

MINUTES  
PLANNING COMMISSION  
OCTOBER 22, 2013 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Sherrard, Kane, Pritchard, Munn  
Alternate members present: Fitzgerald, Zod  
Member Absent: Steinfeld  
Staff present: Glemboski, Silsby

Chairman Sherrard called the meeting to order at 7:01 p.m. Zod was seated for Steinfeld.

II. PUBLIC HEARING

1. Oat Re-Subdivision, 0 MacDonald Court, Noank (SUB13-03) (CAM)

Pritchard read the Notice of Public Hearing.

Sherrard stated that the applicant has requested to continue the public hearing until the next regular meeting scheduled for November 12, 2013.

MOTION: To Continue the Public Hearing until November 12, 2013

Motion made by Munn, seconded by Zod, so voted unanimously

III. APPROVAL OF THE FOLLOWING MINUTES

MOTION: To approve the September 24, 2013 minutes, as amended

Motion made by Sherrard, seconded by Pritchard, so voted 4 in favor, 1 abstention (Munn). Motion Carried.

MOTION: To approved the October 8, 2013 minutes, as amended

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

IV. PUBLIC COMMUNICATIONS

Fitzgerald suggested that a 7:45 p.m. start time for public hearings was best. Sherrard would address this item under Report of Chairman.

V. SUBDIVISIONS

1. Oat Re-Subdivision, 0 MacDonald Court, Noank (SUB13-03) (CAM)

This item was continued until the next meeting scheduled for November 12, 2013.

VI. SITE PLANS

1. Randall's Wharf Driveway Modifications, 17 & 31 Water Street (SIT 13-07) (CAM)

The applicant has requested to table this item until the next meeting scheduled for November 12, 2013. The decision would still fall within the 65 day extension period.

MOTION: To table this item until November 12, 2013

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

2. Oyster Club (85<sup>th</sup> Day Restaurant) Modification, 13 Water Street (SIT13-10) (CAM)

Dan Meiser explained the request to modify the original site plans previously approved for the restaurant and deck. Specifics were given about the 15 parking spaces being proposed at 17 Water Street in lieu of the 38 spaces previously proposed for lease at 5 Fort Rachael Place. After meeting with Staff, the resolution was to install fifteen (15) parking spaces.

Staff explained what was previously approved with the Special Permit and Site Plan approvals. She explained that the request is to amend the previously approved parking commentary notes on the site plans.

Concerns were raised about lease renewals and the length of the renewal time period. A concern was also raised that parking issues in downtown Mystic needs to be more fully addressed.

Discussion ensued about parking spaces, the lease renewal, and any possible impact with Mystic Streetscape Phase II. Staff stated that there should be no impact with Phase II with the leasing of these spaces.

MOTION: To approve a site plan modification for Oyster Club (aka 85<sup>th</sup> Day Restaurant), 13 Water Street, to amend the parking scenario for Site Plans X11#05 and X12#10 with the following modification:

1. To amend the parking commentary notes on Site Plans X11#05 and X12#10 to change the 38 leased spaces at 5 Fort Rachel Place (after 5:30 pm, seven days a week and on weekends during the day) to 15 leased spaces at 17 Water Street (seven days a week, 24 hours per day).
2. A copy of any lease renewals for 17 Water Street shall be provided to the Planning Department. Any decrease in the leased number of parking spaces shall be reviewed by the Office of Planning and Development and the Planning Commission.
3. Any staff technical items shall be addressed.

Motion made by Sherrard, seconded by Munn, so voted unanimously

3. Luther Enterprise LLC Development, 170 Leonard Drive (SIT13-08) (CAM)

Matthew White, John Luther, and John Carlin were present for the application to build a 13,920 square foot building, which will primarily house office space and light industrial/warehouse space at the rear of the building. Specifics were given about parking, the access drive, loading areas, and drainage. IWA approval has already been granted.

Staff noted that Lot #4 of the Leonard Drive Subdivision was approved in 2005. She spoke about the existing sidewalk location and the interconnecting sidewalk. A detailed floor plan has been submitted. Details were given about impervious parking, landscaping, and a hazardous materials plan. Information was given about the property being in the flood zone. Staff noted that a CAM is affiliated with this application. Other details were given about a buffer zone, wetlands, and erosion controls.

Plans were reviewed as discussion followed about pedestrian traffic, sidewalks, the building entrance, and propane tanks.

**MOTION:** To approve a waiver to Section 7.5-2 of the Zoning Regulations and to not require a frontage sidewalk based on Section 7.5-5 C of the Zoning Regulations and the following findings:

1. The Commission finds that the sidewalk network in this industrial subdivision has been constructed on the west side of Leonard Drive.
2. The Commission finds that there will be no significant pedestrian movement to the site or between this site and those adjacent to it.

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

**MOTION:** To approve a waiver to Section 7.5-4 of the Zoning Regulations and to not require an internal sidewalk connection between the frontage sidewalk and building based on Section 7.5-5.C. of the Zoning Regulations and the following findings:

1. The Commission finds that there will be no significant pedestrian movement to the site or between this site and those adjacent to it.
2. The Commission finds that absence of a frontage sidewalk makes the internal walk unnecessary.

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

**MOTION:** To approve a site plan for Luther Enterprises, LLC, 170 Leonard Drive, with the following modifications:

1. Three perimeter parking lot shade trees shall be added to the rear parking area.
2. All staff technical items shall be addressed.

The Planning Commission notes that the allowance for a pervious parking surface on this site is for a small portion of the rear parking and meets the intent of Section 7.2-13 of the Zoning Regulations.

Motion made by Sherrard, seconded by Munn, so voted unanimously

**MOTION:** To approve the Coastal Site Plan for Luther Enterprise, LLC, 170 Leonard Drive, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

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

4. Mystic Industrial Park, LLC, Lot 12, Flanders Road and Noank Ledyard Road (SIT13-09)

Paul Biscuti of DiCesare-Bentley Engineers and the applicant, Tim Tylaska were present for the application. The proposal to construct 6 commercial buildings for warehouse/light manufacturing use and associated site improvements including a paved access road extension, secondary gravel access road, new paved parking spaces, new storm drainage system and new underground utilities were explained. Information was given about the access driveway, previous expansions, drainage, a detention basin, on-site septic, water, landscaping, trees, site layout, and the access road. An access and utilities easement through 800 Flanders Road has been incorporated as part of subdivision approval. Mature tree growth along Flanders Road will be used as street shade trees. Biscuti explained his request for a waiver for relief from frontage sidewalk and internal sidewalks.

Tylaska stated that he has no plans to develop Whittles Farm. He explained his array of businesses and hopes to expand his own business.

Draft motions were discussed.

Staff spoke about sidewalk requirements for frontage and the request for waivers of the sidewalks. Staff discussed the 50-foot wide trail easement along Highway I-95 and along Flanders Road, which would be required before recording final plans in Land Records. She noted that the IWA permit did not include a pedestrian walkway along Flanders Road.

Tylaska explained why he is not in favor of installing lipped curb doors. He explained some of the other precautions he has taken with regards to hazardous materials.

Discussion ensued about pedestrian traffic, an internal sidewalk connection, sidewalks, parking place widths, the driveway, planter boxes, shade trees, lighting, lipped curbs, and temporary outside material storage. Staff clarified that anything stored outside on site requires additional reviews and approvals. Additional concerns were raised about a 5-year sidewalk agreement along Flanders Road and storing materials outside on site. It was noted that installing a septic system would require final approval from Ledge Light Health District.

Staff recommended that the applicant obtain additional approvals for outside material storage. Clarification was given about the 5-year sidewalk agreement and its benefits. Biscuti and Tylaska explained why they were not in favor of a 5-year sidewalk agreement. Options were discussed. Information was given about the 50-foot easement for a multi-use trail that was required under the subdivision approval in lieu of the 10% open space requirement. Discussion continued about draft motions.

**MOTION:** To approve a waiver to Section 7.5-2 of the Zoning Regulations and to not require a frontage sidewalk along Noank Ledyard Road based on Section 7.5-5 C of the Zoning Regulations and the following findings:

1. The Commission finds there is currently no significant pedestrian traffic and the proposed warehouse/light manufacturing facility will generate little if any pedestrian traffic other than employees.

Motion made by Sherrard, seconded by Munn, so voted unanimously

**MOTION:** To approve a waiver to Section 7.5-4 of the Zoning Regulations and to not require an internal sidewalk connection between the frontage sidewalk and buildings based on Section 7.5-5.C. of the Zoning Regulations and the following findings:

1. The Commission finds that access to the site is through a driveway on an adjacent site and there will be no significant pedestrian movement to the site or between this site and those adjacent to it.

Motion by Sherrard, seconded by Munn, so voted unanimously

**MOTION:** To approve a site plan for Mystic Industrial Park – Lot 12, Noank Ledyard Road and Flanders Road, with the following modifications:

1. A standard 5-year sidewalk/multi-use path agreement shall be provided for the Flanders Road frontage and will be filed with the plans in land records.
2. The final plan shall show that a minimum 6-foot wide walkway can be maintained in front of all buildings.
3. The Landscape plan shall be modified to include the following:
  - a. Shade trees shall be planted on both sides of the access road where the tree canopy is greater than 20-feet away from the pavement and where trees will not interfere with utilities lines.
  - b. Planter boxes will be shown in front of buildings 8 and 9.
4. A note shall be provided on the final site plan stating: “Any outside storage shall require additional review and approval by the Office of Planning and Development Services and other agencies or commissions, as appropriate”.
5. A note shall be provided on the final plan stating: “Hazardous material use or storage on the site is not allowed unless an adequate containment

system is provided. The system shall be submitted for the town for review and approval.”

6. All staff technical items shall be addressed.

The Planning Commission notes that there are sufficient shade trees or other landscaping currently on the site or shown on the final plans to meet the intent of Section 7.4 of the Zoning Regulations.

Motion made by Sherrard, seconded by Munn, so voted unanimously

A recess was taken at 9:53 p.m. The meeting reconvened at 9:57 p.m.

5. Thames Edge At Fairview, 231 Lestertown Road, Phase I Site Plan Modification (SIT13-13)

Clint Brown of DiCesare-Bentley Engineers presented the application to modify the previously approved Phase I Site Plan dated September 5, 2013, to modify phasing. Also present were the owners and the construction team. Details were given about erosion sediment areas, the drainage system, and temporary sediment basins. Brown explained in detail how phasing would occur, which could reduce 3 months off the estimated completion timeline. He also proposed to remove the restriction so that a Certificate of Occupancy could be obtained while other phases are in progress.

Topics discussed included the current and future drainage design, clarification of phases being done, and limitations on construction traffic. Brown noted adjustments to be undertaken to alleviate construction traffic on Lestertown Road as soon as possible.

Brown noted that Fairview facilities have enough community space without building the clubhouse and have satisfied the zoning requirement. He also requested a change to 7 Certificate of Occupancies instead of 5 for Phase 1B.

**MOTION:** To approve the Thames Edge at Fairview Phase I Phasing Modification (SIT13-13) with the following modifications:

1. The clubhouse will be completed with a Certificate of Occupancy issued, prior to the issuance of the seventh Certificate of Occupancy in phase 1B
2. Construction related deliveries shall be limited to the hours of 9:00 AM to 2:30 PM. on Lestertown Road
3. No Certificate of Occupancies shall be issued until the Military Highway access has a binder course of pavement and is open to use
4. The Military Highway access shall have a binder course of pavement no later than April 30, 2014 and all use of Lestertown Road for construction traffic shall cease.

Motion made by Sherrard, seconded by Munn, so voted unanimously

VII. OLD BUSINESS

1. Subdivision Regulation Amendments – No update
2. Plan of Conservation and Development Update

Sherrard stated that a POCD special meeting will be held on Thursday, October 24, 2013.

#### VIII. NEW BUSINESS

1. Report of Commission

Pritchard attended the COC meeting last night and gave an overview of what was discussed.

2. New Applications

Sherrard noted that a site plan application has been received regarding the Emporium Renovation on 15 and 17 Water Street.

Sherrard referred to the Emporium renovation special Permit referral meeting with Rusty Sergeant about rearranging parking spaces. Staff stated that there is no update at this point.

#### IX. REPORT OF CHAIRMAN

Sherrard took a poll about a starting time for public hearings for future Planning Commission meetings. Background information was given. A consensus was made to set public hearing times for 7:30 p.m. It was clarified that the public hearing for the Oat Re-Subdivision would begin at 7:00 p.m. as it was published as such.

#### X. REPORT OF STAFF

Staff noted that Zoning Enforcement Officer Lee Treadway will be leaving the Office of Planning and Development Services but will continue working for the Town in the Public Works Department.

#### III. ADJOURNMENT

Motion to adjourn at 10:30 p.m. was made by Munn, seconded by Pritchard, so voted unanimously.

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Jeffrey Pritchard, Secretary  
Planning Commission

Prepared by Robin Silsby  
Office Assistant II