

MINUTES  
PLANNING COMMISSION  
OCTOBER 9, 2012 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Steinford, Sherrard  
Alternate members present: Fitzgerald, Zod, Kane (7:09)  
Absent: Munn  
Staff present: Murphy, Davis, Glemboski, Doolittle

Chairman Sherrard called the meeting to order at 7:03 p.m. and sat Zod for Munn.

II. APPROVAL OF THE MINUTES OF meeting of September 25, 2012.

MOTION: To approve the minutes of September 25, 2012 as amended.

Motion made by Pritchard, seconded by Steinford. Motion passed 4-0-1 (with Roper abstaining).

III. PUBLIC COMMUNICATIONS

Staff noted that they will be forwarding, via email, a link for Sound Outlook which includes a synopsis on the coastal management act.

IV. SUBDIVISIONS - none

V. SITE PLANS

1. Central Hall, 18-22 West Main Street, 36 West Main Street, 2 and 3 Gravel Street (CAM)

Ken Petrini, DiCesare Bentley Engineers, addressed the Commission on behalf of the applicant. He discussed the most recent changes to the plans which include moving the propane tank to a new location. He stated that the fire marshal has approved this move.

Rod Desmarais, applicant, discussed the memo from Greg Hanover dated October 3, 2012 and stated that he had no problem with the suggested changes. He discussed the dumpster enclosure and fence line and used the Historic District Commission approved plans to show the Commission his plans for the fence for the site. He discussed the gate on the Tift property and submitted the most recent design to the Commission. He handed out and discussed the building footprint and retail floor plans. He requested that the Commission not support the removal of the wall that was added to the deck on the northwest corner of the site.

Ken Navarro addressed the Commission and noted that the electrical and public easements have not been finalized.

Staff distributed a draft motion for the Commission to review. Staff discussed the location of the propane tank and the vent, base flood elevation, the

gate and emergency access requirements. The public access easement was discussed and Staff noted that it is not totally complete but should be before filing of the plans in land records. The change in width between the two buildings was noted from original approvals and the privatization of the public access was discussed at length. The draft easement document and comments from OLISP were discussed. Staff requested that a note be added to the plans to reflect the proposed FEMA flood elevations levels that may be in place when the building is built.

A lengthy discussion between the applicant and the Commission regarding the design and location of the gate, the propane tank and the planter, parking, pedestrian access, Town Council approval of the lease for 2 Gravel Street, FEMA flood regulations and safety of the tank occurred. Chairman Fitzgerald questioned the applicant on liability and the applicant stated that he assumed all liability, through his insurance company, for problems in the Town.

**MOTION:** To approve a waiver, as specified in Attachment A, to Sections 6.3-4.A (Building Height); 6.3-4.B (Mystic River Setback); 6.3-4.C (Property Line Setback); 6.3-4.D (Building Coverage); 6.3-4.E (Density); and 6.3-4.H (Off-Street Parking) based on the following findings:

1. Due to the recreation of an historic building on the site in the Waterfront Design District (WDD) it is recognized that many of the Building and Development Standards of Section 6.3-4 will not be able to be met.
2. The site and architectural design, as related to the above Sections of the Zoning Regulations, is consistent with the intent of these regulations and will promote aesthetic qualities while protecting and enhancing the unique qualities of the Mystic area.

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

**MOTION:** To approve site plan application (SIT12-13) of Historic Mystic LLC for retail and residential development (12 dwelling units) at 18-22 West Main Street, including any required offsite improvements at 36 West Main Street, 2 Gravel Street and 3 Gravel Street, subject to the following modifications. It is noted that action is taken on the site plan last revised 10/1/12, Sheets 1 through 12 inclusive, and any related supplemental data.

1. The underground propane tank, lines, and other appurtenances, shall meet all local, state and federal requirements. The developer shall obtain all necessary agency and department approvals and permits prior to installation. The gas line shall be relocated to limit the disturbance of any existing streetscape improvements as per Attachment 1 and 2 of Town of Groton Department of Public Works Memo dated 10/3/12. Any modifications to the

design, location of the tank, lines, and appurtenances shall be reviewed and approved by the Office of Planning and Development and any other agencies or commissions, as appropriate.

2. The location and design of the fence and dumpster enclosure shall meet all Building and Fire Codes for access to the rear of the buildings at 24 and 26 West Main Street and shall meet any separation distance requirements for all tanks, utilities and other appurtenances. The new design with hinges dated 10/9/12 shall be shown on the final plans.
3. The new emergency access gate design at 36 West Main Street dated 10/9/12 shall be shown on the final plans.
4. The applicant shall record the electrical easements and any necessary subordination of any mortgages or other prior encumbrances required by Connecticut Light and Power (CL&P) for 18 and 36 West Main Street, respectively, in the Land Records as soon as possible but no later than November 9, 2012.
5. All staff technical items shall be addressed on the final site plan.

The Planning Commission approval of this site plan does not constitute an endorsement of the lease of the Gravel Street Pump Station property.

Motion made by Sherrard, seconded by Prichard. Motion passed 4-1-0 (with Roper opposing because it lessens the public parking and increases private parking on Town, he also opposes the tank being located on Town property).

Commissioner Steinford voted for approval of the site plan but wished to note for the record his discomfort with the tank being located on Town property.

**MOTION:** To approve the Coastal Site Plan application for SIT12-13, based upon the following findings and conditions:

The Commission hereby finds that the application, as modified and conditioned herein, is consistent with all applicable goals and policies of CGS 22a-92 and incorporates all reasonable measures which would mitigate adverse impacts of the proposed activity on both coastal resources, and on existing and future water dependent activities.

1. The public access easement document shall be approved as to form and content by the Town Attorney and Director of

Planning and Development. The signed and final easement document shall be provided to the Office of Planning and Development prior to the recording of the final site plan.

2. The final public access easement document shall take into consideration the comments from CT DEEP-OLISP dated 8/14/2012, and include provisions to not allow the gating of the public access area. The easement document shall also note the requirements that are specified on the approved site plan including, but not limited to, the obligation to own and maintain the public access area in perpetuity, the need for the area to remain free, open and unencumbered for public access, and the prohibition of any commercial use and/or privatization of the area. In addition, no equipment, utilities, storage, private refuse containers and/or other materials shall be kept on the public access area.
3. The first floor wall currently shown along the northwest corner of the public access deck area shall be removed or modified to improve the visibility of the public access area while minimizing visual impacts of the dumpster.
4. The underground propane tank location and design shall meet all FEMA requirements. Any modification to the design and/or the location of the tank and appurtenances shall require review and approval by Town staff, agencies and commissions, as appropriate.

Motion made by Sherrard, seconded by Pritchard. Motion passed 4-1-0 (with Roper opposing because the propane tank is taking away public space).

The Commission took a five minute recess and reconvened at 9:26 p.m.

2. Falk Building, 258 Route 12

MOTION: To table Falk Building, 258 Route 12 to the October 23<sup>rd</sup> meeting and to accept their extension.

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

#### VI. OLD BUSINESS

1. Subdivision Regulation Amendments - none
2. Plan of Conservation and Development Update

Next meeting of the Steering Committee is October 18<sup>th</sup> and Chairman Sherrard invited all Commissioners to attend.

#### VII. NEW BUSINESS

1. Report of Commission

Commissioner Roper noted that Barbara Strother, Economic Development Specialist, is retiring at the end of the year.

2. Zoning Board of Appeals referral for October 24, 2012 Public Hearing – ZBA#12-06, Northern Reach Inc., 1425 Gold Star Highway

Staff briefed the Commission on the prior uses of the site.

Attorney Tim Bates, representing the applicant, addressed the Commission detailing the proposed use of the site as well as the applicant's desire to remain in Groton.

MOTION: The Planning Commission endorses ZBA#12-06, Northern Reach Inc., 1425 Gold Star Highway

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

3. New Applications - none

#### VIII. REPORT OF CHAIRMAN

Chairman Sherrard noted Diane Glemboski's efforts in resolving the Central Hall application.

#### IX. REPORT OF STAFF

The Mystic Community Task Group will meet October 15<sup>th</sup>.

Staff noted the email handed out tonight that references the Committee of Chairperson meeting on October 15<sup>th</sup>, which will feature a presentation about the EECGB Block Grant.

The Town is moving ahead with the Crystal Lake Road improvement project.

Staff handed out an organization chart of the Office of Planning and Development Services.

The majority of the utility wires have been removed on West Main Street in Mystic.

#### X. ADJOURNMENT

Motion to adjourn at 9:59 p.m. made by Roper, seconded by Zod, so voted unanimously.

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Jeffrey Pritchard, Secretary  
Planning Commission

Prepared by Katie Doolittle

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Office Assistant II