

**COMMISSION ON THE CITY PLAN
TUESDAY, JANUARY 15, 2019 - 7:00 P.M.
100 BROADWAY, RM #335 - THIRD FLOOR
NORWICH, CT
REGULAR MEETING**

A. CALL TO ORDER: Chairman Art Sharron called at the meeting to order at 7:03 PM.

B. ROLL CALL AND SEATING OF ALTERNATES:

Present: Chairman Art Sharron, Swarnjit Singh Bhatia, Daniel Daniska, Les King, and Michael Lahan.

Absent: Vice Chairman Frank Manfredi, Kathy Warzecha, Alternate Jason Arndt

Others Present: City Planner Deanna Rhodes, Recording Secretary Melinda

C. APPROVAL OF MINUTES: December 18, 2018 Meeting Minutes

Michael Lahan made a motion to approve the minutes of December 18, 2018 as presented. The motion was seconded by Swarnjit Singh Bhatia. Daniel Daniska and Les King abstained due to non-attendance. Motion passed.

D. COMMUNICATIONS: Ms. Rhodes shared information on two meetings: Joint Land Use Study on 1/29/19 and the Connecticut Bar Association's Land Use Law for Municipal Land Use Agencies, Boards and Commissions on 3/23/19.

E. NEW BUSINESS:

PUBLIC HEARING AND POTENTIAL ACTION ON THE FOLLOWING APPLICATION:

1. SP#18-09/CAM 18-02: 17-35 Falls Avenue. Special Permit request to remove an approx. 120 sq. ft. portion of the existing building and replace with a 213.73 sq. ft. addition within the Special Flood Hazard Area. Application and Property of Mary Anna Holdings, LLC. Assessor's Map 101, Block 4, Lot 62 – Waterfront Development Zone.

On a motion by Les King, seconded by Daniel Daniska, the CCP unanimously opened the public hearing at 7:06 PM.

Docko engineer, Keith Neilson, presented prepared documents pertaining to the Special Permit request. The building under discussion is part of the Thayer's Marina complex. The Thayer's purchased this building, which is north of the highway connector, and had a site plan approved last year. The southerly section of the building to be discussed for the special permit. Building improvements have been underway on this area of Hollyhock Island according to the approved site plan. However, a mistake was made during reconstruction of an alcove. It was rebuilt to include enclose a larger portion that originally existed. The Thayer's, owners of the property, wish to set the record straight and to get approval for the unpermitted work. There are no adverse impacts on drainage or the waterways, no change to access or parking, nor grading or drainage changes from the original approved site plan. The construction was discovered during a FEMA inspection. However, the alcove with the extension does not represent any further encroachment to the river. An Inland wetland permit was applied for and approved. Mr. Nielson submitted for the record copies of the notification to abutting properties and registered return receipts. FEMA decided to return the resolution of this issue back to the city. The response from DEEP included a couple items they would like to see addressed. Mr. Nielson referred to the hazards of a floodway which occur from high speed water. This part of the harbor is more of a back-up flooding situation; it is more likely that flood water will flow up the Yantic not down river. DEEP also want to address public access. The Thayer's deem the area a high priority water dependent use, indicating that the area already has public access for its use and a walkway approved with the last

application. Mr. Nielson requested that the City not require additional a formalized public access through a deeded easement. A dock system will be built which will also provide public access.

Ms. Rhodes noted that the initial approved site plan included a gravel path along the river behind the building. Since that path has not been constructed as of this time, DEEP felt it should be formalized with an easement to ensure public access in perpetuity.

A discussion then ensued where members expressed that the city does have other properties that provide public access to the river. The walkway would not have a destination, just a path to walk and turn around. Mr. Nielson noted that allowing public access along this path is already a liability to the Thayer's. Ms. Rhodes noted that the Thayer's are required to complete the path. The walkway should be in when the city inspects the property for the final compliance.

Mr. Nielson noted that if a change in use were ever considered for the property, there would be application(s) for permits to change the use and they could revisit the discussion of the formalized public access easement recommended by DEEP.

Chair Sharron asked for additional comments in favor of the special permit. None were given. He asked for comments in opposition. No one spoke in opposition.

Ms. Rhodes requested a waiver of reading the eleven recommended conditions from her memo dated January 9, 2019. Chair Sharron agreed to waive the reading of the conditions. Ms. Rhodes asked the CPP members to consider her memo of January 9, 2019 in their decision making.

Ms. Rhodes read the criteria for determination of coastal site plan stating that she feels that the criteria was met. She gave a list of exhibits. She read letters from the Uncas Health District, City of Norwich Building Official and City of Norwich Fire Marshal. None had any comments. DEEP's letter had previously been sent to each CCP member. She noted that the Inlands Wetlands Commission had approved the permit.

On a motion to close the public hearing by Les King, seconded by Swarnjit Singh Bhatia, all voted in favor and the public hearing closed at 7:23 PM.

Michael Lahan then made a motion to APPROVE CAM#18-02 without the requirement for a permanent easement for public access because the proposal complies with the three findings noted in Zoning Regulation Section 7.6.4. The motion was seconded by Les King. The CCP unanimously approved CAM #18-02.

Dan Daniska made a motion to APPROVE SDP#18-09 with the following conditions recommended by the City Planner in her memo dated 01/09/19:

1. That a note be added to the site development plan requiring immediate notification of the City Planning Department and State Archaeologist should any archeological resources be uncovered during the development of the project.
2. That the letter of approval be placed on the final revised plan.
3. That 6 signed and embossed sealed paper copies and 2 mylars of the final revised plan be submitted to the Planning Department for endorsement by an officer of the Commission. The mylars must include the red indelible ink certification which includes the name of producer and process used.
4. That the endorsed mylar shall be filed on the Land Records by the applicant.
5. That after the filing of the mylars, a zoning permit application shall be applied for and issued by the ZEO.
6. That the existing bond for the property for activities approved under SP #18-01 be reviewed for adequacy by the City Engineer. Should an additional erosion and sediment control bond be required, it shall be in the form of a check or letter of credit, and the associated paperwork submitted to the Planning Department for review and approval by the City's Attorney.

7. That any changes to the project shall be reviewed by the Zoning Enforcement Officer prior to occurring and may require additional review and approval by the Commission.
8. That all E&S controls be inspected by the ZEO prior to initiating any land disturbance activities.
9. That all proposed improvements associated with this application are to be completed according to the approved plan prior to the issuance of the required Certificate of Zoning Compliance or a performance bond will be required in accordance with Sections 7.5.7.3 and 8.9 of the Zoning Regulations.
10. That the Commission may require an as-built or certification by a licensed engineer or land surveyor should it be deemed necessary by the City to determine compliance with the approval granted.
11. That the discharge of stormwater and dewatering of any wastewater from construction activities is less than 5 acres and falls under CT DEEP general permit #DEP-PERD-GP-015.

Les King seconded the motion. The motion to approve SP #18-09 passed the CCP unanimously.

F. OLD BUSINESS: None

G. EXTENSION REQUESTS: None

H. BOND REDUCTION / RELEASE REQUESTS:

Ms. Rhodes presented a letter from Pat McLaughlin, City Engineer, regarding Ponemah Mills, Site Dev plans #921 A and 921 B, for a bond reduction request to \$66,552.10.

Michael Lahan made a motion to APPROVE the reduction of the required bond for SDP#921(A) and SDP#921(B) from \$229,147.35 to \$66,552.10, as recommended by the City Engineer, seconded by Swarnjit Singh Bhatia. The motion passed.

I. OTHER BUSINESS:

Ms. Rhodes announced to the CCP that the City has extended an offer for the new Assistant City Planner position. The new assistant will start February 4, 2019. She was pleased to announce that Dan Daniska has accepted. She noted that Dan has been volunteering with the Planning and Public Works Department on a bike/ped project and helping then with drafting a complete streets policy for the city. Dan is currently a Transportation Planner. He will be resigning from the CCP.

J. POCD PIC MEETING REMINDER: 03/19/2019:

Chair Sharron reminded everyone of this meeting. Ms. Rhodes and Dan Daniska both noted that many people attended the SCCOG bike/walking meeting at Otis Library.

K. STAFF REPORT:

Ms. Rhodes reported that her department has been very busy. Westledge Apartments wants to break ground as soon as possible. The developers of the Hale Mill are anxious to get moving. Café Otis will be open at the end of February in the former Human Services building across from City Hall.

L. ADJOURNMENT:

Michael Lahan made a motion to adjourn. It was seconded by Les King. The CCP meeting unanimously adjourned at 7:34 PM.

*Respectfully submitted,
Melinda Wilson
Recording Secretary*