

MINUTES  
PLANNING COMMISSION  
FEBRUARY 14, 2012 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Steinfeld, Sherrard  
Alternate members present: Fitzgerald, Zod, Kane  
Staff present: Murphy (7:13), Davis, Glemboski, Cullen,  
Doolittle

Chairman Sherrard called the meeting to order at 7:02 p.m.

II. APPROVAL OF THE MINUTES OF meeting of January 18, 2012 & January 24, 2012.

MOTION: To approve the minutes of January 18, 2012 as amended.

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

MOTION: To approve the minutes of January 24, 2012 as written.

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

III. PUBLIC COMMUNICATIONS

Commissioner Roper thanked Commissioner Zod for his donation of bicycles to Mystic Community Bikes.

MOTION: To add the referral from the Zoning Board of Appeals (ZBA#12-01) to tonight's agenda under New Business

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

IV. SUBDIVISIONS

1. Colonel Ledyard Estates Subdivision Expiration, Colonel Ledyard Highway

The Commission noted that this is scheduled for a hearing at 7:45 this evening.

2. Great Brook Estates Resubdivision Phase II & III – Acceptance of public improvements including portion of Great Brook Rd., Mountain Laurel Rd., and Charlton Lane and Open Space Lots B & C

Staff noted the memo from Public Works stating that the work has been completed and that the improvements are ready for acceptance.

MOTION: To recommend acceptance of the public improvements for the Great Brook Estates Resubdivision Phases II and III including a portion of Great Brook Road, Mountain Laurel Road, and Charlton Lane.

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

MOTION: To recommend acceptance of Open Space Lots B and C and the associated public improvements for the Great Brook Estates Resubdivision.

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

V. SITE PLANS

1. Hoelck's Florist Site Plan, 388 Long Hill Road – Request for extension or action required

Staff noted they received an extension from the applicant.

MOTION: To grant an extension to Hoelck's Florist, 388 Long Hill Road to February 28, 2012 and to table this item.

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

2. Dunkin Donuts, 368 Route 12

Clint Brown, DiCesare Bentley, and Rob Anderson, Dunkin Brands, addressed the Commission detailing the site's history and explained the proposed modifications to the site. Mr. Brown discussed the proposed drive thru window, landscaping, dumpsters, WRPD standards and parking. He then discussed the waivers requested. He discussed the traffic flow of the site and described the parking analysis, as well as the adjustments he made to that study to reflect current peak use.

Staff handed out a draft motion to the Commission which was briefly discussed. The Commission and Mr. Brown discussed parking spaces, site lighting, buffers and the parking analysis study.

Mr. Anderson and the Commission discussed parking, increases of patronage, traffic backup and wetlands.

MOTION: To approve a site plan for Dunkin Brands, LLC, 368 Route 12, subject to the following modifications:

1. The fence along the north property line shall have a height of 8-feet to compensate for the change in elevation in this area. Additional evergreen trees (minimum 6-feet in height) shall be planted along this property line to provide a total of 10 evergreen trees within this buffer area.
2. A note shall be placed on the final plan stating, "All areas of the site shall be cleaned of trash and debris, existing landscaping shall be pruned and areas enhanced with new grass and/or mulch, and all pavement shall be resurfaced and broken curbing shall be fixed."

3. The final easement and covenant document for the sharing of parking spaces between 368 Route 12 and 360 Route 12 shall be recorded prior to recording the site plan in land records.
4. Technical items as raised by staff shall be addressed.

The Planning Commission notes that in one location the 25-foot buffer between a conditional use and the adjacent residential district is reduced to a minimum width of 9-feet along the northern property line. This is an existing condition and the Planning Commission notes that the addition of an 8-ft high fence and evergreen plantings along this property line meets the intent of Section 7.4-4 of the Zoning Regulations.

The Planning Commission notes that this is an established building with an existing sidewalk in front of the building and the requirement for a 5' wide landscape area in front of the building under Section 7.4-3 of the Zoning Regulations is impractical. The Planning Commission notes that there is sufficient landscaping and shade trees currently on site or shown on the final plans to meet the intent of Section 7.4 of the Zoning Regulations.

The Planning Commission finds that the site meets the requirements for Shared Parking under Section 7.2-6 of the Zoning Regulations as provided for in the Dunkin' Donuts – Best Western – Route 12 – Shared Parking Analysis dated January 31, 2012 by DiCesare Bentley. The commercial site will provide 172 parking spaces and has a mix of land uses with different operating hours and peak demands for parking thereby allowing utilization of the same parking spaces.

Motion made by Sherrard, seconded by Munn. Motion passed 4-1-0 with Roper opposing.

## VI. PUBLIC HEARING

1. Colonel Ledyard Estates Subdivision Expiration, Colonel Ledyard Highway

The Public Hearing was opened at 7:52pm and Commissioner Pritchard read the legal ad.

Staff made reference to materials included in the agenda packet providing background on the project. This subdivision was initially approved on June 13, 2006, no extensions have been requested or granted and all work was not completed by June 13, 2011. Improper conveyances were made prior to the Town's receipt of acceptable road deeds and an acceptable performance bond. Although staff has made extensive efforts over a period of five years to

resolve the deficiencies, they have not been successful and in consultation with the Town Attorney, it is staff's recommendation that the Commission take action to formally expire the subdivision.

Staff noted that the applicant has submitted a new application which the Commission will formally receive tonight. Staff is reviewing that application and anticipates a hearing to open in March.

Steven Eckhouse and George Morgenthal of Fairway Estates (property owner), addressed the Commission. Mr. Eckhouse provided his views on the project's history.

While he felt that Public Act 11-05 would qualify the project for an automatic extension, he noted that he did not intend to litigate any expiration and generally desired to move forward with the project.

Attorney Carey stated that regarding Public Act 11-05, in his opinion this subdivision was not "valid" as of 5/9/11 and therefore would not qualify for the extension. After additional discussion the owners were provided with a final opportunity to comment before the hearing closed and they reiterated the points made and their intent to sell the project without providing deeds or a bond.

**MOTION:** To close the public hearing for Colonel Ledyard Estates

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

The Commission took a recess at 8:49 p.m. and reconvened at 8:57p.m.

## VII. SUBDIVISIONS

### 1. Colonel Ledyard Estates, Colonel Ledyard Highway

**MOTION:** The Colonel Ledyard Estates subdivision was approved by the Town of Groton Planning Commission on June 13, 2006. All work was not completed by June 13, 2011. Dating to at least June of 2006 the Town has made repeated and extensive verbal and written requests to the original project owner as well as to subsequent title interests for essential project documents in acceptable form, including but not necessarily limited to a performance bond, replenishment of the "cash reserve" required pursuant to section 5.1 (2) of the subdivision regulations and warranty deeds in fee simple for project roads. In addition, in repeated informal written and verbal notifications to these same parties, the Town has clearly and directly described the potential serious risks to the project from failure to provide required documents in acceptable form and/or to otherwise fail to comply with the subdivision regulations and project approval requirements. In addition, over the course of the last five years, Town staff has voluntarily made substantial good faith efforts to resolve project compliance issues without a sufficient reciprocal effort on the part of either the original project owner or any of the subsequent title interests.

Based on all of the above and the need to protect the public interest, the Planning Commission declares the Colonel Ledyard Estates subdivision to have expired and directs the Director of Planning and Development Services to provide all legally required notices in this matter.

In taking this action, the Planning Commission notes and declares that this action is in no way intended to be nor shall it be in any way prejudicial to any other subdivision application that may presently exist or which may be submitted in the future regarding the subject property.

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

#### VIII. SITE PLANS

3. Groton Bible Chapel Youth Center, 66 Toll Gate Road

MOTION: To table Groton Bible Chapel Youth Center, 66 Toll Gate Road to the February 28, 2012 meeting and to grant a 30 day extension.

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

4. Central Hall, 18-22 West Main Street, 36 West Main Street & 2 Gravel Street – Request for extension or action required

Staff noted that this application has been withdrawn.

#### IX. OLD BUSINESS

1. Land Use Regulation Update Project - none

#### X. NEW BUSINESS

1. Report of Commission - none
2. Referral from the ZBA #12-01 – Birkhamshaw Mill Reconstruction

Staff discussed the proposed use for the site and options considered in terms of the permit process. Staff felt that a positive recommendation to the ZBA explicitly conditioned upon compliance with the application materials was appropriate. Such a conditional recommendation would not conflict with the POCD or any of its primary objectives.

MOTION: With respect to ZBA application referral #12-01, Birkhamshaw Mill Reconstruction, 159 Packer Road, the Planning Commission finds that approval of the proposed variance will promote important Plan of Conservation and Development objectives, only if any such approval is explicitly conditioned upon compliance with the application materials, including but not

necessarily limited to the project architectural, site plan and operational limitations.

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

3. New Applications

a. Colonel Ledyard Estates Subdivision, Colonel Ledyard Highway

This will be scheduled for a hearing to convene on March 13, 2012.

XI. REPORT OF CHAIRMAN

Chairman Sherrard thanked the Commission, staff and the Town Attorney for attending tonight's meeting.

Commissioner Steinford noted that the Dollar Tree Store has opened at 706 Long Hill Road.

XII. REPORT OF STAFF

Staff noted that the Planning Commissioner's Journal has ceased production. They are looking into another publication.

Staff handed out the CFPZA invitation and asked for a response by February 28, 2012.

Enforcement Orders have been served to Ms. Chipperini regarding her Library Street property.

There will be a public information meeting on the Blight Code on March 8, 2012 from 6-7:30 p.m. in CR1 at the Town Hall Annex.

OPDS has interviewed four firms for the Energy Efficiency and Action Plan and selected Peregrine Energy Group out of Boston.

XIII. ADJOURNMENT

Motion to adjourn at 9:36 p.m. made by Roper, seconded by Steinford, so voted unanimously.

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Jeffrey Pritchard, Secretary  
Planning Commission

Prepared by Katie Doolittle  
Office Assistant II