

MINUTES
PLANNING COMMISSION
MARCH 11, 2014 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Sherrard called the meeting to order at 7:03 p.m. He appointed Fitzgerald to sit for Pritchard.

II. APPROVAL OF THE FOLLOWING MINUTES – February 25, 2014

MOTION: To approve the minutes of February 25, 2014, as amended.

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

III. PUBLIC COMMUNICATIONS

Fitzgerald attended the Mystic Streetscape Phase II public meeting. He noted that the work should begin in early March and end during the summer.

SUBDIVISIONS

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

Fitzgerald recused himself because of previous employment by a family member with Dime Bank.

For the record, Sherrard stated that there are still 5 voting members present.

Staff referred to the Town Attorney's opinion. After significant evidence was brought to light during the public hearing process, Staff explained that Town Staff and the Town Attorney would not recommend this project as it did not comply with subdivision regulations. A motion has been drafted by the Town Attorney for the Planning Commission's consideration. The draft motion was distributed.

Staff read the Motion in its entirety, reviewed the map, and explained that insufficient evidence is the basis for why this application fails to demonstrate compliance with subdivision regulations. Tracts A and B and Campbell Road were reviewed on the plans. Subdivision regulations were noted. The lack of sufficient evidence to establish the ability to get utilities and provide total access to the property was addressed.

After hearing Staff's comments and hearing the draft motion, Planning Commission members felt that they had no recourse but to deny the application because

of the lack of sufficient evidence to establish compliance with the subdivision regulations.

Munn proposed adding “denied without prejudice” at the end of the motion. Discussion followed.

A Motion was made by Munn to add “denied without prejudice”. He would like to get clarification from the Town Attorney. The Motion was not seconded. Staff recommended not adding this language.

It was noted that this decision does not preclude the applicant from re-submitting a new application in the future with sufficient evidence.

MOTION: To deny a resubdivision plan entitled “Resubdivision Plan, Joan C. Oat MacDonald Court Subdivision” PIN #260819700132, 0 MacDonald Court (SUB13-03) based on the following reasons and findings:

1. The application fails to comply with subdivision regulations §§ 1.2(1), (9); 4.2(1); 4.2(4) and 4.61(c), because the applicant presented insufficient evidence that the proposed subdivision lot has legal rights to use Campbell Road for purposes of ingress and egress and the installation, maintenance, repair and replacement of a driveway and utilities, including without limitation a sewer line and a water line and fire hydrant.
2. The application fails to comply with subdivision regulations §§ 1.2(1), (9); 4.2(1); 4.2(4) and 4.61(c) because the applicant presented insufficient evidence that the proposed subdivision lot has legal rights to use Tracts A and B as depicted on “Subdivision Plan for Joan C. Oat Elm Street South Noank, CT., Date: August 6, 2002, REV. 9/9/03”, for purposes of installing, maintaining, repair and replacing utilities, including without limitation a sewer line and a water line and fire hydrant.
3. The applicant has presented insufficient evidence that the subject parcel has legal rights over offsite properties required to install a water line and fire hydrant as required by the Noank Executive Committee, and therefore failed to demonstrate compliance with subdivision regulations § 4.5(2).

Motion made by Sherrard, seconded by Steinford, so voted 4 in favor, 1 Abstention (Munn)

2. Watrous Subdivision, 0 Pleasant Valley road North (SUB14-01) – Set Public Hearing Date

The public hearing date was set for April 8, 2014.

Fitzgerald returned to the meeting at 7:34 p.m.

Kane left the meeting at 7:35 due to a family situation. Chairman Sherrard appointed Zod to sit for Kane.

Glemboski left the room for this application, due to a conflict of interest with the next site plan application.

IV. SITE PLANS

1. Mystic Art Center Parking, 9 Water Street (SIT14-01) (CAM) – Request for Extension or Action Required

Civil Engineer Greg Fedus of Fedus Engineering, LLC, explained the proposal and gave details about the islands, landscaping, the parking area, and signage. A catch basin, a leaching gallery, and two stormceptors to treat stormwater will be added to improve the drainage on the site. Thirty-five (35) parking spaces will be added. Dimensions were given about the parking lot and the walk-ways. He stated that Steamboat Wharf has signed an agreement to amend a current easement. Due to the Powerhouse lease having expired, those parking spaces will now be added back to the Mystic Art Center Parking lot. Specifics were given about trash disposal, the grease containment area, and landscaped buffers.

Staff reviewed the map and spoke about boundaries, grease disposal, lighting, and a new sidewalk. Curb lines will be adjusted. Specifics were given about parking spaces, landscaping, and the existing buffer. Storm water management will be upgraded. Coastal access signs will be installed. Letters from nearby property owners have been received in regards to the changing of the easement.

Additional information was given about the existing easement and the lighted walkway going back to the Emporium. Concerns were raised about traffic flow and access to the dumpster. A technical item will be added to clarify the dumpster size and location. An inquiry was made about the parking arrangements with other merchants. In reference to a concern about screening, Fedus stated that a dense continuous hedge will be installed along the perimeter of the Pizzetta property.

MOTION: To approve a site plan for Mystic Art Center Parking Lot Modifications, 9 Water Street (SIT14-01) with the following modifications:

1. Two deciduous trees shall be provided adjacent to the parking areas on the south and west side of the building and an additional tree shall be provided in the landscaped island near 7 Water Street to meet the intent of Landscaped Parking regulations.
2. The landscaping along the rear of the Pizzetta property shall be sized and specified to provide a continuous and effective screen of 3 ft. in height within two (2) years of planting.
3. All staff technical items shall be addressed.

The Planning Commission notes that the plan incorporates shrubs along the southeast property line in lieu of shade trees due to the proximity of the existing Powerhouse Condominium building and this design meets the intent of the landscape parking requirements of Section 7.4-5 of the Zoning Regulations and the Waterfront Design District.

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

MOTION: To approve the Coastal Site Plan for the Mystic Art Center with the following modification:

1. The coastal access easement over the existing path shall be modified to include the new location and benches at the south end of the property.

The Commission finds that the Coastal Site Plan, as modified, is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources.

Motion made by Zod, seconded by Steinfeld, so voted unanimously.

Glemboski returned to the meeting at 8:12 p.m.

2. Pizzetta, 7 Water Street (SIT14-02) (CAM)

Seamus Moran of Indigo Land Design and applicant Gary Hobert were present for this application. Moran reviewed the map and gave details about the proposed 1 ½ story addition to the North of the existing building. He spoke about expanding the dining area, changing the egress, impervious surfaces, drywells, and improving drainage. The addition requires 8 additional parking spaces and a waiver to 7.2-3 has been requested for parking. Information was given about the interior renovations, lighting, the landscaped modifications, and the flood zone. HVC units will have spill containment apparatus attached. Specifics were given about the grease trap and the propane tank.

Staff explained that this project has gone through a number of approvals recently. The map was reviewed and specifics were given about the outside patio, the inside dining areas, flood-proofing the doorway, and handicap accessibility. Information was given about the setback line near the porch and a request for a waiver. A letter from the Mystic Art Center noted that validation will be done throughout the year. Other details about the application were noted.

Zod raised a concern about the location of the handicap spaces and suggested changing the language in the parking waiver to include language about reducing parking in order to access the handicap space. FEMA requirements were noted and the architectural plans were reviewed. Information was given about the size of the propane tank. Discussion ensued about adding additional language to the waiver about handicap space access.

MOTION: To approve a waiver for Pizzetta, 7 Water Street, to Section 7.2-3 for off-street parking requirements for the site in accordance with Section 6.3-4.H. and Section 7.2-5(A) of the Zoning Regulations based on the following:

1. The applicant shall continually participate in the Mystic Art Center's sponsored parking validation program whenever the indoor or outdoor dining areas are in operation.
2. The applicant shall continue to provide both verbal and signage information informing customers of parking options.

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

MOTION: To approve a waiver for Pizzetta, 7 Water Street, to Section 6.3-4.C for new construction not to be located within 10 feet of any property line unless a party line agreement has been properly executed and recorded, in accordance with Section 6.3-4.H of the Zoning Regulations based on the following:

1. The existing porch is currently located within 10-feet of the front property line and the proposed porch extension will maintain the architecture, balance and shape of the historic building.
2. The proposed design will enhance the unique qualities of the Mystic area and will be in keeping with the Town's Plan of Conservation and Development.

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

MOTION: To approve Site Plan SIT14-02, Pizzetta, 7 Water Street with the following modifications:

1. A detail of the underground propane tank shall be added to the plans with the following notes:
 - a. The installation and maintenance of underground storage tanks shall be in accordance with NFPA 58 and/or shall conform to the manufacturer's specifications and recommendations, whichever is most stringent and protective.
 - b. The tank shall be properly secured to protect it from flood buoyancy forces using straps or other NFIP approved methods as described in FEMA Publication, P-348, Edition 1/November 1999: Protecting Building Utilities from Flood Damage, or as updated/amended.
2. The location of the dry flood proofing at the building entrances shall be shown on the site plan to meet Section 6.6-5 (B) of the Zoning Regulations.
3. The final site plan shall note the installation of an external 1,000 gallon concrete grease tank or an inside Automatic Grease Recovery Unit (AGRU) or the applicant will need to receive a waiver from the Water Pollution Control Authority.
4. Modify the parking lot to provide a handicap space (which may result in the overall loss of one parking spot) for direct unimpeded handicapped access to the building.
5. All staff technical items shall be addressed.

The Planning Commission notes that this is an existing site with large parking lot trees and existing planter beds that will be enhanced with new plantings. The proposed landscape design meets the intent of the landscape requirements of Section 7.4 of the Zoning Regulations and the Waterfront Design District.

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

MOTION: To approve the Coastal Site Plan for Pizzetta, 7 Water Street, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources.

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

3. Historic Mystic LLC (Central Hall), 18-22 West Main Street, (SIT12-13) – Request for Start of Construction Extension

Sherrard stated that plans have been signed and recorded in Groton Land Records. He noted that prior to tonight's meeting, Rod Desmaris stopped in to request a June 10, 2014 Start of Construction date.

MOTION: To approve a Start of Construction date of June 10, 2014 for Historic Mystic LLC (Central Hall)

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

Director Murphy thanked his Staff, especially Planner Diane Glemboski, for doing a great job in reviewing all the easements, maps, and other pertinent documentation relative to the Central Hall project.

Steinfeld commended Planning Staff for the work they do. He expressed concern about the recent newspaper article in The Day Paper. He felt that the article was a misrepresentation and was one sided. Fitzgerald agreed with Steinfeld's comments and concerns.

The Planning Commission praised Planning Staff for bringing the Central Hall project into compliance. Background history was given about the building since the fire occurred over ten years ago.

V. OLD BUSINESS

1. Subdivision Regulation Amendments – None
2. Plan of Conservation and Development Update

The next meeting will be held on Thursday, March 20, 2014.

VI. NEW BUSINESS

1. Report of Commission
2. New Applications
 - Thames Edge At Fairview – Phase II, 23 Lestertown Road (CAM)
 - Mystic Emporium, 15 Water Street (CAM)
 - Laursen Deck Extension, 39 Steamboat Wharf (CAM)

Steinfeld expressed concerns about the unacceptable condition of Crystal Lake Road. He inquired about the timeframe for the start of construction. Staff stated that the

design has not yet been completed. Steinfeld felt strongly that this work needs to be done early this Spring 2014. Staff will report back on this as soon as possible.

VII. REPORT OF CHAIRMAN

Sherrard noted that he and Pritchard attended the Regional Planning Commission meeting. He added that Pritchard has agreed to be an alternate member. The next meeting has been scheduled for April 28, 2014.

It was noted that the annual conference for the Connecticut Federation of Planning and Zoning Agencies will be held on Thursday, March 13, 2014.

The Planning Commission wished Murphy the very best in his retirement.

VIII. REPORT OF STAFF

Staff gave background information about the 2015 budget and noted that he has proposed adding a part-time clerical position for his department. He stated that a hiring freeze may be in effect for his soon to be vacant position as Director of Planning. He expressed concerns for the Planning Department after his departure. He asked the Planning Commission to stay vigilant in their capacity as Planning Commission members. He stated that Building Inspector Robert Mastrandrea will be retiring on March 14th. Staff submitted paperwork for filling his position but the vacant position of Code Enforcement Officer will be left vacant for the time being. Lastly, Murphy expressed his appreciation to the Planning Commission for all they do. He has enjoyed working with them and will miss them all.

Steinfeld explained why he is very discouraged with the current RTM.

IX. ADJOURNMENT

Motion to adjourn at 9:27 p.m. was made by Steinfeld, seconded by Munn, so voted unanimously.

James Sherrard, Chairman
Planning Commission

Prepared by Robin Silsby
Office Assistant II