

MINUTES
ZONING COMMISSION
AUGUST 4, 2010 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Hudecek called the meeting to order at 7:00 p.m. and seated Marquardt for Brandt.

II. PUBLIC HEARING

1. Special Permit #316, 235 Lestertown Road (Odd Fellows Home of CT, Applicant)
PIN 168906278786, R-12 Zone*

Paul Biscuti, DiCesare-Bentley Engineering, represented the applicant, Fairview – Odd Fellows Home of CT. Mr. Biscuti explained the application for a special permit to change the use of a former daycare building on the site to four active adult units. Mr. Biscuti reviewed the requirements of Section 7.1-45 of the zoning regulations. The existing use, extensive lot size, common areas, community space (bistro for public use) and patios were detailed. The daycare closed and the building is currently vacant. The design will be in accordance with section M. Parking is more than adequate, no site changes except that the exterior patio areas will be modified to accommodate separate patios for each unit. Site plan requirements were reviewed.

Staff explained the requirement for a special permit. Active senior housing is appropriate for this site, but the site is not accessed from Military Highway due to slope conditions, etc. A variance was granted to allow access from Lestertown Road. Auto trip generation will actually be less intense. Staff confirmed the daycare was licensed for 44 children; 4 senior housing units will generate lower trips.

Mr. Biscuti reviewed Section 8.3.8 and stated that this proposed use is in harmony with the existing site use, with no adverse environmental impact, and no increase in traffic.

Jim Malloy, the director of Fairview said that four two-bedroom units are proposed.

Staff noted that there have been a number of special permits issued for this facility, with a mix of uses, and this proposal will complement the existing uses. Staff said there are no coastal management issues.

The Chairman asked for public comments.

Shawn Powers, 298 Lestertown Road, an abutting property owner, said that he does not believe four units is appropriate and expressed concerns with lighting.

Staff explained the difference in zoning for four units of active adult housing and four family units on a property. Staff and the Chairman explained the criteria for a special permit. Staff said those issues such as lighting, runoff and other site details, would be considered by the Planning Commission.

Staff said the applicants are adding active adult to an existing residential life care use, as per Section 7.1. The R-12 zoning allows up to 4 units in a building. The building is 3,750 s.f. Staff suggested Mr. Powers address the Planning Commission when the site plan is submitted.

Catherine Young, 297 Lestertown Road, spoke against the application because of increased traffic, runoff, and the use being expanded from daytime to 24 hours, and allowing four rental apartment units on the site. Ms. Young asked if this approval will allow the applicant to come back for approval for more units. Staff said that the Zoning Board of Appeals specified the variance was granted for this building only. Staff suggested she contact the owners to inquire about any future plans for the facility.

Marilee Dull, 142 Starr Hill Road, spoke in favor of the application.

The public hearing was closed at 7:46 p.m.

III. APPROVAL OF THE MINUTES OF July 7, 2010.

MOTION: To approve the minutes of July 7, 2010 as written.

Motion made by French, seconded by O'Neill.

The Commission discussed the content of the minutes relative to the illustratives presented by staff at the last meeting, and the content of minutes in general.

Motion to amend was made by Hudecek, seconded by French. Motion passed 4-0-1, 1 abstention (Haviland).

Original motion passed 4-0-1, one abstention (Haviland).

IV. PUBLIC COMMUNICATIONS

Staff told the Commission that he received a call from Dr. Brandt indicating that he intends to resign from the Commission because of the demands of a new job he recently took.

V. CONSIDERATION OF PUBLIC HEARING

VI. Special Permit #316, 235 Lestertown Road (Odd Fellows Home of CT, Applicant)
PIN 168906278786, R-12 Zone*

MOTION: To approve Special Permit #316, 235 Lestertown Road for the conversion of a daycare to four units of Active Senior Housing

Findings and Reasons for Approval

The Commission finds that the conversion of the existing daycare building to four units of Active Senior Housing complies with Section 7.1-45 of the Zoning Regulations in that the conversion will add alternative housing types which will meet the needs of active seniors over the age of 55.

The Commission also finds that the conversion of the daycare building to Active Senior Housing complies 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 result in a net decrease in traffic, and it will not have a negative impact on the environment

This approval is limited to the old daycare building presently vacant, as discussed in this public hearing, and does not set any precedent for additional active senior housing on the rest of this parcel.

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

MOTION: To approve the Coastal Site Plan for the conversion of an exiting day care to four units of Active Senior Housing because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources.

This approval is limited to the previously approved daycare building and does not set any precedent regarding potential additional active senior housing on this parcel.

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

Haviland left at 8:03 p.m.

VII. OLD BUSINESS

1. Land Use Regulation Update Project

Staff discussed a draft of Section 6.11 (erosion and sediment control) of the regulations. Construction disturbance, stormwater drainage, waste management on sites etc. will now be more formalized in the regulations and become part of Planning Commission approvals. Staff will soon have a proposed draft of the stormwater section, which will complement the development of an ordinance to prohibit illicit discharges to the Town's stormwater system. There is a January deadline for the Town Council to adopt that ordinance.

VIII. NEW BUSINESS

1. Staff said they are expecting a special permit application for 661 Gold Star Highway, New England Cycle Works.

2. Report Regarding the Nautilus Memorial Design District (NMDD)

Staff distributed a memo to the Commission members regarding potential interim text changes to address concerns of some of the property owners in the NMDD zone. Staff advised the Commission to review the regulations and staff's memo. The Commission and staff discussed the purpose of the district, design objectives, permitted uses, defining "minor" changes, and building standards. Staff reviewed the uses allowed in the CA and CB zones. The Commission supported staff's recommendations.

IX. REPORT OF CHAIRMAN

The Chairman said he recently took a short vacation at Long Beach Island on the Jersey shore, and complimented their zoning with regard to traffic, signage, and use of bikeways.

X. REPORT OF STAFF

Staff distributed the June Inspection Services report and discussed the high number of sign violations.

XI. ADJOURNMENT

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

Richard Haviland, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Assistant III