

Town of Plymouth
80 Main Street
Terryville, CT 06786
www.plymouthct.us

Planning and Zoning Commission
Tel: (860)585-4043
Fax: (860)585-4015

Minutes

September 11, 2025

Call to Order: Planning and Zoning Commission Chairman George Castle called the September 11, 2025, Planning and Zoning Commission meeting to order at 7:00 p.m., in the Community Room, Plymouth Town Hall.

Roll Call: Present were Planning and Zoning Commission Chairman George Castle, Planning and Zoning Commissioner Gary Gallagher, Planning and Zoning Commissioner Michael Gutowski, Planning and Zoning Commissioner Jim Klaneski (via Zoom) and Planning and Zoning Commissioner Sue Murawski. Excused Absence: Planning and Zoning Commissioner Connie Kapralos. Also in attendance were Director of Public Works Carl Johnson, Director of Planning and Economic Development Margus Laan and Town Council Liaison Ron Tiscia.

Fire Exit Notification

Planning and Zoning Commission Chairman George Castle noted the Fire Exits for the Planning and Zoning Commissioners and the Public Audience.

Pledge of Allegiance

Planning and Zoning Commission Chairman George Castle led the Planning and Zoning Commissioners and the Public Audience in the Pledge of Allegiance.

Planning and Zoning Commission Chairman George Castle requested a Moment of Silence in honor of Charlie Kirk who was assassinated yesterday.

Public Hearing:

Application of Cooks Common Realty Corp. for Special Permit / Site Plan for Phase 2 Expansion of Evergreen & Rosewood Multi-Family Complex, 30 Dwelling Units in 3 Buildings, at 42 South Street / Assessor Parcel Number 043-061-029 per Zoning Regulation Section 6.D., Garden Apartments or Condominiums; engineer: Juliano Associates, LLC; architectural drawings by Merrell Associates

Attorney Mark Malley, 30 Main Street, Thomaston and Susan McDonald, Owner Evergreen & Rosewood, 105 Carter Road, Plymouth. Attorney Mark Malley stated this project will be Phase 2 of Evergreen although it is separate from Evergreen. He further stated this project is for 30 units which were previously approved by the Commission. Attorney Mark Malley stated Phase 1 was built in its entirety. Attorney Mark Malley stated in Phase 2 they were not changing the architecture, the streets, or the drainage.

2825 SEP 29 PH 1:32
RECEIVED
TOWN CLERK'S OFFICE
PLYMOUTH, CT

Planning and Zoning Commission Regular Meeting
September 11, 2025
Page Two of Nine Pages

Application of Cooks Common Realty Corp. Cont'd.

Attorney Mark Malley stated the Commission will note on the plan there is a new detention basin that will have to be built down in the back and it will drain down to a pond on Carter Road.

Attorney Mark Malley stated unfortunately the Architect that drew the plan is no longer with us. He further stated Mr. Juliano, is in the process of getting a new Architect. He further stated that there may be some technical changes because of the building codes. Attorney Mark Malley stated he had expected Mr. Juliano to be present at this evening's meeting, however he had a previous meeting schedule and could not attend. Attorney Mark Malley stated the property is serviced by city sewers and city water which is already in place. Attorney Mark Malley stated because of the technical aspect they are missing, they would like to ask for a continuation of the Public Hearing to enable Mr. Juliano to address those items.

Margus Laan stated the Inland-Wetlands Commission has not made a decision on this Application, so the Planning and Zoning cannot act on it without getting input from the Inland-Wetlands Commission.

Attorney Mark Malley stated the September 3, 2025, Inland-Wetlands Commission meeting was cancelled, but he and Susan MacDonald will be present for the September 17th meeting if there is one.

When questioned by Planning and Zoning Commissioner Gary Gallagher, Susan MacDonald stated when she has the money coming in, she will reimburse the Association for paving the road that was done in Phase I.

Planning and Zoning Commissioner Gary Gallagher stated the Phase I storm drain that is located in the middle of the road by the building has sunk and settled one foot.

Susan MacDonald stated she doesn't know anything about it.

Attorney Mark Malley stated Phase I is 20 years old.

When questioned by Planning and Zoning Commission Chairman George Castle if Susan MacDonald would repair the sunken storm drain issue when Phase 2 is done, Attorney Mark Malley stated he was hesitant to say yes because he hasn't seen it and briefly elaborated. He further stated they will have their Engineer look at it.

When questioned by Planning and Zoning Commissioner Gary Gallagher, Attorney Mark Malley stated there was supposed to be a swimming pool, but the State of Connecticut insisted they put in a men's and women's bathroom and 97 other things which took the price from \$25,000/\$30,000 to \$400,000 so the swimming pool did not get built.

**Planning and Zoning Commission Regular Meeting
September 11, 2025
Page Three of Nine Pages**

Application of Cooks Common Realty Corp. Cont'd.

Susan MacDonald stated the swimming pool was supposed to be done at the end of all the phases.

When questioned by Planning and Zoning Commissioner Gary Gallagher, Attorney Mark Malley stated there was one more phase with Evergreen, noting the original Application had condominiums and an assisted living facility in the back. He further stated it is still on the plan and could be considered in Phase IV, noting it was on the original plan and that it was approved.

Ralph Minervino, President of Evergreen and Rosewood Condominium Association, 726 Laurel Ridge, Plymouth, stated they have major concerns because of the way Phase I was conducted. Ralph Minervino stated the residents ended up having to replace almost two thirds of the porches on their own because of the shoddy work done on them. Ralph Minervino stated they had the basic code for the roads, noting they got terribly deteriorated and in 2019 they had to spend \$178,000 to have the roads completely redone with two layers. Ralph Minervino questioned if they up to the back and put in more units, what would happen to the condition of their roads. He further questioned who will repair the roads if they get wrecked, and what kind of dust would be created and make life miserable for the people who live there now. Ralph Minervino stated Phase II was supposed be done over 20 years ago, noting he has no faith as to what will happen in the next phase. Ralph Minervino stated in the original plan there was no performance bond and requested the Planning and Zoning Commission to require one with the Town and make the Association a part of it should this Application pass the Commission. He further stated this would allow the Association to have some recourse.

Cheryl Ayer, 221 Pine Hill Boulevard, Plymouth, stated she and her husband are owners at Evergreen and noted she is concerned because they had to replace their French doors noting there was never flashing put down for the doors. Cheryl Ayer stated a couple of people have had to have an Electrician come in to do electrical work, noting the work was not up to code 20 years ago nor was it up to code now. Cheryl Ayer stated they are finding out more and more things that are not up to code and questioned how their condominiums will be protected from new construction.

Kari Rebehn, 49 South Street, Plymouth, stated she had previously emailed her concerns to the Planning and Zoning Department. Kari Rebehn stated for the past three years the current sewer system has not been able to handle the sewer coming from the lake to South Street; there is an odor of feces that emanates every summer, noting she has notified and filed complaints with the WPCA Plant Supervisor Jason Patrick. Kari Rebehn stated she wanted to know how adding more properties to that sewerage would be addressed. Kari Rebehn stated that she had reviewed the documentation that was submitted with the permits, noting the 40 year old documentation of the King's Study Report shows the water runoff will increase 39% on a two year storm and over 100% on a 100 year storm. She further stated the springtime runoff from the hill turns her lawn into a mud pit, noting it cannot be mowed until it dries out. Kari Rebehn stated that she is concerned where the egress will be, noting South Street is a very high speed area all the way to Carter Road.

**Planning and Zoning Commission Regular Meeting
September 11, 2025
Page Four of Nine Pages**

Application of Cooks Common Realty Corp. Cont'd.

Kari Rebehn stated the King's Study Soil Report stated there may be blasting and questioned what would happen if there were damage to the surrounding homes.

Kari Rebehn stated there are no bylaws in the Land Records. Kari Rebehn questioned in the event the Planning and Zoning Commission fails the project what happens to those properties; and are they turned over for Section 8.

When questioned by Planning and Zoning Commission Chairman George Castle, Margus Laan stated input from the WPCA will be sought.

Kathleen Mitchell, 39 Hillside Avenue, Plymouth, stated she and her husband had concerns, noting the original plans called for another form of entrance and egress on Hillside Avenue in Plymouth and questioned if that option was still there. Kathleen Mitchell stated this would allow a lot of traffic onto a small road in a residential area, noting they do not have sidewalks. She further stated there are children, walkers and bicycles in this area. Kathleen Mitchell stated there will also be large equipment from Hillside Avenue to the site, noting the roads are already deteriorating and the noise level in a quiet residential area would be high. Kathleen Mitchell stated the water runoff from the hill is also a major concern. Kathleen Mitchell requested the Commission not forget the residents on Hillside Avenue when they make a decision.

When questioned by Planning and Zoning Commission Chairman George Castle, Public Works Director Carl Johnson stated he had spoken to Margus Laan and noted we will need the storm water calculations to be updated, and the roads will need to be looked at, as well. Carl Johnson stated the WPCA has acknowledged there are a lot of issues with sewerage capacity on South Street, and he would be interested in what they have to say about it.

When questioned by Planning and Zoning Commissioner Gary Gallagher, Attorney Mark Malley stated there are no plans to put permanent access on Hillside Avenue. He further stated the construction equipment would utilize the easement on Hillside Avenue, noting that is the current intention, but they still need to get the Engineer's input.

Susan MacDonald stated an alternative option would be to enter 42 South Street to the left side of the yellow ribbon that is there.

Attorney Mark Malley stated this would be by the yellow house on the hill and to the left of that. He further stated they would not be going through the Phase I property.

Attorney Mark Malley stated that Susan MacDonald had hired professional people to do the work on the porches, noting she had ended up suing the person and had attempted to address the problem.

Planning and Zoning Commission Regular Meeting
September 11, 2025
Page Five of Nine Pages

Application of Cooks Common Realty Corp. Cont'd.

Attorney Mark Malley stated that the Building Inspector had approved a CO and complaints today for something that was approved in 2005 is unfair, noting building codes have changed. Attorney Mark Malley stated they will wait for the WPCA's reply. Attorney Mark Malley stated he will get Carl Johnson the updated storm calculations.

Kathleen Mitchell questioned if they will be using Hillside Avenue for construction access, noting Hillside Avenue has two exits: one on Route 6 and one on Carter Road.

Susan MacDonald stated that she would prefer to use South Street.

Attorney Mark Malley stated the answer is they really don't have an answer at this time, but he will ask the Engineer and noted he does understand Kathleen Mitchell's concerns.

Planning and Zoning Commissioner Gary Gallagher made a motion, seconded by Planning and Zoning Commissioner Sue Murawski, to continue the Application of Cooks Common Realty Corp. for Special Permit, Site Plan for Phase 2 Expansion of Evergreen and Rosewood Multi-Family Complex, 30 Dwelling Units in 3 Buildings, at 42 South Street, Plymouth, Assessor Parcel Number 043-061-029 per Zoning Regulation Section 6.D., Garden Apartments or Condominiums; engineer: Juliano Associates, LLC; architectural drawings by Merrell Associates, as presented.

Discussion: Attorney Mark Malley stated they would need 30 days, or maybe more, to have their plan ready.

Margus Laan stated the maximum extension would be 60 days; a brief discussion followed.

Vote: This motion was approved unanimously.

Continued from July 24, 2025 - Update only, no project discussion: Application of Yvette Wylie, property owner, for Special Permit / Site Plan to construct Accessory Building at 3 Lynn Avenue / Assessor Parcel Number 033-024-003 per Section 4.A.3.iii.; review pending with Inland Wetlands & Conservation Commission

Margus Laan stated the Applicant went to the Zoning Board of Appeals meeting held on August 26, 2025, and they were successful in obtaining variances for the building footprint and the lot coverage.

Margus Laan stated the Planning and Zoning Commission will have a legal Application (from a zoning point of view) to review and decide upon at the next scheduled Planning and Zoning Commission meeting. Margus Laan stated this is pending with the Inland-Wetlands Commission and he will get it reviewed as soon as possible.

Planning and Zoning Commission Regular Meeting
September 11, 2025
Page Six of Nine Pages

Application of Cooks Common Realty Corp. Cont'd.

Planning and Zoning Commissioner Gary Gallagher made a motion seconded by Planning and Zoning Commissioner Sue Murawski, to close the Public Hearing. This motion was approved unanimously.

Regular Meeting: Public Comment; New and Returning Business; Deliberation and Decision on new and returning Business; Other Business; Announcements and Commission and Staff Discussion

Public Comment: Requested limit of no more than 3 minutes in duration. Note: public comment is for non-agenda topics; for agenda related items, comments need to be made during the discussion when agenda item is heard for inclusion in the proposal record.

Gary Defilippo, 278 Preston Road, Terryville, distributed his letter of concern regarding Solar Panel fields in Town to the Commissioners, noting he would like to make a request to the Planning and Zoning Commission to consider putting a moratorium on the Solar fields in Town. He further stated that he and his neighbors had gone through a lot with the previous proposed Solar field in their neighborhood, and that he would like the regulations changed a little bit so people don't have to go through this again.

George Castle stated he had spoken to the Mayor and noted that the Planning and Zoning Commission will be going forward with a one-year moratorium on Town Solar fields so that the Commission will have a chance to make regulation changes in regard to solar panels and noted the Commission also had concerns that needed to be addressed.

Review, deliberate and motion & vote to approve, to amend or to reject the minutes of July 24, 2025 Regular Meeting.

Planning and Zoning Commissioner Sue Murawski made a motion, seconded by Michael Gutowski, to approve the July 24, 2025, Planning and Zoning Commission minutes as presented. This motion as approved unanimously.

Application of Premier Properties LLC for Site Plan to construct Industrial Building, with associated site improvements, at 40 Container Drive / Assessor Parcel Number 020-018-003-20, Plymouth Business Park, per Section 4.B. Table of General Use Regulations – Industrial Uses; engineer: Kratzert, Jones & Associates, Inc.; property owner: Town of Plymouth

Presentation and Discussion

Ryan Geddes stated he would be putting up another building like the 128 North Harwinton property, which just got approved.

Planning and Zoning Commission Regular Meeting
September 11, 2025
Page Seven of Nine Pages

Application of Premier Properties LLC Cont'd.

Ryan Geddes stated it would be seven buildings, and one of those seven would be at 40 Container Drive. He further stated that it is an identical building, including the size and the door locations, noting it is a straightforward site plan and is a very good use for the property.

Margus Laan stated this property is on a dead end road, noting the left side is part of Phase I and Phase II and the right side is part of Phase III and that it used to be Lots #20 and #21.

Margus Laan stated that in order to make #26, which is lot #23, have access, there was a reorganization of the lots, so Lots #20, # 21, #22 and #23 became three lots, Lot #23 gained its own access strip and Lots #20 and #21 were combined into one with a portion of Lot #21 being given to Lot #23. He further stated there was a slight reduction to size on Lot #22.

Margus Laan stated the Commissioners had a copy of the plan which was done by Robert Green Associates. Margus Laan stated this is a brand new lot and Ryan Geddes is proposing some landscaping using arborvitae and grass.

Margus Laan stated there will be attached building lights (not free standing) and that Carl Johnson has a copy of the plans. Margus Laan stated the existing site plan shows what is being developed, noting the landscaping, the electrical, the sewer, the water line, the parking area, the green space and where the building will be, are all shown on the emailed site plans.

Margus Laan stated there are wetlands on the property in the rear with a 100 foot buffer, noting the development is outside of it. Margus Laan stated the drainage goes to the bottom and the area where it will be sitting is next to the where the 100 year area ends and briefly elaborated, noting it might require wetland's review.

Ryan Geddes stated the site plans and work are designed to keep everything up and out of the wetlands.

Carl Johnson stated there are two pre-made 220 basins wrapped in stone (underground water retention) to slow down the water in a heavy rain event as it seeps down into the wetlands area; a brief discussion followed.

Ryan Geddes stated he has a company that does warehousing and will be moving into Terryville for this property. He further stated the incoming company has 11 people and there is plenty of parking with two handicapped parking spaces and a single handicapped bathroom with the garage doors in the back and briefly elaborated, noting some of the doors might be eliminated; a brief discussion followed.

Planning and Zoning Commission Regular Meeting
September 11, 2025
Page Eight of Nine Pages

Deliberation and Decision

Planning and Zoning Commissioner Michael Gutowski made a motion, seconded by Planning and Zoning Commissioner Gary Gallagher, to approve the Application of Premier Properties LLC for Site Plan to construct Industrial Building, with associated site improvements, at 40 Container Drive, Assessor Parcel Number 020-018-003-20, Plymouth Business Park, per Section 4.B. Table of General Use Regulations-Industrial Uses; engineer: Kratzert, Jones & Associates, Inc.; property owner: Town of Plymouth, as presented. Vote: George Castle/yes; Gary Gallagher/yes; Michael Gutowski/yes; Jim Klaneski/abstained; Sue Murawski/yes; motion passed 5 to 1 in favor.

Regulating Solar Installations in Plymouth – Discussion Postmortem of 270 Preston Road Application

George Castle stated the Planning and Zoning Commission will ask the Mayor to put a Solar Installation Moratorium in place, enabling the Commission to review the current regulations.

Margus Laan presented the regulations, noting on page five he had underlined and italicized some wording to identify particular language in the existing regulation. He further stated that it may only require some simple amendments to that language. Margus Laan stated that he is suggesting language be added that reads as follows: No solar field is possible if it is only for the purposes of directly producing electricity for the grid. He further stated that the current language states there has to be a facility on the property that will be using the solar panels, and it needs to have language that is explicit and briefly elaborated. Margus Laan stated he would like language that reads a solar facility can only be on a property that is sufficiently flat with the way the land is designed and will automatically keep the water on site; not where there can be slope runoff to adjacent properties.

Planning and Zoning Commissioner George Castle stated there should be a moratorium, noting many residents have expressed their concerns regarding solar fields and briefly elaborated. He further stated that a moratorium will also provide the Commission with sufficient time to research and decide what the language should be in the Town regulations.

Margus Laan stated having a moratorium is amending the Zoning Regulations for the entire Town. Margus Laan stated he will have to notify the Naugatuck Valley Council of Governments, noting they will require a 30-day notification prior to the Public Hearing date for the moratorium. Margus Laan stated he also has to notify the Municipal Town Clerk's for the six adjoining towns, the Bristol Water Department, the Connecticut Water Department and the Commissioner of Public Health of the proposal to change the regulations.

Planning and Zoning Commissioner Gary Gallagher made a motion, seconded by Planning and Zoning Commissioner Sue Murawski, to schedule a Public Hearing for the moratorium on October 23, 2025. This motion was approved unanimously.

Planning and Zoning Commission Regular Meeting

September 11, 2025

Page Nine of Nine Pages

Regulating Solar Installations in Plymouth Cont'd.

When questioned by Planning and Zoning Commissioner Gary Gallagher if the Fire Department would respond to a residential house that has solar panels on their roof, Planning and Zoning Commissioner Michael Gutowski stated residential solar panels have a giant shut off outside which he assumes is for the Fire Department.

Planning and Zoning Commissioner Gary Gallagher stated the panel fires have toxic fumes and chemicals.

Planning and Zoning Commissioner Sue Murawski stated the Fire Department will not respond.

Planning and Zoning Commissioner Michael Gutowski stated those types of fires need foam to extinguish, noting you can't use water, and cited an episode that had occurred in Winsted.

Town Council Liaison Ron Tiscia stated the Commission should check with the Chief of the Fire Department for the protocol.

Report on Applications and Decisions of Zoning Board of Appeals, July and August 2025

No report.

Other items as may properly come before the Planning and Zoning Commission

No report.

Commission Discussion, Staff Discussion and Other Items before the Commission

Margus Laan stated we do not have a Zoning Enforcement Officer any longer, noting the Mayor is in the process of looking for a part time person because the position was part time in the budget.

Planning and Zoning Commissioner Gary Gallagher stated the Town needs a full time Zoning Enforcement Officer and briefly elaborated. Margus Laan stated the position is at 25 hours which doesn't require benefits.

Adjournment

There being no further business of the Planning and Zoning Commission, Planning and Zoning Commissioner Michael Gutowski made a motion, seconded by Planning and Zoning Commissioner Sue Murawski to adjourn at 8:13 p.m. This motion was approved unanimously.

Respectfully Submitted, Patricia A. Hale, Recording Secretary