MINUTES
PLANNING COMMISSION
OCTOBER 8, 2013 - 7:00 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Sherrard, Kane, Pritchard, Munn, Steinford
Alternate members present: Fitzgerald, Zod
Staff present: Murphy, Glemboski, Silsby

Chairman Sherrard called the meeting to order at 7:04 p.m.

II. PUBLIC COMMUNICATIONS

Attorney Timothy Bates, representing Downs-Patterson, the owner of Mystic Executive Park LLC., requested that a request for one year start of construction be added to the agenda for Benchmark Assisted Living Facility, LLC, located at 90 Poheganut Drive. He noted that the plans have been filed.

MOTION: To add Benchmark Assisted Living Facility to tonight's agenda under site plans.

Motion made by Munn, seconded by Steinford, so voted unanimously

III. SITE PLANS

1. Benchmark Assisted Living, LLC, 90 Poheganut Drive

MOTION: To grant a one-year extension to October 14, 2014 for the start of construction for Benchmark Assisted Living, LLC, 90 Poheganut Drive

Motion made by Pritchard, seconded by Steinford, so voted unanimously.

Kane left the room at 7:08 p.m.

2. Randall's Wharf Driveway Modifications, 17 & 31 Water Street (SIT 13-07) (CAM)

Staff stated that the applicant is still working with DOT and has requested a 65-day extension to act on the application.

MOTION: To Table the Randall's Wharf Driveway Modifications site plan review and accept a 65 day extension until December 21, 2013.

Motion made by Sherrard, seconded by Pritchard, so voted unanimously.

3. Oyster Club (85th Day Restaurant) Modification, 13 Water Street (SIT13-10) (CAM)

Staff stated that the owner is not present tonight due to notification issues and requested that the item be tabled to October 22, 2013.

MOTION: To Table this item until the next meeting scheduled for 10/22/13

Motion made by Pritchard, seconded by Steinford, so voted unanimously

Kane returned to the meeting at 7:11 p. m.

4. Historic Mystic LLC, Central Hall (CAM), 18 West Main - Request for Extension for Start of Construction

Eric Burns, representing Central Hall, requested a one-year start of construction extension. He also requested that this item be tabled until later in the meeting when the other representatives arrive.

MOTION: To Table this item until later in the meeting

Motion made by Sherrard, seconded by Pritchard, so voted unanimously

IV. OLD BUSINESS

1. Subdivision Regulation Amendments - No update

2. Plan of Conservation and Development Update

Staff stated that a special meeting has been scheduled for Thursday, October 24, 2013. Information relative to this meeting will be sent out to all members.

V. NEW BUSINESS

1. Report of Commission

Steinford referred to his conversation with the Mayor who had concerns about the nursing home off of Godfrey Street and the requirement for installing a retaining wall. Staff stated that Elaine Cole has not contacted the Planning Department but he will follow-up.

Munn attended a panel discussion about trails on Groton Utilities property. He gave an overview of what was discussed and who was present. Local funding for trails was noted. Discussion ensued about the prior use of this land.

Steinford stated that he will not be at the next meeting.

Sherrard inquired about clear-cutting occurring just south of the Nautilus Memorial. Staff stated that construction is being done for a home above the slope. He will look into whether there is any regulatory measure regarding this activity and will report back to the Planning Commission at the next meeting.

2. Zoning Board of Appeals Referral for 10/9/13 Public Hearing

a. ZBA13-05, 68 Forest Avenue, Folger Garage

Staff reviewed the application to install an accessory garage. Maps were reviewed. The applicant has requested a variance for a 20' setback instead of the required 60' setback for an accessory building. Staff and the Commission discussed sight lines, definition of accessory structures, and maximum lot coverage.

MOTION: To submit the following concerns from the Planning Commission

1. Review of adequate sight lines for garage access.
2. To review if garage is closer to the street than other adjacent structures in the neighborhood.
3. To assure that the lot coverage does not exceed the coverage requirement in the zone.

Motion made by Sherrard, seconded by Steinford, so voted unanimously

3. Adoption of the 2014 Meeting Schedule

MOTION: To adopt the 2014 Meeting Schedule

Staff referred to the November 25, 2014 meeting and suggested that since it is so close to the Thanksgiving holiday, maybe the date should be reconsidered. It was decided that the November 25, 2014 meeting be changed to Wednesday, November 19, 2014.

Motion made by Sherrard, seconded by Steinford, so voted unanimously, as amended.

4. New Applications

Staff noted that a site plan application has been received regarding a proposal to renovate the existing KFC Restaurant at 230 Route 12.

VI. REPORT OF CHAIRMAN

Sherrard noted that he had given feedback to Representative Wright in regards to wind turbine regulations. He stated that the Legislative Committee turned down the Connecticut Siting Council's subsequent regulation proposal as not being sufficient. He believes that the proposal is still not well enough defined.

VII. REPORT OF STAFF

Staff stated that Phase II of the Streetscape project will soon be going out to bid. The complete process will occur during the months of October and November, with construction beginning in the spring 2014.

Staff stated that the October 21, 2013 Committee of Chairpersons meeting agenda packet will be going out this week. Agenda items were noted.

III. SITE PLANS (CONTINUED)

4. Historic Mystic LLC, Central Hall (CAM), 18 West Main - Request for Extension for Start of Construction (Previously Tabled)

At 7:41 p.m., the Historic Mystic LLC, Central Hall application continued. Ken Navarro and Rod Desmaris were present. Navarro explained that a meeting was held last week with the Town Attorney, Planning Staff, and others, whereby final revisions were discussed. He noted that proposed solutions to Staff's list of concerns were addressed at that meeting and were noted on the plans, which are now ready for final review. He requested a one-year extension, in order to get the site plans filed in Land Records and to begin construction.

Discussion followed about how many extensions have been granted at this point. It was noted that this is the first extension under the new site plan approval. Staff noted that a memo dated 10-9-13 regarding the background of this application was distributed to the Planning Commission and applicant prior to tonight's meeting. He spoke about the proper sequence being carried out, in regards to getting the final plans recorded in Land Records then beginning construction. Staff spoke about regulations as well as the meeting held last week with the Town Attorney. He explained his preference to agree to a six-month extension only, which would require the applicant to file the final plans and to begin construction consecutively under the Town Attorney's opinion.

Input was given by Commission members relative to the spring weather and the suitability for construction to begin in Spring 2014. Discussion ensued about the construction process and phasing. The Commission noted the importance of getting the final plans recorded. Whether to stipulate a three-month start date or a six-month start date was discussed. Sherrard explained his preference to accept a four-month extension. Navarro felt that a three-month start date was a bit too early, especially if problems arise beyond his control. He explained why plans have not yet been recorded. Staff explained that easements have not yet been finalized to coincide with the plans and that the applicant has continued to try to include language in the public access easement that goes beyond the commission's approval. Navarro explained that the final language is currently in the hands of the Town Attorney.

Fitzgerald inquired about a dock being proposed on the current plans. Navarro stated that no dock is being proposed at this stage. He explained his intent to come before the Planning Commission in the future, to propose a private dock off of the public access easement.

Discussion about what construction work could be done first was discussed. Desmaris explained that working on the water will be a wintertime activity. He will coordinate steps with the site work and does not plan to do any pile work in the summertime.

Navarro stated that the Town Attorney has the final easements, which are still being reviewed. After completion, these easements will be submitted to the Planning Department for final review.

Sherrard explained that the Planning Commission has been very supportive of this project and has agreed to delays in the past. He noted the importance of getting the final plans recorded and beginning construction in a timely manner. Navarro stated that three-months to record the plans and easements is realistic but is somewhat concerned about beginning construction at the same time plans have been filed. Staff noted the

importance of getting the final easements reviewed which should appropriately match the plans. A four-month timeframe was discussed.

The Commission and Staff concurred that Staff would provide a monthly update to the Commission on the applicant's progress in recording the plan.

Sherrard noted that if a problem arises within the four-month timeframe, the applicant can always come before the Planning Commission for an extension.

MOTION: To grant an extension to Historic Mystic LLC's Central Hall project until February 13, 2014, for the purpose of recording all plans, easements, agreements and all required legal documentation relating to the site plan and coastal site plan approvals of October 9, 2012, and commencing construction of same in accordance with the provisions of section 8.4-3 D of the zoning regulations.

Motion made by Sherrard, seconded by Kane, so voted unanimously.

IV. ADJOURNMENT

Motion to adjourn at 8:24 p.m. was made by Steinford, seconded by Pritchard, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Robin Silsby
Office Assistant II