

MINUTES
PLANNING COMMISSION
OCTOBER 26, 2010 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Acting Chairman Pritchard called the meeting to order at 7:03 p.m. He sat Kane for Sherrard and appointed Roper as Acting Secretary.

II. APPROVAL OF THE MINUTES OF meeting of October 12, 2010.

MOTION: To approve the minutes of October 12, 2010 as amended.

Motion made by Steinfeld, seconded by Roper. Motion passed 3-0-2, with Kane and Munn abstaining.

III. PUBLIC COMMUNICATIONS

Groton Open Space Association President Joan Smith, 58 Mohegan Road, addressed the Commission and submitted written materials on behalf of GOSA, regarding the proposed changes to the Zoning Regulations.

IV. SUBDIVISIONS

1. High Street Subdivision – Request for bond release

Staff noted the memo from the Town Engineer recommending the release of the bond.

MOTION: To release the bond of \$4,013 for the High Street Subdivision.

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

V. SITE PLANS

1. Bowl New England, 27 Kings Highway – Request for extension for site plan review

Staff noted that the applicant has requested an extension to the December 14, 2010 meeting.

MOTION: To grant an extension for site plan review to December 14, 2010 for Bowl New England.

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

2. Hoelck's Florist, 388 Long Hill Road

Staff provided a brief summary of the purpose of the application, including references to prior staff memoranda provided to the Commission. Staff noted that the present application is limited to resolving the unapproved removal of the wall and walk and that the use variance referral from the ZBA will be addressed separately. It was noted that the building expansion has been eliminated from the revised plans.

Attorney George Kanabis, representing the applicant, addressed the Commission apologizing on behalf of the applicant for removing the walk and wall without the required approvals and noted that his client's actions were not taken with knowledge that any such permits were required.

With regard to the walk, Mr. Kanabis asserted that there was no practical need for the walk and that his client was therefore requesting a waiver to remove it. He indicated that the walk that was there was in a state of disrepair, it was being used by neighbors to trespass and his client was concerned with liability. The applicant landscaped the property and Mr. Kanabis handed pictures of the work to the Commission.

Staff acknowledged the landscaping and general site clean up and noted the memo handed out this evening outlining the Commission's options in terms of the application review process. Staff felt that analysis of the "walk" issue was unfortunately complicated by the fact that the applicant has not proposed a use that is permitted in the zone. Staff felt that a potential option might be to defer, but reserve the authority to require a walk in the future, i.e. upon application to establish a permitted use at the site.

MOTION: To table discussion on Hoelck's Florist until after the Public Hearing.

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

VI. PUBLIC HEARING

Commissioners Kane and Munn noted that they have listened to the tapes from the October 12th meeting.

Staff handed out a memo addressing additional information that was requested by the Commission and included two letters from the applicant's attorney, Tim Bates, on the request for a waiver for open space. Attorney Bates requested a continuance to the November 9, 2010 meeting to allow time to obtain an appraisal on the property.

Attorney Bates, Staff and the Commission briefly discussed the fee in lieu of open space option.

MOTION: To continue the public hearing for Winding Hollow Resubdivision to the November 9, 2010 meeting.

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

VII. SITE PLANS

1. Hoelck's Florist, 388 Long Hill Road

Following additional discussion, it was the general consensus of the members present that the applicant had not, at this time, established a sufficient basis for a waiver for the removal of the walk, based on the applicable criteria in the regulations. Attorney Kanabis suggested that they would be amenable to installing a walk to the north (to Colver Avenue).

With regard to the wall removal, Attorney Kanabis asserted that the wall created sight line and safety issues and that his client is seeking the Commission's approval after the fact, for the wall's removal. He made reference to a 1983 plan as the basis for his client's belief that the wall could be removed. Staff noted that this 27 year old plan is invalid, that it cannot be relied upon as the basis for any action, that staff has reviewed the plan and that as to wall removal, the plan's annotations appear to conflict with other plan notations.

The Commission, Staff and Attorney Kanabis discussed in detail the wall, its location as to the sight line claim, its function in terms of the district objectives, the disposition of the stone and other concerns. Staff had requested sight line surveys, but none have been provided to date. Staff felt that any analysis of sight lines should be based upon certified surveys and not on perceptions or personal testimony.

It was the commission's strong consensus that they did not support removal of the wall.

Staff indicated that it had previously suggested to the applicant and to Attorney Kanabis that they consider offering the commission some options in terms of both the wall and the walk, as a means of resolving the violation. Staff asked Attorney Kanabis in light of the evening's discussion, how he would like to proceed, noting that sufficient time is available to table the matter to the 11/9/10 meeting. Mr. Kanabis agreed and will discuss the matter with his client in advance of the next meeting. Staff noted that any revised plans or additional materials would need to be provided to staff in advance of that meeting.

MOTION: To table Hoelck's Florist to the next regular meeting.

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

The Commission took a recess at 8:51 p.m. and reconvened at 8:58 p.m.

VIII. OLD BUSINESS

1. Land Use Regulation Update Project

Staff is still working on Section 3 and 4 and will update the Commission accordingly.

2. Zoning Board of Appeals referral for October 27, 2010 – 400 Gold Star Highway, Lovendosky Residence (ZBA10-06)

Staff noted the memo handed out tonight recommending against the approval of the variance.

MOTION: The Planning Commission recommends that the Zoning Board of Appeals deny ZBA application #10-06, Ted Lovendosky, 400 Goldstar Highway because the lot size exceeds the CB-15 area requirements, and sufficient area is available to site a structure in compliance with applicable setbacks, and because the building footprint as proposed may create conflicts with other important site design requirements.

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

IX. NEW BUSINESS

1. Report of Commission

Commissioner Steinfeld attended the first meeting for the Noank School Reuse Committee and toured the grounds of the school. He informed the Commission that the Committee has one year to propose a use for the property to the Council.

Commissioner Kane attended the Board of Education meeting on October 12, 2010 where they discussed the potential Phase 2 school plan.

2. New Applications
 - a. New England Cycle Works (Site Plan)

3. Referral from Town of Stonington

Staff discussed the proposed improvements at the north and south gates and the addition of solar panels at a mill building to the east of the Mystic Seaport.

The Commission had no comment.

4. Zoning Commission Regulation Revision

Staff noted the handout in tonight's packet and briefly discussed the proposed changes. The Commission offered some minor suggestions in regards to language and definitions and requested input from the Town Attorney as to the meaning of the term "certification" in the erosion control regulations. The commission agreed by consensus to forward an affirmative report to the zoning commission.

X. REPORT OF CHAIRMAN

Acting Chairman Pritchard attended the Committee of Chairpersons meeting where they discussed the guidelines for preparing the CIP, the Mystic Streetscape Project and the Noank School Reuse project.

XI. REPORT OF STAFF

Staff noted the article in The Day regarding the grant awarded for the Spicer property. Staff also noted that the State Legislature's regulation review Committee had denied the DEP's proposed "stream flow" regulations.

XII. ADJOURNMENT

Motion to adjourn at 9:42 p.m. made by Roper, seconded by Steinfeld, so voted unanimously.

Peter Roper, Acting Secretary
Planning Commission

Prepared by Katie Doolittle
Office Assistant II