

**PLANNING AND ZONING BOARD AGENDA FOR MEETING HELD
TUESDAY, 17 JULY 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, Brian Kaligian, Peg Kearney, Scott Marlow, Carl S. Moore, Tom Panzella, Robert Satti

Not Present: Denise Doucette-Ginese, John Grant, Jim Quish

Staff: David Sulkis, City Planner; Meg Greene, Board Clerk

In Chairman Quish's absence, **Vice Chairman Moore** took the gavel.

C. OLD BUSINESS

D. NEW BUSINESS

1. **32 Gulfview Court (R-12.5)** Petition of Doron Munzer for Coastal Area Site Plan Review, on Map 37, Block 588, Parcel 5C of which Doron Munzer is the owner.

Mr. Munzer addressed the board. He said an existing house on the lot will be demolished. He said he would construct a FEMA-compliant new 2-story house in the same footprint with 2 small additions in the back and front.

Fred D'Amico PE, 9 Park Rd, Oxford, described the project in more detail.

Mr. Sulkis stated that the Inland Wetlands Officer required erosion and sediment control, and that the City Engineer asked for more detail on the FEMA special flood hazard area location. He said that satisfying these requirements could be made a condition of approval. He said the application was substantially zoning compliant.

Board Discussion: **Mr. Marlow** confirmed that topographic detail had been added to the drawings, including grade elevations. **Mr. D'Amico** said the overall elevation of the building would be 7' above grade.

Motion: **Mr. Marlow** motioned to approve.

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. PUBLIC HEARING(S)

1. **622 Gulf Street (R-18)** Petition of Kevin Curseaden, Esq. to create a 4 lot Subdivision and Coastal Area Site Plan review, on Map 28, Block 520, Parcel 26 of which George H. Ward is the owner.

Prior to **Attorney Curseaden's** remarks, **Mr. Panzella** said that although he had been absent from the 19 June meeting, he reviewed its content and was prepared to participate. **Attorney Curseaden** thanked Mr. Panzella.

Attorney Curseaden provided handouts to address concerns raised on 19 June. He presented projections of relevant statutes and regulations in support of his contention that the board has the authority to act on the proposed subdivision. He said that due to his disagreement with the City Planner on interpretation of the subdivision regulations, waivers had been added to the subdivision request, but Attorney Curseaden stressed that he did not think he needed waivers. He displayed a photo of the fire-destroyed house that had not been rebuilt, but that Mr. Ward had not abandoned the potential to rebuild. He again displayed aerial illustrations of the lots to be created and their accessways. He described the accessways as being 12-15 feet wide in some areas. He said the neighbors did not support the entire right-of-way being widened to 25' and that regardless of owner preferences, the property lacks sufficient area for accessways to be widened to 25' throughout. He described meetings between himself and Attorney

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Tom Lynch, who represents Frances Luperella of 646 Gulf Street. Attorney Curseaden said Attorney Lynch could not attend the hearing, but agreed that the negotiation is likely to result in a private resolution.

Attorney Curseaden submitted additional copies of a court case he referenced as well as deed and easement documentation for the record. He introduced the lead engineer.

Matt Duscay, PE, Milone and Macbroom, Cheshire, said he wished to address Mr. Grant's concern from the previous meeting regarding landscaping. He said a landscape architect had located, measured, and documented the trees on the site. He read Section 3.18 of the regulations regarding location, density, and size of trees. He said a tree protection plan was in place.

Vice Chairman Moore opened the continuation of the public hearing with instructions.

Favor: **Joe Blichfeldt**, 650 Gulf Street, said he appreciated the difficulty of the board's position, but expressed support for the application. He said he believed the owner wants to preserve the character of the neighborhood.

Opposed: **Tom Mele**, 612 Gulf Street, said the accessway would be overburdened with new traffic and would cross his property.

Rebuttal

Attorney Curseaden referred to a traffic study. He referred to a 25' sanitary sewer easement and a sidewalk easement provided by Mr. Ward. He said no accidents had been recorded in the area since 2011, and that parking on each lot was adequate per the regulations. He granted that sight lines were not ideal, but said to make them so would require great disruption to the trees. He noted an accommodation made for the Fire Marshall to provide emergency access. He said 1 additional residence would not overburden the easement.

Rebuttal

Tom Mele, 612 Gulf Street, said that making a left turn at end of driveway is dangerous and that it is a blind corner. He said he had seen an accident in the past 6 months and had personally experienced 2 close calls with oncoming cars. He said the driveway already crosses 4 properties and this would add another.

Rebuttal

Attorney Curseaden respectfully disagreed.

Staff remarks

Mr. Sulkis said he didn't feel that the document describing a single 1920s court case that had been presented to the board by Attorney Curseaden should, in and of itself, determine the board's vote. He stressed that every land use case is unique. He said the application simply doesn't meet the requirements of the subdivision regulations.

Board Discussion: **Mr. Satti** asked Attorney Curseaden to clarify use of the terms waivers versus variances. He confirmed the 12 -16' access from Old Field Lane and they discussed details of the accessway's width. **Attorney Curseaden** asked to close the hearing and vote at the next meeting because the statute required 75% of the board to approve and that only 70% of the board was present; he provided the quorum statute for the City Planner.

Vice Chairman Moore closed the hearing and agreed to delay the vote in light of the absence of a full quorum for this type of vote.

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- F. CHAIR REPORT** None.
- G. REGULATIONS SUBCOMMITTEE REPORT** None.
- H. APPROVAL OF MINUTES** 19 June 2018, unanimously approved.
- I. STAFF REPORT** None.
- J. ADJOURNMENT** was at 8:17

Attest:

M.E. Greene, Board Clerk

Note: Minutes are not official until approved by Board vote at a subsequent meeting.