

MINUTES
ZONING COMMISSION
JUNE 4, 2008 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: O’Neill, Cady, French, Haviland, Hudecek, Marquardt, Sutherland, Brandt
Staff: Cullen, Moulding

II. PUBLIC HEARINGS

1. Special Permit #302, 0 Sandy Hollow Road, PIN 261909261582, RS-20 Zone. Proposal is for development of a new Child Daycare Center for 120 children. Review is per Sections 7.1-18 of the Zoning Regulations. (Precious Memories Preschool of Mystic, Applicant) (CAM)

The Chairman re-opened the public hearing at 7:00 p.m. O’Neill and Marquardt recused themselves from this hearing. Chairman Hudecek appointed Cady to sit for O’Neill. Staff distributed copies of letters from the public as well as copies of the scenic road ordinance to the Commission. Staff read correspondence from William Welles, Fire Marshal of Old Mystic which stated that all comments in his March 17, 2008 memo are still valid. Staff also received a request from Attorney Cody to extend the public hearing to the limit of July 11, 2008.

Ed Wenke, Engineer stated that he has been working with staff to address all of the issues raised by neighbors and needs more time to do so.

Staff is still working with the applicant regarding the scale, location, and traffic circulation of this project. Staff has asked the applicants to look at the levels of service and if they stayed the same what would that mean to the number of children served by the daycare center. The Fire Marshal is still working on several issues including egress for emergency vehicles.

The Chairman asked for public comments.

Elizabeth Conlon, 341 Pequot Avenue, read a letter that she had submitted for the record against the proposal.

Nancy Steenburg, 493 Pequot Avenue, researched the medical center and found it to be a pre-existing non-conforming use. She believes this proposal is a commercial business.

Frank Wellersdieck, 482 Pequot read a letter he submitted for the record against the proposal.

The Commission would like the applicant to describe how this application will affect the scenic road.

The public hearing was closed at 7:30 p.m.

MOTION: To continue the public hearing for Special Permit #302, 0 Sandy Hollow Road to a special meeting on July 7, 2008 at 6:30 p.m.

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

2. Special Permit #303, 250 Leonard Drive, IA-40 zone. Proposal is to relocate existing stockpiles of gravel and topsoil and permit future sale of same at Lot #7 and #7A on Leonard Drive. Review is per Sections 7.1-10 and 8.3 of the Zoning Regulations. (Terra Firma Enterprises LLC, Applicant) (CAM)

The Chairman opened the hearing at 7:32 and read the legal ad. O'Neill was seated for this application.

Bob Schuch, Boundaries LLC representing the applicant stated that this site is located at the very end of the cul-de-sac on Leonard Drive in the IA-40 zone. The existing stock pile of 14,000 cubic yards of earth material has been accumulated while building the road. The applicant is requesting permission to relocate the material to lot 7a to the north and allow the future resale of this material on the open market once the non-compete clause with Tilcon, Inc. expires in 2010. This proposal is in harmony with development in the area which is all industrial lots and has been since the 1930's. The road was built to handle industrial use.

Gary Gilot, Terra Firma Inc, stated that work hours of 7 a.m. to 5 p.m. would be fine. He stated that the transfer would take a couple of weeks if he works at it every day and it is impossible to say how long it will take to sell off the pile.

Staff stated that more than 1000 CY of material requires a special permit. This was a resubdivision of the last lot in the subdivision. One of the conditions of the plan was a requirement for them to come for a separate permit for the stock pile. They will have to do a site plan as well. They have also submitted a CAM application and the Planning Commission had no comment on May 13th. Dust, noise, and pollution impacts on neighborhood are minimal. Staff stated that the number of years to remove the material can be limited.

The Chairman asked for public comments and there were none.

The public hearing was closed at 7:43 p.m.

III. APPROVAL OF THE MINUTES OF May 21, 2008

MOTION: To approve the minutes of May 21, 2008 as amended.

Motion made by Brandt, seconded by Haviland, (4 in favor, 0 opposed, 1 abstention, O'Neill). Motion passed.

IV. PUBLIC COMMUNICATIONS

Staff stated that Mr. O'Neill has been reappointed.

V. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #302, 0 Sandy Hollow Road, (Precious Memories Preschool of Mystic, Applicant) (CAM)

Public hearing continued to a special meeting on July 7, 2008.

2. Special Permit #303, 250 Leonard Drive, IA-40 zone. (Terra Firma Enterprises LLC, Applicant) (CAM)

MOTION: To approve Special Permit #303, 250 Leonard Drive for Filling and Removing Earth Products (stockpile locations) with the following conditions:

1. The applicant has 6 months to move the fill to lot 7A.
2. The applicant will have 2 years from the date his non-compete clause with Tilcon Inc. expires to sell the material on the back lot.
3. The hours of operation are limited to 8 a.m. to 5 p.m. Monday through Saturday.

Findings and Reasons for Approval

The project complies with the special permit test of Section 8.3-8 of the Zoning Regulations in that it meets all zoning requirements, conforms to the Plan of Conservation and Development, is in general harmony with the character of the area, and creates no serious parking or traffic circulation problems. The project is also consistent with Section 7.1-10 (Filling and Removing Earth Products) as it is served by roads of adequate width and capacity, minimizes dust, noise and flying rock, and facilitates future orderly development of the immediate area.

Motion made by Haviland, seconded by O'Neill, (5 in favor, 0 opposed). Motion passed.

MOTION: To approve the Coastal Site Plan for Leonard Drive Stockpile, 250 Leonard Drive because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

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

VI. OLD BUSINESS - None

VII. NEW BUSINESS

1. Receipt of New Applications

There will be two public hearings on July 2, 2008 for applications previously received.

VIII. REPORT OF CHAIRMAN

The Chairman stated that he has been investigating the state being interested in putting lights on I-95 and he feels there are enough lights.

IX. REPORT OF STAFF - None

X. ADJOURNMENT

Motion to adjourn at 8:00 p.m. by Haviland, seconded by O'Neill, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin Moulding
Office Assistant III