role of State statutes towards this amendment, and thus the resulting stipulation.

It was confirmed that the appraised value of which the fee is produced from is based on the value prior to the approval of the subdivision. The fee shall be the same for each lot, regardless of size.

Mr. Deasy made a motion to approve the modified stipulation in accordance with State statutes. This was seconded by Mr. Sheehan and all were in favor, 5-0.

Old Business:

PZ2310SD Hector & Ana Ramirez (Hernan Ramirez) – Application for a 2-lot Subdivision of a 4.14-acre parcel. Property located at 1305 Pequot Trail, Stonington. Assessor's Map 148 Block 3 Lot 6A. Zone RR-80.

The applicant submitted plans from a licensed surveyor. The Commission confirmed that the Town Engineer has not completed a review of this application. It has come in front of this Board because it is a secondary split of the lot. There will be no open space allotment due the transfer being between immediate family members.

Mr. Iler read the zoning restrictions which were included in the staff report. The Commission had a discussion regarding the open space exemption for transfers between immediate family members.

Mr. Deasy made a motion to approve the subdivision waivers, seconded by Mr. Sheehan, all in favor, 5-0.

Mr. Deasy made a motion to approve the application, with the existing seven stipulations, seconded by Mr. Sheehan. All were in favor, 5-0.

Stipulations:

1. Final plan shall be reviewed to the satisfaction of the Town Engineer.
2. Final plans shall include new street address and Assessor's lot numbers as assigned by the Town.
3. Final mylar copies of plans shall be filed with the Town Clerk and submitted for signature by the Commission.
4. AutoCAD 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.
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

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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. Proposed Lot 6A-1 will be deemed a buildable lot until the property has been transferred to a family member listed in Section 8.5.3 of the Subdivision Regulations. The Town may require reasonable evidence of the relationship of the transferee to the transferor and the fact that the transfer was made for no consideration before Lot 6A-1 will be treated as a buildable lot.

PZ2311SPA & CAM Latimer Point Condominium Assoc. - Site Plan & Coastal Area Management Review applications for various additions, decks, exterior stairs, sheds, and an outside shower. Properties located at 2 North Shore Rd., 5 Center Dr., 9 Center Dr., 34 East Shore Rd., and 112 Latimer Pt. Rd., Stonington. Assessor's Maps/Blocks/Lots: 154/2/15, 154/4/21, 154/4/22, 154/5/5, 154/2/16A. Zone RM-20.

Mr. Iler clarified for the record that he himself is a homeowner and member of the Latimer Point Association. Each project must meet the necessary requirements for within the association, however, from the Town's zoning perspective, the association is one large lot. There have not been comments from DEEP for these projects, however those that are necessary will be FEMA compliant. A stipulation is in place for receiving comments from DEEP. The majority of these projects are second-floor additions to pre-existing foundations, or sheds, decks, etc.

Mr. Deasy made a motion to approve the CAM application, seconded by Mr. Sheehan, all in favor, 5-0.

Mr. Deasy made a motion to approve the Site Plan application, with the proposed five stipulations, 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. 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.

Public Hearing(s): Began at 8:07 PM

PZ2308ZC, SPA & CAM Town of Stonington (C. Frost) - Master Plan Zone Change, Site Plan, & Coastal Area Management Review applications for creation of the Mystic River Boathouse Park. Property located at 123 Greenmanville Ave., Mystic. Assessor's Map 172 Block 1 Lot 1. Zone MHD.

Mike Crowley, member of the Boathouse Committee, discussed the longstanding effort of this project. The goals were to provide community rowing access as well as access to the river which would turn the park into a greater asset for the town.

Nick Kepple, Chairman of the Boathouse Committee, discussed that Mystic is a coastal community with limited access to the water. Mr. Kepple discussed the appearance of the lot once this project is to be completed, as well as the increased opportunity to produce and draw young athletes to the area. This amenity would support community rowing as well as an adaptive rowing program.

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Chad Frost, Landscape Architect, presented the majority of the plans for this development. Mr. Frost discussed easements on the property as well as the history of the underground tunnel between this parcel and the former mill located across the street. Deposits from the mill created an enlarged parcel which now has enough area for this project. Mr. Frost discussed demolition plans and relocation plans for the existing structures. The house will remain and be shifted north on the property. Mr. Frost discussed the approved parking lot and occupancy of those lots. The project will use a 'living shoreline'. The front edge of the building will be 20 inches above the high-water line from Storm Sandy. Mr. Frost discussed the grading of the site, the location of street lights, and the 'living shoreline' which will mitigate the wave impact and allow for marsh expansion. The Commission confirmed with Mr. Frost the location of the DEEP jurisdiction line as well as that of the US Army Corps of Engineers. The boathouse and renovated home floor plans were presented. The building will have a public bathroom with exterior access. The Commission discussed with Mr. Frost the height and material of the signage. DEEP comments were submitted to the record. The impact statements and associated waivers were read. Mr. Frost confirmed for the Commission that there are no sleeping quarters and thus fire suppression is not required.

Regarding traffic and parking, Mr. Frost stated for the commission that the largest events expected tend to consist of about 300 rowers. High school events normally require a couple busses. Events are typically during the spring and fall, as well as early morning or late evening.

The Commission commended Mr. Frost, the Town of Stonington, and those involved, for the thoroughness of the plans and presentation.

Ms. Conway questioned the lighting of the site. There was a discussion regarding the count and strength of lights, as well as the safety recommendations from the Police Department.

Mr. Frost discussed the new crosswalk that would be implemented across Greenmanville Ave.

General Comments:

Ben Tamsky, 5 Edgemont Street, Mystic, spoke in favor of the application. Mr. Tamsky would like a stipulation for public events and that the Commission have a say in those events occurring.

Laura Graham, 2 Moss St, Pawcatuck, as a candidate for First Selectman, stated her support for this project and intention to have it fully funded and realized.

Rob Simmons, 268 N Main St, spoke in support of the application and as an opportunity for those involved to leave a legacy within Stonington which benefits the high school and the public.

Dylan Flack, 9 Ridge Road, spoke on behalf of the Stonington boys crew team as their captain. He stated that this project can have a profound impact and thanked the Board for the possibility of bringing this to fruition.

Dr. Morris (?), is encouraged by the project and would like to see the hurdles overcome. The river is a gem for small boaters.

Mathew G., Pawcatuck, thanked the Commission for listening. He is in support of this project as it is a great opportunity for rowers and the rest of the community.

Maggie Favretti, 19 Whitehall Lane, Stonington, was in support of the project, stating that a community with access to water and natural resources is a healthier one.

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Rebuttal:

Danielle Chesebrough, First Selectman, clarified that any public events are already subject to approval from the Police Commission. Mrs. Chesebrough stated that this will be an incredible asset for the Town of Stonington.

The Commission discussed with Mr. Frost the presence of public racks for small water vessels.

Per Mr. Iler, there was no further staff input and nine additional letters of support were received and submitted to the record.

It is confirmed for Ms. Conway that rentals of this space would require a public discussion before the Board of Selectman, as is the process for the use of public land.

Mr. Sheehan made a motion to close the public hearing, seconded by Mr. Deasy, all were in favor, 5-0. The public hearing was closed at 9:43 PM.

Mr. Sheehan made a motion to approve all five waivers for the application, seconded by Mr. Deasy. All in favor, 5-0.

Mr. Sheehan made a motion to approve the master plan zone change, seconded by Mr. Deasy. All in favor, 5-0.

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

Mr. Sheehan made a motion to approve the site application, with the proposed stipulations, seconded by Mr. Deasy. All in favor, 5-0.

Stipulations:

1. Final site plans shall be reviewed to the satisfaction of the Town Engineer.
2. Alterations to the proposed site plan following comments from CTDEEP and CTDOT/OSTA shall be reviewed and approved by Town staff.

The Commission began a brief break at 9:46 PM and returned at 9:53 PM.

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.

Chief Richards discussed the history of the Old Mystic Fire District, known for their training programs. They have been using the site across from the station since 1961. There has been correspondence with the neighbors, who were notified that the training trailers will be painted and landscaping on the lot would be completed in accordance with this project. Neighbors will be notified five days in advance to any live fire training.

Chief Richards and the Commission discussed the type of training that will be done here - one trailer is for live fire training and another for tactical training. There will be no use of fire suppression chemicals. There was a discussion regarding fire training in proximity to marsh areas. Chief Richards discussed the frequency of live fire training, and noted that finding a new lot within the next 5-8 years would be difficult. The Commission discussed with Mr. Richards the training hours and the number of people trained at one time.

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Mitch Bovarnick, 7 Smith St, Old Mystic, stated that the trailers disrupt the view from his lot. Mr. Bovarnick supports the training but would like more concrete plans regarding the timeline and view. The Commission suggested a stipulation that 6 months would be allowed for the planting of giant green arborvitaes.

Geoffrey Wood, 32 North Stonington Rd, states he received his letter from the Fire Department after the trailers arrived. He has experienced significant amounts of smoke on his property. Mr. Wood has safety concerns regarding the ladders that are placed on the trailers.

Leonard Peta, 34 N Stonington Rd, has concerns regarding children in the neighborhood and the lack of safety restrictions for the ladder.

Mr. Richards stated that he will address the ladder issue first thing the following day.

There was a discussion regarding the planting of trees and where they can be located on the property.

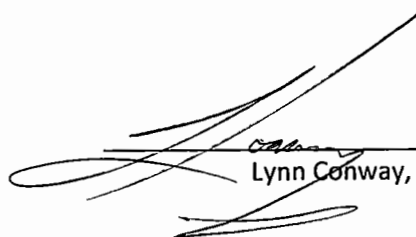
Mr. Iler stated that he received two phone calls earlier that day that were in opposition to this application, citing smoke and light pollution and being adjacent to residential properties.

The Commission discussed leaving the hearing open until they receive an updated site and landscaping plan. The safety aspects should be taken care of immediately.

Mr. Deasy made a motion to continue the public hearing, seconded by Sheehan. All in favor, 5-0.

Mr. Deichmann made a motion to adjourn the meeting, seconded by Mr. Sheehan, all in favor, 5-0.

The meeting adjourned at 10:47 PM.



Lynn Conway, Secretary