

MINUTES
PLANNING COMMISSION
NOVEMBER 9, 2010 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Steinfeld
Alternate members present: Zod, Kane
Absent: Sherrard, Munn (7:05), Fitzgerald,
Staff present: Davis, Glemboski, Doolittle

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

II. APPROVAL OF THE MINUTES OF meeting of October 26, 2010.

MOTION: To approve the minutes of October 26, 2010 as amended.

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

III. PUBLIC COMMUNICATIONS - none

IV. SUBDIVISIONS

1. Obrey Resubdivision – request for three year extension for subdivision

Mark Block, representing the applicant, addressed the Commission and noted the Notice of Foreclosure he recently submitted stating that the owner of the subdivision is now Citizens National Bank. Attorney Block requested a 45 day extension to January 27, 2011.

Staff noted that Deb Jones and Public Works have visited the site and have recommended some work be done immediately.

MOTION: To approve a 45 day extension for the Obrey Resubdivision, Gold Star Highway (Route 184) with the following conditions:

1. A narrative and plan for the immediate stabilization of the site shall be provided and approved by the Office of Planning and Development Services (OPDS) that addresses the following:
 - A. Stabilization of the slope on the east side of the partially graded road.
 - B. Control of stormwater in/out of the road bed.
 - C. Installation of temporary erosion controls where appropriate.

2. The immediate stabilization work shall be completed by January 27, 2011.

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

V. SITE PLANS

1. Lighthouse Point, Route 12 & Pleasant Valley Road North – Request for five year extension of site plan and one year extension for start of construction

Staff said that the applicant would like to table this matter until the December 14, 2010 meeting.

MOTION: To table Lighthouse Point to the December 14, 2010 meeting.

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

2. Hoelck's Property, 388 Long Hill Road – continued

Staff gave the Commission a brief history of this project.

George Kanabis, representing the applicant, addressed the Commission. He handed out photographs of the remaining portion of the wall and submitted a list of signatures from neighbors in favor of the removal of the wall. Attorney Kanabis then discussed the removal of the wall and proposed a new walk from the site to Colver Avenue.

Bill Kent, representing the applicant, discussed the proposed sidewalk on a revised set of plans received by the Town today. He then addressed the issue of the wall and their proposal to add a wall on the corner of Long Hill Road and Colver Avenue.

Acting Chairman Pritchard then polled the Commission, asking for their opinion on the matter. The general consensus was that the Commission would like the wall to be replaced in its entirety along Route 1. The Commission was not in favor of the sidewalk waiver, but would agree to defer establishing a location until such time as the applicant was proposing a permitted use.

Michael Hoelck, applicant, addressed the Commission, giving a background of his retail experience in the florist business and his wish to put a small satellite location in Groton. He apologized to the Commission and stated that when he removed the wall he did not realize he was doing anything wrong.

MOTION: To table discussion on Hoelck's Property until after the public hearing.

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

VI. PUBLIC HEARING

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

Tim Bates, representing the applicant, addressed the Commission discussing the recommended modifications made by Staff. He also discussed the maintenance bond that Public Works recommended be required.

Staff handed out a memo from the Town Attorney addressing the open space exaction issue. Attorney Bates noted that the recent appraisal done on the property came in at \$75,000 and copies of the report were handed out to the Commission.

The Commission and Attorney Bates discussed the recreational use of the open space and fire walls. Staff discussed the drainage, wetlands and slope of the property.

Commission Munn and Commissioner Roper noted that they listened to the tapes from the first session of the public hearing.

MOTION: To close the public hearing for Winding Hollow Resubdivision

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

VII. SUBDIVISIONS

1. Winding Hollow Resubdivision

Acting Chairman Pritchard noted the voting members on this item will be Commissioners Steinford, Roper, Pritchard, Munn and Zod.

The Commission discussed the draft motion prepared by Staff and debated the justification for requiring 10% fee in lieu of open space, some portion of the 10%, or nothing at all.

MOTION: To approve the plan for Winding Hollow Road Resubdivision, 0 Winding Hollow Road, with the following modifications:

1. Provide a note on the final plan stating "The proposed sewer system (pumps and force main) for the Winding Hollow Resubdivision will be privately owned and maintained. Since this system will serve multiple units/lots it is considered a private community sewer system. The Town's Water Pollution Control Authority requires that all community systems have a continuous maintenance agreement and bond in their favor. This maintenance agreement and the bond shall be in place prior to the issuance of the first certificate of occupancy".
2. Provide a note on the final plans stating "Prior to the sale or development of Lot 2 or Lot 3, a Lot Line Agreement, as required by Section 4.15 of the Zoning Regulations, shall be filed on the Land Records of the Town of Groton, including the requirements set forth in the staff memorandum of October 28, 2010."

3. In accordance with Section 4.9 of the Zoning Regulations a payment in lieu of open space in the amount of \$ 3,750, the equivalent of 5% of the fair market value of the land prior to the subdivision, shall be made prior to the recording of the plans.

The reduction of the fee from 10% to 5% is based on the dedication of open space for the original Fleet Bank Subdivision of 13.23 acres or approximately 60% of the subdivision.

4. All staff technical items shall be addressed.

The Planning Commission recognizes that this approval is for a resubdivision of Lot 3 of the original Fleet Bank Subdivision and the current installation of sewers to this site alleviates the need for Note 11 of the original Fleet Bank Subdivision pertaining to the development restriction for a single family home on this lot.

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

The Commission took a recess at 8:47 p.m. and reconvened at 8:53 p.m.

VIII. SITE PLANS

1. Hoelck's Property, 388 Long Hill Road – continued

Staff noted that the applicant and his representatives had left.

MOTION: To remove discussion of Hoelck's Property from the table

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

Staff presented a set of draft motions to the Commission and a brief discussion ensued.

MOTION: The Planning Commission denies the request for waiver of the internal sidewalk. The proposed sidewalk shall be removed from the final approved plan and the following note shall be added to the final approved plan:

The Planning Commission denies the request for a waiver of the internal sidewalk but defers the review and approval of a location of the required walkway, pending receipt of a site plan application proposing a specific permitted use. Prior to the issuance of a certificate of occupancy for any use of the site, the owner shall submit a site plan application to the Planning Commission, showing a proposed walk location and any other site plan details required by the Zoning Regulations. A walk shall be installed by the owner in the location to be approved by

the Planning Commission, prior to the issuance of a certificate of occupancy for any use of the site.

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

MOTION: The Planning Commission approves application #10-17 revised plans received 11/9/10, with the following modifications:

The final plan shall be revised to include the following as notes and modifications:

1. Approval of this site plan does not include any use, and the Planning Commission reserves the right to review and approve any prospective use, consistent with applicable requirements of the Town's Zoning regulations.
2. Prior to the issuance of a certificate of site plan compliance or certificate of occupancy for any use, all work shall be inspected and approved by the Town of Groton's Manager of Planning Services.
3. All required permits shall be acquired prior to any work being performed within any State and/or Town right of way.
4. The final plan shall be modified to show a stone wall extending along the site's Route 1 frontage, connecting to the remaining wall on site. Such wall shall be two feet high and at least two feet wide. Stone used for this wall shall match the stone of the existing wall. Said wall shall be installed by the earlier of July 1, 2011, or prior to the issuance of a certificate of occupancy for any use of the site.

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

IX. OLD BUSINESS

1. Land Use Regulation Update Project

Staff referred the concerns the Commissioners had regarding the proposed regulation changes to the Town Attorney.

X. NEW BUSINESS

1. Report of Commission

2. Zoning Board of Appeals referral for November 10, 2010 – 388 Long Hill Road, Hoelck Florist (ZBA10-07)

Commissioner Steinford explained the OMF zone's history and purpose. Staff handed out and discussed a draft motion. Staff indicated that the applicant had been advised by staff prior to making this application and again following the application submittal that it was unlikely that this use variance would be supported.

MOTION: The Planning Commission recommends denial of ZBA application #10-07, request of Michael Hoelck for a use variance to allow a retail florist at 388 Long Hill Road, for the following reasons:

1. The owner/applicant purchased the property with the knowledge that retail was not a permitted use in the OMF zoning district.
2. The OMF zone was established for certain purposes, described in section 6.1 of the Zoning Regulations. Approval of a use variance to allow a retail florist at this location would conflict with the purpose of the OMF zone.
3. Retail uses are permitted in a number of zoning districts within the Town.
4. There are over fifty uses permitted in the OMF zone.
5. The site is non-conforming as to lot size.
6. Approval of the application would undermine the Town's comprehensive plan.

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

3. New Applications

- a. Tilcon Exhaust Chimney (CAM), 185 South Road

XI. REPORT OF CHAIRMAN - none

XII. REPORT OF STAFF

Staff noted the December 2, 2010 meeting between the DEP and ICLEI to report on their climate adaptation workshops.

Staff noted that New England Cycle Works, 661 Gold Star Highway, has withdrawn their site plan application.

XIII. ADJOURNMENT

Motion to adjourn at 9:41 p.m. made by Roper, seconded by Steinfeld, so voted unanimously.

Peter Roper, Acting Secretary
Planning Commission

Prepared by Katie Doolittle
Office Assistant II