

MINUTES
PLANNING COMMISSION
OCTOBER 13, 2009 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Sherrard, Steinfeld, Munn
Alternate members present: Zod, Kane
Absent: Fitzgerald
Staff present: Davis, Doolittle

Chairman Sherrard opened the meeting with roll call at 7:04 p.m.

II. APPROVAL OF THE MINUTES OF meeting of September 22, 2009.

MOTION: To approve the minutes of September 22, 2009 as amended.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

III. PUBLIC COMMUNICATIONS

The Commission received a flyer for a workshop titled “Reinventing Commercial Strips” being held November 12, 2009 at the Mashantucket Pequot Museum. Commissioner Roper will try to attend.

The Commission received a letter from GOSA inviting them to GOSA’s Annual Meeting on October 15, 2009.

IV. SUBDIVISIONS

V. SITE PLANS

1. Mystic River Residential Care, 12, 14, 16 Godfrey Street

Tom Londregan, on behalf of the applicant, inquired as to how to proceed.

Chairman Sherrard indicated that he would hear from Staff, the Commission and then the public.

Commissioner Roper stated that although he is a nearby neighbor of the facility and knows many of the people involved, he could render a fair and impartial vote on the application.

Staff provided a brief presentation, generally covering the information in their memo dated September 22, 2009 and responded to the Commission’s questions.

Kirk Lowry, Legal Director, Connecticut Legal Rights Project, Inc., addressed the Commission representing the 7 residents he is retained by. Mr. Lowry asked the Commission to allow the reasonable accommodation and approve the site plan as presented. He stated that the Commission has to grant this reasonable accommodation unless they can show undo burden or fundamental alteration.

Elaine Cole, owner of Mystic River Residential Care, spoke to the Commission regarding her communications with neighbors.

The following spoke in favor of the application.

- Berry Saluk, 8B Godfrey Street.
- Renee Hewer, sister of a resident.
- Maria Theresa Walker, 3 High Street.
- Betty Ryan, 19 Burrows Street.

Marsha Brown, employed at MRRC, read a letter from Sound Community Services in favor of the application.

Hugh Manke, Updike, Kelly and Spellacy, representing MRRC, spoke to the Commission in favor of the application. Mr. Manke commented on Lots 12 and 16, their past and future use and asked the Commission to approve the application based on reasonable accommodation.

Mickey Weiss, 17 Godfrey Street, urged the Commission to deny the application until it has gone before the Zoning Board of Appeals to address the non conforming use of lots 12 and 16. Mr. Weiss asked the applicant to consider redesigning the building to better fit the neighborhood.

Guy Herman, 8 ½ Godfrey Street, spoke against the application.

Attorney Tom Londregan, who represented Elaine Cole, the owner of Mystic River Residential Care, discussed the use and the bulk of the lots and ADA requirements. Attorney Londregan distributed and discussed the Table of Permitted Uses from the Town Zoning Regulations. He discussed the current and proposed lot coverage and building area of the three lots. On behalf of Attorney Londregan, Mary Krepcio presented a PowerPoint Presentation on large buildings in the area and their square footage. Attorney Londregan handed out and discussed an email between Guy Herman and Elaine Cole.

Nicholas Michnevitz, Project Architect, addressed the complexity of the building type as it related to other code criteria. He presented and discussed a layout of the current structure, the location of the generator, transformer, loading dock and dumpster and their functional use/proximity and possible location changes.

Staff reported that the applicant had granted an extension on this application until October 13, 2009.

The Commission, Architect and Owner discussed the emergency generator, the time and length of the testing and sound attenuation. The Commission commented that landscaping will block view but not noise of the dumpster, and neighbors will still hear the trucks.

Attorney Timothy Bates, representing Mr. & Mrs. Mickey Weiss, spoke to the Commission regarding special permit criteria with residential facilities and other issues. He asked the Commission to deny the plan.

Jim Loughlin, 35 West Mystic Avenue, spoke to the Commission in favor of the application.

Chairman Sherrard called for a recess at 9:56 p.m. and the Commission reconvened at 10:06 p.m.

Attorney Tom Londregan addressed the Commission in rebuttal of Attorney Timothy Bates' comments. He asked the Commission what they would require in regards to landscaping, fences, screening and sound protection. Attorney Londregan and his client agreed to a two-day extension to October 15, 2009 on the condition that there will be no more public input.

Chairman Sherrard proposed a special meeting for Thursday, October 15, 2009 with input from the Commission, Staff and possibly the Town Attorney. The Commission suggested that the Town Attorney be present Thursday so that he may respond to any recommendations the Commission may have.

MOTION: To accept the two-day extension of the Mystic River Residential Care site plan application, 12, 14, 16 Godfrey Street, to the special meeting scheduled for October 15, 2009.

Motion made by Sherrard, seconded by Kane, so voted unanimously.

MOTION: To table Mystic River Residential Care site plan application, 12, 14, 16 Godfrey Street, to the special meeting scheduled for October 15, 2009.

Motion made by Sherrard, seconded by Roper, so voted unanimously.

VI. OLD BUSINESS

1. Discussion regarding Merritt Family Forest Trails

MOTION: To table the discussion regarding Merritt Family Forest Trails.

Motion made by Sherrard, seconded by Pritchard, so voted unanimously.

Commissioner Roper handed out a communication regarding this matter and asked Staff to provide a copy to GOSA. There was no discussion.

2. Land Use Regulation Update Project – No Report
3. Planning Commission By-laws – No Report

VII. NEW BUSINESS

1. Report of Commission

Commissioner Roper attended the grand opening of the G&S Trolley Trail.

VIII. REPORT OF CHAIRMAN

Chairman Sherrard said he cannot attend the Committee of Chairpersons meeting on October 19, 2009, and asked Commissioner Pritchard to attend in his place.

Chairman Sherrard said he will not be at the October 27, 2009 Planning Commission Meeting, and appointed Commissioner Pritchard as Acting Chairman for that meeting.

IX. REPORT OF STAFF

No report from staff.

X. ADJOURNMENT

Motion to adjourn at 10:29 p.m. made by Sherrard, seconded by Roper, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Katie Doolittle
Office Assistant II