

MINUTES
ZONING COMMISSION
NOVEMBER 4, 2009 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Brandt, French, Haviland, Hudecek, O'Neill
Alternates Cady, Marquardt, Sutherland
Staff: Davis, Gilot

Meeting was called to order at 7:02 p.m.

Chairman Hudecek reseated Cady and Sutherland as voting members for the continued public hearing for the Regulation Amendment #09-02.

II. PUBLIC HEARINGS

1. Regulation Amendment #09-02, Regulation Amendment to Sections 7.3-3F Sign Prohibitions, 7.3-4B Non Conforming Signs, 7.3-7 Requirements for Signs in Non-Residential Districts, new section 7.3-5A Temporary Sign Events, (Eastern Connecticut Association of Realtors, Inc., Applicant) – Continued

Staff reviewed the status of the application, entered into the record a letter received from the Chamber of Commerce, and said that a memo with staff's analysis and a potential framework for directional signs was included in the Commission's agenda packets.

John Bolduc, CEO of the Eastern Connecticut Association of Realtors (ECAR), entered into the record an email from Trish Cunningham, Mystic Chamber of Commerce. Mr. Bolduc explained that he had not received a copy of staff's recommendations until tonight. Staff advised that this was due to delays in the postal service.

Peter Pappas, Chairman of the Town's Economic Development Commission, addressed the Commission regarding promotional vs. directional signs, and distributed his own "proposal" as a resolution to the Commissioners.

Lian Obrey, 141 Shennecossett Parkway, said the process appeared to have gone beyond the realtors' original expectation of the proposed amendment and would like it resolved to everyone's satisfaction.

Attorney David Evans, representing the applicant, said the applicants would be amenable to leave the public hearing open, allowing the applicants to meet with staff to come up with a mutually agreeable amendment based on the framework staff provided this evening.

Staff said the public hearing could be continued if the applicant granted an extension to the next meeting on December 2, 2009. The applicant agreed to the extension and suggested an additional extension to the January meeting.

Michael Collins, Elderkin Avenue, asked if the wording of the proposed amendment could be modified after the public hearing is closed. Staff indicated that it did not feel comfortable with the scope of changes potentially being considered after the hearing closure and that the applicant should decide how to proceed with their application.

Haviland asked if the Commission could waive fees if another application needed to be submitted by the applicants. Staff said he was not aware of the Commission having that authority and he believed only the Town Council could waive such fees.

Signage for temporary uses, such as yard sales, Town sponsored events, and the requirement for temporary off-site signage were discussed.

The Chairman did not feel the hearing needed to be kept open.

The public hearing was closed at 7:32 p.m.

2. Special Permit #313 - 117, 151 & 159 Cow Hill Road, PIN 261910275341, 261909272413 and 261905270716, RU-20 Zone (Lawrence Monteiro, Applicant)

French disclosed that Lawrence Monteiro is her cat's veterinarian, but she does not know him personally and doesn't profit financially from the relationship, so she could remain impartial in evaluating this proposal.

Clint Brown of DiCesare-Bentley Engineers, introduced Lawrence Monteiro, the applicant, and Peter Springsteel, the architect.

Mr. Brown discussed the parcel's unique history, prior permits and the particular aspects of this new proposal.

Mr. Brown reviewed the proposal's compliance with special permit objectives contained in the regulations.

Staff said that in terms of special permit objectives he sees no issues with this proposed use. Staff explained that the Planning Commission referral hadn't been processed in time to respond for this meeting. Staff doesn't anticipate any concerns, but gave the applicant the option of leaving the hearing open, or closing and waiting for the referral from the Planning Commission.

The Chairman asked for comments from the public.

Richard Zazzaro, 46 Cow Hill Road, asked about the building and landscaping. Peter Springsteel explained the architecture and the landscaping was detailed by Mr. Brown. The site is moderately wooded.

Lamont Goodwin, 167 Cow Hill Road expressed concern with the increased traffic.

Mr. Brown reviewed the new shared driveway design and the original proposal.

David Campo, 165 Cow Hill Road, had concerns about existing traffic speeds.

The public hearing was closed at 8:01 p.m. and it was the consensus of the Commission to delay the vote until they received the referral from the Planning Commission.

Motion to revise the agenda to move the consideration of Special Permit #313 as the next item for discussion made by Haviland, seconded by O'Neill, so voted unanimously.

III. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #313 - 117, 151 & 159 Cow Hill Road, PIN 261910275341, 261909272413 and 261905270716, RU-20 Zone (Lawrence Monteiro, Applicant)

MOTION: To table discussion of Special Permit #313 to the next meeting on December 2, 2009.

Motion made by Haviland, seconded by O'Neill, so voted unanimously.

IV. APPROVAL OF THE MINUTES OF October 7, 2009

MOTION: To approve the minutes of October 7, 2009 as written.

Motion made by French, seconded by Sutherland. Motion passed 3-0-2, 2 abstentions (French, O'Neill).

V. PUBLIC COMMUNICATIONS

A memo, sent to the Commission in their agenda packets from the Executive Director of the Council of Governments regarding proposed changes in the role of the Regional Planning Commission, was briefly discussed.

Staff said the Town will be hosting a DEP sponsored public meeting on November 30th regarding the new FEMA maps, which show potentially significant changes for many areas in the Town.

VI. CONSIDERATION OF PUBLIC HEARINGS

1. Regulation Amendment #09-02, Regulation Amendment to Sections 7.3-3F Sign Prohibitions, 7.3-4B Non Conforming Signs, 7.3-7 Requirements for Signs in Non-Residential Districts, new section 7.3-5A Temporary Sign Events, (Eastern Connecticut Association of Realtors, Inc., Applicant)

The Commission discussed the application and felt that changes could be made without a new application. Several items the Commissioners would like included in the revised final version were:

- Residential zones only
- Directional signs only
- Weekend events only
- Limitations on the length of time the signs may be posted
- Limitations on the number of events at one site for a specific time period

Commissioner Haviland offered to prepare a draft motion for the Commission to consider at the next meeting.

Motion to table discussion of Regulation Amendment #09-02 to the next regular meeting on December 2, 2009 made by Haviland, seconded by French, so voted unanimously.

VII. OLD BUSINESS

1. Land Use Regulation Update Project

Staff said they may be discussing design standards with the Planning Commission at their November 10th meeting. Diane Glemboski, one of the department planners, is expected back to work by the end of November after a prolonged absence, and staff hopes to make some progress with the regulations with her return. Staff expects to provide information to the Commission regarding some maps, text, and design standards for the December meeting.

VIII. NEW BUSINESS

1. New Applications

Staff said no new applications were received.

2. 2010 Meeting Schedule

MOTION: To approve the 2010 meeting schedule as proposed.

Motion made by Brandt, seconded by O'Neill, so voted unanimously.

IX. REPORT OF CHAIRMAN – None

X. REPORT OF STAFF – None

The Commission discussed the motion for the 66 Oxford Court as written in the October 7, 2009 minutes which were previously approved in the meeting.

Haviland moved to reconsider approval of minutes of October 7, 2009 and to strike #5 of the motion as written in the draft minutes. After discussion the motion was seconded by Hudecek and passed unanimously.

X. ADJOURNMENT

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Motion to adjourn at 8:29 p.m. made by O'Neill, seconded by Sutherland, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Asst. III