

MINUTES  
PLANNING COMMISSION  
SEPTEMBER 8, 2009 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Sherrard, Steinford  
Alternate members present: Fitzgerald, Kane, Zod  
Staff present: Davis, Murphy, Gilot, Doolittle  
Absent: Munn

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

II. APPROVAL OF THE MINUTES OF meeting of August 11, 2009.

MOTION: To approve the minutes of August 11, 2009 as amended.

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

III. PUBLIC COMMUNICATIONS

Staff introduced Katie Doolittle, the new office assistant in the Planning Department. Katie will be clerical staff for the Planning Commission.

Staff said the department received correspondence for the Planning Commission from the CT Department of Environmental Protection. The DEP issued a water quality certificate to the U.S. Dept. of the Navy.

IV. SUBDIVISIONS

1. Windward Passage, Polaris Street & Crystal Lake Road – Acceptance of public improvements

Staff explained the improvements and advised that Public Works has approved the completion of the improvements.

MOTION: To recommend acceptance of the public improvements for the Windward Passage Subdivision, Polaris Street & Crystal Lake Road.

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

Steinford commented that it is a nice subdivision.

2. Morgan's Run Subdivision Modifications, 0 Cow Hill Road

Peter Brown, applicant, proposed a modification to the frontage sidewalks approved for the subdivision. Mr. Brown proposed to build the sidewalks in the right of way as recommended by the Commission during the public hearing.

MOTION: To approve the Morgan's Run Subdivision Modifications with the following modification:

1. Technical items of staff shall be addressed.

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

V. SITE PLANS

1. Mystic Manor, 475 High Street

Al Wolfgram, A-L Consulting, requested a one year extension for the applicant.

MOTION: To grant a one year extension for start of construction to Mystic Manor, 475 High Street, to October 14, 2010.

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

2. Benchmark ALZ, 90 Poheganut Drive

Attorney Harry Heller represented the applicant. A one year extension of construction was requested due to the difficult economic conditions. Staff had no concerns.

MOTION: To grant a one year extension for start of construction to Benchmark ALZ, 90 Poheganut Drive, to October 14, 2010.

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

3. Lot 9 Library Hill, 225 Leonard Drive

The applicant submitted a request for an extension to the start of construction. They are in the process of submitting their building permit application, but requested a one year extension in the event that the building permit is not issued by Inspection Services prior to October 14<sup>th</sup>.

MOTION: To grant a one year extension for start of construction to Lot 9 Library Hill, 225 Leonard Drive, to October 14, 2010.

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

VI. OLD BUSINESS

1. Land Use Regulation Update

Staff said the Zoning Commission reviewed and considered alterations to the zone use map of the property near the Kolnaski School. The current zone lines do not take existing property boundaries into consideration. A portion of the most recent version of the consolidated Use Tables were distributed to the Zoning Commission. Staff is still working on the Subdivision Regulations. Draft site plan standards were received from the consultant. They will be forwarded to the Zoning and Planning Commissions for review in the near

future. Staff said the Commissioners are invited to come into the office and staff would be happy to update them on the Zoning Commission's progress with the regulations.

3. Review of Planning Commission By-laws

Staff will be forwarding the amended by-laws to the Commission as soon as the clerical staff has completed the changes in the document.

VII. NEW BUSINESS

1. Report of Commission

Roper said the Mystic Community Bikes program has been very successful this year with more bikes and ten sites lending bikes. The organization is in the process of fundraising for next year.

The Commission concurred to change the format of the minutes to include absentee Commission members.

2. Zoning Commission referrals for October 7, 2009 public hearings

Regulation Amendment #09-02 to Sections 7.3-3F Sign Prohibitions

Staff explained the referral. The proposed amendment for special event signs would have to be applied to any commercial speech and sign for temporary events. Enforcement would be impractical for the Town.

**MOTION:** To forward the following comments to the Zoning Commission:

The Planning Commission does not endorse these proposed amendments for the following reasons:

1. Based on the analysis provided by the Town Attorney, these regulations, if adopted, would have to be applied to all commercial signs for temporary events, and the Town could not make distinctions on the basis of content.
2. There is no support in the 2002 POCD or any other formal Town plan, program or policy, to support a shift in the current framework of this magnitude.
3. The current provisions for on-site temporary signage are sufficient to provide for commercial speech of this nature.
4. The proposal, as written, is unenforceable and cannot be administered on a fair and consistent basis.
5. New communication technologies and industry practices have all but rendered the conventional approach to this type of signage for this specific user unnecessary.

6. There is a serious real potential for public safety problems resulting from signs placed within sight lines at public intersections and site driveways to public streets.
7. The proposed regulations would create confusion and widely varying practices within the same local market, based on the separate zoning authority of Noank, the Town, City and Groton Long Point, who do not have these types of regulations in place.
8. The proposed changes will have a negative impact on community character objectives, especially within historic districts, commercial areas, dense neighborhoods, areas with multiple units (i.e. condominiums) and along the Town's scenic streets.
9. Given the lack of any practical ability to administer these provisions, there is serious potential for abuse (profiteering, use as advertising/marketing, etc.).
10. Other possible options exist such as larger on-site signs, and perhaps multiple on-site signs for large sites or sites with extensive street frontage. Other provisions could be developed for multi-tenant locations.

Motion made by Roper and seconded by Steinford.

The Commission discussed some differing public service-type or charitable organization signs such as blood drives, etc., and public speech vs. private speech.

Motion passed unanimously.

Special Permit #312 – 61 West Main Street and 2 Water Street (Chelsea Groton Savings Bank, Applicant)

Staff explained the referral.

**MOTION:** The Commission recommended in favor of this change of use special permit.

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

3. CMEEC presentation on proposed diesel generator at 215 Gold Star Highway

Tom Solinsky, CMEEC, gave a short presentation of the proposed diesel generator on Route 184. The proposed generator will have the same features and functions as the generators previously reviewed by the Planning Commission.

Frank Marafioti and gave details about the site, located in the WRPD. The wetlands on the site were described. The Inland Wetlands Agency reviewed and was in favor of the proposal. A pitched slab with a sump and catch basin with magnetic cover in the delivery area will contain any spill from a delivery truck. Noise levels will be maintained at the 65 db level. Groton Utilities resolved all staff concerns during the review process. Staff will submit any

comments to the Sitting Council when the official petition is received. The maintenance of the catch basin and basin will be written in to the SPCC. The view from Gold Star Highway and screening was discussed. At the consensus of the Commission, staff will forward their comments as well as the Commission's concerns with screening.

VIII. REPORT OF CHAIRMAN

Chairman Sherrard asked if a Certificate of Occupancy has been issued yet for the Animal Control Facility which hosted a dedication ceremony last week. Staff said they believed there were some minor outstanding items, such as striping, and that the CO was issued subsequently.

IX. REPORT OF STAFF

Staff updated the Commission on the Council's decision on the Sandy Hollow Road scenic road status.

Staff will confirm the Animal Control Facility's certificate of occupancy.

Staff will be attending the groundbreaking for the Stonington side of the streetscape project on September 14<sup>th</sup>.

Staff spoke to the Town Council regarding a building code board of appeals for property maintenance board. Proposed changes to the ordinance will be forthcoming.

Staff said the provisions for the proposed Ethics Committee are being reviewed by the Assistant Town Manager, who may be forwarding some information to all the commission chairs.

Staff updated the Commission on the status of the Planning Department's staffing.

Staff commented on the subdivision process and corrected his previous comments to the Commission regarding the timetable for subdivision applications.

Staff noted that the Conservation Commission is scheduled to meet on September 14<sup>th</sup>, and is hopeful that the Planning Commission can review the response to their referral at their meeting on September 22<sup>nd</sup>.

Staff inspected the Colonel Ledyard Estates site last week and they are attempting to resolve the outstanding issues with this project, including taking legal action.

Staff thanked the Commissioners for their support of staff action and its interaction with the Town Council regarding the Merritt Family Farm.

Staff distributed packets to the Commissioners, submitted by the applicants for the Mystic River Residential Care Facility. Staff said the applicants held a public meeting for neighbors and revised plans have been recently submitted today as a result of those public comments.

Mardie Lane paving was discussed. Staff will check with Public Works to see if it is the Town's intent to plow that road.

Staff said he does not yet have the results of the archaeology testing in downtown Mystic for the streetscape project, but they hit heavy concrete under the existing sidewalk at some location. Staff will send the Commission copies of any interesting finds in the report.

Staff had no information regarding the battlefield survey being performed on Pequot Avenue, but they will look into it.

Staff said the gas station/convenience store on Fishtown Road have all their approvals. The Zoning Official spoke to the applicants, who said the economy is hindering their progress and they are waiting for better financial conditions.

X. ADJOURNMENT

Motion to adjourn at 9:08 p.m. made by Fitzgerald, seconded by Roper, so voted unanimously.

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Jeffrey Pritchard, Secretary  
Planning Commission

Prepared by Debra L. Gilot  
Office Assistant III