

MINUTES  
PLANNING COMMISSION  
JULY 10, 2007 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Steinfeld  
Alternate members present: Fitzgerald, Kane  
Staff present: Cullen, Davis, Glemboski, Murphy, Discordia

Acting Chairman Pritchard opened the meeting with roll call at 7:02 p.m. Acting Chairman Pritchard seated Kane for Sherrard and appointed Roper as acting Secretary.

II. PUBLIC HEARINGS

1. Mystic Business Park Subdivision, Flanders Road & 1085 Noank-Ledyard Road (1 lot)

Ken Petrini of DiCesare-Bentley Engineers presented to the Commission. He orientated the Commission as to where the site is located on a map. He stated the site is in an IP-80 zone. Historically this area has been farmed. This application proposes to add 4.8 acres from the “Other Lane N/F Mystic Park Family Limited Partnership, LTD” to Lot 11 of the Mystic Industrial Park on Flanders Road. The original Lot 11 was 2.68 acres and the combined total of the new Lot 11 would be 7.56 acres.

Mr. Petrini stated there is no public water supply at this time. Lot 11 will be served by a new onsite septic system and a new onsite well. The applicant is currently working to obtain approval from LedgeLight Health District. LedgeLight has conditionally approved the on-site septic system location.

The applicant is asking for a waiver for the street lights as there already is an existing street light.

The applicant is requesting a waiver of the open space. Mr. Petrini stated that open space has not been used in industrial zones.

Mr. Petrini stated approximately 85-feet of additional frontage will be added along Flanders Road. Access to Lot 11 from Flanders Road is proposed to remain at the current location. Therefore, the applicant is asking for a waiver of Section 4.10 (2) for shade trees.

Mr. Petrini stated a sidewalk is not proposed along the additional frontage at this time. He stated there are no new streets proposed, only driveways.

Mr. Petrini stated this application has been approved by the Inland Wetlands Agency.

Mr. Petrini gave a brief history of the conceptual development plan of this site and adjacent lands of Mr. Sisisky from 1979.

The applicant is asking for a waiver to the issuance of building permits. He stated they would like to do the site improvements and build the structure at the same time. Mr. Petrini stated that since this is a one lot subdivision holding back permits per Section 5.4 (1) would not apply.

Staff went over the history of the lot and provided a memo dated July, 10 2007. The first individual lot subdivision was approved for Lot 2 in 1979 with the remainder of the Sisisky Property designated as "Other Land of Samuel M. Sisisky" on the subdivision plan. At the time of this subdivision, a Conceptual Development Plan, of March 1979, for the entire Sisisky Tract was also reviewed.

Staff stated that the Conceptual Development plan was also revised from the March 1979 plan with the latest dated October 1985.

The Planning Commission approved the site plan for the existing Lot 11 in 2000. This current project has received a wetland permit for 85 feet of sidewalk along Flanders Road.

Staff stated that it is not unusual with a large tract of land to incrementally approve lots. Staff stated that some items have been deferred several times over the years but some of these items should now be addressed with this application. Staff stated that the Plan of Conservation and Development from 2002 suggests that the Whittle property be rezoned as residential. This could create potential conflicts if the primary access to the remaining lands of Mr. Sisisky were to be taken off Noank Ledyard Road.

Staff stated that the applicant is currently working on getting water supply to Flanders Road, but this is a lengthy process and it should be considered that the Town retain rights to access those utilities in the future. There is a future trail planned to travel east and west through the site in the Town of Groton Trails Plan. Staff stated that maybe it would be prudent to reserve some open space for this proposed future trail.

The Commission had questions regarding site access options, utility locations, prior subdivision approvals and open space requirements.

Acting Chairman Pritchard requested comments from the public.

Tim Tylaska stated that he has been working on this site for years. He stated that to have access on the 85 feet they are using for lot 11 would not be prudent as there are wetlands there. Mr. Tylaska stated that he has tenants that are waiting to move in.

Roper requested the minutes from the Planning Commission meeting for approval of lot 4 in 1989 at the next meeting. Roper asked if Mr. Tylaska had any future plans for expansion. Mr. Tylaska stated that he envisioned more lots in the future but the soil is so poor that he can't put in any other septic systems for new buildings. He is hoping to have utilities in the future on Flanders Road to once again try to expand.

It was the Commission's consensus that more information was needed particularly as to open space requirements and future access to the remaining lands.

MOTION: To continue the meeting until the next regularly scheduled meeting of August 14, 2007.

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

III. APPROVAL OF THE MINUTES of June 26, 2007

MOTION: To approve the minutes of June 26, 2007 as amended.

Motion made by Roper, seconded by Steinford, 4 in favor, one abstention (Munn).

IV. PUBLIC COMMUNICATIONS

Roper stated he received a letter from a resident concerning a cell tower. Murphy stated this should be discussed under Report of Staff.

MOTION: To add two ZBA referrals to the agenda under New Business.

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

V. SUBDIVISIONS

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

Fitzgerald recused himself from the discussion.

Staff went over the draft motion with the Commission.

Munn stated that he doesn't feel it is appropriate to ask for less than 10% of the pre-subdivision land value for open space. Therefore he would vote for 1.b. on the draft motion. He is also concerned about the noise levels in this subdivision. Munn stated he is in favor of a noise barrier even though it doesn't meet the standards. Munn stated he was not in favor of this subdivision and stated it doesn't meet certain subdivision regulations.

Kane stated he would be in favor of not requiring sidewalks. He also would be in favor of 1.b. Kane also felt that the noise barrier would be ineffective.

Roper stated he is in favor of waiving sidewalks. He would be in favor of 1.b. and also to request a playground area for this subdivision. Roper stated that the noise barrier is not efficient.

Steinford stated he would be in favor of waiving the sidewalks. He stated he was in favor of 1.a. and to put the playground equipment on town property. Steinford stated that the Town needs affordable housing. Steinford stated he would approve this application.

Acting Chairman Pritchard stated he is in favor of the sidewalk waiver. He stated he did not believe the regulations would allow us to subtract fees for playground equipment on Town property therefore he is in favor of 1.b. He is not in favor of the sound barrier and would prefer plantings in its place.

Staff stated that the town subdivision regulations allow a percentage up to 10% of the pre-sub land value to be paid as fees in lieu of open space, which total could not be recommended by staff due to the applicant's agreement to build a playground on Town-owned open space adjacent to the subdivision. Staff suggested the Commission could request the playground be placed on one of the lots in the subdivision but could not require off-site improvements to existing Town open space. Staff stated that the Commission can require plantings instead of the sound barrier if the sound barrier concerned them.

**MOTION:** To approve the waiver to Section 4.7 requiring frontage sidewalks on the south side of the Candy Lane cul-de-sac.

1. The waiver conforms to the criteria specified in Section 1.10 of the Subdivision Regulations.
2. The waiver is not inconsistent with the Town of Groton Plan of Conservation and Development.

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

**MOTION:** To approve the Candy Lane Subdivision (10 lots), 0 Bonnie Circle, with the following modifications:

1. A fee in lieu of open space in the amount of 10% of the appraised value (\$215,000) of the land only will be paid at the time of recording and off-site improvements of playground equipment on the adjacent Town open space parcel will be removed from the plans.
2. The timber noise barrier should be consistent with CT DOT standard 916A.
3. Restrictive covenants and maintenance easements will be needed to take care of the noise barrier located on lot 10.
4. Technical Items raised by staff shall be addressed.

The Planning Commission, utilizing its sole designated authority, to interpret where lot width is measured according to the Building Line definition as specified in the Town of Groton Zoning Regulations, established a greater distance for the building line in its requirements for lots 8 and lots 9 as shown on the plan dated May 2, 2007.

The Planning Commission acknowledges that a substantial amount of land is being dedicated to the Town for other public purposes, particularly to accommodate utility and maintenance requirements, in addition to the payment of the fee in lieu of open space dedication.

Motion made by Pritchard, seconded by Steinfeld.

Roper stated he would support staff's suggestion in taking lot 8 for the playground instead of 10% open space or fees in lieu of.

Steinfeld stated that the playground should go on the existing open space.

Staff suggested using lot 7 for the playground as it has more frontage and is flatter.

The Commission asked if the regulation would allow playground equipment as part of fees in lieu of open space.

Staff stated that this was discussed with the Town Attorney and it is allowed on the site under this regulation as the Planning Commission can take up to 10%. Staff explained that the Planning Commission has the authority to accept whatever it deems best for the Town within the parameters of subdivision regulations. Since the applicant is offering to buy and install playground equipment on open space next to Town owned land, which is recommended by the Town of Groton Parks & Recreation Department, the most defensible position for the Commission is to request less than 10% in fees to compensate for this.

**MOTION:** To amend the motion to replace item 1.b. from the original motion and substitute item 1.a. from the draft motion in its place, amended as below, as well as to add condition 3 from the draft motion to the main motion.

1. A fee in lieu of open space in the amount of 6% of the appraised value (\$215,000) of the land only, \$12,900 will be granted to the Town at the time of recording of the mylars. This fee is deemed appropriate in light of park improvements being made and additional dedication of area for utilities and maintenance.
2. The timber noise barrier should be consistent with CT DOT standard 916A.
3. Parks & Recreation is requiring a 40 by 40 foot area surrounded with 8/8 timbers, graded to 1% and appropriately surfaced with 2-5 year old play equipment. The equipment shall be to ASTM standards and detail will need to be submitted for approval by the Parks & Recreation department.
4. Restrictive covenants and maintenance easements will be needed to take care of the noise barrier located on lot 10.

5. Technical Items raised by staff shall be addressed.

Motion made by Pritchard, seconded by Steinfeld, 4 in favor, one opposed (Roper).

Motion to approve the amended main motion made by Pritchard, seconded by Steinfeld, 2 in favor, 3 opposed (Munn, Roper, Kane)

Acting Chairman Pritchard requested that the no votes clarify for the record the basis for their votes.

Munn stated the sound barrier does not sufficiently protect the proposed development from harmful noise levels. Kane concurred with Munn's position.

Roper stated that he was opposed to not taking the full 10% fee in lieu and requesting the additional playground equipment on adjacent Town owned land.

5. Mystic Business Park Subdivision, 0 Gold Star Highway (10 lots)

The public hearing was continued until the next regularly scheduled meeting on August 14, 2007.

6. Mill Pond Estates Subdivision, 0 Gold Star Highway (10 lots)

A public hearing was set for September 11, 2007.

7. Prospect Hill Subdivision, 108 Prospect Hill Road – Request for bond release

MOTION: To release the bond for Prospect Hill Subdivision, 108 Prospect Hill Road.

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

## VI. SITE PLANS

1. Larry's Auto Machine, 175 Leonard Drive (CAM)

Roper left the meeting at 10:50 p.m.

Robert Schuch, an engineer with Boundaries, LLC and Gary Espinosa, owner, presented to the Commission. Mr. Schuch stated that this lot was created as part of the Leonard Drive Subdivision approved by the Planning Commission in 2005. This application proposes to construct a 7,500 square foot building on lot 11. The building will have public water and sewer. The building will be divided into a 5,500 square foot automotive machine manufacturing component, a 1,100 square foot retail space, and 900 square feet of office space.

Mr. Schuch stated there will be two curb cuts onto the site and 16 parking spaces with 5 of these pervious spaces in the rear for employee parking.

Gary Espinosa stated they do engine modification and sometimes customize parts for customers. A loading area is shown along the rear of the building although the majority of the offloading will be done within the building

through an overhead door. He explained the process of cleaning and assembling engine parts per customers' requests.

Mr. Schuch stated that the engines are brought in on pick up trucks not on tractor trailers. He stated that all fluids are drained out of the engine before they are brought to the shop. He pointed out the disassembly room with storage for any discarded fluids.

Mr. Espinosa stated that to clean engine parts they use a baking oven where it turns everything to ash. He stated there is no cleaning of the oven as it just bakes everything to nothing.

Staff stated that the parking will be on a pervious surface, widening to 24 feet for two way in and out.

Staff stated that there will be a sidewalk.

Staff stated they reviewed any of the hazardous materials that may be used. She stated that there are notes on the plans regarding the use and disposal of these materials.

Mr. Schuch explained the roll-off for recycled metal. Engine parts that cannot be reused will be picked up monthly.

The Commission inquired as to various aspects of the site plan. Mr. Espinosa stated the company only works on gasoline engines, not diesel and the exhausts and mufflers to pipes will go through an outside wall. Mr. Espinosa stated they had two pads set up on site for air conditioning. He would use radiant heat on the floor. Mr. Schuch stated there will be a wall mounted sign and one free standing sign. Mr. Schuch stated there will be two lights in the front parking lot and a light by the entrance and exit door.

Staff stated that all the appropriate agencies have approved the plan.

MOTION: To approve the Larry's Auto Machine Site Plan, 175 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 and the recycled metal roll-off shall be covered and have drain plugs intact. 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. The final plan shall show a lipped curb or other spill containment method at all exterior side and rear doors and details shall be approved by the Office of Planning and Development.
4. The southern entrance drive shall be 24-feet wide.
5. The roof drainage system shall be designed to promote maximum infiltration and the final design shall be reviewed and approved by the Environmental Planner and shown on the final plans.
6. All outdoor lighting shall have full cut-off luminaries and details shall be shown on the final plans and approved by the Office of Planning and Development.
7. Provide a note on the plans and signage in all testing areas that exterior doors shall be kept closed at all times during testing of engines.
8. Technical items as raised by staff shall be addressed.

The Planning Commission finds that marking of the rear parking spaces with signage meets the intent of Section 7.2-12 of the Zoning Regulations and that an alternative surface for these parking spaces is acceptable in accordance with Section 7.2-13 of the Zoning Regulations due to the limited use of these spaces as employee parking.

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

**MOTION:** To approve the Coastal Area Management application for Larry's Auto Machine at 175 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 Pritchard, seconded by Steinfeld, so voted unanimously.

2. Mystic Run Condominium Modifications, Allyn Street – Request for extension or action required.

Staff stated they received a letter granting an extension until the next regularly scheduled meeting of August 14, 2007

3. Southeastern CT Business Complex Modification, 195 Leonard Drive (CAM).

Patrick Lafayette presented to the Commission. He is requesting a site plan modification to add a few parking stalls.

Staff stated that the Fire Marshal is satisfied that it meets their criteria.

Mr. Lafayette stated that stormwater will be directed to a previously approved drainage system. The Town's engineer has approved this minor water flow increase.

**MOTION:** To approve the Southeastern Connecticut Business Complex Modification, 195 Leonard Drive, subject to the following modifications:

1. A fire water main shall be installed from the street to the building and fire sprinklers shall be installed within the building if required by the Fire Marshall. Each building shall not exceed 12,000 square feet without permission from the Fire Marshall (this includes any interior renovation that increases the floor area).
2. Technical items as raised by staff shall be addressed.

The Planning Commission notes that a reduction in the requirement under Section 7.2-9 (requiring off street parking spaces adjacent to a building be separated by a six foot wide concrete walk with a six inch high concrete safety curb) will not hinder the safety of pedestrians as the building interface with twelve overhead doors is a unique situation and that the landscaped island and curb stops proposed will protect the building from damage by vehicles. This reduction in the requirement also allows a design that minimizes the impervious surfaces on the site while still maintaining safe turning radii for vehicles entering and exiting the site.

The Planning Commission notes that a reduction in the requirement under Section 7.4-5(A) (requiring a minimum landscaped island size of 100 square feet with a minimum dimension of eight feet) is appropriate to this unique situation and type of building. This reduction in the requirement allows for a building design that achieves the minimum amount of impervious surface possible and also allows for the building itself to be placed as far from the wetlands as possible.

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

**MOTION:** To approve the Coastal Area Management application for the Southeastern Connecticut Business Park Site Plan Modification, 195 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 Pritchard, seconded by Munn, so voted unanimously.

VII. NEW BUSINESS

1. Report of Commission - None
2. Zoning Commission referral for August 1, 2007 public hearing

MOTION: To table the review to the August 14, 2007 meeting.

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

3. New Applications - None
4. ZBA referrals for ZBA07-11 Sweeney, 50 Rogers Road and ZBA07-12 Hummingbird Hill Farm, 110 New London Road.

ZBA07-11 Sweeney, 50 Rogers Road. Staff stated that the applicant would like to build a second floor above a small portion of their home. The Commission had no comment.

ZBA07-12 Humming Bird Hill Farm at 110 New London Road. Staff stated the site is over 30 acres. The applicant would like to have a riding and boarding stable.

Staff noted that for various reasons the use variance approach to this should not be endorsed. These include both general policy concerns but also practical concerns such as the lack of standards for this use in the RS zones, the concern that the use variance would run with the land in perpetuity, potential impacts on abutters and other issues. Staff would prefer to work with the client to possibly develop specific regulations for this use in the RS zones.

MOTION: Recommendation that the application for a use variance be denied and that the applicant apply for a zoning regulation amendment.

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

X. REPORT OF CHAIRMAN

XI. REPORT OF STAFF

Staff distributed an article from The Hartford Courant regarding mixed use developments in Simsbury, CT.

Roper received a letter from Town resident Chuck Stevens of Stony Hill Drive. Staff stated they talked to Mr. Stevens regarding the cell tower as he is an abutting neighbor. Staff explained to the Commission that Towns do not have

zoning authority with public service facilities such as cell phone towers, but that we do and will try to work with the siting council on matters of local concern.

XIII. ADJOURNMENT

Motion to adjourn at 11:50 p.m. Motion made by Pritchard, seconded by Steinfeld, so voted unanimously.

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Peter Roper, Acting Secretary  
Planning Commission

Prepared by Sheila Discordia, Office Assistant II