

MINUTES
PLANNING COMMISSION
JUNE 23, 2015 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

Acting Chairman Pritchard called the meeting to order at 7:00 p.m.

I. ROLL CALL

Regular members present: Pritchard, Kane, Steinfeld
Alternate members present: Tarbox, Zod
Absent: Fitzgerald, Munn, Sherrard
Staff present: Glemboski, Silsby

Acting Chairman Pritchard appointed Zod to sit for Sherrard, Tarbox to sit for Munn, and Steinfeld to sit as Acting Secretary.

II. APPROVAL OF THE FOLLOWING MINUTES OF June 9, 2015

MOTION: To adopt the Planning Commission minutes of June 9, 2015, as written

Motion made by Steinfeld, seconded by Kane, so voted unanimously

III. PUBLIC COMMUNICATIONS

Staff distributed an email inviting Planning Commission members to attend the SCCOG Regional Plan of Conservation and Development public workshop on June 24th which begins at 7:00 p.m. at the Montville Town Hall. The Planning Director will be attending.

IV. SITE PLANS

1. Office/Warehouse Building (SIT15-05), 245 Leonard Drive (CAM)

Matthew White of Angus McDonald Gary Sharpe & Associates, Inc. reviewed maps for this 2.58 acre site. He explained the proposal to construct an office/warehouse building. Specifics were given about the associated drive, parking, utilities, grading and drainage. There will be 34 parking spaces. He noted that at Staff's request, 10 parking spaces will be reserved for a potential expansion or change of use in the future. Information was given about loading docks, doors, lighting, and storm water runoff. Wetland approval has been granted. An internal sidewalk waiver has been requested.

Staff reviewed the plans as she explained creating flexibility in the future for an increase in parking needs. A hazardous materials narrative has been submitted. All doors will have a lip design for potential spills. The drainage system was noted. Staff has no issues with this application.

Inquiries were made about delivery trucks being able to have enough room to turn around within the confines of the driveway. Discussion followed and a suggestion was made for the applicant to arrange to have a truck test this concern out. Mr. White doesn't feel that there will be a problem for large trucks to maneuver on site. Staff agreed with the applicant that the 24-foot width of the driveway is sufficient. Staff noted that due to a minimal amount of pedestrian traffic, a sidewalk waiver is being requested. Water runoff and wetlands were

reviewed. Staff distributed a draft motion. It was clarified that sufficient parking is onsite and 10 additional spaces have been shown on the plan for future expansion or change in use.

MOTION: To approve a waiver to Section 7.5-4 of the Zoning Regulations to not require a sidewalk connection from the street to the building frontage due to a limited amount of pedestrian traffic for this use.

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

MOTION: To approve a site plan for Lot 8 of the Leonard Drive Subdivision, at 245 Leonard Drive, with the following modifications:

1. A note shall be provided on the final plan stating "Any change in future uses from what is shown on these plans shall require review and approval of the Town of Groton Zoning Official."
2. All staff technical items shall be addressed.

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

MOTION: To approve the Coastal Site Plan for Lot 8 of the Leonard Drive Subdivision (Office/Warehouse), 245 Leonard Drive, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

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

After a brief recess, the meeting reconvened at 7:30 p.m.

V. PUBLIC HEARING to be held at 7:30 p.m.

The Public Hearing continued at 7:30 p.m.

1. Re-subdivision of Joan C. Oat, MacDonald Court Subdivision, 0 MacDonald Court, Noank (SUB15-04)

Staff pointed out a typo on tonight's agenda. She noted that the application number for this application is SUB15-04, not SUB15-05.

Those present for this public hearing were Michael Scanlon of Dicesare-Bentley Engineers, representing the owner/applicant Dime Bank, and Johnna Taylor of Dime Bank. Relative to issues raised by the Planning Commission about the acceptance of MacDonald Court, Scanlon did a more in depth search, and read and submitted the following items as proof of acceptance:

- a) Town meeting minutes dated 9/27/1909, whereby Resolution #15 was adopted and filed in Volume 4.
- b) A deed dated 10/30/1909, whereby Mrs. Catherine Haley deeded a piece of land for the purpose of satisfying the requirement that the town gets a deed to MacDonald Road. This deed includes the meets and bounds on the map. In September 1909, the Town agreed to accept the land. The subject property was noted on a map. He noted that that dedication runs the entire distance along the subject property.

In 1977, an application was presented to the Planning Commission by Joan Oat to approve this subdivision. He noted that the original subdivision application included a piece

of property on the north side of MacDonald Court. Since the Town accepted a deed to MacDonald Court, the piece of property on the other side of MacDonald Court was not required to be part of the subdivision application and was removed. Scanlon read and submitted the Planning Commission minutes of 8/16/1977, which stated that MacDonald Court was conveyed to the Town in 1909. The Planning Commission approved the subdivision plan of Joan C. Oat with a requirement to allow for future dedication of land for a cul-de-sac near the end of MacDonald Court. Scanlon felt that the Planning Commission, at that time, must have felt that there was sufficient clarification to satisfactorily prove that MacDonald Court was a Town accepted road and that utilities were accessible by a right-of-way. Information was given about the utilities, water, sewer and electric, running across existing lots. He believes that approval of this subdivision in 1977 constitutes the acceptance of the road that is shown as MacDonald Court Extension. He added that the entire north frontage of the subject property is contiguous with the accepted road, known as MacDonald Court Extension. Reference was made to a memo dated 6/23/15 from Town Attorney Carey.

Staff read the Town Attorney's memo dated 6/23/15, and submitted it for the record. She stated that with Mr. Scanlon's additional information submitted tonight, she feels it meets the definition as a town accepted street, as defined by the subdivision regulations. In regards to the request for a fee in lieu of open space, she noted that the Planning Commission needs to review the appraisal and decide on if the information is valid and the appraiser acceptable. Staff spoke about fire access, Noank road standards, and the issuance of a Certificate of Occupancy.

Reference was made to the request for a fee in lieu of open space and the multiple appraisals submitted.

Scanlon spoke about the previous and most current appraisals submitted to the Town and there varying amounts. He explained why there was such a large drop in the assessment on the most current appraisal. He noted that if the subdivision gets approved, the value of the property jumps up dramatically.

Staff stated that the most current appraisal is listed at \$10,000.

Johnna Taylor of Dime Bank referred to the three appraisals and noted that because the subdivision application was denied last year; the assessment on the property had reduced significantly, meaning it devalued the property.

Staff felt it is important to remember that the \$10,000 appraisal represents this lot not being a developable lot because subdivision approval was never previously granted. In other words, at this point, the owner does not have any development rights.

Discussion followed about the varying amounts of the appraisals and whether the most current appraisal should be specifically accepted by the Town Assessor. Scanlon stated that the current appraisal was issued by a qualified, licensed, and certified appraiser who has received specialized training in the value of real estate. Staff reiterated that it is up to the Planning Commission to make a decision based on the most current appraisal of \$10,000.

MOTION: To close the public hearing

Motion made by Pritchard, seconded by Zod, so voted unanimously to close the public hearing at 8:19 p.m.

After a short break, the meeting reconvened at 8:22 p.m.

VI. SUBDIVISIONS

1. Re-subdivision of Joan C. Oat, MacDonald Court Subdivision, 0 MacDonald Court, Noank (SUB15-04)

Pritchard stated that 5 voting members are present and that 4 affirmative votes are required to adopt a waiver.

MOTION: To approve a waiver to Section 5.4 (1) of the subdivision regulations to allow the issuance of a building permit prior to the completion of all public improvements and offering for acceptance by the Town for the "Resubdivision Plan, Joan C. Oat MacDonald Court Subdivision" PIN #260819700132, 0 MacDonald Court, with the following conditions:

1. A performance bond shall be posted for all public improvements required by this subdivision prior to the selling of the lot or the issuance of a building permit.
2. The Certificate of Occupancy shall not be granted until the public improvements have been completed and offered for acceptance by the Town.

The Planning Commission finds:

1. The granting of the waiver will not be detrimental to public safety, health, or welfare.
2. The waiver is not in conflict with the provisions of the Zoning Regulations, or the Plan of Conservation and Development, and conforms to the criteria specified in Section 1.10 of the Subdivision Regulations.

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

MOTION: To approve a Resubdivision Plan for "Resubdivision Plan, Joan C. Oat MacDonald Court Subdivision" PIN #260819700132, 0 MacDonald Court, with the following conditions:

1. In accordance with Section 4.9(5), a payment in lieu of open space of \$1,000.00, 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.
2. The Affidavit of Michael J. Scanlon III, LS dated February 24, 2015 regarding Campbell Road shall be made a part of and recited in the final plan.
3. The driveway/roadbed to access the lot, the waterline, and fire hydrant shall meet all requirements of the Noank Fire District, including that the roadbed be able to support a fire apparatus weighing 42,000 lbs. The above improvements shall be installed by the developer and approved by the Noank Fire District prior to the issuance of a Certificate of Occupancy for the lot, or sooner if required by the Noank Fire District.

The Planning Commission notes that it is not requiring a frontage sidewalk on MacDonald Court or Campbell Road or the right-of-way frontage on Groton Long Point Road. There are currently no sidewalks on MacDonald Court or Campbell Road or along the eastern side of Groton Long Point Road in the area of the right-of-way frontage. The Town's Master Pedestrian Plan does not propose any sidewalks along the east side of Groton Long Point Road or for MacDonald Court or Campbell Road. The sidewalk network is being established on the west side of Groton Long Point Road and the other frontages for this parcel are unimproved.

Motion made by Pritchard, seconded by Steinfeld.

Kane inquired about the appraisal.

The Motion was approved unanimously.

MOTION: To approve the Coastal Area Management application for the "Resubdivision Plan, Joan C. Oat MacDonald Court Subdivision" PIN #260819700132, 0 MacDonald Court, 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 Pritchard, seconded by Zod, so voted unanimously.

VII. OLD BUSINESS – None.

VIII. NEW BUSINESS

1. Zoning Board of Appeals Referral for Public Hearing on June 24, 2015
 - a. Variance ZBA#15-08 – 6 West Mystic Avenue, Mystic, Farenden Residence

Staff reviewed the application which proposes to tear down the existing garage and build a larger garage with a 2nd story loft area for storage. Setbacks were given. The requirements for non-habitable structures were noted. Staff added that the applicant cannot come back to ask for an accessory unit since it is a non-habitable setback request under Section 4.10.

The Planning Commission had no comment.

2. Report of Commission – None.
3. New Applications

Staff stated that a new site plan application has been received regarding renovations to 15 Elm Street in Mystic.

IX. REPORT OF CHAIRMAN

An inquiry was made about paper streets in Groton. The Planning Commission felt that Town Staff should maintain the rights to paper streets throughout the Town.

Pritchard inquired about the lack of landscaping around the units at the Karate building located at 1028 Poquonnock Road. Pictures were presented. Staff stated that they would like plantings updated and will discuss this item with the Town's Zoning Officer.

X. REPORT OF STAFF

Staff stated that the Town has chosen a consultant to begin the process of updating the Water Resource Protection District (WRPD) Regulations. The potential for updating other sections of the Zoning Regulations under a Phase II could occur, if deemed necessary.

Staff received a revised draft of the conservation portion of the draft Plan of Conservation and Development (POCD). After it has been reviewed by Staff, it will be submitted to the Planning Commission for review, then back to the consultant for finalization. Staff noted that the State has granted an extension for continued discretionary state funding until 7/1/16, even with an expired Plan of Conservation and Development (POCD).

Staff will report on Lily Lane at the next meeting.

In reference to Fitzgerald's concern at the last Planning Commission meeting about signs, Staff stated that a formal complaint would need to be submitted to the Town. Discussion followed about options for signs that are temporarily placed on State property during the weekends.

Staff notified the Planning Commission that Deb Jones has accepted the position of Assistant Planning Director for the Town of Groton.

XI. ADJOURNMENT

Motion to adjourn at 8:51 was made by Tarbox, seconded by Steinford, so voted unanimously.

Margil Steinford, Secretary
Planning Commission

Prepared by Robin Silsby
Office Assistant II