

MINUTES
PLANNING COMMISSION
DECEMBER 9, 2008 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Sherrard opened the meeting with roll call at 7:05 p.m. and seated Zod for Steinfeld.

II. APPROVAL OF THE MINUTES OF meeting of November 13, 2008

MOTION: To approve the minutes of November 13, 2008 as amended.

Motion made by Pritchard, seconded by Zod. Motion passed 3-0-2, 2 abstentions (Munn, Roper).

III. PUBLIC COMMUNICATIONS

Roper said he received a call from Mrs. Van Zandt in support of the trails referral on the agenda for tonight.

Roper distributed copies of an attachment to an email he received from Genevieve Cerf regarding active adult housing allowing younger residents.

Roper distributed an article stating that the Commission on Culture & Tourism will be holding forums around the state to hear input on tourism as they prepare a strategic plan to serve the state's interests over the next 3 fiscal years. They will hold a public meeting on January 29, 2009 from 6 to 9 p.m. at Norwich Free Academy.

Roper said the Sierra Club New England Transportation Committee will present a regional transportation forum on Friday, January 9, 2009, at the Radisson in New London, from 10 a.m. to 3 p.m. There is a \$25.00 registration fee.

Sherrard reported that Steinfeld attended a talk led by Henry Talmage, Executive Director of Connecticut Farmland Trust. Mr. Talmage would be agreeable to talk to staff if they are interested.

Staff distributed invitations to the holiday party on December 15th.

Staff commented on Roper's attachment from the email he received from Genevieve Cerf, and provided a copy of the actual cover email to the members. The Director and several other municipal commission members were also on the email list. Staff said the email raises ethical and other issues and believes Commission members should be aware of the new charter and plans for a future code of ethics as it will relate to Commission members.

IV. SUBDIVISIONS

1. Groton Highpoint Subdivision, 245 & 255 Hazelnut Hill Road – Request for extension for recording of mylars

Staff explained that this subdivision was approved on September 9, 2008 and the applicants have requested their first 90 day extension for the recording of mylars. Staff explained that none of the deeds, open space dedication, easements, or mylars has been submitted by the applicant. Staff expressed concern that the applicant has allegedly signed a purchase and sale agreement with Groton Open Space Association (GOSA), who intends to acquire the land for open space. Staff discussed the proposed water line, trails connection and the proposal to eliminate the subdivision and have the land acquired as open space although neither the Town, COG or State have identified this entire area on any plans as open space. Staff wanted the Commission to be aware of what the intent of this project is. Staff said the Commission is under no legal obligation to approve the extension. The Commission spent considerable time on the discussion of the mews, the unconventional aspects of the project, and granted relief to the applicants to accommodate the project design. In addition to other concerns, staff suggested that the Commission consider the likelihood of regulation amendments.

Staff said this 90 day extension will not extend to when the sales agreement will apparently expire. The applicant is expected to provide deeds, easements, etc. to staff, to keep the subdivision alive. Staff suggested a limited extension in this case.

MOTION: To grant a 90 day extension for recording of mylars to the Groton Highpoint Subdivision, 245 & 255 Hazelnut Hill Road, to April 2, 2009.

Motion made by Pritchard, seconded by Munn.

Earl Postal, Woodbury, CT., a principal of Groton Lenders, addressed the Commission. Mr. Postal stated that a contract was signed to sell the project to GOSA. GOSA is anticipating a State grant to purchase the project. If GOSA's funding falls through, the applicants will attempt to develop the subdivision. Mr. Postal did not know if GOSA had made a grant application.

Motion passed unanimously.

VI. PUBLIC HEARING

1. Repp Subdivision, 10 Maxson Street (CAM)

Secretary Pritchard read the legal ad and the Chairman read the public hearing procedures for the public.

Mike Scanlon, DiCesare-Bentley Engineers, represented the applicants, John and Anita Repp. Mr. Scanlon explained the application for a subdivision of one residential lot with an existing single family residence into two residential

lots. This property abuts Maxson Street, School Street and Essex Street. Essex Street is not a public street but is owned by Mystic Shipyard. The applicants have documented rights from the owner for access, egress, utilities, etc. on Essex Street. The applicants requested to pay a fee in lieu of open space. An appraisal was submitted to the Planning Department. There are no wetlands on or adjacent to the property. Mr. Scanlon distributed a GIS map of the location to the Commission (Exhibit B). Mr. Scanlon detailed the existing and proposed utilities. The applicants have requested waivers for underground utilities for the existing lot, frontage sidewalks, and the issuance of a building permit for a new residence on Lot 2 prior to the completion of all public improvements and the offering of improvements for acceptance by the Town. This area is not identified in the Plan of Conservation and Development as a priority infill area for sidewalks.

Mr. Scanlon described the landscaping, site grading and drainage for the new lot. An aerial of the area was shown to the Commission by Mr. Scanlon (Exhibit C). The proposed subdivision is located within the flood hazard zone on the FEMA FIRM map (Exhibit D). The Flood Protection notes are included on the plan (Exhibit A). The foundation and construction designs for floodwaters were discussed (Exhibit E). Mr. Scanlon said that significant trees would have to be removed to accommodate sidewalks, and this would be the only place in the neighborhood with sidewalks. Traffic is primarily limited to residents, their visitors, or patrons of the shipyard.

Staff said the mailings were completed appropriately; a letter received from West Mystic Wooden Boat, in favor of the application was read into the record. John Silsby, Director of Parks and Recreation, agreed that the Town accept a fee in lieu of open space. All other agency comments were reviewed. The property prior to subdivision approval was appraised at \$172,000. A fee of \$17,200 for payment in lieu of open space would be required by the Town prior to recording the plans.

The Town has requested that a small portion of the easterly corner of Lot 2 where the existing pavement encroaches onto private property allow pavement on private property be granted to the Town for right-of-way purposes. The applicant had no objection to this.

Mr. Scanlon said the underground utilities will go to the new lot; the applicant is requesting a waiver for the existing home only.

Mr. Scanlon explained that Essex Street has been used as a public way; there has been no offering or acceptance by the Town, but its use has been in existence for about one hundred years.

The drainage and grading plan for the new foundation were discussed.

Roper disclosed that the applicants are acquaintances, but he felt there was no conflict for him.

MOTION: To close the public hearing for the Repp Subdivision, 10 Maxson Street (CAM).

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

The Commission took a short recess and reconvened at 9:19 p.m.

SUBDIVISIONS

1. Repp Subdivision, 10 Maxson Street (CAM)

MOTION: To approve the waiver of Section 5.4(1) of the Subdivision Regulations to allow the issuance a building permit for a new residence on Lot 2 prior to the completion of all public improvements and the offering of the improvements for acceptance by the Town. The Commission finds that:

1. The subdivision is creating only one new building lot and the public improvements are minimal, and;
2. The waiver conforms to the criteria specified in Section 1.10 of the Subdivision Regulations.

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

MOTION: To deny the waiver request for above ground utilities for lot 1 based on section 4.8(1) of the Subdivision Regulations made by Sherrard, seconded by Zod, so voted unanimously.

MOTION: To approve the subdivision plan for Repp Subdivision, 10 Maxson Street, with the following modifications:

1. Notes shall be placed on the final plans stating "This property is located within a Coastal Flood Hazard A8 Zone. All new construction on the property shall meet at least the minimum National Flood Insurance Program (NFIP) regulatory requirements and all Town of Groton and State flood requirements in effect at the time of request for any building permits. Any proposed new development on the site shall obtain all necessary permits from those government agencies from which approval is required by Federal, State or local law." Exhibit "A" Flood Protection notes shall also be placed on the final plan. The flood protection notes shall also be placed on the final plan.
2. The plan shall show the land shall be granted to the Town for right-of-way purposes in the easterly corner of Lot 2 where the existing pavement encroaches onto private property.
3. The final plans shall show 2 street trees planted along the School Street frontage. A note shall be placed on the plans stating "Two shade street trees shall be consistently maintained or replaced along the Maxson Street frontage".
4. In accordance with Section 4.9(5), a payment in lieu of open space of \$17,200, the equivalent of 10% of the fair market value of the land prior to the subdivision, shall be made prior to the recording of the plans.

5. All final easement documents shall be provided to the Town prior to recording of the plan in Town records.
6. A bond shall be submitted for all public improvements prior to recording of the Town records.
7. Technical items raised by staff shall be addressed.

The Planning Commission notes that it is not requiring a frontage sidewalk on Maxson Street or School Street. There are currently no sidewalks on either side of Maxson Street or School Street and the Plan of Conservation and Development and the Town's Master Pedestrian Plan do not propose any sidewalks for this area. The nature and character of this section of West Mystic, with narrow tree lined streets, allows for much reduced traffic speeds and construction of sidewalks would necessitate the removal of significant trees and other vegetation on the site.

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

MOTION: To approve the Coastal Area Management application for Repp Subdivision at 10 Maxson Street, as it is consistent with all applicable coastal policies contained in CGS 22a-92, and includes all reasonable measures to mitigate adverse impacts and creates no unacceptable adverse impacts.

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

2. Emerald Estates Subdivision, Patrick's Court – Request for acceptance of public improvements

MOTION: To accept the public improvements for the Emerald Estates Subdivision.

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

V. SITE PLANS

1. Mystic Streetscape Project Coastal Site Plan, West Main and Water Streets

Michael Murphy, Director of Planning and Development, presented the application for the Mystic streetscape. Mr. Murphy said the final plans have been submitted to CONNDOT and all state environmental permits have been received. Mr. Murphy reviewed the history of the application and the source of the funding for this project provided under T-21 federal legislation. Mr. Murphy explained the application process through DEP and CONNDOT, and detailed the developed shorefront and coastal resources in the area. Mr. Murphy explained that there will be no impacts to the coastal resources and no new drainage discharge points.

Mr. Murphy reviewed the reconstruction of the sidewalk system, landscaping, crosswalks and drainage in the downtown area. Parklets are also

proposed in the downtown area next to Mystic Pizza and at the gravel pump station. Archaeological findings in the vicinity were discussed.

Mr. Murphy discussed the design of various portions of the proposed streetscape project, including bollards, lighting, granite curbing, parking, and the timeline of the project.

MOTION: To approve Coastal Site Plan Application #CSP08-01 for the Town of Groton Mystic Streetscape and Utility Relocation Project improvements subject to the condition that all D. E. P. Special Terms and Conditions of Certificate of Permission #COP-2008.066-MG, shall be met. The project, as conditioned, herein is consistent with all coastal policies and includes all reasonable measures to mitigate adverse impacts to coastal resources.

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

2. Hannah Enterprises, LLC, 530 New London Road – Request for extension or action required

MOTION: To grant a 65 day extension of the site plan application for Hannah Enterprises, LLC, 530 New London Road.

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

VIII. OLD BUSINESS

1. Zoning Board of Appeals referral for December 10, 2008 public hearing
ZBA08-12, 373 Buddington Road, Cynthia Ellzey, Owner

Staff explained the referral. The Commission had no comment.

2. Land Use Regulation Update Project

Staff updated the Commission on the timeline for the regulations and the status of draft language for various project elements.

3. Review of Planning Commission By-laws

Staff said that in light of the new Charter, the Town Attorney is doing a comprehensive review of the bylaws and more information will be forthcoming.

IX. NEW BUSINESS

1. Report of Commission - None
2. Town Council referral under CGS 8-24 regarding construction and improvement of trails in and through Town-owned property known as the Mortimer Wright Preserve

MOTION: The Planning Commission has reviewed Town Council referral #2008-0287 and issues this affirmative report pursuant to CGS 8-24, with the following findings and recommendations:

Findings:

1. The creation and use of recreational trails within town-owned open space lands is consistent with the Town's land use goals, policies and objectives.
2. The trail's use will encourage the suitable use of this specific Town owned parcel through appropriate low impact recreation, including linkages to other proximal open space lands.
3. The design, location and other specific details of the trail will be subject to review by appropriate agencies, and staff of the Office of Planning and Development Services and the Parks and Recreation Department.

Recommendations:

1. The trail should be limited to non-motorized "passive" recreational use (i.e. hiking, equestrian use, "mountain" bikes etc.).
2. The trail should include links to adjacent existing and/or proposed public trail systems.
3. Appropriate identification and/or way finding signage should be provided.
4. Measures should be taken to assure no encroachments on private lands occur.

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

Roper said he would like a note of thanks sent to the volunteers who will be building the trails.

3. Zoning Board of Appeals referral for December 10, 2008 public hearing
ZBA08-13, 0 Library Street, Scott & Cheryl Beaulieu, Owners
Staff explained the referral. The Commission had no comment.
4. Zoning Commission referral for January 7, 2009 public hearing
Special Permit #308, 2 - 4 West Main Street, Desmarais, Applicant
Staff explained the referral. The Commission had no comment.

IX. REPORT OF CHAIRMAN

The Chairman wished everyone happy holidays and hoped everyone would be able to attend the holiday party on Monday.

X. REPORT OF STAFF

Staff attended the Mystic Cooperative Task Group meeting on Monday and reported that Stonington will be acquiring a SEAT bus route which will run a circuit from Route 2 to Pawcatuck to Routes 1 and 27 and to Olde Mystic Village. Staff also reported that Bill Haase, the Stonington planner, was diagnosed with a serious medical condition, and wished the best to him.

Staff said the Mystic Seaport transportation study should begin soon.

Staff added that as part of the funding for the Mystic Streetscape project, a sign board and fountain will be added to the corner near the book store.

Staff said the Town is committed to taking two gears from the Mystic drawbridge, perhaps displaying one in Groton and one in Stonington.

Staff said the revised Town Charter requires all commissions to annually elect a chairperson, vice chairperson and secretary at the first meeting in January. Commissions will be receiving notice of this policy by OPDS.

XI. ADJOURNMENT

Motion to adjourn at 10:41 p.m. made by Pritchard, seconded by Roper, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Debra L. Gilot
Office Assistant II