

MINUTES
ZONING COMMISSION
NOVEMBER 2, 2011 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

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

Chairman Hudecek called the meeting to order at 7:00 p.m. and seated Cady for O'Neill.

II. PUBLIC HEARINGS

1. Special Permit #321, 0 Yetter Road, PIN 270015625780, RU-40 Zone. Proposal is for excavation, processing and sales of 843,220 CY of earth products and the importation of an additional 843,220 CY of material for on-site processing and including periodic crushing operations. Review is per Section 7.1-10 of the Zoning Regulations. (Whittle Earth Products Facility, Applicant) – Continued

Attorney Jeffrey Londregan stated that the applicants are still working on obtaining the information requested by the Commission at the last meeting; the groundwater expert will submit his findings in writing, a restoration plan for the east side of the property, and information on the specific make, model and noise data for the particular model of crusher. The applicant will submit all information at once to staff in order to allow them time to review. Mr. Londregan submitted a letter to the Commission granting an extension and requested a continuance to December 7th. He also briefly addressed Attorney Sawyer's concerns in his letter.

The Commission discussed noise levels and related variables.

The public hearing was continued to December 7, 2011.

2. Special Permit #322, 715 Noank Ledyard Road, PIN 260911557487, IP-80B/RU-40 Zones. Proposal is for an outdoor commercial recreation facility. Review is per Section 7.1-27 of the Zoning Regulations. (Thomas C. Vignato and JJJ Realty, Applicants)

Chairman Hudecek read the legal notice and it was noted that the mailings were in order.

Tom Vignato, 82 Edgecomb Street, presented his application. Mr. Vignato explained the location of the proposed parcel. The site is approximately 50 acres, and 7 or 8 different paintball fields are proposed. The game of "paintball" was explained for the Commission.

The buffer requirements for recreation to residential, the 250 ft. buffer, screening for the existing house on the property, wetland areas, and proposed brush clearing were detailed by Mr. Vignato. No trees will be removed, and special netting will be located anywhere the paintballs might leave the property,

especially along I-95. A wetland permit was obtained for the project. There will be no clearing in the upland review area, only hazards such as thorns and poison ivy. The briars will be mulched and left; protection of indigenous plants was discussed. There are no plans for motorized sports; sanitary facilities will be provided by a restroom trailer with running water, heat/air. A small concession area, mulch paths among the trees as access to the playing fields, and the hours and seasons of operation were discussed. Mr. Vignato will request from the Planning Commission a waiver of the 20 ft. buffer requirement at the parking lot to limit potential wetland disturbance. There will be no major alteration to the property; the recreation will occur in remote areas of the property. Due to the hours, and the number of players anticipated, there would be no impact on traffic. A permeable (crushed stone) parking area, temporary structures only; existing dead trees will be used as bunkers. The biodegradable capsules are made of vegetable based food coloring dye. Marking of trails, and provisions for off hour security, potential injuries and lost persons were discussed. The Fire Marshal had no concerns.

Staff provided its report. The Planning Commission will need to approve a site plan. The Planning Commission's referral was sent to Commission in agenda packets. Letters and emails in support of the project were received from the following and entered into the hearing record:

- Jim Bates, 11 Conrad Street, Mystic
- Bill Furgueson, 118 Edgecomb Street, Mystic
- Thomas Taber, 42 High Street, Mystic
- John Schafer, 49 Overlook Avenue, Mystic
- Paul Rogers, 138 Payer Lane, Mystic
- Steven Woods, 196 Payer Lane, Mystic
- Nancy & Craig Frickman, 10 Beckwith Place, Groton
- Michael Nile, 7 Spicer Avenue, Noank
- Kevin & Gina Morin, 89 Edgecomb Street, Mystic
- Scott & Heather Delaporta, Groton
- Bruce Flax, 632 Noank Road, Mystic

Staff distributed an aerial view of the property. A proposed sign abutting I-95 in the RU-40 zone would be addressed in the site plan. Staff did not see any concern with traffic generation. Commissioner Sutherland asked if the application was reviewed by the Conservation Commission, as this was on their conservation area list. Staff said no special permit applications are not referred to the Conservation Commission, and this use would be low-impact.

The Chairman asked for comments from the public.

Jim Bates, 11 Conrad Street, Mystic, spoke in favor of the application.

The public hearing was closed at 7:53 p.m.

III. APPROVAL OF THE MINUTES OF October 5, 2011

MOTION: To approve the minutes of October 5, 2011, as amended.

Motion made by French, seconded by Marquardt. Motion passed 4-0-1, 1 abstention (Sutherland).

IV. PUBLIC COMMUNICATIONS

Staff distributed a copy of the Ethics Committee ordinance update.

Staff discussed the Chair's action in turning the recorder off during the new business portion of the September 7, 2011 meeting. Staff noted this conflicted with past practice and based on the Town Attorney's advice, recommended that it not be done and that in the future it only be done with a motion and approval from the full commission.

V. CONSIDERATION OF PUBLIC HEARINGS

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

The public hearing was continued to December 7, 2011.

2. Special Permit #322, 715 Noank Ledyard Road, (Thomas C. Vignato and JJJ Realty, Applicants)

Commissioner Cady disclosed he knows Mr. Vignato, but had no business ties and no financial involvement with him and felt this would not affect his judgment.

MOTION: To grant Special Permit #322, 715 Noank-Ledyard Road.

Motion made by French, seconded by Marquardt.

Motion amended by French.

MOTION: To approve Special Permit #322, 715 Noank-Ledyard Road, for the construction of an outdoor recreation facility.

Motion passed unanimously.

Findings and Reasons for Approval

The Commission finds that the paintball facility meets the requirements of Section 7.1-27 of the Zoning Regulations regarding Outdoor Recreation Facilities.

The Commission also finds that the paintball facility is in compliance with Section 8.3 of the Zoning Regulations in that it is in harmony with the character of the area and will not be detrimental to the orderly development of adjacent properties, it will not be in conflict with the normal pedestrian and vehicular traffic pattern of the neighborhood, and it will not have a negative impact on the environment.

VI. OLD BUSINESS

1. Discussion of proposed text amendment to Zoning Regulations Section 8.3

Due to the storm, staff did not have any information prepared for the meeting.

Commissioner French stated that Robert's Rules allows a Commission to amend something previously adopted and proposed the following motion.

MOTION: That the minutes of September 7th zoning 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 French.

Chairman Hudecek stated that it was reported at the Town Council meeting that the Zoning Commission meeting minutes of September 7th inferred that the Chairman turned the recorder off for some "dubious" reason. He asserted it was turned off to discuss somebody's medical condition which he did not think should be public knowledge. Staff (Davis) stated for the record that was not his recollection.

Discussion ensued regarding the chronology of the September 7th meeting. Davis and the recording secretary concurred and advised that the tape recording was turned off during the discussion of old business, and not during the report of the Chairman. Four members of the Commission disagreed with their recollection of the meeting.

Staff advised the Commission to review the audio tape before they took any action that would inaccurately change the approved public record.

Commissioner French requested that the recording secretary give her the draft notes of the meetings so that she could make sure everything was in order. The Director told the Chairman and members that was inappropriate, and the Planning Department provided that service for the Commission.

Commissioner French restated the motion on the floor.

MOTION: That the minutes of the September 7, 2011 zoning meeting be amended by moving the sentence on page 4 of those minutes under New Business "the Chairman requested that the recorder be turned off at 8:57 p.m." to where it actually occurred under Report of Chairman before the Commission discussed the health and resignation of a respected long term Commissioner.

The motion was seconded by Sutherland.

Motion passed 4-1, 1 opposed (Marquardt).

VII. NEW BUSINESS

1. 2012 Meeting Schedule – No discussion

2. Receipt of New Applications

Staff said a special permit application was received from Fairview Estates for a proposed significant expansion at the Odd Fellows on Starr Hill Road. Staff said they are still reviewing the application and anticipate a public hearing in January.

Commissioner French instructed the recording secretary on how to make changes to the adopted minutes. The Chair advised her that this was not the appropriate agenda item to discuss the matter.

VIII. REPORT OF CHAIRMAN - None

IX. REPORT OF STAFF

Staff received the final report for the coastal climate change project done by ICLEI and DEEP, which will be put on website.

Staff said Central Hall submitted a site plan application, but staff thinks they may need to resubmit an application to modify the existing special permit. He will keep the Commission informed.

Staff updated the Commission on the proposed blight code and ordinance.

Staff said an RFQ was advertised and sent to consulting firms for developing an energy efficiency and conservation action plan for the Town, which is funded as part of the EECBG grant. The RFQ would be available in the Planning Department if any of the Commissioners wanted to review it.

X. ADJOURNMENT

Motion to adjourn at 8:40 p.m. made by French, seconded by Sutherland, so voted unanimously.

Mariellen French, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Assistant III