

MINUTES  
PLANNING COMMISSION  
MAY 22, 2012 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Sherrard  
Alternate members present: Fitzgerald, Kane (7:07)  
Absent: Steinford, Roper, Zod  
Staff present: Davis, Glemboski, Doolittle

Chairman Sherrard called the meeting to order at 7:02 p.m. He sat Fitzgerald for Steinford.

II. APPROVAL OF THE MINUTES OF meeting of May 8, 2012.

MOTION: To approve the minutes of May 8, 2012, as amended.

Motion made by Munn, seconded by Pritchard. Motion passed unanimously.

III. PUBLIC COMMUNICATIONS - none

IV. SUBDIVISIONS

1. Carrigan Resubdivision, Haley Road

Staff has requested that this item be tabled.

MOTION: To table Carrigan Resubdivision, Haley Road.

Motion made by Munn, seconded by Fitzgerald. Motion passed unanimously.

V. SITE PLANS

1. LBI, 973 North Road – Request for one year extension for start of construction

Staff noted that this site plan was approved on June 14, 2011. The mylars have been received and the applicant is requesting a one year extension for start of construction.

MOTION: To grant a one year extension for start of construction to June 14, 2013 for LBI, 973 North Road.

Motion made by Sherrard, seconded by Pritchard. Motion passed unanimously.

2. Cutler Middle School Parking, Fishtown Road

Paul Biscuti, DiCesare Bentley Engineers, addressed the Commission discussing the proposed parking lot. Inland Wetlands approval has been received with the agency encouraging the use of a pervious surface for the parking lot. Mr. Biscuti discussed the waivers that have been requested.

Chairman Sherrard noted Commissioner Kane's arrival at 7:07pm and sat him for Roper.

Wes Greenleaf, Groton Public Schools, along with Mr. Biscuti and the Commission had a lengthy discussion regarding the proposed gravel lot and striping of the parking lot by painting versus alternatives, such as wooden posts.

**MOTION:** To approve a waiver to Section 8.4-4.C. and not require a Class A-2 survey to be submitted as part of the application. The improvements are not adjacent to any property lines, the horizontal accuracy for the submitted horizontal data complies with a T-2 survey, and the vertical accuracy for the vertical data complies with a V-2 survey.

Motion made by Sherrard, seconded by Munn. Motion passed unanimously.

**MOTION:** The Planning Commission approves Site Plan Application # SIT12-07, for Cutler Middle School Parking at 160 Fishtown Road, subject to the following modifications:

1. Parking spaces shall be appropriately marked in accordance with Section 7.2-12 of the Zoning Regulations and the delineation method shall take into account the proposed gravel/stone parking materials. The method and materials shall be approved by the Office of Planning and Development Services.
2. All staff technical items shall be addressed.

The Planning Commission finds that allowing a portion of the site parking to be on a pervious surface instead of a bituminous or concrete all-weather surface with curbing meets the intent of Section 7.2-13. The parking will typically be used by employees and not the general public and the Inland Wetland Permit required the use of a pervious surface for this parking due to its location adjacent to wetland resources.

Motion made by Sherrard, seconded by Pritchard. Motion passed unanimously.

3. Cutler Middle School Portables, Fishtown Road

Paul Biscuti, DiCesare Bentley Engineers, addressed the Commission describing the portables and their location.

Michael Coleman, Lindsay, Liebig & Roche Architects, addressed the Commission describing the portables including their size, location, roof material, handicap access and fire alarms.

Staff distributed a draft motion and discussed the proposed overhead utilities.

Staff read an email from Commissioner Zod regarding safety. Mr. Greenleaf addressed this along with the other Commissioner's concerns over safety. The Commission expressed their specific concerns with the children's safety as they travel to and from the portables and the overhead utilities.

The Commission discussed with Staff the option of granting this on a conditional basis or with an expiration date. Staff noted that the application is a request for temporary portable classrooms and a time frame may be appropriate. The applicant agreed with a proposed 5-year time frame.

**MOTION:** To approve a waiver to Section 8.4-4.C. and not require a Class A-2 survey to be submitted as part of the application. The improvements are not adjacent to any property lines, the horizontal accuracy for the submitted horizontal data complies with a T-2 survey, and the vertical accuracy for the vertical data complies with a V-2 survey.

Motion made by Sherrard, seconded by Munn. Motion passed unanimously.

**MOTION:** The Planning Commission approves Site Plan Application #SIT12-08, for Cutler Middle School Portables at 160 Fishtown Road for a period of 5 years to May 2017, subject to the following modifications:

1. All staff technical items shall be addressed.

At the end of this five year approval period, if the portables are still to be utilized at this site, the applicant must appear before the Planning Commission for approval for a new site plan.

In accordance with Section 7.5-4 of the Zoning Regulations, the Planning Commission notes that the new sidewalks shall be bituminous, as they will connect with existing bituminous sidewalks on the site.

Motion made by Sherrard, seconded by Pritchard. Motion passed unanimously.

4. Kate's Cafe, 12 Water Street

Brian Straub, applicant, addressed the Commission and discussed his proposed vegan/vegetarian cafe including parking, drainage, signage, the propane tanks, and the exhaust fans.

**MOTION:** To approve shared parking of two spaces for the following reasons:

1. This restaurant is located in a mixed use development where there are other uses which have different operating hours allowing the utilization of the same parking areas.
2. The owner of Factory Square provides 34 parking spaces on site and leases 111 spaces from the Mystic Arts Association.

Motion made by Sherrard, seconded by Munn. Motion passed unanimously.

**MOTION:** To approve the Kate's Cafe Site Plan, Unit D4, 12 Water Street with the following modification:

1. The exhaust fan and duct work on the roof will be painted to minimize their visual impact.

Motion made by Sherrard, seconded by Kane. Motion passed unanimously.

5. Gabriele's Karate, 1028 Poquonnock Road

Sal Gabriele, applicant, addressed the Commission regarding the existing HVAC units and the proposed landscaping. He stated that when he located the units, he was not aware that he needed Planning Commission approval to place the units on the ground and in front of the building.

Staff read into the record an email from Commissioner Zod containing his comments and concerns regarding the location of the units.

Staff noted that the original site plan contained a bike rack that will be relocated and installed with this application.

Staff and the Commission discussed relocation, the type of landscaping and the Commission's dissatisfaction with having to approve this after the work has been completed.

**MOTION:** To approve a site plan modification for Gabrielle's Karate, 1028 Poquonnock Road, subject to the following modifications:

1. Staggered, mature, evergreen plantings shall be placed around the three (3) HVAC to totally screen them from public view, and the specified plantings shall be continuously maintained and trimmed by the property owner as a condition of this approval.
2. Appropriate clearance shall be maintained around the units to provide adequate ventilation for proper operations in accordance with manufacturer's recommendations and any associated Fire and Building Codes.

3. The bike rack shown on the previous site plan approval shall be relocated to an appropriate location on the site.
4. All staff technical items shall be addressed.

Note: Required plantings shall be reviewed by the Town Tree Warden.

Motion made by Sherrard, seconded by Munn. Motion passed 3-2-0 with Pritchard and Munn opposing.

6. Grossman's Mobile Kitchen, 479 Gold Star Highway

Chad Frost, representing the Applicant, addressed the Commission describing the proposed site modifications and the mobile kitchen trailer. He discussed the proposed use for the trailer as well as parking, sidewalks, bike rack, storage areas and trash.

Staff noted that this site is located in the WRPD zone, and there is no proposed change to the stormwater system.

MOTION: To approve a site plan for Grossman's Mobile Kitchen, 479 Gold Star Highway, subject to the following modifications:

1. A note shall be placed on the plan stating: "Any kitchen used for food preparation shall require a grease trap in accordance with the CT General Permit for Discharge of Wastewater Associated with Food Preparation Establishments."
2. All staff technical items shall be addressed.

Motion made by Munn, seconded by Kane. Motion passed unanimously.

VI. OLD BUSINESS

1. Land Use Regulation Update Project – No report. Staff has been focused on the POCD contract.
2. Plan of Conservation and Development Update

Staff distributed a memo from Mike Murphy regarding the Steering Committee and noted that a contract should be signed next week.

The Commission took a recess and reconvened at 9:25 pm.

3. Request from the Groton Open Space Association (GOSA) for Planning Commission Endorsement of GOSA's Open Space and Watershed Land Grant Application to the State DEEP to Acquire Certain Lands N/F of J. Crandall

In response to the Commission's request at the May 8 meeting, staff distributed a packet of information. Staff noted the requested report from the Town Attorney has not been received. Staff also noted that new information was provided by GOSA's appraiser Monday morning, when he disclosed GOSA's intent to allow Crandall to retain a purported existing one acre parcel somewhere in the extreme southerly portion of the southernmost tract. Staff felt that this was important material information that needed to be evaluated in order to develop a response to GOSA's solicitation.

Sue Sutherland, 32 Neptune Drive, GOSA Treasurer and GOSA Board of Directors member, addressed the Commission representing GOSA. With respect to GOSA's intent to exclude a "lot" for Crandall, she stated that it is GOSA's understanding that this is an approved building lot and that by excluding this from the transaction with Crandall, the purchase price GOSA would pay has been substantially reduced. She showed the members a map indicating the general location of the purported building lot. Ms. Sutherland also discussed GOSA's future plans for the site, including trails.

The Chair informally polled the members in attendance and asked for opinions as to endorsing GOSA's grant application to the DEEP to purchase the three tracts for open space. The majority of members present were in favor.

Staff reiterated that it would be prudent to receive and consider the Town Attorney report and to fully evaluate the potential implications of the intent to allow Crandall to retain what has been represented as a legal lot of record. Staff noted that the title history of that purported lot needs to be evaluated, as well as its location and its condition in order to understand if subdivision approval would be required, including possible inland wetland agency review, as well as the relationship to relevant POCD recommendations.

Staff also noted that with respect to the POCD recommendations previously provided to the commission, it was important for the members to understand the implications of this conveyance on the ability in the future to accomplish relevant POCD objectives, and that unless these were somehow explicitly noted in the commission's action on GOSA's request, the members should assume that the community would not be able to accomplish relevant objectives in the POCD. Staff made particular note of the future east/west road extension and the multi-use trail, referring to the recent experience with the Merritt parcel and trail limitations imposed by GOSA subsequent to GOSA taking title to that parcel, and the State DEEP's lack of interest in helping the Town achieve the community's trail objectives.

With respect to the active zoning and wetland litigation, staff noted that while it may be that the wetland violations are resolved soon, its reasonably clear that the zoning violations will not be fully resolved in that timeframe and that it seemed prudent therefore to wait to hear from the Town Attorney in that regard, so that any endorsement that might be made, will not complicate the Town's ability to resolve the zoning violations in a full and timely manner, including recouping attorney fees, court costs and possible fines.

The members agreed to table the item to the 6/12/12 meeting, and that the Chair would meet with staff in advance of that meeting to develop a report/motion to be considered by the full commission at that time.

MOTION: To table the request from the Groton Open Space Association (GOSA).

Motion made by Sherrard, seconded by Pritchard. Motion passed unanimously.

VII. NEW BUSINESS

1. Report of Commission

MOTION: To reconsider the motion passed earlier tonight regarding the Cutler Middle School Portables and to add this item to the agenda.

Motion made by Sherrard, seconded by Munn. Motion passed unanimously.

VIII. SITE PLANS

1. Cutler Middle School Portables, Fishtown Road

MOTION: To amend the original motion to change the 5 year deadline from May 2017 to July 1, 2017; with the reason being that the school year will be completed.

Motion made by Sherrard, seconded by Pritchard. Motion passed 4-1-0 with Kane opposing.

IX. NEW BUSINESS

2. Referral from the Town of Ledyard – Cedar Ridge Road

Staff noted that this referral is not applicable since the property is located more the 500 feet from the Town line.

3. Zoning Commission Referral for June 6, 2012 Public Hearing – Special Permit #328, 38 Central Avenue (TVCCA)

The Commission had no comment.

4. New Applications

- a. 85<sup>th</sup> Day Restaurant (CAM), 13 Water Street
- b. Oddfellows Phase I Site Plan (Military Highway/Lestertown Road)

X. REPORT OF CHAIRMAN - none

XI. REPORT OF STAFF

Staff noted the communication in tonight's packet regarding the proposed TNT firework tent at Wal-Mart. Staff has resolved the compliance issues from last year (signs) with Wal-Mart management and TNT and will process the application administratively.

XII. ADJOURNMENT

Motion to adjourn at 10:03 p.m. made by Sherrard, seconded by Munn,  
so voted unanimously.

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Jeffrey Pritchard, Secretary  
Planning Commission

Prepared by Katie Doolittle  
Office Assistant II