

MINUTES
PLANNING COMMISSION
SEPTEMBER 22, 2009 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Sherrard, Steinfeld
Alternate members present: Fitzgerald, Zod, Kane
Absent: Munn
Staff present: Davis, Doolittle, Cullen

Chairman Sherrard opened the meeting with roll call at 7:02 p.m. and seated Hal for Munn.

II. APPROVAL OF THE MINUTES OF meeting of September 8, 2009.

MOTION: To approve the minutes of September 8, 2009 as amended.

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

III. PUBLIC COMMUNICATIONS

The Commission stated that the G&S Trolley Trail will be holding its Grand Opening on September 26, 2009.

IV. SUBDIVISIONS

1. Neal Subdivision, 119 New London Road – Request for bond release

Staff stated that Public Works recommended the improvements as acceptable.

MOTION: To release the bond for Neal Subdivision, 119 New London Road, in the amount of \$1,630.

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

2. Shepherd Subdivision Modification, 305 Pequot Avenue

Chairman Sherrard recused himself for this item, appointed Pritchard as Acting Chairman and Kane as a voting member.

Staff told the Commission that there were stipulations as part of the original subdivision approval. One stipulation was that an existing well on lot one would be abandoned. The home has been rebuilt and the septic system was re-designed to be located outside the 75 foot distance from the well as required by Ledge Light Health District. Ledge Light is in agreement with the proposed plan to maintain the existing well.

MOTION: To approve the Shepherd Subdivision (two lots) Modification, 305 Pequot Avenue, with the following stipulations:

1. The original requirement to abandon the existing well on lot 1 shall be revoked due to a change in the location of the septic system on the adjacent parcel at 309 Pequot Avenue.
2. Technical Items raised by staff shall be addressed.

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

Sherrard was reelected as Chairman.

V. SITE PLANS

1. Four Winds at Mystic, Noank Ledyard Road

The Commission tabled the extension at the request of the applicant to the October 13, 2009 meeting.

2. Mystic River Residential Care, 12, 14, 16 Godfrey Street

Attorney Tom Londregan represented Elaine Cole the owner of Mystic River Residential Care. Attorney Londregan detailed the history of the state licensed facility and the need to meet the current health and building code requirements for disabled people. Attorney Londregan stated that Groton zoning regulations allow for 20% coverage of 14 Godfrey Street; they are at 39%; so they cannot put the facility solely on 14 Godfrey Street. Attorney Londregan also responded to issues raised by Attorney Bates and others. Mrs. Cole purchased 12 and 16 Godfrey Street to increase the available lot area.

Nicholas Michnevitz, Project Architect, addressed the Commission. Mr. Michnevitz stated that there are a variety of deficiencies and the State's deadline for the required improvements has passed. He stated that they would like to upgrade the building to meet minimum life safety and building requirements. Mr. Michnevitz reviewed changes that have been made to the design from the prior proposal at ZBA to the present revival plan.

Clint Brown, DiCesare-Bentley, spoke to the commission about the existing conditions at the site. He detailed the parking, landscaping and storm drainage improvements. The requests of the Fire Marshall and Public Works Department have been addressed.

On behalf of the applicant, Ray Kehrhahn, Assistant Director and Professor of the Center for Real Estate and Urban Economic Studies at the University of Connecticut, discussed civil rights and reasonable accommodations in regards to people with disabilities.

The Commission asked questions about changes to the use over time, requirements by the State before the facility was purchased, and the number of parking spaces.

The Commission also asked how residents would be accommodated during the construction, the alternative of reducing the residents to match the facility, and future potential growth of the facility.

Timothy Bates, Robinson & Cole, represented neighbors in the vicinity. It was his opinion that this could not be approved by a site plan only. Attorney Bates provided written materials for the record.

Speaking on behalf of the Weiss', Linda Krause, Land Use Planner, 245 Elm Street Noank, CT, addressed the Commission regarding her opinion that the application was an abuse of the FHA and ADA acts and that the application was an unreasonable accommodation as proposed.

- The following citizens spoke against the application as presented.
- Guy Herman, 8 ½ Godfrey Street
 - Gil Ward, 8A Godfrey Street
 - Irene Weiss, 17 Godfrey Street
 - Howard Weiss, 17 Godfrey Street
 - Joel Kelly, 10 Godfrey Street
 - Gail Welch, 116 Pequot Avenue
 - Sarene Byrne, 144 Pequot Avenue
 - Delores Ryans, 79 Pequot Avenue
 - Carole Brown, 7 Pequot Avenue

Michael Olack, Bantam Street New London, member of Saint Mary's, Lay Minister, spoke in favor of the application.

The applicant granted an extension to the October 13, 2009 meeting. The Commission also discussed arrangements for a possible special meeting on October 15, 2009, if necessary.

MOTION: To table the Mystic River Residential Care site plan application, 12, 14, 16 Godfrey Street, to the next scheduled meeting, October 13, 2009.

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

Chairman Sherrard stated that the voting members for this application will be: Steinfeld, Roper, Pritchard, Sherrard and Zod, with Fitzgerald or Kane as alternates.

The Commission took a five minute recess and reconvened at 10:20 p.m.

VI. OLD BUSINESS

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

The Commission raised concerns over cracks in the driveway aprons and trees that still appear to be dying. Staff said that Public Works recommended acceptance, but this issue could be readdressed in the future if need be.

MOTION: To table the acceptance of the public improvements and open space of the Mystic Ice House Subdivision, New London Road.

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

VII. NEW BUSINESS

1. Report of Commission

Commissioner Roper attended the Regional Planning Commission and advised that the Regional Planning Commission might possibly be eliminated due to budget problems.

Commission Roper reported that the Mystic Community Bikes usership went up this year to 252 riders as compared to the 151 riders last year.

The Commission discussed the cancellation of the Conservation Commission meeting last week, which delayed action on their referral regarding the Merritt Family Farm Trails issue.

Commissioners attended the Stonington Streetscape Project kickoff.

Kane reported that the Phase II School Design Committee visited Waterford schools.

2. New Applications

VIII. REPORT OF CHAIRMAN

Chairman Sherrard thanked staff for following up on Colonel Ledyard Estates.

Chairman Sherrard suggested that at the next meeting a specific time be set by the Commission for adjournment for that night.

IX. REPORT OF STAFF

No report from staff.

X. ADJOURNMENT

Motion to adjourn at 10:48 p.m. made by Sherrard, seconded by Steinford, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Katie Doolittle
Office Assistant II