

MINUTES
ZONING COMMISSION
DECEMBER 5, 2012 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: French, Hudecek, Marquardt, O’Neill, Sutherland
Alternate members present: Sayer
Absent: Cady
Staff present: Jones, Glemboski, Doolittle

Chairperson Sutherland called the meeting to order at 7:00 p.m.

II. PUBLIC HEARING

Chairperson Sutherland recused herself from both Public Hearings and sat Sayer in her place.

1. Special Permit #330, 3 Neptune Drive, PIN 260705282445, R-12 Zone, (CAM). Proposal is to place 3,000 (+/-) CY of fine-grained marine sands on property of the Mumford Cove Association at the community park and beach. Review is per Section 7.1-10 of the Zoning Regulations. (Mumford Cove Assoc., Applicant) (Postponed from 11/7/12)

Commissioner Hudecek read the legal ad.

Keith Neilson, Docko, representing the applicant, addressed the Commission detailing the application. He noted the previous completed phases of the project and the short deadline for the current phase due to flounder spawning in late winter. He explained the process for moving the mud and sand from the channel to the beach. He discussed tidal wetlands, the barge, and permits by the CT DEEP and US Army Corps of Engineers (ACOE), as well as the hours of operation. He noted the studies included with the application.

John Sutherland, President of the Mumford Cove Beach Association, addressed questions from the Commission on the history of this project.

Staff noted that OPDS would like to review the erosion control setups once the applicant establishes them and before the start of work. Staff would also like reports on the quantity of sand, erosion controls, and restoration of the dewatering area and the beach area. The Economic Development Commission and the Planning Commission had no comment. Staff noted that the mailings have been received and verified.

The Public Hearing was closed at 7:31 p.m.

2. Special Permit #329, 0 Lambtown Road, PIN 270013240691, RU-40 Zone. Proposal is for filling, removing and regrading of approximately 2020 cubic yards of material. (John Crandall, Lambtown Development LLC, Applicant)

Commissioner Hudecek read the legal ad.

John Paul Mereen, Gerwick Mereen Land Surveyors, representing the applicant, addressed the Commission discussing the topography of the site, wetlands remediation and the area of disturbance.

Staff discussed with the Commission the lengthy history of this project including that the filling, removing and regrading of the 2,020 cubic yards has already been completed. Also discussed were the cease and desist order in 2008, a wetlands enforcement action and the fact that the work was completed without prior approval. Wetlands remediation has been completed to the satisfaction of the Inland Wetlands Agency.

Staff distributed to the Commission a GIS aerial photograph and some recent pictures to better familiarize themselves with the property. Staff noted that the mailings are in order.

The Public Hearing was closed at 7:57 p.m.

III. APPROVAL OF THE MINUTES OF meeting of October 3, 2012

MOTION: To move item #3, Approval of the Minutes, to immediately follow Public Communications on tonight's agenda.

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

IV. CONSIDERATION OF PUBLIC HEARING

1. Special Permit #330, 3 Neptune Drive, Mumford Cove Assoc., Applicant

Staff handed out a draft motion for the Commission to review. The Commission discussed the status of the permit from the US ACOE.

MOTION: To approve Special Permit #330, Mumford Cove Beach Association Fill (CAM) to place 3,000 cubic yards of dredged sand on the Mumford Cove beach subject to the following conditions:

1. The erosion controls at both the stockpile area and the beach area shall be inspected by town staff prior to deposition of the sand at either area.
2. The applicant shall submit the following reports to the Office of Planning and Development Services:
 - a. First Report when all materials dredged and stockpiled at park area that includes total cubic yards of stockpiled materials and current condition of E&S controls.
 - b. Final Report when all materials deposited on the beach that includes total cubic yards of deposited materials and report on clean-up and stabilization/restoration of both the park and beach areas.
3. The Applicant shall provide evidence of the appropriate Army Corps of Engineers permit to OPDS staff.

The Commission finds that this application complies with the special permit objectives in Section 8.3-8 of the Zoning Regulations in that it is in harmony with the development of the Mumford Cove area, does not conflict with the normal traffic of the area and that it does not have a negative impact on natural resources near the site.

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

MOTION: To approve the Coastal Site Plan for the Mumford Cove Beach Association fill because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources.

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

2. Special Permit #329, 0 Lambtown Road, Lambtown Development LLC, John Crandall, Applicant

Staff handed out a draft motion for the Commission to review.

MOTION: To approve Special Permit #329, 0 Lambtown Road, for filling, regrading, and excavation of 2,020 cubic yards of material.

The Commission finds that this application meets the special permit objectives in Section 8.3-8 of the Zoning Regulations in that it is in harmony with the development area, does not conflict

with the normal traffic of Lambtown Road and that it does not have a negative impact on natural resources near the site.

Motion made by French, seconded by O'Neill. Motion passed unanimously.

V. PUBLIC COMMUNICATIONS

Chairperson Sutherland reentered the meeting and assumed her role as a regular member.

Commissioner French attended the Zoning Board of Appeals meeting on October 24, 2012 and read State Statute Chapter 124, 8-2(b).

VI. APPROVAL OF THE MINUTES OF meeting of October 3, 2012.

MOTION: To approve the minutes of October 3, 2012 as amended.

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

VII. OLD BUSINESS

1. Discussion of Draft Proposed Text Amendments to Zoning Regulations for Section 8.3 and to incorporate Connecticut General Statutes 8-2(b)

Staff noted the current draft update with comments from the Town Attorney and Staff. Staff is looking towards making an application by the January meeting with a possible public hearing date in March if the Commission is satisfied with the draft text. The Commission suggested some changes for Staff to consider and noted they needed more time to review current changes before making an application. Staff noted language from CTGS 8-2(b) will be forwarded to them when received from the Town Attorney.

2. POCD Update Report

Staff noted that tomorrow night there is a Steering Committee meeting that will discuss the Natural Resources Inventory. Staff is working with Milone & MacBroom on Land Use Update and Parks & Rec / Open Space items.

3. Refresher Course on Commission Functions, Procedures, Activities and Related Legal Matters

Staff noted that this will be rescheduled for the January 2, 2013 Special Meeting.

4. Land Use Regulation Update Project

The Commission requested Staff to compile a report on the Kendig Keast contract, including what was completed and the status of deliverables. The Commission requested a verbal report from the staff who worked on the project, in addition to a written list.

VIII. NEW BUSINESS

1. Report of Commission - none
2. Receipt of New Applications
 - a. Special Permit #331, 0 Welles Road, Elm Grove Cemetery

Staff noted the previous special permit (SPEC#299) and the 5 year period of time for this special permit. Staff noted the site was currently not in compliance with SPEC#299 and noted that the applicant has agreed to a 65 day extension of time to open a public hearing for a new special permit application.

A Public Hearing date was set for the March 6, 2013 meeting.

3. 2013 Zoning Commission Meeting Schedule

MOTION: To approve the 2013 Zoning Commission Meeting Schedule as written.

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

IX. REPORT OF CHAIR

Chairperson Sutherland sent an email to the Mayor regarding the noise issue in Downtown Mystic.

X. REPORT OF STAFF

Staff handed out a newsletter from OLISP as well as a handout on coastal permitting and sea level rise.

XI. ADJOURNMENT

Motion to adjourn at 9:07 p.m. made by Hudecek, seconded by Marquardt, so voted unanimously.

Mariellen V. French, Secretary
Zoning Commission

Prepared by Katie Trask
Office Assistant II