

# Meeting Summary Report

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NOVEMBER 21, 2023 | REGULAR MEETING

Town of Stonington  
Planning and Zoning Commission



# Town of Stonington Planning and Zoning Commission

AGENDA  
REGULAR MEETING  
TUESDAY, NOVEMBER 21, 2023 – 7:00 PM  
STONINGTON BOARD OF EDUCATION DISTRICT OFFICE  
40 FIELD STREET, PAWCATUCK, CT 06379

## COMMISSIONERS

**Charles Sheehan**  
Chairman

**Ryan Deasy**  
Vice Chairman

**Lynn Conway**  
Secretary

**Gary Belke**  
Member

**Andy Meek**  
Member

**Bennett Brissette**  
Alternate

**Ben Philbrick**  
Alternate

**MaryEllen Mateleska**  
Alternate

Agenda items are on file for public review at the Town of Stonington Department of Planning:

152 Elm Street  
Stonington, CT 06378  
P: 860.535.5095  
E: [dop@stonington-ct.gov](mailto:dop@stonington-ct.gov)

Stonington Board of Education District Office is wheelchair accessible. If you plan to attend this public meeting and you have a disability which requires special arrangements, please call 860.535.5095 at least 24 hours in advance of the meeting date. Reasonable accommodations will be made to assist your needs.

1. Call To Order – 7:00 PM
2. Appoint Alternates:
  - a. Ben Philbrick (Seated 9/5/23)
  - b. Bennett Brissette (Seated 10/3/23)
3. Minutes:
  - a. #1739, October 17, 2023
  - b. #1740, October 25, 2023
4. Public Comment:
5. Correspondence:
  - a. Expansion of St. Edmund’s Retreat (Received: 11/8/23)
6. Reports:
  - a. Staff
  - b. Commission
  - c. Zoning Enforcement and Violations
    - i. Zoning Official Report – October 2023
  - d. Administrative Review
7. Old Business:
  - a. **PZ2325SPA Unicorn Project, LLC (B. Middleton)** – Site Plan Approval application to modernize and update an existing motel. Project includes new exterior materials, bringing railings and stairs up to code, new covered entry, replacement pool, rooftop solar panels, and two additions (416 SF and 648 SF). Property located at 247-251 Greenmanville Avenue, Mystic; M/B/L 171-1-1. Property is located in the TC-80 Zone.
8. Public Hearing(s):
  - a. **PZ2324SUP Hero Holdings, LLC (C. Burkhalter)** – Special Use Permit application to permit amplified recorded and amplified live music at *The Hounds* event venue. Property located at 769 Stonington Road, Stonington; M/B/L: 71-1-6. Property is located in the GC-60 Zone.



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## MEETING PROCEDURES

### PUBLIC COMMENTS

Public comments are an opportunity for public participation on items not on the evening's agenda.

### PUBLIC HEARINGS

Public hearings are an opportunity for public participation during the review of a development proposal.

Applicants will make an initial presentation. The public can then speak "in favor," "in opposition," or under "general comments." A signup sheet is located at the main entrance. Participants are not required to sign up, however, the list will be used to organize the order of interested speakers.

Any questions will be addressed as part of the applicant's rebuttal. Once a public hearing has been closed, neither the applicant nor the public can participate in the proceedings.

### NEW SUBMITTALS

No action will be taken on these items. New submittals require routing to other Town agencies and, in some instances, may be scheduled for a public hearing at a later date.

- b. **PZ2322SPA & GPP Fair Housing of Connecticut, LLC (M. Ranelli)** – Site Plan Application and Groundwater Protection Permit applications for an Affordable Housing Project submitted pursuant to C.G.S. 8-30g. Proposal consists of 113 single-family housing units and associated site improvements. Properties located at 207, 215, and an unaddressed parcel on Liberty Street, Pawcatuck; M/B/L: 16-4-12; 16-4-12A; 16-4-13. Properties are located in the LS-5 Zone.
9. Future Public Hearing(s):
10. New Submittal(s):
  - a. **PZ2326SUP Whaler's Inn RE, LLC (W. Sweeney, Esq.)** – Special Use Permit application for a revision to a previously approved Special Use Permit. Proposal reconfigures approved layout of hotel and retail space and includes a 399 SF addition. Properties are located at 9 & 11 Cottrell Street, Mystic; M/B/L: 182-4-3; 182-4-4. Properties are located in the DB-5 and RH-10 Zones.
  - b. **PZ2327ZC RCP Waterford II, LLC & Readco Stonington III, LLC (J. Browning)** – Zoning Map Amendment application for a Neighborhood Design District (NDD) Zone. Proposal consists of 124 multi-family residential apartments, 10,000 square feet of commercial space, and 30,000 square feet of commercial recreation space. Properties are located at 85 Voluntown Road and 455 Liberty Street, Pawcatuck; M/B/L: 18-1-36; 18-1-33-A. Properties are located in the HI-60 Zone.
  - c. **PZ2328SUP Phoenix Pawcatuck, LLC (Northeast Sign Co.)** – Special Use Permit application for Special Wall Signs pursuant to ZR §14.7.1 to permit a building mounted sign totaling 37.5 SF. Property is located at 100 Mechanic Street, Pawcatuck; M/B/L: 4-7-16. Property is located in the Heritage Mill Zone.
  - d. **PZ2329ZC Maple Lawn Farm, LLC (Paul & Sharyne Cerullo)** – Zoning Map Amendment application for an Agricultural Heritage District (AHD) Zone. Proposal consists of a Master Plan to create a campus for food, education, and events. Properties are located at 343 Wheeler Road and another unaddressed parcel on Wheeler Road, Stonington; M/B/L: 94-1-4; 86-1-4. Properties are located in the RR-80 Zone and GBR-130 Zone.
  - e. **PZ2330BR Garden Homes Management (S. Delaporta)** – Bond Release/Reduction application for work performed under application PZ2023SPA & CAM. Property is located at 39 Whitehall Avenue, Mystic; M/B/L: 164-1-9-48. This property is located in the GC-60 Zone.
  - f. **PZ2331CAM Masons Island Company, Inc. (S. Moran)** – Coastal Area Management application to accompany future Zoning Permit application for the construction of new residential structures. Property is located at Old North Road, Mystic; M/B/L: 175-2-3. This property is located in the RM-15 Zone.



## Town of Stonington Planning and Zoning Commission

### AGENDA

#### REGULAR MEETING

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##### NEW SUBMITTALS

No action will be taken on these items. New submittals require routing to other Town agencies and, in some instances, may be scheduled for a public hearing at a later date.

- g. **PZ2332CAM Masons Island Company, Inc. (S. Moran)** – Coastal Area Management application to accompany future Zoning Permit application for the construction of new residential structures. Property is located at Old North Road, Mystic; M/B/L: 175-2-3. This property is located in the RM-15 Zone.

#### 11. Adjournment

October 30, 2023

RECEIVED

2023 NOV -8 P 4: 51

Charles Sheehan, Chairman  
Planning & Zoning Commission  
Town of Stonington  
152 Elm Street  
Stonington, CT 06378

TOWN OF STONINGTON  
PLANNING & ZONING

RE: Expansion of St Edmund's Retreat

Dear Mr Sheehan,

We are writing to you as concerned property owners and taxpayers within the Town of Stonington.

In our letter of August 24, 2023, we noted that the Zoning Regulations for the Town of Stonington had been violated by the St Edmund's Retreat and/or its predecessor, the Society of St Edmund. Those regulations are in place to assure equal treatment of all property owners and uniformity of development. Religious organizations are not exempt from zoning regulations. They are fully subject to such regulations provided that those regulations are not utilized to discriminate against the organizations.

Thank you for addressing two of our concerns – the gazebo on the patio adjacent to Enders House and the new parking lot next to the maintenance building. The gazebo has been removed and the new parking lot has been cordoned off. However, other issues still remain – in particular, the maintenance building.

The maintenance building was constructed in 1998. According to the Enders Island Zoning Compliance Report of 2018, a Zoning Permit was issued for that new building (ZON97-279). That permit was issued for a building of 600 sq ft to "house grounds equipment."

Presumably, the new building was considered a garage or tool shed and, thus, a permitted Accessory Use. Had it been viewed as an expansion of the pre-existing non-conforming use of Enders Island, the new building should not have been allowed – there would have been an increase in non-conforming bulk, which is not allowed by the Zoning Regulations, and the Zoning Permit should never have been issued – it would have been an unlawful expansion of the pre-existing non-conforming bulk on Enders Island.

According to the Enders Island Zoning Compliance Report, the new maintenance building was completed in 1998. The report includes an aerial photo of Enders Island taken in 1999 showing

the new building. The building is located in the southwest corner of Enders Island on the old tennis court.

Subsequently, the building in question was expanded to 2616 sq ft. That fact is noted in the Detailed Existing Structure Analysis table within the Enders Island Zoning Compliance Report. The expansion is quite visible in any recent aerial photo of Enders Island, such as Google Maps.

A Zoning Permit was issued for that expansion in 1999 (ZON99-228). The permitted activity was described as “Construction of an addition to existing shed” – that is, an expansion of the building that was constructed in 1998 to “house grounds equipment.” No new activities were identified in the application or in the related Zoning Permit. There does not seem to have been any intent to change the use of the shed to anything else.

The use of the addition was intended to be the same as the use of the existing shed – to “house grounds equipment.” Had the intent been to expand the non-conforming bulk on Enders Island, the Zoning Permit should never have been issued. It would have been an unlawful expansion of the pre-existing non-conforming bulk.

The addition is now being used as office and meeting space – *Father Joe’s Place*. At some point, the use was changed from a simple shed, which was used to “house grounds equipment”, to office and meeting space – an expansion of the non-conforming bulk on Enders Island. The use was changed and the building, which was allowed as a permitted Accessory Use, was converted to non-conforming bulk.

It does not appear that a Special Use Permit was applied for or issued to accommodate this expanded non-conforming bulk. The expansion was completed without appropriate oversight and approvals from Town officials. Such approvals should not have been granted for an increase in the non-conforming bulk on Enders Island – such an increase would have violated the Zoning Regulations.

The Zoning Regulations of the Town of Stonington are quite clear. “Non-conforming uses and bulk may be continued but may not be expanded in gross floor area, height, amount of use, or extent of bulk.” In this case, it appears that the non-conforming bulk on Enders Island was unlawfully expanded in gross floor area and extent of bulk through the change in use. There is no explanation for the change in use in the Enders Island Zoning Compliance Report – it seems that Town officials chose to ignore the infraction even though it was evident in the report.

What is especially troubling is that St Edmund’s Retreat appears to be in the process of developing a plan to demolish the building in question and to construct a new residential building of similar bulk. While this may seem reasonable on the surface – St Edmund’s Retreat wants to convert the existing bulk from meeting and office space to residential housing – it ignores the fact that the use as meeting and office space is unlawful – it was an unlawful increase in the non-conforming bulk on Enders Island. The proposed use as residential housing would also be an unlawful increase in the non-conforming bulk on Enders Island. Changing the

use without proper approvals does not make the increase in non-conforming bulk somehow lawful.

The Planning & Zoning Commission, as well as other Town officials, should not allow the plan to demolish the maintenance building and to construct a new residential building to go forward. If it did, the Town would be allowing unlawful bulk to be converted into lawful bulk – undermining and circumventing the Zoning Regulations.

According to staff commentaries posted on the Town’s website, “The goal of zoning is to create a consistent compliance throughout the district; therefor non-conformities are not considered a positive element, and the regulations have been written with the goal of extinguishing non-conformities.” Instead of converting the unlawful bulk into lawful bulk, the Town should be seeking to extinguish the clearly unlawful bulk.

We hope that the Planning & Zoning Commission, as well as other Town officials, will give this issue the serious consideration that it deserves. Equal and unbiased treatment of all property owners is the cornerstone of effective zoning. We are all bound by the Zoning Regulations. They simply do not allow the type of activity that has taken place on Enders Island or is being planned for Enders Island.

**Given these clear violations of the Zoning Regulations, we request that the non-conforming uses of the maintenance building be stopped and that any attempts to reconstruct that bulk for non-conforming purposes be denied.**

For further information, please contact Frank Marco (fjmarco1@gmail.com).

Sincerely,

Marj Adler  
44 Nauyaug Point Road  
Mystic, CT 06355

Fred Deichmann  
4 Ice Pond Road  
Mystic, CT 06355

Gregory Klemmer  
7 Andrews Road  
Mystic, CT 06355

Jean Anderson  
2 Catbriar Lane  
Mystic, CT 06355

Susan H. Johnson  
7 Nauyaug North  
Mystic, CT 06355

Cathy Marco  
23 Skiff Lane  
Mystic, CT 06355

Anne Budding  
3 Skiff Lane  
Mystic, CT 06355

Alex Klemmer  
7 Andrews Road  
Mystic, CT 06355

Frank Marco  
23 Skiff Lane  
Mystic, CT 06355

Barry McGuire  
3 Sandpiper Lane  
Mystic, CT 06355

Patricia Reardon, MD  
PO Box 156  
Mystic, CT 06355

Ethan Tower  
2 Yacht Club Road  
Mystic, CT 06355

Phyllis McGuire  
3 Sandpiper Lane  
Mystic, CT 06355

Trent Repko  
7 Nauyaug North  
Mystic, CT 06355

Jeffrey Walker  
40 Nauyaug Point Road  
Mystic, CT 06355

April Michas  
1 Bayberry Lane  
Mystic, CT 06355

Kimberly Ross  
16 Money Point Road  
Mystic, CT 06355

Waller Walker  
40 Nauyaug Point Road  
Mystic, CT 06355

John Orzech  
3 Skiff Lane  
Mystic, CT 06355

Carol Steiner  
3 Cove Road  
Mystic, CT 06355

Linda Watkins  
45 Nauyaug Point Road  
Mystic, CT 06355

John Pryor  
29 Money Point Road  
Mystic, CT 06355

Solomon Steiner  
3 Cove Road  
Mystic, CT 06355

Thomas W. Watkins III  
45 Nauyaug Point Road  
Mystic, CT 06355

Thalia Pryor  
29 Money Point Road  
Mystic, CT 06355

William Taylor  
2 Catbriar Lane  
Mystic, CT 06355

Eugene Winchester, MD  
PO Box 156  
Mystic, CT 06355

**Attachments:**

Town of Stonington Zoning Permit #97-279 ZON  
Town of Stonington Zoning Permit #99-228 ZON



CC:

Ben Philbrick, Alternate  
Planning & Zoning Commission  
Town of Stonington  
152 Elm Street  
Stonington, CT 06378

Danielle Chesebrough, First Selectman  
Selectmen's Office  
Town of Stonington  
152 Elm Street  
Stonington, CT 06378

Clifton Iler, Town Planner  
Planning Department  
Town of Stonington  
152 Elm Street  
Stonington, CT 06378

Candace Palmer, Zoning Enforcement Officer  
Planning Department  
Town of Stonington  
152 Elm Street  
Stonington, CT 06378



# Zoning Enforcement Officers' Report

## Stonington Department of Planning

**October 2023**

### ZONING PERMIT SUMMARY

APPLICATION STATUS	October 2023	YEAR TO DATE
Received	29	274
Approved	32	270
Pending	1	1
Denied	1	2
Withdrawn	1	1

### PENDING PERMITS

PERMIT ADDRESS	OWNER	RECEIVED	REQUEST	WAITING
29 W. Broad St.	Jim Lathrop	8/17/2023	2 (1-bedroom apts)	SUP required

### CERTIFICATES OF ZONING COMPLIANCE

	October 2023	YEAR TO DATE
SFR CZC	11	25
Total CZCs issued	16	114

## COMPLAINT SUMMARY

	October 2023	YEAR TO DATE
Received	6	57
Notice of Complaint	0	0
NOVs Issued	1	23
Citations Issued	0	0
Cease and Desist	0	3
Resolved	4	42

## COMPLAINTS RECEIVED

\*(D = Distressed Property)

COMPLAINT ID	RECEIVED	ADDRESS	COMPLAINT
23-001	1/3/2023	34 Roseleah Dr.	Construction without permits. 1/3/2023 NOV issued. 3/30/2023 Met with Attorney Mark Zemarka, he will be starting to work on a compliance avenue for his clients
23-012	2/21/2023	13 Cleveland St	Junk all of yard. Old freezer. 2/23/2023 Inspected site. Total mess, NOV to be issued. 3/8/2023 NOV issued. 3/15/2023 Spoke with Rhandi Avery aka Riske, She will be getting dumpster and should have the site in compliance by the end of April. She aske about a garage she took down, The garage shows on the 2019 flyover. She was told if she submitted an application to rebuild the garage, we would honor it. 4/11/2023 Site currently being cleaned up. More needed. See photos
23-017	3/28/2023	29 Mechanic St.	Building is deteriorated, yard is full of refuse, landscape is not maintained, unregistered cars, etc
23-024	4/19/2023	42 Riverside Dr.	(5) Connex Boxes, Debris & Junk Interior and Exterior 4/20/2023 Issued NOV 5/5/2023 Yvette called office. Boxes are full of parents belongings. She is getting a dumpster and will start emptying them out. She believes by June 4, 2023.

			<p>6/4/2023 Requested extension to end of month</p> <p>8/11/2023 C/D</p> <p>8/29/2023 Yvette called the office, they will have the majority of the work done on Labor Day weekend. "team of People" due to help. Has one dumpster on site but was too small.</p> <p>9/6/2023 Yvette called to tell us that she has emptied 1 ½ bin and hopes to have three done by the end of the week.</p>
23-040	7/18/2023	32 Broadway Ave.	<p>Not building to plan, creating third floor on structure.</p> <p>7/25/2023 Forwarded set of signed plans to Atty. Mark Branse.</p> <p>Third floor constructed without permits. Atty Branse plans on going to PZ for approval</p>
23-041	7/18/2023	9 Williams Ave	<p>Paving without site plan approval</p> <p>7/19/2023 Area appears to be extended from pre-existing paved area converted to gravel. Gravel placed within the last year.</p> <p>9/12/2023 additional pavement appears to be creating water issues downgradient.</p> <p>9/12/2023 NOV issued.</p>
23-046	8/7/2023	OMFD	<p>Training Trailer Structures w/ No Permits.</p> <p>8/7/2023 "The Old Mystic Fire District is taking a step back and looking at all options for the training trailers. I will stay in touch with you as we progress forward. Thank you for your understanding."</p>
23-048	9/8/2023	33 Pellegrino Rd.	<p>"Two cars apparently abandoned. One is on the front lawn; a jeep wrangler is in the driveway. They've been there for years. The concern is that fluids will leak and gravitate towards wells.</p> <p>9/11/2023 Three cars on site not registered.</p> <p>9/18/2023 NOV issued.</p> <p>10/6/2023 Christina Lopez called office. Explained jeep (dead battery), BMW (overheating) and last car was 2016 which was been abandoned on property. She was given 3 weeks to start addressing disposable of at least two cars or registering them. Check back November 1, 2023</p>
23-049	9/11/2023	977 Pequot Trai	<p>"Outhouses and several campers living on the property. Dogs, feral cats, ducks, and a rooster on the property. Child living on property with no running water"</p> <p>9/12/2023 Multiple unregistered motor vehicles, household debris, ducks &amp; rooster.</p> <p>9/12/2023 NOV issued.</p>
23-052	10/11/2023	13 Soundview Dr	<p>Hoarding, Cats, &amp; Rats</p> <p>10/11/2023 Inspected site, small amount of household items in front of breezeway. One unregistered vehicle. No zoning violations.</p>
23-053	10/17/2023	7 River Rd.	<p>New sign with bright lights on it causing trouble seeing while driving at night.</p> <p>10/17/2023 Style of signs is compliant with zoning regulations. Will check during night hours. 11/2/2023 No violation</p>

23-054	10/23/2023	OMFD Old Mystic	<p>“Last night 10-19-23 from approx. 7:30pm to 10pm the mobile training facilities were being used by firefighters training. From what I understood they were not from the Old Mystic Dept but described themselves "from the area". One of the firetrucks had Pawcatuck on the side. Also, they mentioned, when asked, that the training was approved by the Chief (Ken R.) to do so. I'm wondering what is going on here, it was my understanding that they were not to be used under any circumstance and that they were to be moved once another site had been found? I should also mention they were planning to do this well in advance since when I was picking up my kids from the bus stop at 3:30pm on the same day there were two or three trucks moving items in and out of the units during that time.”</p> <p><i>Candace, as you are aware the OMFSD has retained my firm to look at the issue of its use of the trailers.. I believe they have a legal pre-existing non-conforming use for the trailers. I will be putting together my analysis and backup which I will send to you once completed. As for the recent training that was only for rescue purposes and no material was burned during this training. We will also provide to you an outline of steps we would be willing to take in order to address concerns raised by the neighbors at the prior hearing despite the fact that as a legal pre-existing use the OMFD would not be required to make any changes. Feel free to reach out with any questions. Regards Paul.</i></p> <p>11/15/2023 Waiting for report.</p>
23-055	10/25/2023	Yellow Fin / EG Homes	Failed E/S 10/30/2023 NOV issued
23-056	10/31/2023	13 Shawondassee Dr.	“Since moving to the neighborhood, these properties have been run down and an eye sore to the up and coming area and new families that live in it. 13 seems to be used as a storage facility for the owners business” “Construction equipment left all over property” “deteriorating”
23-057	10/31/2023	16 Shawandasse Dr.	“Since moving to the neighborhood, these properties have been run down and an eye sore to the up and coming area and new families that live in it. 16 is a complete mess along with the poor array of mailboxes that has no consistency”



**Town of Stonington | Department of Planning  
Planning and Zoning Commission Meeting  
November 21, 2023  
PZ232SPA Unicorn Project, LLC (B. Middleton)**

*Site Plan Approval application to modernize and update an existing motel. Project includes new exterior materials, bringing railings and stairs up to code, new covered entry, replacement pool, rooftop solar panels, and two additions (416 SF and 648 SF). Property located at 247-251 Greenmanville Avenue, Mystic; M/B/L 171-1-1. Property is located in the TC-80 Zone.*

**Report Prepared By:** Clifton J. Iler, AICP – Town Planner

### Application Status

This application is for Site Plan Application (SPA) and a Groundwater Protection Permit (GPP). This application was submitted in accordance with [C.G.S. Section 8-30g](#). [C.G.S. Section 8-3\(g\)](#) establishes the criteria and requirements for a Site Plan Application. The Commission can elect to conduct a public hearing within 65 days of receipt of the application and has 35 days to conduct the public hearing once opened, as established in [C.G.S. Section 8-7d\(a\)](#). The applicant may request one or more extensions provided the total of any such extension or extensions shall not exceed 65 days.

- Official Date of Receipt for this application was 10/17/23.
- There is no public hearing on this application.
- A decision, without extension, must be made by 12/21/23.

### Purpose

This application is for the renovation and modernization of an existing motel. The project proposes to update exterior materials, bringing exterior railings and stairs up to current codes, add photovoltaic panels to the roof, and update the existing site circulation. The project also consists of additions totaling 1,064 SF – the current building is 13,333 SF in size.

### Zoning and Context

The site is located in the TC-80 Zone and is subject to the bulk and use requirements for the TC-80 Zone.

#### TC-80 Zone Bulk and Use Requirements

	<i>Required</i>	<i>Provided</i>		<i>Required</i>	<i>Provided</i>
Lot Size	80,000 SF	180,193 SF	Building Height	50' <sup>1</sup>	TBD
Frontage	200'	240'	Floor Area Ratio	0.75	TBD
Setbacks (F/S/R)	50'/25'/50'	76' <sup>2</sup> /41'/~370'	Parking <sup>3</sup>	TBD	TBD
Res. Buffer <sup>4</sup>	N/A	N/A	Non-Infring. Area	N/A	N/A

<sup>1</sup> See Section 5.2.1 of the Zoning Regulations.  
<sup>2</sup> Distance to Andiamo building; lots merged: V816 P707.  
<sup>3</sup> See Section 7.10.4 of the Zoning Regulations.  
<sup>4</sup> See Section 4.5.4 of the Zoning Regulations.

## ZONING MAP



North: TC-80 Zone [Use: Commercial]

East: TC-80 Zone [Use: Commercial]

South: GB-130 Zone [Use: Cemetery]

West: TC-80 Zone [Use: Interstate]

## Site Access and Traffic

The site is accessed from Greenmanville Avenue (State Route 27). Ingress/egress shall remain unchanged, but may change in the future due to proposed changes to the intersection by DOT. The project is subject to review by the Board of Police Commissioners.

Comments on traffic flow, circulation, and other site access items are included in the Response Summary.

## Environmental Elements

The site is located in the Coastal Area Management Overlay District (CAMOD). Town staff determined the subject project was exempt from CAM review under ZR §7.3.8. The project does not propose significant site development that would adversely impact the CAMOD.

## Utilities

The site is serviced by public water and sewer. Adequate service capacity has been verified and is included in the Response Summary.

## Waivers Requested

The following requirements and waivers are requested:

Item	Provided	Waiver Requested
Impact Statement (ZR 2.16.1.1)	X	
Architectural Plans (ZR 2.16.1.2)	X	
Landscaping Plans (ZR 2.16.1.3)		W
Site Plans (ZR 2.16.1.4)	X	
Signage Plans (ZR 2.16.1.5)		W

## Response Summary

The application was routed to the following agencies/agents of the Town. Responses are shown below:

**BUILDING OFFICIAL** – Awaiting comment.

**POLICE COMMISSION** – Police Commission sees no issue with parking, traffic, or safety based on the presentation. [Dated: 10/12/23]

**TOWN ENGINEER** – Awaiting comment.

**TOWN SANITARIAN (LEDGE LIGHT HEALTH DISTRICT)** – Comments below [Dated 10/23/23]:

- Hotel will need to register with LLHD.
- Pool will need to contact DPH – Sean Merrigan for pool approval.
- A pool application fee of \$400 will need to be submitted to LLHD.

**WATER POLLUTION CONTROL AUTHORITY** – Comments below [Dated: 11/6/23]:

The WPCA has no objections to the application as submitted. Any proposed sewer work will have to be reviewed and approved prior to a sewer permit being issued.

**ZONING ENFORCEMENT OFFICER** – No comments at this time. [Dated 10/23/23]

**FIRE DISTRICT MARSHAL (OLD MYSTIC)** – Comments below [Dated 11/7/23]:

The Old Mystic Fire District recommends approval under the following conditions:

- The low height of the proposed canopy will not allow for fire apparatus to move under the canopy which will prohibit access to the front of the building. A minimum of 12' clearance will be needed to allow our apparatus to safely pass under.
- Provide the departure angle for the proposed access between Andiamo parking lot and the motel. Access must accommodate an 8.1-degree departure angle.
- Provide landscaping plans to show the height of any trees or shrubs that may affect fire apparatus turning radius.
- Provide traffic signage details to determine if the proposed signs height will affect the turning radius of the apparatus.



- Detailed construction plans shall be submitted to, reviewed, and approved by the Old Mystic Fire Marshal's Office prior to the start of the next phase of construction. Below is a list of concerns and requests by the Engineers of the Pawcatuck Fire District.

**TOWN OF GROTON** – Awaiting comment.

## Town Planner Comments

This application was exempt from review by the Architectural Design Review Board (ADRB) under ZR §2.15.3.2. Town staff also determined the subject project was exempt from CAM review under ZR §7.3.8.

The Town Planner provides the following comments and opinions on the application:

- The applicant should provide site details on the Site Plan to confirm the project meets the TC-80 Zone Bulk and Use Requirements.
- The applicant should clarify whether or not the revised site circulation will result in an increase or decrease of impervious area. If there is exterior site work proposed, the applicant may be forced to file a CAM application and provide drainage plans to the Town Engineer.

The Town Planner recommends tabling the project until the Town Engineer's comments are provided and addressed by the applicant.

## Recommended Stipulations

Should the Commission decide to approve this application, the Town Planner recommends the following stipulations of approval:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer.
2. Final plans shall be recorded in the Town's Land Evidence Records.
3. Prior to the issuance of a Zoning Permit, the final plans shall be signed by the Commission and recorded.

## Commission Action Required

The Commission is required to make a determination on the following items:

- A decision concerning the waivers requested
- A decision concerning the Site Plan Application (SPA)



Town of Stonington | Department of Planning  
 Planning and Zoning Commission Meeting  
 November 21, 2023  
 PZ2324SUP Hero Holdings, LLC (C. Burkhalter)

*Special Use Permit application to permit amplified recorded and amplified live music at The Hounds event venue. Property located at 769 Stonington Road, Stonington; M/B/L: 71-1-6. Property is located in the GC-60 Zone.*

**Report Prepared By:** Clifton J. Iler, AICP – Town Planner

### Application Status

This application for a Special Use Permit (SUP) is subject to a public hearing per ZR 8.9.1.1 and [C.G.S. Section 8-3\(b\)](#). The Commission has 65 days to open the public hearing and 35 days to conduct the public hearing once opened, as established in [C.G.S. Section 8-7d\(a\)](#). The applicant may request one or more extensions provided the total of any such extension or extensions shall not exceed 65 days.

- Official Date of Receipt for this application was 10/17/23.
- Tonight’s meeting is **Day 35** of 65 Days to open the public hearing.
- The public hearing, without extension, must be closed by 12/26/23.
- A decision, without extension, must be made by 2/29/24.

### Purpose

This application is for a Special Use Permit to permit amplified recorded and amplified live music at *The Hounds* event venue. This application is for an expansion of use and does not include new construction or new site development. The original site development was approved by the Commission under the following permits (Zoning Permits and Certificates of Variance excluded): SUP86-XXX; SPM88-91; SUP89-16; SUP92-11; SPM94-36; SUP01-10; SPA05-80.

### Zoning and Context

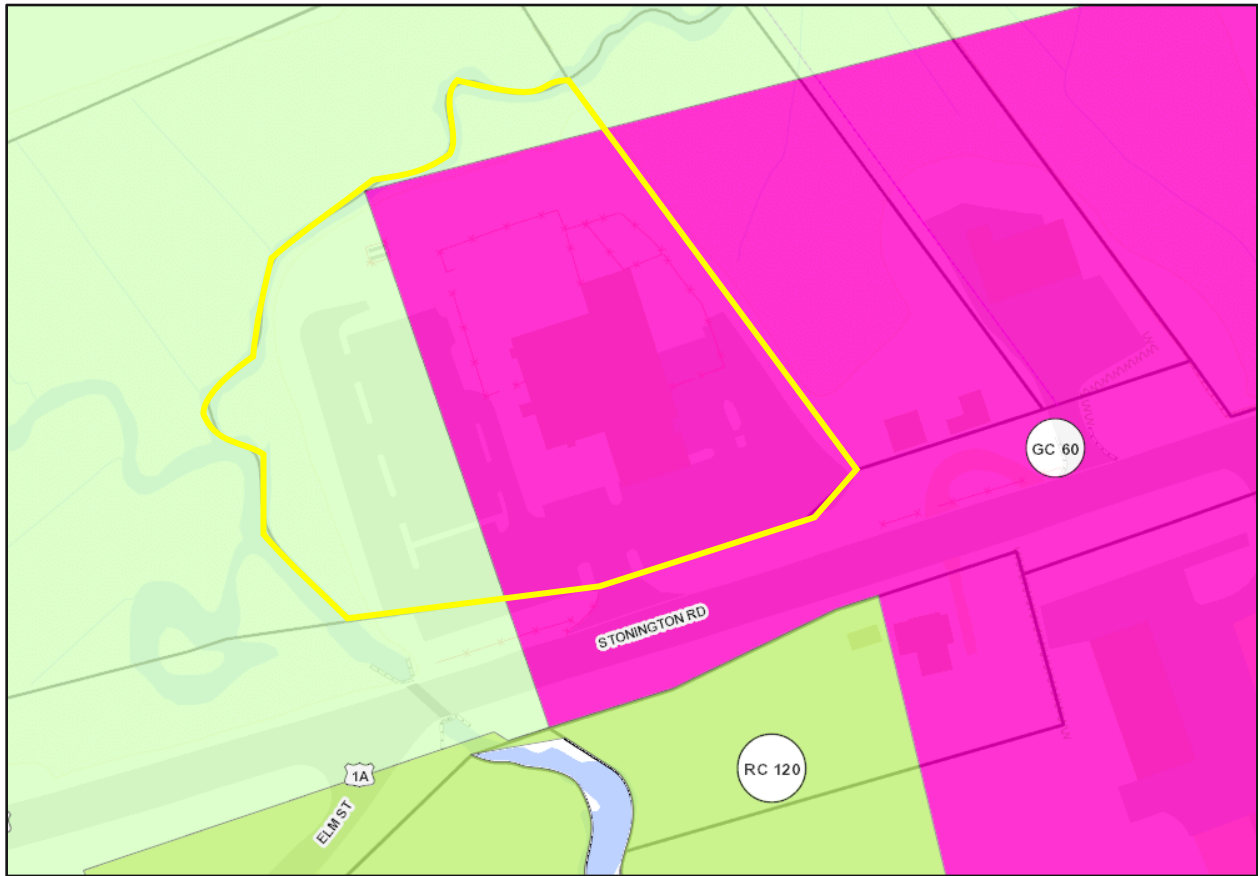
This parcel is located in the GC-60 Zone. This application proposes no new construction or site development. The application conforms to the bulk and use requirements of the Zoning Regulations for the GC-60 Zone.

**GC-60 Zone Bulk and Use Requirements**

	<i>Required</i>	<i>Provided</i>		<i>Required</i>	<i>Provided</i>
Lot Size	60,000 SF	N/A	Building Height	30’	N/A
Frontage	200’	N/A	Floor Area Ratio	0.25	N/A
Setbacks (F/S/R)	40’/20’ <sup>1</sup> /50’	N/A	Parking <sup>2</sup>	N/A	N/A
Res. Buffer	N/A	N/A	Non-Infring. Area	N/A	N/A

<sup>1</sup> See Section 5.2.1 of the Zoning Regulations.  
<sup>2</sup> See Section 7.10.4 of the Zoning Regulations.

## ZONING MAP



North: RR-80 Zone [Use: Undeveloped Open Space]

East: GC-60 Zone [Use: Commercial]

South: RC-120 Zone [Use: Residential]

West: RR-80 Zone [Use: Undeveloped Open Space]

## Site Access and Traffic

The site is accessed from South Broad Street (Route 1) and has one existing curb cut which is to be maintained. The applicant has requested a waiver of the Traffic Impact Study.

## Environmental Elements

The site is surrounded by tidal wetlands. However, no new construction or site development is proposed with this application and nearby environmental elements and features are not impacted through this application. Therefore, this application was not reviewed by Inland Wetlands and Watercourses (IWWC), nor was it subject to Coastal Area Management (CAM) or Flood Hazard Overlay District (FHOD) review.

The applicant has provided an Acoustical Assessment with the application to address external noise impacts of the surrounding properties and environment.

## Utilities

The site is served by private water and septic. There is no anticipated change to utilities as part of this application.

## Waivers Requested

The following waivers are requested by the applicant:

Item	Provided	Waiver Requested
Impact Statement in Accordance with Section 8.8. (ZR 6.1.2.1)	X	
Site Plan in Accordance with Section 8.3 (ZR 6.1.2.2)		W
Architectural Elevation Drawings and Landscape Plan Per Section 2.6 (ZR 6.1.2.3)		W
Water Impact Study (ZR 6.1.2.4.1)		W
Sanitary Sewer Impact Study (ZR 6.1.2.4.2)		W
Site Drainage Analysis (ZR 6.1.2.4.3)		W
Erosion Control Report (ZR 6.1.2.4.4)		W
Traffic Impact Study (ZR 6.1.2.4.5)		W
Archaeological Study (ZR 6.1.2.4.6)		W
Soils Report, Test Pit Data and Mapping (ZR 6.1.2.4.8)		W
Shadow Plan (ZR 6.1.2.5 & ZR 7.14.2)		W
3-D Model for Projects Which Fall Under Criteria of Section 6.2 (ZR 6.1.2.6.1)		W
Flood Hazard Reports (ZR 6.1.2.6.2)		W
School Impact Evaluation Report (ZR 6.12.6.3)		W
Application Fee Per Section 8.7 (ZR 6.1.2.7)	X	
Legal Description of Property/Site (ZR 6.1.2.8)	X	
Phasing Requirements for Projects Over 24 Dwelling Units (ZR 6.1.2.9)		N/A
Written Waiver Request(s) at the Time of Application Submission (ZR 6.1.2.10)	X	

## Response Summary

The application was routed to the following agencies/agents of the Town. Responses are shown below:

**POLICE COMMISSION** – No comment.

**ZONING ENFORCEMENT OFFICER** – Any approvals should clearly indicate if doors are allowed to be opened and, if so, which doors.

**FIRE DISTRICT MARSHAL (PAWCATUCK)** – No comment.

## Town Planner Comments

The application proposes the amplified music to be played indoors and to go no later than 10:00pm. There is no concern with this proposal and it is recommended to codify these stipulations with approval.

## Recommended Stipulations

Should the Commission decide to approve this application, the Department of Planning recommends the following stipulations of approval:

1. Amplified recorded and amplified live music shall be played indoors at all times.
2. Amplified recorded and amplified live music shall only be played during the hours between 9:00am and 10:00pm.

## Commission Action Required

The Commission is required to make a determination on the following items:

- A decision concerning the waivers requested
- A decision concerning the Special Use Permit (SUP) application

*Section 6.5 – Commission Powers Relative to Action on a Special Use Permit – The Commission shall have the power to approve, deny, or modify any proposal and set forth special stipulations of approval or modification as follows:*

*§6.5.1 – Special screening or landscaping to screen adjoining properties or mask obtrusive structural features.*

*§6.5.2 – Set extra buffer requirements ranging from 25 to 100 feet for fragile environmental features or residential property.*

*§6.5.3 – Design of buildings, structures and landscaping to ensure harmony with Stonington’s architectural heritage, thus preserving and improving the appearance, beauty and character of the community, and providing a design compatible with neighborhood structures. The Commission shall consider advisory recommendations from the Architectural Design Review Board in evaluating compliance with this subsection.*

*§6.5.4 – Time of operation or intensity of use of a site.*

*§6.5.5 – Special site plan design features necessary to minimize adverse impacts on area, environment, or traffic.*



Town of Stonington | Department of Planning  
Planning and Zoning Commission Meeting  
November 21, 2023

**PZ2322SPA & GPP Fair Housing of Connecticut, LLC (M. Ranelli)**

*Site Plan Application and Groundwater Protection Permit applications for an Affordable Housing Project submitted pursuant to C.G.S. 8-30g. Proposal consists of 113 single-family housing units and associated site improvements. Properties located at 207, 215, and an unaddressed parcel on Liberty Street, Pawcatuck; M/B/L: 16-4-12; 16-4-12A; 16-4-13. Properties are located in the LS-5 Zone.*

**Report Prepared By:** Clifton J. Iler, AICP – Town Planner

## Application Status

This application is for Site Plan Application (SPA) and a Groundwater Protection Permit (GPP). This application was submitted in accordance with [C.G.S. Section 8-30g](#). [C.G.S. Section 8-3\(g\)](#) establishes the criteria and requirements for a Site Plan Application. The Commission can elect to conduct a public hearing within 65 days of receipt of the application and has 35 days to conduct the public hearing once opened, as established in [C.G.S. Section 8-7d\(a\)](#). The applicant may request one or more extensions provided the total of any such extension or extensions shall not exceed 65 days.

- Official Date of Receipt for this application was 9/19/23.
- Tonight's meeting is **Day 63** of 65 Days to open the public hearing.
- The public hearing, without extension, must be closed by 12/26/23.
- A decision, without extension, must be made by 1/30/24.

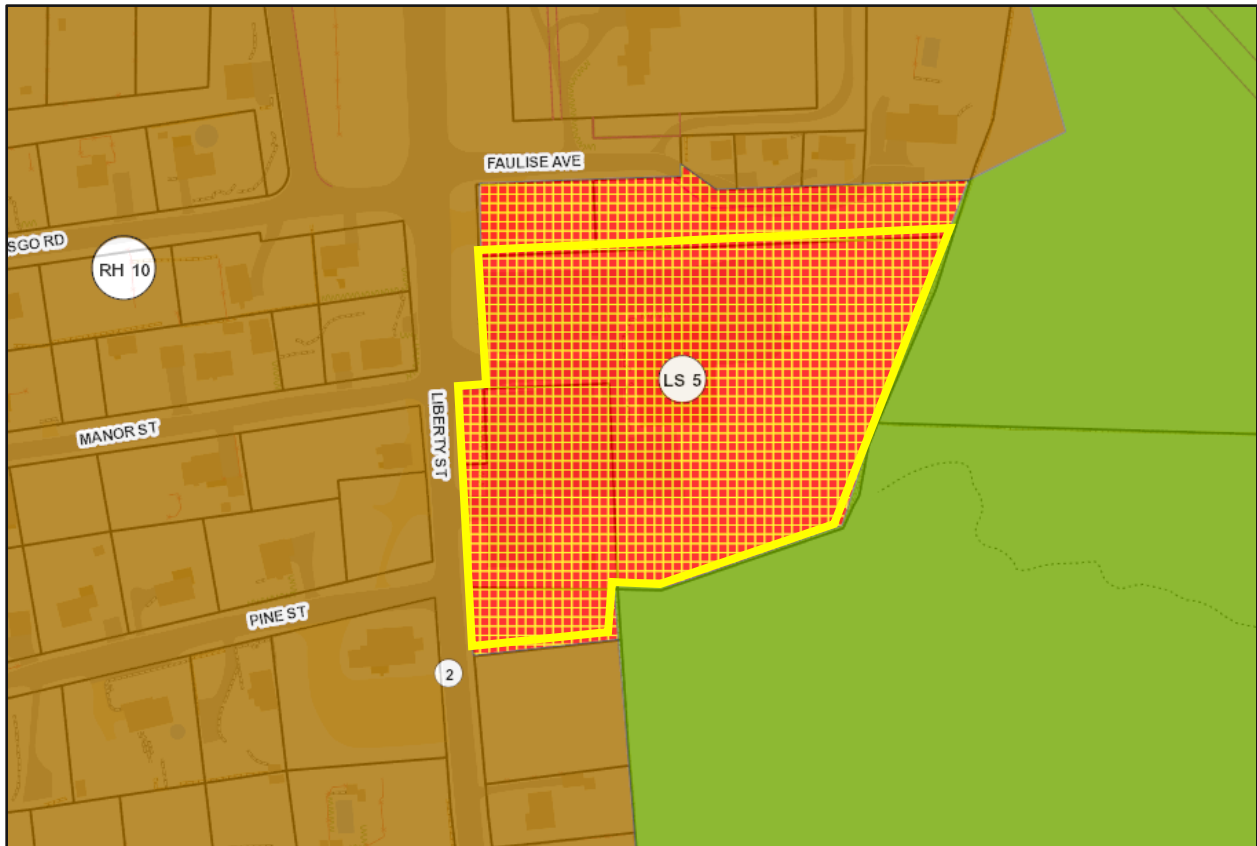
## Purpose

This application for a 113 dwelling unit attached housing project is made under the State Affordable Housing Appeals Act (C.G.S. Section 8-30g). The Act is intended to encourage the development and adequate supply of affordable housing in the State of Connecticut. This proposal consists of 113 single-family three-bedroom townhomes with parking, stormwater features, and associated site improvements. The units are accessed by internal roads which connect to Liberty Street (State Route 2).

## Zoning and Context

The site is located in the LS-5 Zone. Under C.G.S. Section 8-30g, applications are permitted to deviate from the existing zoning regulations of the base zone provided they satisfy the standards established in the Act. This application is not required to conform to the bulk and use requirements for the LS-5 Zone.

## ZONING MAP



North: LS-5 Zone [Use: Residential]

South: RH-10 Zone [Use: Residential]; GB-130 Zone [Use: Educational]

East: GB-130 Zone [Use: Open Space/Educational]

West: RH-10 Zone [Use: Residential]

## Site Access and Traffic

The site is accessed from Liberty Street (State Route 2). The project consists of an internal street network with ingress/egress points to Liberty Street at two locations. A traffic study conducted by BL Companies was provided as part of this application set. The project is subject to review by the Board of Police Commissioners and the Office of the State Traffic Administration (OSTA).

Comments on traffic flow, circulation, and other site access items are included in the Response Summary.

## Environmental Elements

The site is subject to previous disturbance and development and does not contain any known hazards that require remediation. There are wooded areas with mature trees around the northern, eastern, and southern parts of the site, but no known significant environmental features on the site. The site is approximately 1,000 feet west/southwest from the Pawcatuck River and well-removed from any environmental features associated with the river.

The site is located in the Groundwater Protection Overlay District (GPOD) and requires receipt of a Groundwater Protection Permit (GPP) as part of this application. The project is required to meet the standards outlined in ZR §7.2.7. The applicant proposes underground treatment and infiltration systems under the paved interior road network to treat and convey stormwater. A critical element of concern for the site will be stormwater quality and the impact of stormwater on the Pawcatuck Basin Aquifer System, a Sole Source Aquifer (SSA), and the Rhode Island Wellhead Protection Area (WHPA) – see attached maps.

The site is not located within 100 feet of and Inland Wetland or Watercourse, therefore no Inland Wetland and Watercourses Commission (IWWC) approval is required. The site is not located in a Coastal Area Management Overlay District (CAMOD); therefore, no Coastal Area Management (CAM) approval is required.

## Utilities

The site is serviced by public water and sewer. Water is serviced by Westerly Water Company and sanitary sewer is managed by the Water Pollution Control Authority (WPCA). Adequate service capacity has been verified by both agencies and is included in the Response Summary.

Electric and communication is provided via overhead utility lines along Liberty Street. The proposed development will consist of underground electric from the existing utility pole(s). Final location will be coordinated with the appropriate utility companies prior to construction.

Natural gas is located along the Liberty Street corridor. The Project Narrative states that the owner will determine if that service will be provided pending coordination with the Eversource and specific needs of the residential units. Further discussion is captured in the Response Summary and Town Planner Comments.

## Waivers Requested

The following requirements and waivers are requested:

Item	Provided	Waiver Requested
Impact Statement in Accordance with Section 8.8. (ZR 6.1.2.1)	X	
Site Plan in Accordance with Section 8.3 (ZR 6.1.2.2)	X	
Architectural Elevation Drawings and Landscape Plan Per Section 2.6 (ZR 6.1.2.3)	X	
Water Impact Study (ZR 6.1.2.4.1)	X	
Sanitary Sewer Impact Study (ZR 6.1.2.4.2)	X	
Site Drainage Analysis (ZR 6.1.2.4.3)	X	
Erosion Control Report (ZR 6.1.2.4.4)	X	
Traffic Impact Study (ZR 6.1.2.4.5)	X	
Archaeological Study (ZR 6.1.2.4.6)		W
Soils Report, Test Pit Data and Mapping (ZR 6.1.2.4.8)	X	
Shadow Plan (ZR 6.1.2.5 & ZR 7.14.2)	X	
3-D Model for Projects Which Fall Under Criteria of Section 6.2 (ZR 6.1.2.6.1)		W
Flood Hazard Reports (ZR 6.1.2.6.2)		W
School Impact Evaluation Report (ZR 6.12.6.3)		W
Application Fee Per Section 8.7 (ZR 6.1.2.7)	X	
Legal Description of Property/Site (ZR 6.1.2.8)	X	
Phasing Requirements for Projects Over 24 Dwelling Units (ZR 6.1.2.9)	X	
Written Waiver Request(s) at the Time of Application Submission (ZR 6.1.2.10)	X	



## Response Summary

The application was routed to the following agencies/agents of the Town. Responses are shown below:

**BUILDING OFFICIAL** – Awaiting comment.

**POLICE COMMISSION** – Excerpt from draft meeting minutes below [Dated: 11/9/23]:

“...many concerns raised by both the Commissioners, and Chief DelGrosso, which included safety for children going to and from school, adequate safety within the complex, and the amount ofc all volume on the department. The applicant, and the presenters that spoke were advised by the Police Commission to take the suggestions given and return next month.”

**TOWN ENGINEER** – See attached memorandum [Dated: 11/12/23].

**WATER POLLITION CONTROL AUTHORITY** – Comments below [Dated: 10/6/23]:

The WPCA has reviewed the above referenced P&Z application and offers the following:

The WPCA has no objection to the above referenced application as submitted. There is sufficient capacity in the Pawcatuck collection system and treatment facility to accommodate the proposed flows (50,850 GPD Peak and 25,425 GPD average) for this project.

Please be advised of the Rules and Regulations of the Water Pollution Control Authority, specifically Article XII, Hookups.

12.03 No sewer construction work shall begin until detailed plans and specifications have been reviewed and approved by the Director of Water Pollution Control. This shall include a plan and profile sheet. (Scale 1" = 40' horizontal, 1" = 4' vertical)

12.04 Plans, specifications, and construction shall conform to the Town's Technical Standards for Sanitary Sewers.

12.05 Construction shall be carried out only in the presence of an authorized representative of the Water Pollution Control Authority.

12.06 Within 30 days following completion of construction, applicant shall furnish record drawings as prescribed.

12.08 The proposed system of sewers constitutes a "community sewerage system" as defined by CGS, Sec. 7-245. As such all properties served by the system are required to be members of the Common Interest Community. As provided under CGS, Sec. 7-246f, the community must enter into an agreement with the Town of Stonington Water Pollution Control Authority that ensures the effective design, construction, and management of the system as well as ensuring that funds are available for its operation and maintenance.

12.09 All properties are subject to hook-up charges as prescribed in the section. Connection fee has been provided to the property owner and shall be paid in full or a payment plan in place before a sewer connection permit will be issued.

**ZONING ENFORCEMENT OFFICER** – Comments below [Dated 10/6/23]:

1. One hundred thirteen (113) individual garbage containers seems like the beginning of an enforcement issue. Applicant should consider multiple enclosed dumpster areas.
2. Centralized mailbox area should be considered.

**FIRE DISTRICT MARSHAL (PAWCATUCK)** – Comments below [Dated 10/11/23]:

Below is a list of concerns and requests by the Engineers of the Pawcatuck Fire District.

Issue:

1. No spare parking for visitors.
2. Not enough space to pile snow.
3. 4 Fire Hydrants shall be location the property.
4. 2 Fire Alarm pull boxes shall be installed.
5. Who will make repairs to lighting.
6. Will fire apparatus be able to maneuver the curves and corners.

Questions:

1. Who will maintain the property.
2. Who will remove snow and ice.
3. Where will residents' visitor's park.
4. If the garage is used for storage where will the tenants park.
5. Who will overall maintain care for the property.

**WATER COMPANY (WESTERLY WATER CO.)** – Awaiting comment.

## Town Planner Comments

This application was initially filed as a Special Use Permit application consistent with the requirements of ZR §6.3 under **PZ2322SUP & GPP Fair Housing of Connecticut, LLC (M. Ranelli)**. The application was accepted by the Commission at its regular meeting on September 19, 2023. However, in consultation with the applicant and the Town's legal counsel, it was determined that the project shall be reviewed as a Site Plan Application consistent with the requirements of C.G.S. Section 8-30g. The legal opinion is attached to this report.

This application went before the Architectural Design Review Board (ADRB) at its regular meeting on October 16, 2023. The ADRB provided the applicant with the following directions on creating a revised site plan:

- There should be more green space for the residents/community members.
- The landscaping plan should be elevated to include more variety in between units and along Liberty Street.
- The building massing and building layout should be revised to address the repetitive linear configuration.
- The site plan should include a sidewalk or a delineated pedestrian space.

- The plan set should include various sections and elevations depending upon the grade/topography.

This application is made under the State Affordable Housing Appeals Act (C.G.S. Section 8-30g) and is categorized as a “set-aside development” as defined in C.G.S. Section 8-30g(6). Therefore, this application requires 15% of the units to be sold or rented at prices deemed affordable for persons less than or equal to 80% of the area median income (AMI) and 15% of the units to be sold or rented at prices deemed affordable for persons less than or equal to 60% AMI. In total, this application proposes to create 34 affordable housing units.

Projects considered under C.G.S. Section 8-30g are permitted to deviate from the existing zoning regulations of the base zone provided they satisfy the standards established in the Act. The Commission therefore must review the application against the Statute and not the Stonington Zoning Regulations. In the absence of standard review criteria, the Commission is only permitted to deny such an application if: 1) the decision is necessary to protect substantial public interests in health, safety or other matters which the commission may legally consider; and 2) such public interests clearly outweigh the need for affordable housing (C.G.S. Section 8-30g(g)).

The Town Planner provides the following comments and opinions on the application:

Application:

- The application set does not provide an Affordability Plan as required under C.G.S. Section 8-30g(b)(1). It is recommended that the applicant provide the Commission with an Affordability Plan as required under the aforementioned section.
- The applicant proposes to create a homeowners’ association (HOA) or equivalent for the ownership, inspection, and maintenance, and, if necessary, the repair or replacement, of infrastructure and site amenities. It is recommended that the applicant provide the Commission with deed restriction language and bylaws establishing the HOA.
- The application does not provide a Signage Plan consistent with ZR §8.4.2.4.
- The application does not provide a Lighting Plan consistent with ZR §8.4.2.5.

Open Space and Landscaping:

- The lack of open space poses significant environmental and public health risks. Urban green spaces are known to help reduce urban heat island effects, offset greenhouse gas emissions, and attenuate stormwater. Furthermore, green space provides public health benefits, including exercise, recreation, social interaction, and more. At the density proposed (26 dwelling units per acre), a project devoid of this essential element could severely impact the health of its residents as well as have negative impacts on the local environment.
  - Reasonable solutions to create open space include potential partnerships with the Town of Stonington through an abutting property (West Vine Street School). However, this poses a practical public safety concern. In the opinion of Town staff, any easement on the Town’s land would also require design elements including fencing, lighting, cameras, and/or Crime Prevention Through Environmental Design (CPTED) measures.
- The Landscape Plan (Sheet LL-1) does not provide sufficient variety and density of plant cover. The applicant has stated the dearth of landscaping is due to competing utility and stormwater

infrastructure that forces utilities under green spaces. Although practical from a design point of view, the lack of landscaping, coupled with the amount impervious area proposed, has a negative impact on the environment as well as the quality of life of the residents.

#### People, Children, and Pedestrians:

- The applicant has requested a waiver of the School Impact Evaluation Report typically required under a Special Use Permit. This application is not required to provide this evaluation. However, it would be false to assume the project “is not anticipated that the project will materially change the number of school children in the public schools” considering the project constructs 113 three-bedroom townhomes dedicated specifically to families and first-time homebuyers. The Commission could choose to require additional information from the applicant on the project’s potential impact on schools.
- The site plan does not include a pull-off area for school buses nor a gathering location for children while they wait for the school bus. This area should be delineated on the site plan and away from residential dwelling units.
- The proposed pedestrian circulation is not sufficient to safely move pedestrians around the community. The application proposes a stamped/painted pathway around the front of the townhomes. This is also the location of the proposed third parking spot – parallel and in front of the garage. The pedestrian way would then be blocked, forcing pedestrians to walk on the internal road network. Furthermore, the proposed “alley” pedestrian path behind the dwelling units creates a bottleneck with two points of ingress/egress in the event of a public safety concern. Overall, the pedestrian network creates numerous pedestrian-vehicular or pedestrian-pedestrian conflicts and does not offer a safe and viable alternative.
  - Furthermore, the 4-foot-wide “alley” reduces individual backyards to 8 feet. Town staff questions the quality of these backyards due to their confines and inability to create privacy between adjacent units.

#### Vehicular Movement:

- The application states it provides enough parking spaces for three vehicles per unit – two in the garage; one parallel to the garage. The garage provides a 16-foot door and space for two compact vehicles (width of 6-feet and under), but could not reasonably fit two vehicles of larger size. For reference, the average width of a pickup truck is between 6-7 feet. In reality, there is no feasible accommodation for three vehicles per dwelling unit.
- The application provides a 24-foot-wide drive aisle between dwelling units, increasing to 36 feet of distance door-to-door with 6-foot-wide pedestrian pathways as noted above. Vehicular movement within the drive aisles is constrained by multiple factors, most notably: vehicular ingress/egress from the garage; parallel parking against along the pedestrian pathway; pedestrian movement out of the front door and along the pathway; and cross-lane maneuverability to avoid said constraints. For context, it is the opinion of the Town Planner that this vehicular movement pattern resembles a big box store parking lot more than a residential development.
- The Fire Truck Autoturn Sketch (FIG-1) shows the radius required for precise turning of the fire apparatus on the site. The plan shows that 20 of 113 dwelling units are prohibited from using the third parallel parking space to accommodate emergency vehicle turning. The applicant should

clarify whether or not residents are allowed to use that parking space and whether or not those spaces were removed from the overall parking calculation.

Construction Phasing:

- The site and scale of development poses significant phasing concerns, as captured in the Town Engineer's comments. The applicant has not provided a detailed Phasing Plan to alleviate the concerns of Town staff.
  - The Phasing Plan should include a schedule of activities to ensure there will be no damage or infiltration of the stormwater system during construction. Due to the site's location above a Sole Source Aquifer (SSA), the project creates a heightened risk of irreparable damage to the aquifer.

Environmental:

- The Project Narrative states that the owner will determine if natural gas service will be provided pending coordination with the Eversource and specific needs of the residential units. Proposed natural gas lines are not shown on the Utility Plan (Sheet C-3) or on the Architectural Plans (Sheets A.1 – A.9). It is recommended the applicant include proposed natural gas service in the plan set.
- The Pawcatuck Basin Aquifer System was designated as a SSA on May 13, 1988 by the Environmental Protection Agency (EPA) under **53 FR 17108**. A SSA is defined as an aquifer that supplies at least 50% of the drinking water for its service area and have no reasonable alternative drinking water source should it be contaminated. Region 1: EPA New England states the following requirements under *Project Review*:

*“EPA Region I is working with the Federal agencies most likely to provide financial assistance to projects in the project review area. Interagency procedures and Memoranda of Understanding have been developed through which EPA will be notified of proposed commitments by Federal agencies to projects which could contaminate the Pawcatuck Basin Aquifer System. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments when appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for Federal financial assistance may be entered into. However, a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to ensure that it will not contaminate the aquifer. Included in the review of any Federal financially assisted project will be the coordination with state and local agencies and the project's developers. Their comments will be given full consideration and EPA's review will attempt to complement and support state and local ground water protection measures. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible on any existing or future state and/or local control measures to protect the quality of ground water in the Pawcatuck Basin Aquifer System.”*

- Should the Commission request that the EPA Regional Administrator evaluate this project due to its location within the Pawcatuck Basin Aquifer System, special consideration should be given to the potential significant hazard to public health should the proposed stormwater system fail.

- Should the EPA Regional Administrator choose to evaluate this project, the Commission would likely be unable to review this project within the required timeframe established under C.G.S. Section 8-7d(a). Additional legal opinion may be required to determine how this project would proceed under external review.
- Should the applicant seek State or Federal financial assistance due to the application being submitted under C.G.S. Section 8-30g, the application should include sufficient evidence that the EPA Regional Administrator has made a determination regarding the risk of contamination of the SSA.

#### Solid Waste:

- The applicant proposes individual solid waste facilities for each dwelling unit. The site plan, nor the project narrative, state where individual solid waste bins shall be stored. Furthermore, Unit Type B (without garage) does not have interior storage capacity for solid waste bins without locating them in the primary living space. Town staff highlights this as a significant public health concern.
- The applicant has not provided an autoturn sketch for the solid waste trucks. It is recommended that the applicant provide the Commission with an autoturn sketch and a detailed narrative on solid waste removal procedures on site.

## Additional Commentary

Since June 2023, Town staff has been working with the applicant to forward this project to the point of its public hearing this evening. At each stage of the pre-application and application process, the applicant has worked with Town staff and has undoubtedly attempted to implement the recommendations of Town staff.

During these discussions, it became clear that the project has little flexibility and could not fully implement those recommendations while keeping the project viable. The applicant has cited the cost of construction, the cost of the dwelling units (at affordable and market rates), and site constraints that make the project unviable under C.G.S. Section 8-30g unless in its current format.

The proposed density, it was described, is necessary to ensure the project breaks even, never mind turn any profit. Town staff notes and concedes that, from a development and economic perspective, it would be irrational to put forward a project that did not break even or turn a profit.

The proposed layout, it was described, was the only way to accommodate the density without constructing high-rise apartment buildings. The townhouse layout and height are notably more consistent with neighboring properties. The applicant has cited this choice in their narrative as a means to provide a homeownership model rather than a rental model for affordable housing. Town staff recognizes the regional need for affordable homeownership and supports this model under C.G.S. Section 8-30g.

Over the past three decades, the State of Connecticut and its municipalities have backed the prevailing legislation facilitating the creation of affordable housing using methods to bypass local zoning regulations. This approach allows developers to build diverse housing typologies inconsistent with local regulations in order to address the state's affordable housing crisis. The question arises: Does the benefit of affordable housing in a development (minimum 30%) outweigh zoning regulations governing gradual growth? Furthermore, if only 30% of the housing stock is required to be affordable, how could a municipality reach

the identified objective of achieving 10% total affordable housing stock? This method approaches that value asymptotically.

The notable consternation associated with this project lies not in the creation of affordable housing itself, but in the arduous demands on developers and municipalities to ensure these projects are financially viable. Sacrifices to this particular plan necessary to ensure financial viability include elements like privacy, green space, public safety, and environmental quality. These projects ultimately incur long-term costs borne by municipalities, with their impacts on essential services and residents' quality of life.

This prompts critical questions: Does the State of Connecticut prioritize the creation of affordable housing over residents' quality of life? Are ample resources allocated to support developers and municipalities in achieving affordable housing goals? Does the Town of Stonington possess the means and resources necessary to support a high standard of living for its residents regardless of income and housing status? And when these resources fall short, who bears the burden? The implied answer: the neighborhood's inhabitants.

## **Town Planner Recommendation**

The Town Planner recommends extending the public hearing to provide the applicant the opportunity to address outstanding comments from Town staff and its agents.

If considering approval of this project, the Commission should look towards the existing legislation in C.G.S. Section 8-30g and the requirements for approval for a Site Plan Application in ZR §8.3.

If considering denial of this project, the Commission must provide sufficient evidence in the record to make such a denial, as outlined in C.G.S. Section 8-30g(g). This would require the Commission to develop objective criteria to assess public health and safety concerns and the Commission must develop findings of fact that would support such a denial.

## **Recommended Stipulations**

Should the Commission decide to approve this application, the Town Planner recommends the following stipulations of approval:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer, Pawcatuck Fire District, and Town Planner.
2. Final plans shall be recorded in the Town's Land Evidence Records.
3. Prior to the issuance of a Zoning Permit, the final plans shall be signed by the Commission and recorded.
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 ZR 8.6.3. 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 Zoning Compliance.
5. The applicant shall provide the final Affordability Plan to the Town Planner.

6. Alterations to the proposed site plan following comments from CTDOT/OSTA shall be reviewed and approved by the Town Engineer and the Commission, as necessary.
7. Transportation related off-site improvements that are approved by CTDOT/OSTA shall be completed prior to issuance of a Certificate of Zoning Compliance.

## **Commission Action Required**

The Commission is required to make a determination on the following items:

- A decision concerning the Site Plan Application (SPA)
- A decision concerning the Groundwater Protection Permit (GPP) application



# TOWN OF STONINGTON

Town Engineer  
152 Elm Street  
Stonington, Connecticut 06378  
(860) 535-5076 • Fax (860) 535-1023



**TO:** Clifton Iler, Town Planner, Adrianna Bancroft, Administrative Assistant  
**FROM:** Christopher Greenlaw, P.E. – Town Engineer  
**APPLICATION:** PZ 2322 SUP & GPP – Fair Housing of Connecticut, LLC  
Property Located at 207 & 215 Liberty Street, Pawcatuck, CT. M16-B4-L12, 12A, 13  
**APPLICANT/OWNER:** Fair Housing of Connecticut, LLC c/o Gene Arganese  
**DESCRIPTION:** Construction of 113 Townhouses – Site Improvements - parking lot, storm drainage, landscape and utilities  
**DATE:** 11/12/2023

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I have reviewed the plans and drainage report entitled “Beachway Estates Residential Development 207 & 215 Liberty Street, Stonington Connecticut, Map 16 Block 4, Lot 12A, 12 & 13, Issued for Permitting, Prepared for Fair Housing of Connecticut c/o Gene Arganese Latest date issued: October 24<sup>th</sup>, 2023” by Cherenzia & Associates Engineers including supporting reports: Environmental by Avizinis 08/09/2023, Traffic and Landscape Plan – August, 2023 by BL, WPCA verification email dated: 09/08/2023, Westerly Water Supply Report by C&E Engineers 08/26/2023 and offer the following comments:

\*Note: Preliminary comments on drainage, E&S and snow removal were offered in a meeting with DPW, Applicant (Gene Arganese) and the site engineer Sergio Cherenzia on Tuesday 11/07/2023.

## General Plan Comments:

- 1) The allocated snow storage area (Sheet C-3) remains inadequate, therefore additional area and/or a snow removal plan should be incorporated for the site. DPW has indicated they will not participate in snow plowing and/or removal for the site.
- 2) The Cherenzia letter dated indicates the Unit B style residences have 12 square feet of storage, however they don’t have a garage, therefore specify the intended storage location of the waste containers if individual containers are issued.
- 3) Provide illustration of the turning movement associated with a vehicle exiting a garage compounded with a neighboring “visiting” vehicle(s) parked parallel across from the unit.
- 4) In accordance with the Traffic Report, provide note that the Office of the State Traffic Administration (O.S.T.A.) will be required to review the project. Additionally, provide note requiring DOT permits for any improvements proposed within the State R.O.W.
- 5) Provide note that any property marker damaged to be replaced by a CT Land Surveyor
- 6) Both the drainage report (test pits) and existing base survey indicate ledge. Review potential areas requiring blasting and provide applicable plan as may be required.
- 7) Revise the southerly entrance grade in accordance with Technical standards section 5.4.3.
- 8) Provide high point at entrance and/or regrade to intercept site run-off from entering roadway.

## Erosion Control Comments:

- 1) Provide note that the applicant will be responsible for providing an Erosion & Sediment control bond to the Town of Stonington in an amount to be approved by the Town Engineer after review of an estimate for all E&S measures are provided by the applicants engineer.

- 2) This is a compact site with competing construction activities, therefore revise the E&S plan to clearly depict the phasing and schedule of BMP's to include dewatering, Temporary Sediment basins, stock piles (ring with silt fence, hay bales and seed), temporary swales and check dams. Clearly indicate the location of each BMP for each Phase of the E&S plan, provide details.
- 3) Provide a second construction entrance for the northerly access point of the site.
- 4) Provide note to include "Temporary Seeding" for any disturbed area left idle for 30 days
- 5) Provide a Stormwater and Erosion Control maintenance schedule outlining all BMP's, criteria for inspection, maintenance and replacement as required.
- 6) Provide name and phone of emergency contact responsible for E&S controls on plan
- 7) Provide silt fence and haybales along the southerly property line in lieu of straw wattles.
- 8) Sheet C-1, revise note: "Operation and Stormwater Maintenance" to include – "Ultimately the property owner is responsible for all stormwater maintenance AND *maintenance log inspection reports*"
- 9) Sheet C-1, "Erosion Controls/Construction Sequencing", Note 4 (add), "...to meet the requirements of all related permits for the project, *and/or at the notification from T.O.S., D.O.T. & DEEP staff.*".
- 10) Ref: Sheet C-1, Provide note: Contractor to provide Temporary Seed to graded\excavated areas left dormant in excess of 3 weeks. Provide seed type\application rate for temporary seed.
- 11) Ref: Sheet C-1, Note 1 (add) The owner shall coordinate a Pre-Construction meeting amongst Town Staff and contractor to review E&S BMP's, phasing schedule, monitoring, etc.

#### **Drainage Comments:**

- 1) Drainage Certification: Provide note on the plans indicating: "The design engineer of record shall provide inspection services and certify to the construction of the stormwater management basin (and related drainage appurtenances) to ensure compliance with design specifications. Certifications will include but not limited to: soil material specification and testing, basin material installation (elevation & thickness), all drainage structure inverts, berms. As-built drawings shall be provided for the basin(s) and the engineer shall confirm the stage-storage discharge design parameters have been met."
- 2) With the site located in the GPP zone (Ref: 7.2.7.2) roof water may connect directly to the underground storage systems, however the remaining site drainage will require pretreatment from a "Type II" structural measure (i.e. HDS - Hydrodynamic separator or equal) given the prolific expanse of impervious surface proposed. Stormtech "isolator" rows in combination with HDS systems should clearly outline intended location of Impervious Geomembrane Lining, especially in areas of suspected seasonal high groundwater. It's encouraged that Roof Water be staged\stored in areas "F,G,H, and I" where high ground water exists as stated in the report. Additionally, a maintenance plan (chart) shall be included in the plans outlining the schedule, treatment for each BMP.
- 3) Provide reference to the Rhode Island Pollutant loading rates, backup data, formulas
- 4) Provide all referenced "Drainage Maps" in a measurable scale, i.e. 1"=30' etc.
- 5) Provide note that an engineer will conduct perc and/or infiltration tests to verify infiltration rates of the soil prior to construction activities. Drainage modifications may ensue.
- 6) Provide table indicating maximum water elevation (per design storm) and maximum outflow for each proposed storage system. (time, flow, volume, elevation).
- 7) Modify dimensions of level spreader to increase width of surface run-off at property line .

In review of the aforementioned application and plans, I recommend action be taken by the commission with the stipulation that the Engineering comments be accomplished to the satisfaction\approval of the Town Engineer prior to construction activities.

# CONWAY, LONDREGAN, SHEEHAN & MONACO, P.C.

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<sup>±</sup> ADMITTED TO PRACTICE IN THE  
UNITED STATES SUPREME COURT

<sup>†</sup> ALSO ADMITTED IN NY & PA

<sup>\*</sup> ALSO ADMITTED IN NY& RI

September 21, 2023

Town of Stonington  
Attn: Clifton J. Iler, AICP  
Town Planner  
152 Elm Street  
Stonington, CT 06378

Re: Reference #4668 – Affordable Housing Application


Dear Clifton,

This letter is in response to your request of me for an opinion as to how to procedurally deal with the affordable housing application. You have provided me with an email from the applicant's attorney indicating that the applicant believes that the proper process is for the application to be a site plan application and not a special use permit application; the reason being that the Town's special use permit criteria are not applicable under the affordable housing statutes. We would agree with that opinion.

Affordable housing applications are entitled to approval if certain statutory criteria, which are set forth in General Statute §8-30(g), are satisfied. None of the Town's special use permit criteria are applicable. The criteria for considering denial of an affordable housing application are if the denial is necessary to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; that such public interests clearly outweigh the need for affordable housing; and that such public interests cannot be protected by reasonable changes to the proposed development.

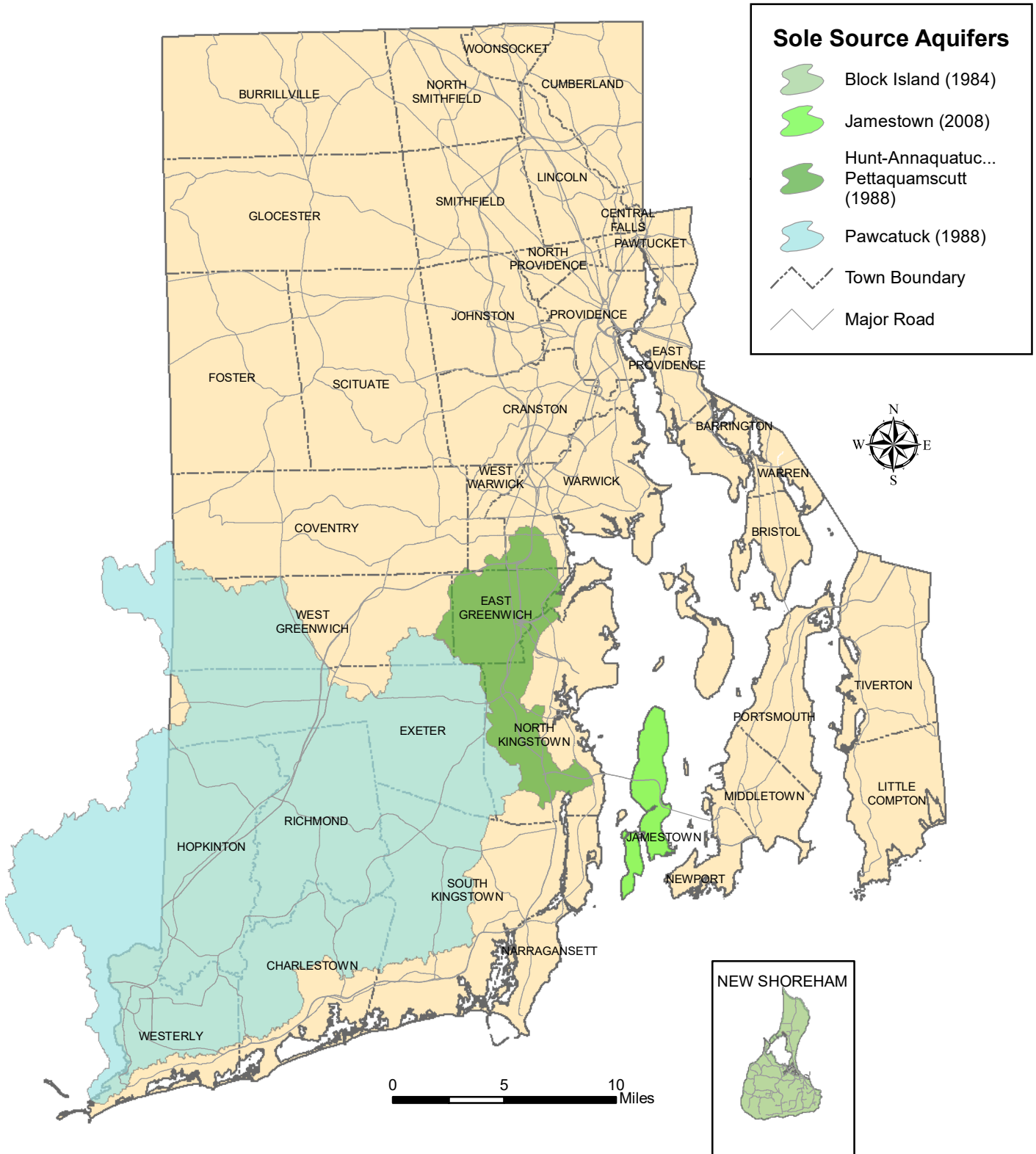
As this application is coming forward pursuant to the affordable housing statutes of Connecticut, the proper application is for a site plan approval. The above criteria are the statutory ones to be applied by the Commission when reviewing the proposed site plan.

Very truly yours,

  
Jeffrey T. Londregan

RECEIVED  
2023 SEP 25 P 12:39  
PLANNING & ZONING

# US EPA Designated Sole Source Aquifers in Rhode Island










# AQUIFER PROTECTION AREAS

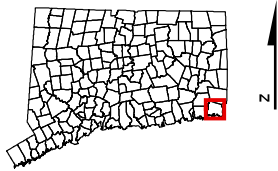
Stonington, CT

December 23, 2021

-  Level A APA (Final Adopted)
-  Level A APA (Final)
-  Level B APA (Preliminary)
-  Town Boundary
-  Rhode Island WHPA  
More information at [www.dem.ri.gov](http://www.dem.ri.gov)

NOTE: The Aquifer Protection Areas were delineated through Connecticut's Level A and Level B Mapping Processes. Aquifer Protection Areas are delineated for active public water supply wells in stratified drift that serve more than 1000 people, in accordance with Sections 22a-354c and 22a-354z of the Connecticut General Statutes. Level B Mapping delineates a preliminary aquifer protection area, providing an estimate of the land area from which the well draws its water. Level A Mapping delineates the final Aquifer Protection Area, which becomes the regulatory boundary for land use controls designed to protect the well from contamination. As Level A Mapping is completed for each well field and approved by DEEP, it replaces the Level B Mapping. Final Adopted Level A Areas are those where towns have land use regulations for them. Massachusetts and Rhode Island Wellhead Protection Areas may be shown for informational purposes.

QUESTIONS:  
Bureau of Water Protection and Land Reuse  
Planning and Standards Division  
Phone: (860) 424-3020  
[www.ct.gov/deep/aquiferprotection](http://www.ct.gov/deep/aquiferprotection)



STATE OF CONNECTICUT  
DEPARTMENT OF  
ENERGY & ENVIRONMENTAL PROTECTION  
79 Elm Street  
Hartford, CT 06106-5127

