

MINUTES  
PLANNING COMMISSION  
SEPTEMBER 24, 2013 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Sherrard called the meeting to order at 7:00 p.m. He seated Fitzgerald for Steinfeld and Zod for Munn.

II. APPROVAL OF THE MINUTES of September 10, 2013

MOTION: To approve the minutes September 10, 2013, as amended.

Motion made by Pritchard, seconded by Fitzgerald, so voted 3 in favor, 0 opposed, 1 abstention (Zod). Motion Carried.

III. PUBLIC COMMUNICATIONS - None

IV. SUBDIVISIONS

1. Mystic Glen Open Space Re-subdivision Modification, 24 Greenbriar Court and 25 Whitehall Lane, Mystic (SUB 13-02)

Fitzgerald noted that, for the record, he lives near Greenbriar Court and felt that he could be impartial in voting on this item.

Staff summary sheets were distributed. Background history was given. Staff noted that the main focus relates to the waiver request.

Ed Wenke of The Winthrop Group explained the proposal to create two additional lots. Background information was given about the property. He noted that these are pre-existing lots and that this is a request for a modification of the waiver that was previously granted by the Planning Commission in 1993 for the Mystic Glen Open Space Re-Subdivision. Maps were reviewed and specifics were given about frontage, the driveway configuration, an easement, and regulations. A full drainage study has been done. The Wetlands Agency has approved the drainage plan. Additional information was given about the soil, flagged wetlands, grading, utilities, impervious areas, and the proposed common driveways. He added that the Town Engineer has signed off on this proposal and explained why he believes these changes could improve the property.

Staff gave a brief report about waivers, frontage access, the driveway and the sidewalk. Staff had no concerns about granting a waiver but noted the importance of the sidewalk infill on Allyn Street. Staff explained that he is required to attend the Town Council meeting that is currently being held in Room 1 at this time. Before he left the

meeting at 7:30 p.m., he offered that the Planning Commission may table this item if members still have concerns. Director Murphy left the meeting at 7:30 p.m.

Additional information was given by Wenke about frontage as he explained why this is a hardship case and why other alternatives may not be the best option. Staff had no comments. Zod expressed concerns about the driveway and the layout, and explained why he doesn't feel this is a compliment to the neighborhood. Discussion ensued about roads, driveways, and access. Others concerns raised were related to the lot line revision, drainage, raised driveways, and the wetlands buffer requirement.

Sherrard inquired about phasing. Wenke explained that this is a non-phased project. Driveways will be installed in their entirety before lots are sold. Additional information was given about wetland areas being marked off and homeowners being required to maintain the driveways.

The Commission discussed the draft motions.

**MOTION:** To approve the waiver of Section 4.2 (1) K to allow an additional two lots on a permanent dead end road for a total of 19.

1. The granting of waiver will not be detrimental to the public safety, health, or welfare or have a significant adverse effect on other adjacent property.
2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

Motion made by Sherrard, seconded by Pritchard, so voted 3 in favor (Fitzgerald, Pritchard, Sherrard), 1 opposed (Zod), and no abstentions. Motion Carried.

Pritchard stated that per regulations, a  $\frac{3}{4}$  affirmative vote (i.e., 4 affirmative votes) is required to approve a waiver. Discussion followed whether this item should be "tabled".

It was noted that because not all members were present at tonight's meeting, the outcome may have been different than the vote just taken. As such, a Motion to Table was discussed in light of the fact that a  $\frac{3}{4}$  vote of commission members were required to pass a Waiver.

**MOTION:** To Table further action on this re-subdivision application until later in the meeting

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

## V. SITE PLANS

1. Thames Edge At Fairview (Fairview Estates) Phase 1 – Request for Extension

Clint Brown of DiCesare-Bentley Engineers requested a one-year start of construction extension until September 25, 2014. He explained that he is waiting for finalization from the railroad.

**MOTION:** To approve a one-year extension for start of construction

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

Director Murphy returned to the meeting at 8:10 p.m.

SUBDIVISIONS (Continued from earlier tonight)

2. Mystic Glen Open Space Re-subdivision Modification, 24 Greenbriar Court and 25 Whitehall Lane, Mystic (SUB 13-02)

Staff agreed with Pritchard that a  $\frac{3}{4}$  affirmative vote of all regular members are required to pass a Waiver. Wenke noted that not all commission members are present tonight. Staff inquired about the Commission's concerns. Zod expressed concerns with the driveway configuration. Staff gave specifics about staff reviews and driveway access, noting that the proposed configuration is not a standard that would normally be recommended but because this is a unique situation, the proposed configuration is the best case scenario. Maps and wetlands were reviewed. Staff explained that they had no problem with the application, given the location of wetlands on site and the desire to limit access points on Allyn Street.

MOTION: To rescind the previous vote on the Waiver

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

Zod noted that since additional input was given by Staff, he may reconsider his stance on this issue.

MOTION: To approve the waiver of Section 4.2 (1) K to allow an additional two lots on a permanent dead end road for a total of 19.

3. The granting of waiver will not be detrimental to the public safety, health, or welfare or have a significant adverse effect on other adjacent property.
4. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

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

MOTION: To approve the Mystic Glen Open Space Re-subdivision Modification plan with the following modifications. The final plan including as appropriate, all plan notes and details, shall be revised as follows:

1. Approves the lot line modification for 25 Whitehall Lane, to enlarge the lot.
2. A minimum of twelve foot width driveways with fourteen foot overhead clearance shall be required as per the Mystic Fire Marshal.
3. A five foot width concrete frontage sidewalk shall be installed for the length of the frontage of the lots facing Allyn Street (approximately 240 +/-') and shall be installed directly south of the 199' installed by the Pequot Avenue Booster Pump Station Project.
4. Technical Items of Staff shall be addressed.

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

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

Staff stated that the applicant has requested a continuance until October 8, 2013.

MOTION: To Table this item until October 8, 2013

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

#### VI. OLD BUSINESS

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

Staff noted that a special POCD meeting is being scheduled for October 24, 2013. A public information meeting will be held on November 21, 2013 in Room 1 at the Town Hall Annex.

#### VII. NEW BUSINESS

1. Zoning Commission Referral for 10/2/13 Public Hearing
  - a. Special Permit #336, Emporium Renovation, 15 Water Street (CAM)

Staff reviewed maps and gave background information about the project which will include retail space, apartments, and renovating a deck. Additional information was given about proposed parking.

Relating to inquiries about parking spaces, the applicant, Rusty Sergeant, explained about required parking, a back stairway, drainage, and the basement. Photos were presented. He stated that a waiver is being requested in regards to parking. He noted that the building will be fully sprinklered. Discussion ensued about dedicated parking allotted for retail and apartments.

MOTION: That the Planning Commission has concerns about sufficient parking being provided, especially for residential units.

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

2. Report of Commission - None
3. New Applications
  - a. Mystic Business Park, LLC, Flanders Road and Noank-Ledyard Road (SIT13-09)

Staff noted that the above application has been received.

#### VIII. REPORT OF CHAIRMAN

Sherrard pointed out that clear cutting has occurred near the Submarine Base, along the water. Staff will look into this and report back. Sherrard gave specifics about his conversation with Representative Wright regarding new wind turbine regulations from the Connecticut Siting Council.

IX. REPORT OF STAFF

An inquiry was made about Gabriele's Karate on Poquonnock Road leasing a small office space on the first floor.

In regards to wind turbines, Staff referred to regulations and noted that he will follow up on this matter.

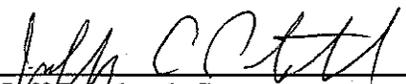
Staff gave an update on Central Hall. He has just recently learned that the applicant has drafted an application to DEEP to install an approximately 50 foot private ramp and floating dock, which was submitted to the Harbor Management Commission. The plan includes extending a public access walkway on the Town pump station property. Staff gave background information about the private dock, noting that the applicant has been advised to come back to the Planning Commission for approval of changes to the easement. A request was also made to the Shellfish Commission. Details were given about what the applicant is proposing. Staff may need to make some recommendations regarding conditions when the Planning Commission considers the extension request next week.

Sherrard noted he has not seen or signed final plans. Any extension request is not appropriate until plans have been signed. A concern was raised about changes to the public access easement and the feeling that changes need to be brought before the Commission for approval.

A report regarding Phase II of the Mystic Streetscape Project will soon be forthcoming.

X. ADJOURNMENT

Motion to adjourn at 9:13 p.m. was made by Pritchard, seconded by Zod, so voted unanimously.

  
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Jeff Pritchard, Secretary  
Planning Commission

Prepared by Robin Silsby  
Office Assistant II