

MINUTES  
PLANNING COMMISSION  
JUNE 9, 2015 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

Acting Chairman Pritchard called the meeting to order at 7:04 p.m.

I. ROLL CALL

Regular members present: Pritchard, Kane, Munn, Steinford  
Alternate members present: Fitzgerald, Tarbox, Zod (7:06 pm)  
Absent: Sherrard  
Staff present: Glemboski, Silsby

Acting Chairman Pritchard appointed Tarbox to sit for Sherrard and Steinford to sit as Acting Secretary.

II. APPROVAL OF THE FOLLOWING MINUTES OF May 12, 2015

MOTION: To adopt the Planning Commission minutes of May 12, 2015

Motion made by Kane, seconded by Munn, so voted 3 in favor, 2 abstentions (Munn and Steinford), as annotated.

III. PUBLIC COMMUNICATIONS – None.

IV. SITE PLANS

1. Long Meadow Landing, 45 South Road (SIT09-04) – Request for extension for one-year start of construction

Joseph Boucher was present for this request.

Staff explained that the original approval was granted on June 9, 2009 with a 9-year life which will expire on June 9, 2018. The applicant is now asking for a 1-year Start of Construction Extension, until June 9, 2016. Discussion followed about FEMA maps and vertical data.

An explanation was given about the 1-foot differential, which pertains to the flood zone and lifting the grade up by 1-foot so flood insurance won't be necessary.

MOTION: To grant the Long Meadow Landings Request for a 1-year Start of Construction Extension until June 9, 2016.

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

V. OLD BUSINESS – None.

VI. NEW BUSINESS

1. Zoning Board of Appeals Referral for Public Hearing on May 27, 2015 (Continued to June 10, 2015)
  - a. Variance ZBA#15-05 – 15 Oakland Court, Klucky/owner, Suburban Remodelers/applicant

Staff explained the request to allow an 8-foot setback in lieu of a 12-foot side yard setback. The lot is a non-conforming lot with a house built in 1942 and pre-dates zoning. Information about the footprint was given.

The Planning Commission had no comment.

2. Zoning Board of Appeals Referrals for Public Hearing on June 10, 2015

a. Variance ZBA#15-06 – 76 Route 27, Old Mystic, Costakos/owner

Staff reviewed maps and the proposal to reduce side yard setbacks for an addition. The house was built in 1820 and predates zoning. Information about the proposed setbacks was given. The zone in this area is RU80. Total lot coverage was noted and shown on a map.

The Planning Commission had no comment.

b. Variance ZBA#15-07 – 212/214 Cedar Road, Mystic (CAM), Maxson/owner

Staff reviewed the maps and the proposal. She stated that a variance was granted in 2014 for an addition on one side. The owner has now redesigned the house and would like an addition in a different location requiring a variance of front and rear yard setbacks. Setbacks were given. Architectural plans have been changed.

The Planning Commission had no comment.

3. Report of Commission

Fitzgerald expressed concerns about advertising signs being placed near exits 88 and 89. He feels that something should be done about these illegally placed signs. Staff will refer this concern to the Town's enforcement officer.

Munn attended the May Kickoff meeting for the Market Analysis and Zoning Audit Project and summarized the major changes that were being recommended. The next session will be held in July and Zed will be attending.

Kane inquired about the status of the Lily Lane multi-use trail. Staff will get an updated and report back at the next meeting. News articles were read relative to where the public property extends.

4. New Applications

Staff stated that a new site plan application has been received regarding Office/Warehouse Building, 245 Leonard Drive (SIT15-05).

VII. REPORT OF CHAIRMAN

The Planning Commission inquired about the POCD update. Staff will contact the consultant and report at the next meeting.

Referring to a recent news article, Steinford inquired about the status of Central Hall and if any deadlines by the Town were approaching. Staff noted that an extension would be necessary.

After a brief recess, the meeting reconvened at 7:28 p.m.

Fitzgerald recused himself and left the meeting at 7:28 p.m.

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

The Public Hearing opened at 7:30 p.m. The Call of the Hearing was read by Acting Secretary Steinfeld. Acting Chairman Pritchard reviewed public hearing procedures.

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

Those present for this public hearing are Michael Scanlon of Dicesare-Bentley Engineers, representing the owner/applicant Dime Bank, Johnna Taylor of Dime Bank, and Peter Royer, Dime Bank's legal counsel. Scanlon reviewed maps and gave extensive history about the property dating back to when the land was originally subdivided. Dime Bank acquired this property in lieu of foreclosure. The subdivision application is to create a buildable lot from the existing 0.74 acre parcel, located within the R-20 zone. A single family home is proposed in the southwest corner of the parcel. It was noted that MacDonald Court provides frontage for the subject property. Access was reviewed and reference was made to when Joan Oat subdivided her property in 1977. Additional history was given about the abutting lands and other lands owned by the Oat family. Specifics were given about tracts A, B, C & D and the Right-of-Way (ROW) across these 4 parcels, as noted on a map dated 1/20/97. Utility easements were discussed. Scanlon stated that Wetland approval for the site was granted last year. Approval has been granted by the Noank Zoning Commission and the Noank Executive Committee. Scanlon stated the only action that is still needed in order to sell the property is to get approval of this one-lot subdivision from the Planning Commission. The applicant is also looking to obtain a waiver of Section 5.4 (1) of the regulations pertaining to building permits, to be able to get a building permit prior to the completion of public improvements. Additionally, the applicant is asking that the Planning Commission not require the installation of a 4-foot sidewalk and does allow the applicant to pay a fee in lieu of open space dedication. Information was given about the potential to move the cul de sac to the end of 0 MacDonald Court. The applicant will improve the existing gravel driveway and extend it to the end of the 50-foot ROW and continue it within the Campbell Road 50-foot ROW paper street. They are also proposing to meet the requirements of the Noank Executive Committee, to extend the water line about 150 feet and install a fire hydrant to provide water service to new residents. A grinder pump is being proposed and sediment and erosion control measures will be addressed. Reference was also made to the specific reasons why the Planning Commission denied the applicant's March 2014 subdivision application and how the applicant has addressed these concerns. Reference was made to deeds and easements to accommodate utilities on the roadway. Numerous documents were entered into the record, including a court judgement dated 12/22/14. The court judgement states that Dime Bank has an easement by deed to access the 50 foot street and utilities by decree. Town Attorney Michael Carey has been included in communications with the Town and the applicant. An Affidavit signed by Scanlon has been given to Attorney Carey and was submitted for the record. The applicant feels that they should be able to take access and utilities from Campbell Road and the 50-foot ROW.

Staff thanked Mr. Scanlon for his detailed presentation. She reiterated that the 2014 subdivision application was denied for specific reasons pertaining to access rights, utility rights, and rights to Campbell Road. Dime Bank got a decree from the court that they do have the rights to use the 50-foot ROW for access and utilities. An Affidavit was accepted by the Town Attorney, showing chain of title and that Campbell Road (a paper street) was never given to

any other owner. Approval has been received by the Noank Zoning Commission. The Noank Executive Committee gave approval stating that the lot was acceptable to the fire district if the driveway is constructed to handle the appropriate fire apparatus. The Town's Bicycle and Sidewalk Trails Plan was discussed regarding sidewalks. These and other exhibits were presented for the record. Staff does not think that sidewalks should be required for this subdivision. Relative to the waiver request to obtain a building permit prior to the completion of public improvements, Staff stated that a waiver is typically granted for a small subdivision. In regards to the request of the waiver to grant a fee in lieu of open space, the Parks & Recreation Director recommended the 10% fee in lieu of open space due to the small size of the lot. A memo from the Town Assessor has been received which relates to review of the appraisal value. Public Works had no comments. Mailings were checked and were found to be in order. This application is subject to a CAM application. Disturbance on site will be minimal. From a staff standpoint, erosion controls are consistent with coastal policies.

The Planning Commission acknowledged that ownership has been shown and concerns of right-of-ways have been demonstrated. Inquiries were made about the extension of the water line and sewer line, and the utilities in the 3-lot subdivision to the west. Discussion continued about permission necessary to access the utilities on Campbell Road. Case law was referred to by Scanlon.

Attorney Royer referred to the Affidavit of Michael J. Scanlon, III dated 2/24/15 and is satisfied that there is an easement for access and utilities. Case law in Connecticut was noted. He added that this is also the opinion of Town Attorney Carey.

Inquiries were made about the length and owner of the paper street, fire department access requirements, and approving building permits prior to the completion of public improvements. Other topics discussed were about the original 3 lots to the west being changed to 4 tracts and ROW access with the abutters. A concern was raised about the boundaries of MacDonald Court and frontage access to the proposed subdivision.

Attorney Royer stated that the Judgement grants the owner the easement. Staff noted that MacDonald is a town road, though it is not an improved road for the entire length. This road was deeded to the Town of Groton by Catherine Haley.

Acting Chairman Pritchard asked for public comment.

Cynthia Battista, owner of 76 MacDonald Court, noted the length of the pavement as well as the gravel ROW. She inquired as to the placement of the proposed house on the subject property. Scanlon reviewed the maps and explained potential location of the house.

Mike Ingram, owner of 0 Elm Street South, referred to when he purchased his property and being told that Campbell Road was abandoned. Scanlon noted that Campbell Road is a paper street.

Staff read the definitions for streets and ROW's from the Noank Zoning Regulations. Scanlon referred to the deed from Mrs. Haley conveying this street of land known as MacDonald Court.

Pritchard requested that Staff get clarification, showing the boundaries of the town accepted street for MacDonald Court, and to continue the public hearing until June 23, 2015. He raised a concern about upgrading the ROW. He also raised a concern about the appraisals that were done.

Johnna Taylor made reference to when the Town denied Dime Bank's application last year and how much this property has been devalued since that time. Discussion followed about the fair market value.

Staff referred to court documents and findings.

MOTION: To continue the Oat Public Hearing until June 23, 2015

Motion made by Pritchard, seconded by Kane, so voted unanimously at 9:24 p.m.

IX. SUBDIVISIONS

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

No action taken.

X. REPORT OF STAFF

In regarding to hiring a consultant to update the Water Resource Protection District (WRPD) regulations, Staff stated that that she hopes to have an update for the Planning Commission at the next meeting.

XI. ADJOURNMENT

Motion to adjourn at 9:26 was made by Tarbox, seconded by Steinfeld, so voted unanimously.



Margi Steinfeld, Secretary  
Planning Commission

Prepared by Robin Silsby  
Office Assistant II