

MINUTES
PLANNING COMMISSION
OCTOBER 12, 2010 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Steinfeld, Sherrard
Alternate members present: Fitzgerald, Zod
Absent: Kane, Munn, Roper
Staff present: Glemboski, Murphy, Gilot

Chairman Sherrard called the meeting to order at 7:01 p.m., seated Zod for Munn and Fitzgerald for Roper.

II. APPROVAL OF THE MINUTES OF meeting of September 28, 2010.

MOTION: To approve the minutes of September 28, 2010 as written.

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

III. PUBLIC COMMUNICATIONS - None

IV. SUBDIVISIONS

1. Repp Subdivision – Request for 90 day extension for recording of mylars

Staff is still waiting for the performance bond and fee in lieu of open space to be submitted by the applicants.

MOTION: To grant a 90 day extension for recording of mylars for the Repp Subdivision, 10 Maxson Street, to February 3, 2011.

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

V. SITE PLANS

1. Mystic River Residential Care, 14 Godfrey Street – Review and action regarding consistency of proposed site plan revisions with reasonable accommodation granted on October 15, 2009

Staff explained the request for minor modifications, and said a memo was provided with their agenda packets.

Clint Brown, DiCesare-Bentley Engineers, Elaine Cole, Mystic River Residential Care and Nick Michnevitz, architect, represented the applicant.

Mr. Brown detailed the standard requirements of the CT Department of Social Services and the CT Department of Health. The State agreed to relax the size requirements of the bedrooms, allowing the size of the building to be decreased. No other support facilities have changed. All stipulations have been incorporated into the plan. The state has approved the plans, smaller footprint and area, and the project is within the state's budget.

Nick Michnevitz detailed the plan changes for the bedrooms, the berm and the landscaping improvements for the Commissioners. The square footage of the bedrooms, as approved by the state health department, was discussed. The same number of residents will be accommodated.

MOTION: Mystic River Residential Care, 12, 14, 16 Godfrey Street, the Planning Commission finds that the plan revisions, including the building architecture, treatments, and other details are consistent with the previously approved plans, that the only substantive changes are a reduction in the building square footage and shifting of the building to the west and away from abutting homes, and that the revised plans incorporate the conditions of the original Planning Commission approval.

Motion made by Sherrard, seconded by Pritchard.

Staff reviewed the setback for the Commission, and explained that the easterly setback was actually increased by reducing the building width.

The first motion was withdrawn.

MOTION: Mystic River Residential Care, 12, 14, 16 Godfrey Street, the Planning Commission finds that the plan revisions, including the building architecture, treatments, and other details are consistent with the previously approved plans, that the only substantive changes are a reduction in the building square footage and to increase the setback away from abutting homes, and that the revised plans incorporate the conditions of the original Planning Commission approval.

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

The Commission asked staff if this was a new approval, or a modification to the original approval, since the mylars have not been filed yet. Staff said a new application was not submitted; this was a small modification to the original approval, brought to the Commission to confirm consistency with same.

1. Mystic River Residential Care, 14 Godfrey Street – Request for extension for start of construction

MOTION: To grant a one year extension for start of construction to Mystic River Residential Care, 14 Godfrey Street, to October 15, 2011.

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

2. Benchmark Assisted Living, 90 Poheganut Drive – Request for extension for start of construction

MOTION: To grant a one year extension for start of construction to Benchmark Assisted Living, 90 Poheganut Drive, to October 14, 2011.

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

VI. OLD BUSINESS

1. Land Use Regulation Update Project

Staff said the proposed amended sections, E & S control, definitions, landscaping and stormwater management, were presented to the Zoning Commission, and some minor edits were made and they rescheduled the public hearing to December 1, 2010.

2. Zoning Board of Appeals referral for October 13, 2010 – 400 Gold Star Highway, Lovendosky Residence (ZBA10-06)

Staff asked the Commission to table the referral to the October 26th meeting. The applicant granted an extension to the Zoning Board of Appeals to their October 27th meeting so that he would be able to provide the Board with more information regarding his application. Staff said they would provide a location map for the Commission at the next meeting.

Motion to table the Lovendosky Residence referral to the next meeting on October 26, 2010 made by Sherrard and seconded by Steinfeld. The motion passed unanimously.

3. Hoelck Florist Site Plan, 388 Long Hill Road

Staff said there have been no further submittals or clarifications from Mr. Hoelck. Staff called him today, but he had not yet returned the call. Staff suggested the Commission table this to the next meeting.

Motion to table the Hoelck Florist Site Plan to the next meeting on October 26, 2010 was made by Steinfeld, seconded by Pritchard and passed unanimously.

VII. PUBLIC HEARING

1. Winding Hollow Resubdivision, 0 Winding Hollow Road (4 Lots)

Secretary Pritchard read the legal ad.

Ed Wenke, Site & Structures, and Attorney John Casey represented the applicant. Mr. Wenke detailed the location of the site, and the history of the Fleet Subdivision. The property is currently served by municipal water and sewer. A private sewer line was extended to the property by the owner in agreements with the Winding Hollow condominium association. The applicant proposes to resubdivide Lot 3 of the original subdivision into four duplex lots. Mr. Wenke detailed the lot sizes, access, topography and wetlands. A common driveway will serve lots 1, 2 and 3, and a single driveway will serve lot 4. A permit for the storm drainage system was granted by the Inland Wetlands Agency and each unit will have individual grinder pumps and be served by municipal sewer and water. The applicant requested a waiver of the open space requirements because the open space was dedicated in the original subdivision.

Staff noted that the mailings were in order, and explained a previous special permit for excavation at the site that was approved by the Zoning Commission. The original Fleet Subdivision was described including the 13.23 acres of dedicated open space and the status of the 4 original lots. Rear lot access was described for Lots 3 and 4 of the Resubdivision. Zero-lot line development was described for Lots 2 and 3 and staff addressed how the design met Section 4.15 of regulations. Staff believes the duplexes on Lots 2 and 3 will be built at the same time as a single 4 unit building. Section 4.15 requires that an agreement be recorded in land records between the owners of the two zero-lot line lots. A homeowner's association will be required for this subdivision if any units or lots are sold. Frontage sidewalks are already installed. Public improvements include a driveway apron, sidewalk ramps, street trees and monumentation. The previous subdivision allowed only single family homes on 3 of the original lots, but based on the current availability of municipal sewer and water, staff believes that the requirement is superseded by the new resubdivision. The fire marshal approved the driveway layout. Parking for each of the units was discussed. The zero lot line and requirements of the buildings were discussed. Staff noted that the building official has stated that the building code requires that a fire wall must be constructed on the property line in the first duplex building even if the second building is not built at the same time. The sewer will require a bond and maintenance agreement to be maintained because it is a private community system. The waiver of open space was discussed. Staff stated that a large parcel of open space, representing 60% of the total land area, was granted to the Town with the original subdivision. This represented six (6) times the subdivision requirement of 10% dedication of land area. Staff noted that the Commission may consider open space dedication based on the regulations but recommended that their decision be based on reasonableness with respect to the amount of land already dedicated for the underlying subdivision. Staff noted that the current resubdivision parcel is 3.5 acres and taking 10% of this parcel would get the Town just over one third of an acre of open space, and based on the existing site, it could be a burden rather than a benefit to the Town. Staff said handicap accessibility is not required, as these are individual lots with a duplex unit on each lot. Attorney Casey clarified that the common elements will have easements and a homeowners' association, as appropriate.

The Commission discussed requiring a fee in lieu of the open space and had concerns with setting precedence by waiving the open space requirements as well as a fee. Staff noted the difference between a subdivision and a resubdivision and the uniqueness of this resubdivision due to the previous dedication of 60% of the subdivision land. Staff explained that the appraisal must be submitted during the public hearing to be considered for the fee.

Staff explained that the regulations require a firewall to be installed if only a single building of the zero-lot line development is built. The Commission would like to have additional information on the zero-lot line development and what assurance there will be to protect future property owners of the zero-lot line lots.

The Commission would like to keep the hearing open to resolve the open space issue and requested the applicant provide an appraisal for the public hearing record.

MOTION: To continue the public hearing to the next meeting and request a valid appraisal of the property from the applicant for consideration of a fee in lieu of open space.

Motion made by Sherrard, seconded by Pritchard.

The Commission asked staff to provide the details for a motion with the next agenda packet. Staff said they will meet with the Building Official to address those outstanding items that the Commission is concerned with.

Motion passed unanimously.

VIII. SUBDIVISIONS

1. Winding Hollow Resubdivision

The public hearing was continued to October 26, 2010.

IX. NEW BUSINESS

1. Report of Commission

Commissioner Zod asked about the screening for the diesel generators that are being installed at Groton Utilities' water treatment facility. Some commissioners also expressed concerns with the cutoff lighting at the new Hummingbird Hollow stable.

2. 2011 Planning Commission Meeting Schedule

MOTION: To adopt the 2011 Planning Commission meeting schedule as presented

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

X. REPORT OF CHAIRMAN

Chairman Sherrard said there is a Committee of Chairs meeting next Monday at 6:00 p.m. and invited all commissioners to attend.

XI. REPORT OF STAFF

Staff updated the Commission on the storage tanks and erosion controls at Hannah Enterprises on New London Road (convenience store at Fishtown Road).

Invitations were distributed to the Commission for the Mystic Streetscape groundbreaking which will take place on Thursday, October 14th, at 9:00 a.m.

The Streetscape contractor is leasing office space in the Steamboat Wharf area, rather than a construction trailer. Our Project Manager and inspection team will be based out of that office for most of the construction.

Staff also noted the Committee of Chairs meeting on Monday.

A draft ethics code was issued by the Ethics Committee. Staff read it and thinks it may be difficult to administer. Staff will pass any information on to the Commission.

Staff updated the Commission on sidewalks on Drozdyk Drive and Poquonnock Road, west of the entrance to the Kolnaski School. Steinfeld asked about the sidewalk on Route 1 from the Regency down Route 1. Staff said he will get an answer from Public Works, as to the schedule for this project.

The Town Council appointed Susan Marquardt as a regular member of the Zoning Commission.

One of the Town building officials, Glen LeConche, recently resigned to become the head building official in Tolland.

Staff is working on a new blight ordinance at the request of the Town Council. Staffing needs for the enforcement will need to be addressed if this moves forward, in his opinion.

Steinfeld said he was appointed to the Noank School Reuse Committee, but has not heard a word. Staff said the Noank School Reuse Committee will be meeting on Saturday, October 23rd, at the Noank School.

XII. ADJOURNMENT

Motion to adjourn at 9:25 p.m. made by Pritchard, seconded by Steinfeld, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Debra Gilot
Office Assistant III