

ZONING COMMISSION
JULY 7, 2004 - 7:00 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Present: Hudecek, O'Neill, Marcus, Haviland, Brandt and Alternate Marquardt
Staff: Cullen, Cedio

II. PUBLIC HEARINGS

1. Special Permit #283, 235 Lestertown Road, Odd Fellows of Connecticut, Applicant)(CAM)

Chairman Hudecek opened the public hearing at 7:01 p.m. and read the legal ad. Haviland recused. The Chairman asked Marquardt to sit for Haviland.

Clint Brown, of DiCesare-Bentley Engineers, stated that the project involves the construction of an addition to the nursing home facility. The addition is proposed for the east side, attached to the existing hospital building. The site is 42 acres, and is occupied by a nursing home, congregate care facility, an auditorium and chapel, and a freestanding daycare facility.

The plans call for no change in the number of beds, and no changes in the parking layout or requirements. The changes are to allow the home to have all private rooms. There will be minimal site activity. The stone exterior is consistent with the current exterior appearance. The site is located in the CAM zone. There are no wetlands on the site.

Brown noted that there will be no additional employees because of the addition. This will provide more space to comply with current code requirements. These 30-year old buildings are not ADA compliant. This project will provide larger nursing stations and more spacious rooms for the same number of patients.

Brown noted that the addition would consist of 3 stories on the river side, and 2 stories where the addition is planned on the opposite side.

Staff reviewed the history of the site, the most recent change in 2000 being the addition of the daycare facility. Staff reiterated that the 120 present number of beds would remain constant. The addition has been questioned by two sets of neighbors. Both were concerned about their views being blocked.

The Planning Commission had no comment.

Staff stated that this property is a Residential Life-Care Facility and located in the RU-20 zone.

The mailings were checked and are in order.

Chairman Hudecek asked for comments in favor or opposed and there were none. The public hearing was closed at 7:12 p.m.

2. Special Permit #284, 1348 Baldwin Hill Road, Gales Ferry (Ceravolo, Applicant)

Chairman Hudacek opened the public hearing at 7:13 p.m. and read the legal ad.

Dominick Ceravolo explained that the original permit to construction two ponds on this site has expired. He began a small amount of the work and is reapplying to complete the work.

He is required to get a special permit to remove some of the fill from the property.

Ceravolo explained that he hopes to find someone to do the excavating in trade for the fill.

Staff stated that the Zoning Commission had granted an approval for this project on May 2, 2001. The conditions of that permit have been brought forward and detailed on the plan. A special permit is needed to fill or remove earth products for more than 1,000 cubic yards. The application contains measures to limit the time of day that excavation is authorized. The large size of the site will in itself provide an acceptable buffer to minimize the nuisance of noise, flying dust, rock, or other adverse conditions. A surety bond is required to ensure that the plans are followed.

The hours of operation will be limited from 7:30 – 4:30 Monday through Saturday, and there will be a 3-year time frame for this permit.

Hudacek questioned if one of the requirements is that the fill be taken by whoever will do the excavation. Ceravolo responded that this is not a requirement, but he is waiting for someone who will take the fill.

Haviland noted that some of the topsoil was disturbed.

The Commission discussed an appropriate time frame to extend the permit. The wetlands permit is 10-year permit, and 3 years have already passed. A 4-year permit versus a 7-year permit was discussed, to coincide with the expiration of the wetlands permit.

Staff explained that a shorter permit term was desirable, to maintain control of the permit, and to limit exposure and erosion of the soil.

Haviland suggested the commission allow a 4-year permit that could be renewed in 3 years to coincide with the wetland permit.

A referral was made to the Town of Ledyard due to the close proximity, and the impact on the roads with the increased traffic and the heavy vehicles removing the fill.

The Planning Commission had no comment.

Hudecek asked for comments in favor or opposed and there were none.

The public hearing was closed at 7:29 p.m.

III. APPROVAL OF THE MINUTES OF

MOTION: To approve the minutes of June 2, 2004 as written.

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

Motion carried with one abstention (Haviland).

IV. PUBLIC COMMUNICATIONS

None.

V. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #283, 235 Lestertown Road, Odd Fellows of Connecticut, Applicant)(CAM)

MOTION: To approve Special Permit #283, 235 Lestertown Road, for a new building addition for the Odd Fellows Nursing Home Facility with the condition that any further increase in the number of licensed beds shall require special permit approval.

Findings: The application conforms to the Special Permit test in Section 8.3, Section 7.1-1 (Residential Life Care Communities).

Motion made by Marcus, seconded by Brandt, so voted 5 in favor, none opposed (abstention – Haviland).

MOTION: To approve the CAM application for 235 Lestertown Road for construction of an addition to the nursing home facility, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts to coastal resources.

Motion made by O'Neill, seconded by Marcus, so voted 5 in favor, none opposed (abstention – Haviland).

2. Special Permit #284, 1348 Baldwin Hill Road, Gales Ferry (Ceravolo, Applicant)

MOTION: To approve Special Permit #284, 1348 & 1356 Baldwin Hill Road for removal of a maximum of 130,000 yards of earth to create two ponds with conditions:

1. Vertical Excavation cuts shall not exceed ten feet.
2. Hours of operation shall be from 7:30 to 4:30 Monday through Saturday excluding Sundays.
 1. Hauling shall be limited to Baldwin Hill Road (Ledyard).
 2. The permit shall be issued for 4 years.
 3. A surety bond not to exceed \$10,000 in a form suitable to the Director of Planning and Development be provided to assure proper restoration of disturbed areas.

Findings: The application conforms to the Special Permit test in Section 8.3, Section 7.1-10 (Filling and Removing Earth Products) and is in conformance with the general requirements of the Water Resource protection district.

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

V. OLD BUSINESS

Haviland mentioned that he was not able to attend last meeting, but he would not have gone forward with the permit for the property located near the reservoir (Do a Little Scrappin'), because the owner was knowingly in violation of the Zoning Regulations, and continued to operate.

Working group session for regulations changes under Section 7.1-1.

Working group session for section 7.1-1 incorporated all the comments that the Zoning Commission made at the meeting.

O'Neill recommended changing the term "criteria" to "criterion", the plural form on Page 8 Section H of the Zoning Text Amendments.

Haviland asked for removal of the following sentence on page 9 Section L.: "The community space may include, but not be limited to, a common room with kitchen facilities, and areas for exercise facilities, sitting/socializing, recreation and meeting spaces."

It was also recommended that the amendments replace the word "may" with "shall" to remain consistent throughout the document. In addition, the specific Connecticut General Statute number and Americans with Disabilities Act Statute number should be added to Section 2 under the Definitions.

This item will be placed on the agenda for the October meeting.

VI. NEW BUSINESS

1. Receipt of New Applications

Staff stated that there are no new applications.

MOTION: To cancel the August meeting as there are no new applications.
Motion made by Marcus, seconded by O'Neill, so voted unanimously.

A letter from Pequot Medical Center regarding clarification of Special Permit #249.

Clint Brown explained that they wanted to clarify that they did not need to amend their special permit because of a change in the access drives.

Staff explained that under Section 7.1-12, hospitals are required to have an emergency access directly onto the street, and that staff recommends the commission make a finding that an amendment to the special permit was not necessary.

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

VII. REPORT OF CHAIRMAN – None.

VIII. REPORT OF STAFF

Staff informed the commission that two of the vacant Planning Department positions

have been filled. Erin Welsch has been hired as a new Planner I, and Sheila Discordia has been hired as an Office Assistant II.

The Town is currently interviewing applicants for the Manager of Planning Services.

IX. ADJOURNMENT

Motion to adjourn at 8:18 p.m. made by Marcus, seconded by O'Neill, so voted unanimously.

Respectfully submitted,

Robert O'Neill