

MINUTES
PLANNING COMMISSION
JULY 28, 2009 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Sherrard opened the meeting with roll call at 7:03 p.m.

II. APPROVAL OF THE MINUTES OF meeting of July 14, 2009.

MOTION: To approve the minutes of July 14, 2009 as amended.

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

III. PUBLIC COMMUNICATIONS

The Chairman stated that he would like to table the discussion on the Merritt Family Farm property until they receive a response to the referral sent to the Conservation Commission. The Commission concurred.

Roper said he had brief, informal communications with Debbie Bates and Steve Mann regarding the Merritt Family Farm. Mr. Mann said he supported allowing dogs on the trails but not horses and bikes. Guy Herman contacted Roper regarding the pending Rita's Rest Home application. Roper told Mr. Herman to contact staff or attend the Planning Commission meeting when the application is on the agenda.

Staff distributed to the Commission a copy of the Merritt Family Farm referral sent to the Conservation Commission, and a communication from Lola Liepold regarding the effects of equine use on trails.

Lola Liepold, 17 Fishtown Lane, submitted a table regarding the scores from GOSA's open space grant application.

Wendy McFarland, 48 BelAire Drive, offered to the Commission that the local horse groups may be able to use the Beebe Pond trails rather than the Merritt Family Farm property.

IV. SUBDIVISIONS

1. Mystic Ice House Subdivision, New London Road - Acceptance of public improvements and open space

Staff explained that there are still outstanding issues with some of the street trees dying and cracks in the sidewalk, and he would like to review these with the Public Works Department.

MOTION: To table the acceptance of the Mystic Ice House Subdivision public improvements until staff has resolved the outstanding issues.

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

2. Mystic Weigh Subdivision, Flanders Road – Request for extension of subdivision approval

Staff explained the request for a five year extension of the subdivision approval.

Attorney Harry Heller, Heller, Heller & McCoy, represented the owners of the Mystic Weigh Subdivision. Mr. Heller detailed the progress to date at the site, including the infrastructure, extension of utilities, difficult site conditions, first sale did not occur until two years into the five year period. Utilities and drainage have not yet been extended to the two cul-de-sacs. The curbing and a binder-course only have been installed. The applicant requested a five year extension to complete the infrastructure due to adverse market conditions.

Staff explained the requirements of the Town's subdivision regulations. A significant bond (phase 1 maintenance bond \$343,000) is still in place, as well as an emergency maintenance bond. Staff said a few residents would like the first phase of paving completed, but there is no reason to require a shorter extension time or not grant the extension based on our regulations.

Discussion ensued on the timeline for the final paving. There is the potential for damage to the pavement with heavy equipment on the roads for construction of Phase II. The Bel-Aire subdivision cannot be used for access for construction. Staff explained that the Town cannot take the bond money if the subdivision is alive; it can only be used if the subdivision is expired or other legal action is taken after the established expiration date.

MOTION: To grant an extension of the subdivision approval for the Mystic Weigh Subdivision, Flanders Road, for two years to May 25, 2011.

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

Several members of the public in attendance requested the opportunity to address the Commission regarding the subdivision's request.

Munn made a motion to rescind the previous motion so that the Commission could hear public comments after the scheduled public hearing on the agenda. The motion was seconded by Steinford, and passed 4-0-1, 1 abstention (Roper).

IV. PUBLIC HEARING

1. Morgan's Run Subdivision, 0 Cow Hill Road (CAM)

Chairman Sherrard read the public hearing procedures and Secretary Pritchard read the legal ad. The public hearing was opened at 8:00 p.m.

James Bernardo, surveyor, represented the applicant. Mr. Bernardo explained the location and conditions of the property. Three lots are proposed.

Development will be outside the 100 ft. development-free zone (from the right-of-way line) from I-95. A fee in lieu of open space is proposed. A wetland permit was granted for the utilities and sidewalk to be located in the upland review area. The applicant requested to not require the frontage sidewalks, citing a recent legal case, "*Buttermilk Farms vs. the Town of Plymouth*".

Staff explained the history of the property and the existing barn on the property proposed as Lot 1. Staff believes it is important to preserve that barn and allow it to be used effectively on the site, within the zoning regulations. The inland wetlands permit was entered into the record. Staff explained the property in relation to the Master Trails Plan for the Town. Sidewalks on existing frontage lots were discussed. According to the "Buttermilk Farms" case, state statutes do not allow towns to require a developer to improve existing roads that do not intersect other new roads in a proposed subdivision. That case was entered into the record. Planning staff suggested the Commission hold to the ten percent fee in lieu of open space. Any outstanding public works issues will be coordinated with the applicant prior to the next meeting. Staff said there are no significant issues with the coastal resources. The property was appraised by Champagne Appraisals at \$150,000.

Staff read correspondence from Mrs. Keith, an abutter, into the record. Ms. Keith requested that old trees, proposed to be cleared for the driveway of Lot 3, be left in place. Staff will investigate those concerns for the Commission, and would like to get the Town Attorney's review of the Buttermilk Farms case prior to the Commission making a decision. It was suggested that the applicant submit a request to not construct the frontage sidewalks.

Commission asked staff to have the environmental planner investigate Mrs. Keith's concern. The Commission concurred that ten percent of the current appraised value of the property is a reasonable fee in lieu of open space, especially in light of the economic downturn with respect to property values.

Mr. Bernardo asked the Commission to consider a meandering bituminous walking trail in lieu of a sidewalk.

MOTION: To continue the public hearing for Morgan's Run Subdivision, 0 Cow Hill Road, to the next regular meeting on August 11, 2009.

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

V. SUBDIVISIONS

1. Morgan's Run Subdivision, 0 Cow Hill Road (CAM)

The public hearing was continued to August 11, 2009.

2. Mystic Weigh Subdivision, Flanders Road – Request for extension of subdivision approval (continued)

The following residents spoke in support of the five year extension request:

Robert Smalley, 112 Ensign Drive

Denise Tindle, 48 Mariner's Lane
Sue Rummel, 59 Mariner's Lane
Kathy Kross, 29 Mariner's Lane
Karen Morton, 67 Mariner's Lane
Peter Dikin, 60 Ensign Drive
Aditi Joshi, 21 Mariner's Lane.
John Kross, 29 Mariner's Lane

Attorney Heller requested an extension to October 31, 2011.

It was the consensus of the Commission to review the status of the subdivision in a shorter period of time than the five years requested.

The Commission concurred that there is no intention to invalidate or expire the subdivision in two years, but as a safeguard for the residents, they would like to review and expedite the developer's progress for the final paving of the subdivision.

MOTION: To grant Mystic Weigh Subdivision a subdivision extension to November 25, 2011 for reconsideration of further extension.

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

The Commission took a short recess and reconvened at 9:12 p.m.

VI. SITE PLANS

1. Fitch High School Site Plan Modifications, 101 Groton Long Point Road

Rick Norris, Program Manager and Wes Greenleaf, Board of Education Director of Buildings and Grounds, presented the application.

The application was to move various signs on the site to accommodate the traffic flow.

An existing jersey barrier is presently on the site to limit traffic to evaluate the traffic patterns, and Mr. Norris asked for an additional amount of time to allow the temporary jersey barriers to remain for further evaluation.

Handicap parking spaces need to be relocated to accommodate handicapped visitors to enter the building near those spaces. Three existing spaces will be converted to two handicap spaces, allowing only one entrance to be open during the school day.

Staff suggested that by the end of January, an application should be made for a permanent solution to replace the existing jersey barriers.

MOTION: To approve a Site Plan Modification (SIT09-11) for Fitch High School, 101 Groton Long Point Road with the following modifications:

1. Application shall be made to the Planning Commission by January 30, 2010 for site plan modification to provide a

permanent solution to the temporary jersey barriers blocking the interior access point to the bus parking lot. The application shall provide all construction details and a schedule for completing the work prior to the commencement of the 2010/2011 school year.

2. All staff technical items shall be addressed.

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

2. Kolnaski Magnet School Parking Lot Modifications, 500 Poquonnock Road (CAM)

Rick Norris, Project Manager, Town of Groton, presented the application for thirty additional parking spaces. The changing needs of the school demanded the need for more parking. The original plan was based on the needs of the former Eastern Point School. The needs of the school have changed as there are more students than originally anticipated, and the school is now a magnet school, and therefore more visiting adults are in attendance at the school each day. The proposed location of the parking spaces, drainage and traffic circulation were detailed. The ball field will be used on occasion for evening events. Discussion ensued on potential traffic issues if or when another school is built at the same site.

Staff discussed his history with the development of the design and suggested marking the fire lanes and assigning two stalls at the northwest end of the proposed lot for compact cars.

MOTION: To approve the Kolnaski Magnet School parking lot modifications with the following modifications:

1. A note shall be placed on the plan that states that fire lanes shall be marked in accordance with the fire marshal's recommendations.
2. The two parking stalls at the northwest end of the proposed improvements shall be signed for compact cars only.
3. Tech items as raised by staff shall be addressed.

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

MOTION: To approve the Coastal Site Plan for the Kolnaski Magnet School parking lot modifications because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources.

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

VII. OLD BUSINESS

1. Discussion regarding use limitations proposed by GOSA on the Merritt Family Farm parcel

MOTION: To table discussion until the Commission receives the referral response from the Conservation Commission.

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

2. Land Use Regulation Update Project

Staff received communication from the consultant pertaining to the Zoning Commission's role, but provided no report regarding subdivision regulation amendments.

3. Review of Planning Commission By-laws

Pritchard suggested that an existing attachment to the by-laws regarding the order of business should be edited and included in the body of the by-laws. Staff said that, according to the by-laws, the Commission members must receive proposed changes at least seven days before voting. Pritchard said he will submit both of his proposed changes to staff who will send it out to the Commissioners in enough time to allow a vote.

MOTION: To table review of and action on by-laws to the next regular meeting.

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

VI. NEW BUSINESS

1. Report of Commission

Pritchard attended the Committee of Chairs meeting on July 20th. The committee was updated on the Mystic Streetscape project, the property maintenance code in Fort Hill Homes, and landfill operations were detailed by the Director of Public Works.

VI. REPORT OF CHAIRMAN

Chairman asked about the Groton Highpoint Subdivision. Staff said that the subdivision is not valid because they did not record the plan.

IX. REPORT OF STAFF

Staff said he will continue to keep the Committee of Chairs meetings informative for the various commissions.

Staff met recently with the Central Hall applicants to try to move that project forward. The applicants intend to provide periodic updates on progress

A Building Code Board of Appeals has been suggested to handle property maintenance code issues in Fort Hill Homes and is the subject of the Director's pending referral to the Town Manager.

Staff updated the Commission on his recommendations to the State Siting Council for the CMEEC application. Those recommendations were attached to the Siting Council's approval.

Staff answered questions for the Commission regarding the regulation update. He said the Zoning Commission is working on modules for development yield, etc., and individual zoning items, such as drive-thru queue stacking, are a lower priority and will be addressed later in the process.

X. ADJOURNMENT

Motion to adjourn at 10:14 p.m. made by Roper, seconded by Munn, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Debra L. Gilot
Office Assistant III