

MINUTES
SPECIAL MEETING
ZONING COMMISSION
JANUARY 4, 2012 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Cady, French, Hudecek, Marquardt, O'Neill, Sutherland
Absent:
Staff: Davis, Murphy, Gilot, Town Attorney Carey

Chairman Hudecek called the meeting to order at 7:04 p.m. and seated Cady for O'Neill.

II. PUBLIC HEARINGS

1. Special Permit #323, 231 Lestertown Road and 0 Military Highway, PIN 168906288988 and PIN 168906278786, R-12 Zone. Proposal is for 197 units of congregate living facility, 20 units of assisted living housing, 69 units of active senior housing. Review is per Sections 7.1-1 and 7.1-45 of the Zoning Regulations. (Odd Fellows Healthcare, Inc., Applicant) (CAM)*

James Malloy, Chairman of Odd Fellows Healthcare, Bob Emma, Ammenta/Emma Architects, Bill Richter, Architecture and Clint Brown, DiCesare-Bentley Engineers, presented the application. The proposal is to create 69 more active adult and 197 congregate units. Over 70 percent of the land will remain green.

Bob Emma, Ammenta/Emma Architects, explained the existing site and buildings, architecture and services provided in each building. The characteristics of the site, including steep slopes and wooded areas, were described. Mr. Emma discussed the demographics of the residents, the long waiting list, and continuing care retirement communities (ccrc), providing independent living, assisted living, and skilled care, allowing residents to age in place.

Bill Richter, Landscape Architect, gave a Powerpoint presentation detailing the wetlands, proposed building heights, access/circulation, slopes and views.

Bob Emma reviewed the architectural details, floor plans, of the proposed cottage units, the independent living building, dedicated memory care unit, outdoor courtyards, accessibility guidelines, universal design features for seniors, recreational building, social/recreational amenities and green building concepts.

Clint Brown, DiCesare-Bentley Engineers, discussed the zoning and harmony with development. The Stormwater Discharge plan and utilities (water) were explained. The traffic circulation was detailed. Mr. Brown explained the entrances, intersections, looped roads, and said the State Traffic Commission's threshold is met for major traffic generator. A third party traffic study was prepared at the request of staff, and showed no impact on the street system. The sidewalk system proposed through site and connected to Lestertown Road, crosswalks and wetlands were discussed. The impact on environment was addressed with respect to erosion and sediment control project phasing, sequence of operations, and improved drainage at the new entrance. No wetland permit was required. No coastal impacts result from this application. There would not be any development on slopes of 25% or greater. No endangered or threatened species on the site, and no significant architectural findings in the survey. A cemetery, creamery building and barn existing on the site will remain and be incorporated into

the plan. The parking requirements, multifamily requirements, and active senior housing requirements of the zoning regulations were reviewed.

Staff provided a brief report. The Planning Commission requested the hearing remain open so they could review the application at their next meeting on January 10th. The internal road systems and cross-sections may need adjustments. Staff distributed a communication received from Carol Ellery.

The Commission took a short recess at 8:47 pm. and the meeting resumed at 8:54 p.m. O'Neill left at 8:54 p.m.

Bob Shepherd, 61 Lewis Street, Bailey Hill, spoke in opposition of any proposed entrance on Virgo Drive.

Stanley Stefanowicz, 31 Boardsen Road, said he was concerned with construction vehicles and traffic at the Lestertown entrance.

Lian Obrey, 141 Shennecossett Parkway, spoke in favor of the project.

William Griffin, 176 Phoenix Drive, Bailey Hill, asked if it was a gated community or open, and said he was concerned with deer population when building is completed.

Pam Julian, 87 Starr Hill Road, spoke about concerns with traffic.

Bill Griffin Jr., 115 Starr Hill Road, said he was concerned with the wildlife, and traffic on Starr Hill Road, including Oddfellows' service providers and employees.

Pam Julian, 87 Starr Hill Road, spoke about the woodlands and wildlife.

Jim Malloy, Fairview, pointed out the vast area of woodland that will remain untouched. He also said they would be able to control the construction vehicles' access to the property. Emergency services were reviewed with the fire department, and the Virgo Drive access road would be a gated dirt road and would never be used as an access road.

Bob Shepherd, 61 Lewis Street, spoke about Bailey Hill only having one access as well.

Staff explained the purpose of the special permit process, and the subsequent site plan process.

Bob Emma said that may be an opportunity to provide a second egress into the Bailey Hill neighborhood.

Mr. Emma provided copies of the Powerpoint presentation to the Commissioners.

Motion to continue the public hearing was made at 9:18 p.m. by Hudecek. The motion was seconded by Sutherland and passed unanimously.

III. APPROVAL OF THE MINUTES OF December 7, 2011

MOTION: To approve the minutes of December 7, 2011, as written.

Motion made by French, seconded by Sutherland. Motion passed unanimously.

IV. PUBLIC COMMUNICATIONS

Staff received electronic mail from Michael Noel, Noank, regarding an item on the agenda, Special Permit #324, Central Hall, but there is no public hearing. Copies of the communication were distributed to the Commissioners. Staff said if they are not taking any other comments from the public, they should not consider this communication in their decision.

V. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #323, 231 Lestertown Road and 0 Military Highway (Odd Fellows Healthcare, Inc., Applicant)

The public hearing was continued to the February 1, 2012 meeting.

2. Special Permit #321, 0 Yetter Road (Whittle Earth Products Facility, Applicant)

Staff discussed the memo that they provided to the Commission in their agenda packet, and explained the three options for consideration.

The stipulated agreement and the hearing record were discussed.

Staff discussed the third option proposed. The onsite material could be limited, but allow more imported material, providing the applicant the opportunity to not have to excavate the material.

Attorney Carey discussed the stipulation and the history of the Zoning Board of Appeals decision. The judgment was not imposed by the court. The ZBA upheld that two of the four uses in the zoning official's cease and desist were allowable. Onsite excavation and processing of onsite materials are allowed. Rock crushing and importation of material were not pre-existing. While pending in court, the settlement was reached between the parties. Neighbors spoke at the hearing. The court approved the settlement. The agreement required the special permit, and allowed the two non-permitted uses to be treated as legal non-conforming uses. Mr. Carey said the application can't be denied because the Commission thinks the use is inappropriate with the zone. He believed option 3 is a good option. The 50/50 agreement was important to maintain the balance. The balance between agricultural and processing uses would be maintained. This option allows the applicant to maintain agricultural use and importation to supplement. Attorney Carey recommended holding their decision to weigh the risk of an appeal, and how option 3 fits in with the stipulated agreement.

Staff distributed a sketch of the property from the GIS system. The daytime DBE of 54, the DEEP noise standard's definition of "day", nighttime DBE of 45, the generation of noise from gun shooting on the property, tailgate noise, stockpiles and elevations were all discussed.

It was the consensus of the members to direct staff to draft an approval motion based on option #3, for their review and action on February 1, 2012.

VI. OLD BUSINESS

1. Discussion of proposed text amendment to Zoning Regulations Section 8.3 - Tabled
2. Proposed Motion to Amend the Previously Adopted Meeting Minutes of September 7, 2011

MOTION: That the minutes of the September 7th Zoning Commission meeting be amended by moving the sentence on page 4, under New Business the sentence is, "The Chairman requested that the tape be turned off at 8:57 p.m." to where it actually occurred under Report of Chairman where the purpose of turning it off was to discuss the medical conditions of one of its members.

Motion made by Sutherland, seconded by French. Motion passed 4-1, 1 opposed (Marquardt).

3. Special Permit Modification #324 (Central Hall) (CAM)

Ken Navarro, Developer, Historic Mystic, LLC, explained the existing plan, and the modified plan proposed. The applicants currently have 20 spaces behind 36 West Main (Tift Building); six were intended for Central Hall and 14 for the Tift site uses. The applicants now propose to increase dedicated condo parking by nine to a total of 15 spaces, with the remaining five dedicated to the existing residential units on site. Of the original 18 that are leased at the Mystic Art Center, nine were for the condo owners of Central Hall. The remaining nine unassigned spaces were to be made available to the commercial tenants of Central Hall and the Tift site for their employees to park there. All 18 spaces at the Mystic Art Center will now be for the commercial tenants. The pump station and the Tift site parking areas will be gated if approved. Designated delivery drop-off space is available on-street (Pearl Street).

Staff explained the Planning Commission's referral and the parking requirements of the zoning regulations, which prioritize onsite parking for onsite uses. He also explained why the CAM application could not be exempted, due to the installation of the Pearl Street gate.

Staff distributed information to Commissioners regarding the Mystic Art Center's parking program.

Three issues that staff felt should be addressed as conditions to this application were that the applicant should continue their participation in the parking validation plan, provide details with the site plan for the proper operation of the gate for the lot at 36 West Main Street, including concerns for access for service, delivery, trash, etc.; and provide a phasing plan for the dedication and completion of parking at both the pump station and the Tift site.

There are no coastal management issues staff is concerned about.

MOTION: To approve Special Permit #324, for modification of the parking program for 18-22 West Main Street, 36 West Main Street, 2 Gravel Street and 3 Gravel Street and for installation of a gate at 36 West Main Street, subject to the following conditions:

1. There shall be continued participation in the downtown Mystic parking validation program for the retail uses at the 18 West Main Street and 36 West Main Street; the details to be addressed with the site plan application.
2. In order to assure compliance with the traffic circulation and impact on environment criteria of the special permit objectives, the applicant shall provide with the site plan application adequate information to assure proper operation of the gated lot at 36 West Main Street with respect to fuel, service, trash, utility, and like deliveries/pickups, including provisions for adequate signage for notification of “no parking available” to the general public and for instructions in obtaining appropriate access for service and delivery vehicles.
3. The applicant shall provide with the site plan application a sequential phasing plan for the dedication and completion of parking at the Tift site for the commercial and/or residential uses proposed for the 18 West Main Street site.

Findings

The Commission finds that the requested modification to the parking program, as conditioned, complies with Section 8.3 of the Zoning Regulations.

Motion made by French, seconded by Marquardt, so voted unanimously.

MOTION: To approve the Coastal Site Plan for modifications to the parking program and the installation of a gate because it is consistent with all applicable goals and coastal policies of CGS 22a-92 and incorporates all reasonable measures to mitigate adverse impacts of the proposed activity on coastal resources.

Motion made by French, seconded by Marquardt. Motion passed unanimously.

Staff said Historic District Commission approval is still required for the design of the gate.

VII. NEW BUSINESS

1. Receipt of New Applications – None
2. Election of Officers

MOTION: To elect Sutherland as Chairman of the Zoning Commission.

Motion made by Hudecek, seconded by French, so voted unanimously.

MOTION: To elect Hudecek as Vice Chairman.

Motion made by French, seconded by Sutherland. Motion passed unanimously.

MOTION: To elect French as Secretary.

Motion made by Hudecek, seconded by Sutherland, so voted unanimously.

VIII. REPORT OF CHAIRMAN – None

IX. REPORT OF STAFF –

Staff said they are working on the 2013 department budget which will be submitted to the Town Manager next week.

Staff updated the Commission on the Streetscape project, and discussed the State's bridge work in downtown Mystic. Staff is working on the design for Phase 2 of the streetscape and expects to have it out to bid by August.

Staff received 13 RFQ's for an Energy Efficiency and Conservation Action Plan consultant as part of the EECBG grant. Four finalists have been chosen for interviews.

X. ADJOURNMENT

Motion to adjourn at 10:49 p.m. made by French, seconded by Marquardt, so voted unanimously.

Mariellen French, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Assistant III