

Planning & Zoning Commission
Special Meeting
February 6th, 2024
Final Minutes

The 1748th meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office, 40 Field Street, February 6, 2024. The meeting was called to order at 7:00 PM by Chairman Charles Sheehan. Also present for the meeting were MaryEllen Mateleska, Ryan Deasy, Gary Belke, Bennett Brissette, Andy Meek, Ben Philbrick, Lynn Conway. and Town Planner Clifton Iler.

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

Minutes:

Mr. Deasy made a motion to approve the minutes of January 2, 2024, seconded by Mr. Belke. The vote was taken as 4-0-1 (Belke - approve, Sheehan - approve, Deasy - approve, Conway - approve, Meek - abstain).

Mr. Deasy made a motion to approve the minutes of January 24, 2024 with an edit that 'January 24th' be corrected to 'February 28th' as the next virtual meeting date, seconded by Mr. Belke. The vote was taken as 4-0-1 (Belke - approve, Sheehan - approve, Deasy - approve, Meek - approve, Conway - abstain)

Public Comment: None

Correspondence: None

Reports:

Staff:

The Commission commented that surveys for phase 2 of the zoning rewrite will be posted and additional flyers can be found in the Planning Office at Town Hall.

Administrative Review:

C.G.S. 8-24 Review: Circus Lot – Request for review and report for the potential purchase of 29 Noyes Avenue (M/B/L: 1-3-1) by the Town of Stonington pursuant to C.G.S. 8-24

Mr. Iler discussed a brief historic background of this lot and it's reasoning for appearing before this Board. The Commission's role was to determine if this acquisition is consistent with the POCD. The cost of acquisition was discussed and Deborah Downie (Selectwoman) mentioned that the fair market value of the lot is not currently known.

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

Old Business:

PZ2333CAM St. Edmunds Retreat (K. Nielson)

Keith Nielson, DOCKO, Professional Engineer, spoke in length regarding the sea wall restoration. The history and deterioration of the current wall, the need for a new wall, the cost and methods being employed were all discussed. The sea wall will be constructed in sections as Mr. Neilson explained. A walkway will be built along a portion of the sea wall and there will be new planting and growth of grass. The Commission had a number of questions for Mr. Neilson regarding the process of rock splitting, where this splitting will occur, and the transportation of material and equipment to and

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from the site. Their splitting machine will operate from 8AM - 5PM on weekdays only. This project is compliant with the DEEP and Corps of Engineers according to Mr. Neilson. It was approximated that the project will take 8 months to complete. Per Mr. Neilson, if a storm event were to occur during construction, then equipment would have to be moved and they would be dependent on the sections of wall that are currently in place. The Commission questioned Mr. Neilson on the number of workers that will be present, the location of "stockpiled" stone, and the level of noise of the stone crusher.

Kevin Miller spoke as someone with 30 years of experience in the concrete industry and that will be working on this project. The noise from the hydraulic breaker is minimal. The crew is skilled and safe. There will not be a heavy concentration of trucks at any one given time.

The Commission commented that the plans should include details regarding the temporary bridge reinforcements that will be used, the noise issues, and the specific hours of operation.

Mr. Iler briefly discussed the town's comments, applicants' responses, and votes from the public that were overwhelmingly in support.

There was a brief discussion of rebuilding the wharf, removing and replacing the fractured concrete slab, and rebuilding the floating dock as part of the DEEP application.

Mr. Deasy made a motion to approve the application with existing stipulations and additional stipulations regarding further detail for the temporary bridge work, the work being subject to all town ordinances including noise, and the hours of operation to be restricted to 8AM - 5PM, Monday-Friday. This was seconded by Mr. Belke, all were in favor, 5-0.

PZ2334CAM Norwest Marine (K. Nielson)

Keith Nielson, DOCKO, Professional Engineer, discussed brief history of the marina and the associated site, docks, and DEEP enforcement. Among the topics discussed were the marina's need to update facilities, building a boat launch ramp, and the floating dock system. Mr. Neilson explained that the length of the ramp serves a specific purpose of allowing a car to launch a boat while only a portion of the tires are submerged in water. The Commission had a number of questions regarding the staircase access points to the docks and if they are accessible enough. Per Mr. Neilson, there is an ADA compliance exemption that applies to this site. The Commission discussed the possibility of including a stipulation that the second (moveable) staircase should always be present.

Mr. Iler made brief comments regarding the history of use for this lot. The Commission recommended that the applicants use phasing for this project.

Mr. Deasy made a motion to approve the application with existing stipulations, including a stipulation for a phase-in plan and for any changes to be reviewed by the Town Engineer. This was seconded by Mr. Belke, all were in favor, 5-0.

PZ2335BR BG Ventures, LLC (E. Goodman)

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Eric Goodman, BG Ventures, was seeking bond release. Per Mr. Iler, the Town Engineer recommended a full release of the bond.

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

Public Hearings:

PZ2327ZC RCP Waterford II, LLC & Readco Stonington III, LLC (J. Browning)

Attorney John Casey, Robinson & Cole, explained that their intention is not to explain information that was discussed at the last meeting but to include additional information that was asked of them.

Jeremy Browning discussed his research into the possibility of including affordable housing in this project. Their intention is to apply for a program through CHFA known as '*Build for CT - Housing for Middle Income Households*'. It is a financing instrument whose viability can only be determined once the project is approved. CHFA would set the pricing and determine the AMI requirements. Roughly 25 units would be deemed 'affordable' and the type of units would be up to CHFA as well. The minimum requirement is 6 years of affordable pricing; however, the restriction stays in place for as long as the loan remains open. A 2% interest rate provides an incentive to not refinance. Mr. Browning confirmed that the units *would* count towards the town's 10% goal for affordable housing.

Atty Casey explained that no part of Stonington's regulations allows this Commission to place a stipulation on affordable housing.

Geoff Fitzgerald, Project Engineer, Bohler, explained that he was asked to incorporate storm water procedures into his model using CAM software. Mr. Fitzgerald discussed the additional storm water management tactics, displayed detailed renderings, and discussed the submitted maintenance records for the current system which indicate that it is in good shape according to Mr. Fitzgerald.

Per Mr. Iler, all town comments were in favor and there was no additional comment at that time.

Public Comment:

Carlene Donnarummo, 22 Oakwood Ave, spoke in opposition of this project. This may create a flood of applicants that want to use this zoning amendment to create multi-family housing. Mrs. Donnarummo did not believe that this project is the true intent of the NDD zone, nor does it qualify as a 'village core'.

Deborah Downie, 5 Back Acres Way, LEP, appreciated the updated stormwater management plan as well as the affordable housing intent. Mrs. Downie expressed some agreement with Mrs. Donnarummo's comments.

Ben Tamksy, 5 Edgemont St, Mystic, commented that he would like to see the Commission push harder on the idea that they 'cannot stipulate affordable housing', potentially in court if needed.

Thomas Geroulo, 23 Russell Ave, thanks the Commission and the applicants for their comments regarding the aquifer protection.

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Rebuttal:

Atty Casey explained that they never intended to reach approval without meeting the groundwater protection requirements. Atty Casey did not feel it would be appropriate to test the Commission's stipulation authority over affordable housing in court. The regulations are explicit that this zone is eligible for the NDD, and there was further defense that this is an ideal location for that zoning amendment.

Mr. Iler explained and confirmed that certain areas are explicitly permissible for this zoning amendment and this lot is within one of those zones.

The Commission read from portions of the NDD regulations, discussed intent, and further supported that this project complies.

Mr. Browning discussed in further detail what the connection is between the fair market rent levels and how the 80% AMI threshold is determined.

Mr. Deasy made a motion to close the public hearing, seconded by Ms. Conway, all were in favor, 5-0. The public hearing was closed at 9:07 PM.

The Commission discussed the affordable housing at Perkins Farm to ensure that this project is treated consistently. There are differences, however, as this applicant has explored other others and the Commission can stipulate that they *apply* for that option.

There was further discussion regarding the prospect of redefining the NDD to include an affordable housing requirement, as well as the lack of authority for this Commission to enforce affordable housing as a stipulation.

Mr. Deasy made a motion to approve the project as submitted, with the additional stipulation that they agree to apply for the grant, seconded by Ms. Conway, all were in favor, 5-0.

Adjournment:

Mr. Deasy made a motion to adjourn the meeting, all were in favor, 5-0.

The meeting was adjourned at 9:15 PM.

Respectfully Submitted By:



Lynn Conway, Secretary