Special Meeting

The 1539th meeting of the Town of Stonington's Planning and Zoning Commission was held Tuesday, April 7, 2015 at the Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Commissioner Ben Tamsky at 7:00pm. Present for the meeting were Commissioners Frances Hoffman, Curtis Lynch, Bob Mercer, John Prue; Alternates Gardner Young and David Rathbun; Town Attorney Thomas Londregan, Town Engineer Scot Deledda, and Town Planner Keith Brynes. Alternate Shaun Savoie was absent.

Seated for the meeting were Ben Tamsky, Curtis Lynch, Frances Hoffman, Bob Mercer, and John Prue.

Minutes:
Ms. Hoffman motioned to approve the minutes of March 3, 2015, seconded by Mr. Lynch. All in favor 5-0, motion approved.
Ms. Hoffman motioned to approve the minutes of March 17, 2015, seconded by Mr. Lynch. Motion approved, 4-0-1.
Roll call: Lynch – approve, Hoffman – approve, Tamsky – approve, Mercer – approve, Prue – abstain

Commission Initiatives:
Discussion of 2015 Plan of Conservation and Development – The Board of Selectmen's continued public hearing is tomorrow, April 8, 2015. The commission discussed comments and input from the first evening of the Selectmen's public hearing. The Economic Development Commission shared that they thought the plan lacked in economic development. Mr. Prue commented that their goal is a balance, and Ms. Hoffman agreed.

Old Business
PZ1504SPA Mechanic Street Associates (David Snedlker) – Site Plan application for construction of a 3,480 SF structure to accommodate the expansion of existing Assembly use, and associated parking, drive, utilities, and landscaping site improvements. Property located at 22 Mechanic St., Pawcatuck. Assessor's Map 4 Block 7 Lot 2. Zone DB-5.

The application was tabled at the applicant's request.

PZ1507SPA & CAM Latimer Point Condominium Association – Site Plan and Coastal Area Management Review applications for proposed deck addition, replacement shed, and enclosure of stairs and landing. Properties located at 15 Center Dr., 1 Center Dr., and 1 Reid Road, Stonington, CT. Assessor's Maps/Blocks/Lots: 154/4/24, 154/4/20, & 154/4/7. Zone RM-20.

The application was tabled at the applicant's request.

Ms. Hoffman moved to amend minutes of the March 3, 2015 meeting to correct the second made to Mr. Prue's motion to approve the Stonington Vineyard special use permit with a stipulation. Mr. Lynch seconded the motion.

Alternate David Rathbun left the meeting.

Public Hearing 7:30p.m.
Ms. Hoffman read the call for public hearing.

Proposed settlement of CT Superior Court appeal: Toll CT Limited Partnership and Toll Bros., Inc. v. Stonington Planning and Zoning Commission (Docket No. KNL-CV-14-6020016-S) – Modification of drainage design for Toll Brothers' Old Mystic Estates Subdivision (PZ0360SD, SUP & GPP Meehan). Property located at 12 Michelle Lane, 102 Whitehall Ave. & 6 Whitehall Pond. Assessor's Map 165 Block 3 Lots 1A & 2 and Map 148 Block 3 Lot 3B; Zone GC-60.

RECEIVED FOR RECORD
STONINGTON, CT.
15 APR 14 AM 11:24
CYNTHIA LABBIG
TOWN CLERK

Special Meeting

Mr. Londregan presented the proposed settlement for the Toll Brothers drainage plan modification. Mr. Brynes read a letter from Attorney William Sweeney into the record regarding the McGlinchy's view of the current settlement in respect to the swale located on the edge of their property. Mr. Londregan explained the process followed for the settlement, stating it has been treated as an application with referral to several agencies and commissions. Following the decision of the Commission, a hearing must also be held in the Superior Court.

Attorney Joe Williams, representing Toll Brothers, provided an overview of drainage system redesign and the settlement. Both condominium associations affected by the proposal have reviewed the application and are in favor of the revised plan. As noted previously, the proposal has been reviewed by others and they are awaiting approval from DEEP. Mr. Mercer questioned why this solution was unavailable in 2010. Mr. Williams explained that not all property owners were on board with the proposal at that time. Mr. Lynch questioned the performance standards of the project. Mr. Williams discussed the settlement regarding the swale and explained the key points of the settlement. Toll Brothers has requested that the three building permits that have been on hold be issued while drainage improvements are being made if the Town Engineer is in agreement that the drainage system would be able to handle a hundred year storm during construction. Mr. Williams further explained no other lots will be developed or paving done until the completion of the drainage system. Mr. Williams explained the process that would follow a denial of this settlement.

Dan Kroeber, Project Engineer with Milone and MacBroom, explained the plan to create water storage systems on each lot to construct the homes without adding additional storm water.

Mr. Tamsky questioned the language in paragraph 14 regarding a release of liability of the 2004 approval. Mr. Williams explained that if the commission were to change the language in paragraph 14 the Toll Brothers may not be in agreement to sign the settlement.

Mr. Kroeber explained the engineering of the project. Many scenarios were explored, this solution provides solutions to both the Toll Brothers and the condo associations located near Whitehall Pond. Mr. Kroeber explained the original application proposal and the current application and its improvements. The new application would allow for the water to drain into the current retention basin with added depth allowing for increased water quality, into an outlet structure into Whitehall Pond, and an outlet structure at the far side of Whitehall Pond, into the Mystic River. Ms. Hoffman questioned the water quality protections on the site. Mr. Lynch questioned the ability of the swale and how it will be maintained. As noted earlier, they are awaiting DEEP approval. Mr. Kroeber spoke to concerns that were addressed by the Inland Wetlands Commission. Mr. Prue questioned the maintenance plan for the homeowner's association and whether it was clearly understood by the Association.

The meeting recessed at 8:57pm and reconvened at 9:04pm

Public comment in favor:

Dexter White, representing the Whitehall Pond Homeowners Association, explained their prior position on the previous plan as well as their current stance in approval of the revised plan. Following their own independent study, the Association is confident this is the best plan to prevent flooding and maintain the level of the pond.
Janet Welsh, Mystic River Square Condominium Association, explained their approval and support for the revised Toll Brothers proposal. Ms. Welsh explained her experience with flooding when she previously lived in Whitehall Pond community.

Public Comment in opposition:
Steven Small, 24 Riverbend Drive, expressed his concerns of the effects of blasting to wells at the homes along Riverbend Drive and possible filtration of water into the pond from the retention basin.

DRAFT

Special Meeting

Gary Julian, 50 Riverbend Drive, expressed his concern over the effects of blasting to his well, quality of water in their well, and potential failure of the system.
Phil Clark, 4 Riverbend Drive, expressed concern over his well and septic system and the effects of blasting. He questioned the maintenance of the outlet system as written in the settlement.
Delycia Salsich, 44 Riverbend Drive, expressed concern of her well and septic system, any effect to the grade, and concern over future mistakes/issues and her protection from them.
Molly McKay, 8 Riverbend Drive, shares the concerns of her neighbors over the unknowns, and questioned the replanting of foliage.

General Comments:
Joanne Colli, 1 Riverbend Drive, spoke to the effects of blasting for the building of trenches, concern for a tree on her property, and the close proximity of the blasting to her property.
Richard Bradshaw, 175 Nautilus Way, a former engineer, spoke regarding the current condition of the property noting that inactivity will not solve the issue, his belief that the proposal is the most viable solution to the problem, and requests that action be taken rather than inaction. He spoke about communications regarding maintenance from the homeowners association and any changes regarding this plan. Mr. Deledda explained there will be further documentation giving detailed explanations.
Rick Newton, 33 Meadowbrook Lane, questioned the open space.
Carlene Donnarummo, expressed concern over bonding for tree planting.

Rebuttal:
Attorney Williams assured that the blasting process will be done to State standards to prevent concerns of the homeowners, claims may be submitted if there is damage after the blasting. Mr. Prue questioned the radius of the blasting survey. Toll Brothers representative Gregory Kamedulski, responded that they go out a distance of 300 feet. Mr. Prue questioned whether rock splitting is available as an alternative Toll Brothers representative Ted Merchant, explained that this method is only used for rock faces that would be left open. If it is found in the post blast survey there is damage from the blasting the homeowner could make a claim with the blasting company's insurance company. Mr. Lynch questioned whether Ms. Colli's tree would be affected. Mr. Kroeber explained a licensed arborist will be hired to prevent damage to neighboring trees. Mr. Lynch questioned a safeguard system for the project, Mr. Kroeber responded that there will be an inspection fund and there will be extensive oversight. Mr. Lynch questioned replanting efforts on the property. Mr. Kroeber explained street trees will be planted and lots will have expansive vegetation. There will be vegetation planted in the bottom of the retention basin to filter water pollutants. Mr. Tamsky asked Mr. Londregan how the town can protect the residents of Riverbend Drive. Mr. Prue recommended an action plan for correcting the action if the residents were affected. Mr. Prue questioned whether the Toll Brothers would be able to deed the open space. Mr. Williams and Mr. Merchant responded that the land trust would receive the dedicated lands following the construction of the roads. Mr. Williams summarized their proposal.

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

Mr. Prue moved to adjourn, seconded by Mr. Lynch, all in favor 5-0, motion approved. The meeting adjourned at 10:17PM.

DRAFT