

Special Meeting

The 1451st meeting of the Town of Stonington's Planning and Zoning Commission was held on Monday, September 12, 2011 at Mystic Middle School, 204 Mistuxet Ave., Mystic, Connecticut. The meeting was called to order at 7:23 P.M. by Acting Chairman Ben Tamsky. Present were Commissioners Rob Marseglia, Bob Mercer, and John Prue; Alternates Gardner Young, Frances Hoffman, and Curtis Lynch; and Acting Director of Planning / Town Planner Keith Brynes.

Seated were Ben Tamsky, Rob Marseglia, John Prue, Curtis Lynch, and Gardner Young.

Public Hearing:

PZ1112SD & SUP Richard C. Panciera Remainder Trust II – Eight-lot Resubdivision and Special Use Permit applications for the development of 68 attached-housing units and 7 single-family residences. Property located at Mary Hall & Greenhaven Roads, Pawcatuck, CT. Assessor's Map 7, Block 1, Lot 44. Zones RA-20, RM-20, & RR-80.

Acting Chairman Tamsky noted that the public hearing would continue with Public Comment followed by Rebuttal, and if necessary, the meeting will be continued to Wednesday, September 14, 2011 at a location to be determined.

Public Comment Against: Sam Agnello discussed possible water displacement and structure damage due to the proposed blasting and safety concerns due to the increase in traffic; Richard L. McKrell, speaking for his son, Richard J. McKrell, also addressed traffic impact, change in home values, and adverse effect on the neighborhood; Kurt Cramer, spoke of the rural nature of area; Edythe Rose stated that 1977 blasting resulted in loss of wells, road realignment would remove large pines and other growth; Staats Abrams has concerns to well, septic, and antique houses due to blasting; Chris Castro, did not feel that the area would be able to support 68 units; Ross Aiello, Jr., stated he is against cluster housing, not single family homes and had water table concerns; Lois Kain, called for the creation of bicycle paths through project developments; Rita McCreary was concerned for the preservation of neighborhoods and open space; Mr. Prue noted that the Regulations allow for attached housing in this zoning district; Warrine Kavanagh said that only a small percentage of the people who are opposed were present; Tim Grigg felt the project did not fit the area and was concerned with proposed ponds; Edward McCreary feels that the Commission should represent the people; Doreene Carr reported bad driving behavior on Mechanic St. from a Cherenzia truck driver. Attorney Mark Kepple, representing a number of the abutting property owners, spoke at length about the property being used as a quasi-public sanctuary. He feels there are environmental issues that require an environmental assessment, and a zoning compliance issue with Section 6.6.7 Excavation and Filling, requiring ZEO approval and citing Joe Larkin's May 25th comments, stating the PZC must check for compliance; Mr. Kepple asked First Selectman Ed Haberek to answer questions regarding Director of Planning William Haase's involvement in discussions and Planning Department procedures regarding the application. ZEO Joseph Larkin was questioned by Attorney Kepple regarding Mr. Larkin's comments made in response to his review of the application and his interpretation of the regulations. Attorney Kepple introduced Steven Trinkhaus, a Low Impact Development engineer for Trinkhaus Engineering in Southbury, CT. Mr. Trinkhaus had reviewed the application and provided a report of his findings, specifically stormwater runoff, drainage and hydrology.

Public Comment For:

Al Almeida shared his experience with a similar development where he lives, saying he did not find a significant increase in traffic due to seasonal residences; Peter Harvey, noted that Cherenzia is a family company that would not leave anything undone or done incorrectly, the development would be economically good for the town, and that the demand for this type of housing exists; Jim Crompton, works for the Cherenzia Company and past projects have not had adverse effects and have been well-received; John J. Mershon spoke in favor, noting

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it would create jobs and be good for the area; David Boutin, a Cherenzia blaster, stated that blasting does not reroute water and can be done safely and efficiently, and the developers have stated they will provide pre-blast surveys and well monitoring beyond normal requirements. Mr. Prue asked who would be responsible for remedying a water issue caused by blasting and Mr. Boutin replied that the blaster/developer have responsibility.

Rebuttal: Attorney Thomas Liguori questioned Zoning Official Joseph Larkin about his documented comments of May 25, 2011, and the meeting of May 31, 2011. He then questioned First Selectman Ed Haberek who clarified that since August 2nd, Mr. Brynes has been the lead on the project and to further remove any appearance of conflict or bias, Mr. Haase was no longer involved.

Public Comment Rebuttal: Frederick Wagner was concerned with a lack of water supply necessary for firefighting. Attorney Liguori confirmed that water mains leading to the development would be improved to provide sufficient water supply for firefighting.

Chairman Tamsky closed the Public Comment portion.

Staff Report: Mr. Brynes summarized letters received from other departments and agencies. The Town Engineer had no new comments but had one stipulation regarding driveway locations. He stated that his recalculation of the density resulted in 79 allowed units of attached housing with 68 units proposed. He noted that acreage in a different zone of a multi-zoned parcel may be counted towards the density requirements of the parcel zone regulating the use. Mr. Brynes noted the recommended stipulations in the staff report including blasting requirements submitted by the developer. He reminded the Commission that they will have 65 days to make a decision once the public hearing is closed. He discussed the ZR 6.6.7 Excavation and Filling issue and the precedence set by past applications, noting that Bill Haase's letter of June 2, 2011 was the collective opinion resulting from the meeting with Atty. Tom Liguori, Joe Larkin, Sergio Cherenzia, Bill Haase, and himself. The Commission discussed the interpretation of the regulation. Mr. Brynes strongly refuted the suggestion that there was ever any bias on the part of Mr. Haase in regards to his working relationship with the Cherenzia companies. He further stated that he disagreed with the statement that the Zoning Official is the only one capable of interpreting the zoning regulations for the Commission, noting that there are other staff, including himself, who regularly provide such information when asked. Keith responded Mr. Tamsky's questions as to what development would be permissible on the site "as-of-right" or as an 8-30G (affordable housing).

Mr. Tamsky asked Atty. Liguori how long he would need for his rebuttal and he indicated he hoped to conclude in 45 minutes. Mr. Tamsky felt it would be best to continue the public hearing rather than start Atty. Liguori's rebuttal this evening.

Mr. Prue made a motion to continue the public hearing to 7:30 P.M. on September 14, 2011, at a location to be determined. Mr. Young seconded. The motion was unanimously approved, 5-0.

Mr. Prue made a motion to adjourn. Mr. Marseglia seconded. The motion was unanimously approved. Mr. Tamsky adjourned the meeting at 11:31 P. M.


 Robert Marseglia, Secretary