

MINUTES
PLANNING COMMISSION
JUNE 12, 2007 – 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, Kane
Staff present: Davis, Glemboski, Murphy, Stanowicz

Chairman Sherrard opened the meeting with roll call at 7:04 p.m.

Chairman Sherrard stated that effective today Wendy Perez-Pullen has resigned from the Planning Commission.

II. APPROVAL OF THE MINUTES of May 22, 2007

MOTION: To approve the minutes of May 22, 2007 as amended.

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

III. PUBLIC COMMUNICATIONS

Roper said there will be two public meetings regarding the regional plan of conservation and development, one in Groton on June 28th at 7:00 p.m. and one on July 9th at SCCOG, Norwich, at 7:00 p.m.

Jim Furlong stated that he would like to comment on the MX referral. The Commission concurred that Mr. Furlong could speak during the discussion of the referral.

IV. SUBDIVISIONS

1. Candy Lane Subdivision, 0 Bonnie Circle (10 lots)

Fitzgerald recused himself from the discussion.

Chairman Sherrard stated that the voting members for the Candy Lane Subdivision are Steinfeld, Roper, Pritchard, Kane and Munn.

Staff reviewed the proposal. The option of open space or the fee in lieu of open space, the proposal of the cost of playground equipment on Town-owned open space reducing the fee in lieu of open space, the opening in the sound barrier and the sidewalk waiver request were reviewed.

The sound barrier being maintained by the Town and the break in the sound barrier were concerns for the Commission. The timing of the barrier construction, and noise abatement measures were discussed.

MOTION: To table the Candy Lane Subdivision, 0 Bonnie Circle.

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

2. Mystic Business Park Subdivision, Flanders Road & 1085 Noank-Ledyard Road – Set public hearing date

A public hearing date of July 10, 2007 was set for the Mystic Business Park Subdivision, Flanders Road & 1085 Noank-Ledyard Road.

3. Shepherd Subdivision, 305 Pequot Avenue – Request for extension for recording of mylars

MOTION: To grant a 90 day extension for filing of mylars to the Shepherd Subdivision, 305 Pequot Avenue.

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

V. SITE PLANS

1. Community Baptist Church, 0 Gold Star Highway

MOTION: To table the Community Baptist Church site plan application to the next regular meeting on June 26, 2007.

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

2. 210 Innovations LLC, 200 Leonard Drive (CAM)

Frank Magnotta, engineer, represented the applicant, 210 Innovations LLC. The applicant proposes a 4,000 s.f. building on a lot in the Leonard Drive Subdivision. The building will house 900 s.f. of office space and 3,100 s.f. dedicated to the wheel chair assembly business.

Mr. Magnotta reviewed the application and detailed the topography and drainage system.

Staff reviewed the application. All parking standards have been met. A waiver of the sidewalk requirements was requested. There is no internal walkway system from the street to the building as there is no retail component to this business and no pedestrian traffic. Signage and storage of hazardous materials was discussed. Site lighting and the dumpster area were detailed. The architecture of the building was reviewed.

MOTION: To approve the 210 Innovations, LLC Site Plan, 200 Leonard Drive, subject to the following modifications:

1. Provide a note on the final plans stating “Any outdoor storage shall be located within the designated storage and dumpster areas. Dumpsters shall be covered and have drain plugs intact. Any storage area for erosive or hazardous materials shall have an impervious cover and be located on a concrete pad. Any additional storage areas from that shown on the plans shall require additional review and approval by the Planning Commission.”

2. Provide a note on the final plan stating: "All exterior mechanical equipment shall provide spill containment for any associated hazardous materials".
3. Provide a note on the final plans stating: "Leonard Drive and associated utilities shall be constructed prior to or concurrently with this development in accordance with the Leonard Drive Subdivision Plan referenced in Map Reference # 1."
4. Technical items as raised by staff shall be addressed.

The Planning Commission notes that a waiver for the requirement of sidewalks along the east side of Leonard Drive was approved as part of the Leonard Drive Subdivision (Y05 #8). In accordance with Section 7.5 of the Zoning Regulations, the Planning Commission is not requiring a frontage sidewalk or an interior sidewalk network from the street to the building on Lot 5. The sidewalk network will be established on the west side of Leonard Drive and there will be a limited amount of pedestrian activity to and from the site.

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

MOTION: To approve the Coastal Area Management application for 210 Innovations, LLC at 200 Leonard Drive, 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 Sherrard, seconded by Steinford, so voted unanimously.

3. Pizzetta, 7 Water Street (CAM)

Chad Frost, Kent & Frost Architecture, represented the applicant, Christopher Owens. The existing multi-use building was described. The building houses a dentist on the first floor, a restaurant in the basement, and residential in the upper level. The applicant proposes to use the lower level for cooking and take-out. All seating will be on the first floor. A pedestrian connection to the sidewalk and around the Mystic Art Center will be provided. Bike racks matching the Streetscape project will be added to the site. The seating, including outside seating, landscaping, existing refuse containers, stove vents, dumpster location and parking were reviewed. The dental office on the first floor will remain. The square footage of the uses was reviewed by Mr. Frost.

Staff reviewed the public health improvements, sidewalk system, and the hours of operation.

MOTION: To approve a site plan for Pizzetta, 7 Water Street, subject to the following modifications:

1. Temporary Construction Rights needed for the Streetscape Project will be granted to the Town and recorded in the land records at the time of the filing of the mylar.
2. Technical items of staff shall be addressed.

The Planning Commission notes that reduction in requirements under Section 7.4-3 (B) (which requires a ten foot wide contiguous strip of landscaping along the frontage of the property) is needed in all areas of the frontage that are covered by already existing structures (building, steps, raised planters).

The Planning Commission finds that the six existing healthy trees surrounding the perimeter of the parking area fulfill the requirement under Section 7.4-5 (B) which would require 5.12 trees for the perimeter measurement of 256 feet.

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

MOTION: To approve the Coastal Area Management application for Pizzetta, 7 Water Street, because, it is consistent with all applicable coastal policies contained in CGS 22a-92, and creates no unacceptable adverse impacts.

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

The Chairman called a short recess and the meeting resumed at 9:08 p.m.

VI. OLD BUSINESS

1. Zoning Commission referral for June 27, 2007 public hearing

The Chairman noted that the Planning Commission's next meeting will be on June 26, 2007, so there will be time to comment before the Zoning Commission's public hearing.

Staff described the recent changes from the original proposal, including the elimination of the non-nodal areas (IP zones). Staff said they received from Attorney Bates a copy of correspondence he received from Attorney Knapp on behalf of GOSA.

Staff explained the context of the proposed zoning regulation amendment. The specific nodal areas, design parameters, zoning requirements including yields, building heights, etc. relative to the proposed amendment were discussed. The special permit requirements and the mixed use concept were detailed. Staff said the referral from the Zoning Commission is an analysis of policy consistency only. The use of a master plan was described. The specific roles of the Planning and Zoning Commissions were discussed. Staff reviewed standards for the nodes, thresholds, road systems, and the potential increase of open space.

Jim Furlong, 57 Fishtown Lane, Mystic, Director of Groton Open Space Association, distributed a letter from Attorney Eric Knapp to the Commissioners. Mr. Furlong asked the Commission to consider requiring separate processes for

the special permit and the rezoning, and also requested that the Commission require 65 days for review of applications. Priscilla Pratt, President of GOSA, added comments about density and the conservation of open space, and provided a written testimony dated June 12, 2007.

Tim Bates, Attorney, representing the applicant, addressed the Commission. Mr. Bates discussed form-based zoning, attempting to see the uses, shapes and lay-out of the proposed zone, the Planning Commission's role, his concern with the Commissioners having enough time to review applications, and allowing more open space with more density.

MOTION: To table the discussion of the Zoning Commission referral to the next regular meeting on June 26, 2007.

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

2. Azu Restaurant, West Main Street – Compliance Status

Staff updated the Commission on the outstanding zoning compliance items with the Azu Restaurant, including the freezer in the back of the building.

MOTION: The Planning Commission is extremely concerned about the failure of the Azu Restaurant, West Main Street, to submit a site plan application for the existing cooler installed at the rear of the property. In order to maintain consistency in enforcement, the Commission requests that staff pursue all legal means to obtain compliance with the Zoning Regulations and work with the Town Attorney to effect said compliance.

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

3. Discussion on drive-through zoning/stacking requirements

The Commission discussed the Zoning Regulations and the length of car stalls for stacking at drive-through windows. Staff said this will be reviewed when the Zoning Regulations are reviewed.

VII. NEW BUSINESS

1. Report of Commission

Steinford asked staff to contact the owners of Blimpies and Eblens on Route 1 to clean up their vacant sites.

Roper said the Mystic Cooperative Task Force is meeting on Monday, June 18th at 8:00 a.m.

Kane told the Commission about a spill last week at the existing Wal-Mart store on Gold Star Highway.

Munn said the Flanders Road Facility Study group will have their first meeting on June 27th. Munn is representing the Planning Commission.

Munn said he will be out of town for the next meeting, and would like the Candy Lane Subdivision application to be tabled until the July 10th meeting. It was the consensus of the Commission that the Candy Lane Subdivision will be tabled until the July 10th meeting.

2. Zoning Board of Appeals referrals for June 13, 2007 public hearings

ZBA #07-08 – 26 Mariners Lane, Scott Stadnicki/Owner

Staff explained the referral. The Commission had no comment.

ZBA #07-09 – 7 Depot Road, Madonna Riera/Owner

Staff explained the referral.

MOTION: Motion to support the Riera variance.

Motion made by Steinfeld, seconded by Munn. Motion passes 4-0-1, 1 opposing (Roper).

VIII. REPORT OF CHAIRMAN

Sherrard said he would like to discuss the appeal of the recently approved subdivision in Ledyard, Founder's Reserve, if any of it impacts the Town. He asked staff to let the Commission know at a future meeting.

IX. REPORT OF STAFF

Staff said they are working on the RFQ for the Regulations.

Staff distributed letters to the Commissioners under FOI statutes requesting information regarding the Konover Wal-Mart application proceedings.

X. ADJOURNMENT

Motion to adjourn at 11:12 p.m. Motion made by Steinfeld, seconded by Pritchard, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Debra Stanowicz, Office Assistant II