



**THE CITY OF GROTON
PLANNING AND ZONING COMMISSION
MEETING MINUTES OF
SPECIAL MEETING**

Tuesday, May 4, 2021

Zoom Meeting - Pursuant to State of Connecticut Executive Order No. 7B

FINAL

I. ROLL CALL & ESTABLISH QUORUM

Call to Order: 6:36

Present: P. Kunkemoeller,
A. Bumgardner,
S. Bergeron,
G. Keeler
D. Rose
M. Carmenati, Alternate, seated for I. Streeter

Absent: Irma Streeter
James Streeter

Staff: Leslie Creane, AICP, City Planner
Bryan LeClerc, Esq.

II. APPROVAL OF April 20 2021 Regular Meeting Minutes

Motion: Motion to approve the meeting minutes of:
April 20, 2021 with friendly amendments offered by P. Kunkemoeller;

Motion: G. Keeler
Second: D. Rose
Decision: 5-0-0 Approved

III. NEW BUSINESS

PUBLIC HEARINGS:

Item 1:

128-138 Meridian Street

RM Zone

New Construction: Multi-Family Residences

Site Plan #482

Applicant: MMR III Development, LLC / Birgit Stevenson-Loureiro

Special Permit #465

Chairperson Kunkemoeller asked if this application was ready to be heard. Ms. Creane stated that there are some issues with this application. She was able to track down the actual owner of record for the property. Attorney Nancy Isaacson is the trustee, named through the New Jersey Bankruptcy Court, for 128-138 Meridian Street. Attorney Isaacson sent a letter to Ms. Creane, to be included in this file, giving MMR III Development, LLC and its sole proprietor Birgit Stevenson, permission to proceed with this application. This letter has been posted on the City website with the other documentation related to this application. Ms. Creane read this letter into the record (Exhibit #1).

Later this afternoon, Ms. Creane spoke with the Homeowner's Association's attorney, Mr. Lloyd Langhammer. His client is concerned about some of the work that was not completed by the original developer and wishes to have these issues on the record for this application.

After discussion between the applicant, Attorney LeClerc, Ms. Creane, and Chairperson Kunkemoeller and others, Mr. Kunkemoeller opened the public hearing and read the procedure to be used.

Clint Brown of Loureiro Engineering Associates presented the application.

Tushar Dadarwala, president of the condominium association spoke about a parking issue. There is not adequate parking currently. Where will existing residents park during construction?

Michael Malechko suggested that residents may have too many cars.

Mr. Clint Brown stated that the net increase in parking spaces is five.

Mr. Lieteau asked about whether the applicant planned to complete the retaining wall. Mr. Malechko stated that his intention is to complete the construction of the retaining wall.

Cheryl McCloughlin asked why the handicapped space was located where it is. Why couldn't it be located where it would take up less room. Mr. Brown responded, noting ADA guidelines.

Tom Seymour asked about reworking the proposed spaces to allow for more spaces. Mr. Brown responded stating that other than the compact spaces, the spaces will all be the same width.

Liz Burdick, attending this hearing on behalf of Attorney Langhammer, read his letter into the record (Exhibit #2). Ms. Burdick is a planner in another town in southeast CT, but wanted to make it clear that she is not at this meeting in that capacity.

Donna Skaats, Esq., attorney for the condominium, stated that all 44 of the original units were sold and that the condominium association has been collecting dues from each of the unit owners. Failure to maintain vegetation by the condominium association should not become the burden of the new developer.

Tushar Dadarwala expressed concern about aspects of the original project that have yet to be completed. He stated that the condominium association should not have to pay for the completion of those items that were the responsibility of the original developer.

Donna Skaats, attorney for the new developer, noted that the prior developer, Richard Annunziata, who filed for bankruptcy.

Ms. Creane stated that she was concerned that the comments are moving far afield from the jurisdiction of the Planning and Zoning Commission. City Attorney Bryan LeClerc stated that his office only recently became aware of the issues being raised and recommended that the Chairperson allow public comment to continue and leave the public hearing open until next month, giving him time to research the issues.

Motion to continue the public hearing until the next regularly scheduled Planning and Zoning Commission meeting to be held on May 18, 2021 via zoom.

Motion: G. Keeler

Second: A. Bumgardener

Decision: 5-0-0 Approved

Ms. Creane noted for the record that Ms. Carmenati, Alternate, had arrived. Chairperson Kunkemoeller seated Ms. Carmenati for I. Streeter.

Item 2:

75 Eastern Point Road

I/T Zone

Modification of Special Permit #461, Condition #A.12

Extension of Hours

Applicant: Electric Boat / John Casey, Esq., agent

Chairperson Kunkemoeller read the rules of the public hearing into the record.

Attorney John Casey, representing Electric Boat, introduced the Electric Boat team and summarized the substance of the application.

Joseph Drake introduced the application requesting a modification of Special Permit #461, Condition #A.12 to allow for an extension of hours.

Paul Heron, Program Manager for Electric Boat, noted that Special Permit #461, Condition A.12 states that work hours for the work remaining on this project after completion of the deck construction is required to transition to 7am – 6pm. EB is requesting a modification to these hours to 6am-midnight. Mr. Heron cited two reasons:

1. EB has received repeated requests from the Navy to start fabrication of the Columbia in the building to allow for an earlier completion date than the originally anticipated February 3, 2023;
2. Feedback from subcontractors that their schedules are very tight and they need more time to complete their work.

Mr. Heron acknowledged that the work for the deck was difficult for the neighbors, and that that was the most disruptive work scheduled for the project. That work is complete. The work that is expected to occur after 6pm is less disruptive or invasive. EB will mitigate the work done in the evening hours. If there is activity that produces high levels of noise such as welding or grinding, booths and other mitigation measures will be implemented. The work that will be done in the evening will primarily be preparing material for erection during the following day. Mr. Heron expects that the building will be enclosed about a year from now. After the building is enclosed, the work inside the building will not impact the neighbors.

Attorney Casey gave some examples of decibel levels for a household dishwasher (80 db), grinding (110 db), cranes (75 db) and power tools (80-95 db) to give an idea of what level of noise people can expect. Ms. Creane requested a source for the decibel levels cited by Attorney Casey. Mr. Heron stated that he would try to get the source for the decibel data.

Chairperson Kunkemoeller asked if staff or commissioners had any questions or comments. No one had any questions or comments at this time. Ms. Creane noted that there are members of the public who submitted letters to the planning office who may wish to speak.

Hearing no one wishing to speak in favor of the application, Chairperson Kunkemoeller asked if there was anyone who wished to speak against the application.

Mr. Jeff Nichols spoke against the application. Questioned the data and decibel levels cited. He stated the issues that he and area residents have had to endure during past night work hours included pictures falling off walls, Christmas trees falling, cracks in foundations, and children waking in the middle of the night. He thanked the Commission for holding a public hearing on this application. Mr. Nichols noted that the sleep loss experienced by area residents results in health issues.

Lori McClain spoke in opposition to the application. Ms. McClain referenced an article published in Medical News Today in their December 2020 issue that addresses sleep altering sounds and their effect on rapid eye movement sleep and impacts on people's mood and ability to concentrate.

Lauren Nichols spoke against the application.

Anita Dudisco spoke against the application. Ms. Dudisco noted that she sent an email on this matter. She also noted the impacts on her life and that of her husband.

Frank Ricci spoke against the application. Mr. Ricci read part of the comments that he submitted in writing.

Edwin Vasquez spoke against the application. He read his written testimony into the record. He cited examples of noise production that registers 110 decibels and noted that they are not comparable to a residential dishwasher. He asked for a compromise.

Lori McClain asked that the Commission consider the effect of the west wind that exacerbates the noise and dust.

Lisa Virtue stated that she stands by her neighbors and opposes the application.

Edwin Vasquez asked how long the extension in work hours is expected to be needed. Mr. Heron responded that they are requesting the extension in hours through the end of the project (February 2023), however, they expect that the building will be completed in about a year and then most of the work will be done inside.

Frank Ricci asked if this expansion is just for the new facility on the waterway, or is it going to apply to the new building being proposed for across from 76 Eastern Point Road? Mr. Heron replied that this request is only for the SYAB.

Chairperson Kunkemoeller asked if there were any other members of the public that wished to speak against the application, in favor or against, or just wished to comment. No member of the public rose to speak.

Mr. Kunkemoeller asked Attorney Casey if he wished to offer a summary.

Mr. Casey clarified that the decibel level he cited for a household dishwasher was not 110 db, that was for grinding. He reminded the commission and the public that this is a “generational project”. Attorney Casey stated that the work that EB would like to conduct between 6pm and midnight is different from the rest of the day.

Mr. Heron described the difference between the work done to erect the deck and the work that needs to be done going forward.

Mr. Joe Drake confirmed that the next few months will be the erection of steel, followed by the application of the skin of the building. He outlined what he expects the progress of the construction to be.

Jeff Nichols reiterated his previous experiences and concern about the impact in the future on area residents.

Lori McClain stated that she and her neighbors are not unpatriotic. They just want to be able to get 8 hours of sleep.

John Casey confirmed that EB understands the impact of the construction and the impact of the nature of the work. He reiterated that the forthcoming work is of a different, less intrusive nature.

Ms. Creane noted that Mr. Ricci, Mr. Edwin Vasquez and Ms. Nichols submitted written testimony that is included in the file.

Commissioner Rose asked if there is anyway EB could stop their work two hours earlier to allow residents to get eight hours of sleep. Mr. Heron said that one-hour reduction could be done.

Aundre Bumgardner asked Mr. Drake if reducing the number hours was possible.

Mr. Drake proposed that the hours Monday to Friday be extended to 11pm instead of midnight, and then not extend the hours beyond 6pm on Saturdays.

Mr. Casey asked that the EB proposal be amended to allow for construction hours for the exterior, including the building structural core and exterior shell of the building be allowed from 6am to 11pm, Monday through Friday, and from 6am to 6pm on Saturdays.

Sue Bergeron asked if there was a chance for compromise on the time of year and allow extended hours after September. Mr. Heron noted that the longer days and the warmer weather makes it more productive. The cold and darker days make working on steel erection more dangerous.

Devin Xenelis reiterated the different type of work done going forward versus when constructing the water deck.

David Rose thanked EB for being willing to compromise.

Gerry Keeler agreed with Mr. Rose. Spoke in favor of closing the public hearing.

Aundre Bumgardner stated that he is glad that the public has been allowed to be heard.

Joe Drake thanked the neighbors for their openness and their comments, and the commissioners for listening.

Motion to close the public hearing.

Motion: G. Keeler

Second: D. Rose

Decision: 6-0-0 Approved

Motion to suspend the rules to take out of order the vote on Item #2 the Modification of Special Permit #461, Condition #A.12 to allow the Extension of Hours to 6am to 11pm Monday through Friday, and 6am to 6pm on Saturday, with no work on Sundays.

Motion: G. Keeler

Second: M. Carmenati

Decision: 6-0-0 Approved

Motion to approve the Modification of Special Permit #461, Condition #A.12 to allow the Extension of Hours to 6am to 11pm Monday through Friday, and 6am to 6pm on Saturday, with no work on Sundays.

Motion: D. Rose

Second: G. Keeler

Decision: 6-0-0 Approved

Item 3:

75 Eastern Point Road

New Construction: Building #605

Applicant: Electric Boat / James Waldron, agent

I/T Zone

Site Plan #481

Special Permit #464

CAM #325

Action	Deadline or Date	Notes
Date of Receipt (DOR)	March 16, 2021	Date of 1 st regular meeting after filing
Hearing	Required	Docketed for April 2021 regular meeting. Deadline for Decision is 65 days after close of the public hearing.
Notice Required	Bldg./Zoning, Sewer/Water	Notice to adjacent municipalities not required, 3 rd Party Review
Extension Available¹	See Footnote 3 below	Deadline to close public hearing 5/20/2021 1 st 35-day extension – 6/24/2021 2 nd 35-day extension – 7/29/2021
Notice of Decision²	See Footnote 4 below	Within 65 days after close of public hearing

Chairperson Kunkemoeller opened the public hearing for Special Permit #464. Mr. Kunkemoeller read the rules of the public hearing.

Attorney John Casey introduced Dan Strotman who presented a PowerPoint that explained the new construction for Building #605 proposed by Electric Boat. The Special Permit is not for the use, which is already an allowed use, but for:

1. Allowance for a building height of 90'-8", which is higher than the 75 foot maximum allowed in the zone;
2. Allowance to use the buffer area;
3. Allowance to mount wall lighting at 24'-0", which is higher than the 18'-0" maximum height allowed;
4. Allowance of modification to the stormwater management requirements. There are similar to the modifications requested and granted for the South Yard Assembly Building.

Because of the steep drop from Eastern Point Road to the South Yard Assembly area, the lighting would still be below the grade of Eastern Point Road.

Mr. Casey introduced the Electric Boat team.

Mr. James Waldron, Electric Boat, reviewed the site selection and functions of Building #605.

Todd Ritchie, PE, SLR, reviewed the site plan, stormwater management, and photometric plans, and the peer review letter from John Schmitz, PE, BL. Mr. Ritchie noted that they have responded to the comments in Mr. Schmitz's letter.

Hugh Schweitzer, architect, reviewed renderings and building plans.

Kristen Solloway reviewed the traffic study that was submitted in 2019 for the SYAB.

Dan Strotman, BCX, construction management firm. Reviewed the construction schedule. Building occupancy is scheduled for March 2023.

¹ The applicant may consent to one or more extensions of time to commence a public hearing, complete any such hearing, and make the decision, provided the total period of all such extensions does not exceed 65 days.

² If City does not issue notice to applicant by certified mail and publish legal notice of decision within 15 days, applicant may publish legal notice within the following 10 days.

Mr. Casey summarized the application and compliance with the permit criteria and the POCD.

John Schmitz, BL, 3rd party reviewer, noted that their comments had been adequately addressed. Clarification of the height of the building was discussed. The definition of the building height when there is a parapet roof was read into the record. It was agreed that the top of the steel and the top of the roof beam are the same.

Ms. Solloway noted the locations of traffic lights that will get optimized.

Mr. Kunkemoeller asked about the noise issues that will likely effect neighbors, and any light and dust issues during construction.

Dan Strotman reviewed the process for chemical splitting rock that is necessary to pour footings, and the use of metal skin for the sheathing of the building. No blasting is anticipated. If blasting is required, the contractor will be required to provide EB with a study and an engineering solution that identifies how far out the blasting needs to go in order to survey adjacent properties. It's a calculation that the contractor should be able to do.

Chairperson Kunkemoeller asked for public comment.

Lauren Nichols rose to speak against the project and referenced the letter she sent and is a part of the record. Ms. Nichols noted that any comparison to the SYAB is not a fair comparison. She is concerned about litter, parking areas, and exterior lighting. Ms. Nichols expressed concerns about changes to the landscaping and previous commitments to review the effects on views by Electric Boat. Further, Ms. Nichols noted that there is a distinction between a building's compatibility with a site and its compatibility with a neighborhood (cited POCD).

Jeff Nichols spoke against the project. He expressed concern about the close proximity of Building #605 to the street and to the residences. He concerned about the traffic patterns and an increase in foot traffic.

Frank Ricci spoke against the project.

Lisa Virtue spoke against the project. She is standing with her neighbors in opposition.

Frank Ricci mentioned the houses on the Eastern side of Eastern Point Road. What are EB's plans for the these houses?

Joe Drake, EB, responded, stating that EB will be demolishing these houses and turning the land to green space, acting as a buffer between EB and the neighborhood.

No other comments from the public were received.

Chairperson Kunkemoeller asked Attorney Casey if he had closing remarks. Mr. Casey summarized the status of current construction that is ongoing on the south side of the EB site.

Devin Xenelis noted that submarine construction occurs with the crews in close proximity. He also expressed his understanding of the frustrations of the neighbors.

Mr. Casey stated that their goal is to be consistent with the buffer that was approved for the SYAB.

Motion to close the public hearing for Special Permit #464 for Building #605.

Motion: D. Rose

Second: S. Bergeron

Decision: 6-0-0 Approved

VI. REGULAR MEETING

Motion to approve Site Plan #481 for Building #605.

Motion: G. Keeler

Second: M. Carmenati

Decision: 6-0-0 Approved

Motion to approve Special Permit #464 for Building #605.

Motion: D. Rose

Second: S. Bergeron

Decision: 6-0-0 Approved

Motion to approve CAM #325 for Building #605.

Motion: D. Rose

Second: G. Keeler

Decision: 6-0-0 Approved

V. ADJOURNMENT

Meeting adjourned at 11:42pm.