

MINUTES
PLANNING COMMISSION
SEPTEMBER 11, 2007 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

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

II. APPROVAL OF THE MINUTES of August 14, 2007

MOTION: To approve the minutes of August 14, 2007 as amended.

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

II. PUBLIC COMMUNICATIONS

Roper said that the public hearing on the Regional POCD will be held on October 15th at the SCCOG office in Norwich.

Roper stated that he received the SCCOG newsletter.

Roper said that next Monday is the Town's Citizenship Day.

Fitzgerald said that he attended a meeting of the Flanders Road Utility Extension Committee. The next meeting of the study committee is October 1st.

Staff distributed the final copy of the Hummingbird Hill ZBA referral to the Commission members.

Staff received the SCCOG newsletter.

Staff received a letter dated August 22, 2007 from Jerry Olsen regarding work that had been done at the former Orsini's on Long Hill Road.

Staff said the Town is proceeding with enforcement at the Azu restaurant. A site plan application is expected to be submitted soon.

Staff received a letter from Councilor O'Bierne, dated August 31, 2007, regarding the "MX" zone regulation amendment. A copy of this letter, also addressed to the Planning Commission, was distributed in the agenda packets.

Staff received notification from the State DEP for a general permit granted to Rodgers Yacht Sales, 145 Pearl Street, for the installation of a mooring.

Staff received a letter from Gary Winalski letter requesting the Planning Department to investigate the number of parking spaces at the Ledge Light Health District. Mr. Winalski believes that there is not enough parking to accommodate the health department's needs. He appears to have been issued an illegal parking citation at this site.

IV. SUBDIVISIONS

1. Porter Subdivision, 1560 North Road

MOTION: To release a bond for the Porter Subdivision, 1560 North Road.

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

2. Shepherd Subdivision, 305 Pequot Avenue

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

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

3. Woods Walk Subdivision Modification, Pleasant Valley Road North & Murphys Drive

Michael Kent, a partner, represented the applicant. Mr. Kent asked the Commission to waive the requirement to hold the final two building permits until the public improvements are completed. The road is ready to be paved, but they would like to eliminate the possibility of heavy trucks damaging the new curbs and road, and provide better erosion control while the last two buildings are under construction. The paving would be completed after the last heavy truck delivery. Eighty per cent of the sidewalk is complete, street lights are in and energized, and landscaping is completed. Sidewalks and curbs should be completed this week. A bond is still held by the Town.

MOTION: To approve the waiver of Section 5.4(1) of the Subdivision Regulations to release the two remaining building permits in the Woods Walk Subdivision, Pleasant Valley Road North.

The Commission notes that the applicant will not apply for Certificates of Occupancy for these lots until all of the public improvements have been completed and offered to the Town for acceptance.

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

V. PUBLIC HEARINGS

1. Mill Pond Estates Subdivision, 0 Gold Star Highway

The applicant requested to postpone the opening of the public hearing in order to properly complete the abutter notifications. The Commission rescheduled the opening of the public hearing to the next regular meeting on September 25, 2007.

VI. SUBDIVISIONS

1. Mill Pond Estates Subdivision 0 Gold Star Highway

The opening of the public hearing will be September 25, 2007.

VII. SITE PLANS

1. JJMA Realty LLC, 1280 Gold Star Highway

Clint Brown, DiCesare-Bentley Engineering, reviewed the proposed project to convert a former bank to a Dunkin' Donuts with a drive-thru, and a retail facility.

Mr. Brown distributed to the Commission a diagram showing the traffic flow on the site. Mr. Brown said circulation around the building will be essentially the same, except the drive-thru will be moved from the side of the building to the back. The relationship to the neighbors to the north was discussed. Although they are in a commercial zone, they are residential occupancies. The landscaping opposite the drive-thru will be increased with additional evergreen type plantings and a fence is proposed at the back from the drive-thru to the corner of the property. The applicant is willing to provide an 8 ft. fence. The new location of the menu board was reviewed. The hours of operation have been changed from 24 hours to 5 a.m. to midnight.

Mr. Brown said the hazardous materials management report erroneously stated that there would be no baking on the premises. There is one oven in the facility to bake bagels.

Mr. Brown detailed the drainage. The building has a modified hip-type roof with a with a drip-edge gutter system which allows water to drip off the edge to a stormwater collection system on the site as opposed to collecting the water and discharging it to a storm drain. The Town Regulations prohibit discharge to an impervious surface. The existing gutter system, which predates the regulation, will require modifications to the roof structure.

Staff distributed a floor plan, narrative on the hazardous materials, and additional information on the WRPD and how the applicant is compliant with the WRPD requirements. A permit was granted by the Inland Wetlands Agency to extend the sidewalk within the streambelt wetland. It is also a requirement of the WRPD that stormwater discharge will terminate within 100 ft. of the centerline of the watercourse.

Staff said the plan has been approved by Groton Utilities and Ledge Light Health District.

The WRPD requirements and the rooftop system were discussed in detail.

Signage, site lighting, and the location of dumpsters were explained. The truck approach to the loading dock was reviewed.

Stacking, the location of the order board and speaker, access to the site, site lighting, landscaping and additional vegetation were reviewed. The possibility of Planning Commission review of the traffic flow after approval was discussed, but staff does not see any way to implement that review.

MOTION: To approve a site plan for JJMA Realty, LLC, 1280 Gold Star Highway, subject to the following modifications:

1. Details of all new outdoor lighting shall be shown on the final site plans and approved by the Office of Planning and Development.
2. A note shall be provided on the final plan stating: "All exterior mechanical equipment shall provide spill containment for any associated hazardous materials".
3. The final plans shall show that the stormwater discharge from the roof is not being directed onto any impervious surface.
4. The order board details shall be reviewed and approved by the Office of Planning and Development Services and shown on the final plans.
5. The fence along the drive-through lane shall have a height of 8- feet.
6. A note shall be added to the final plans stating "The hours of operation shall be 5 am to midnight".
7. Technical items as raised by staff shall be addressed.

The Planning Commission notes that the 50-foot buffer between the developed portion of the site and the streambelt wetland may be varied in accordance with Section 6.12-4 C. of the Zoning Regulations due to the irregularity of the resource boundary and the need to construct a small portion of a 5-foot wide frontage sidewalk within this 50-foot buffer area. All other development within this area is existing and will not encroach further into this buffer area.

The Planning Commission notes that the headwall for the stormwater discharge is a pre-existing condition and the relocation of this structure in accordance with Section 6.12 C. 4. of the Zoning Regulations is impractical and would place the headwall within the existing parking lot.

Motion made by Sherrard, seconded by Steinfeld.

Motion passes 4 – 1, 1 opposed (Roper).

The Chairman called for a short recess and the meeting resumed at 8:50 p.m.

2. Lighthouse Point, Pleasant Valley Road North

MOTION: To grant a six month extension for start of construction to Lighthouse Point, Pleasant Valley Road North to March 26, 2008.

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

VIII. OLD BUSINESS

1. Zoning Commission referral for September 19, 2007 public hearing

Staff distributed a draft of comments collected from the previous Planning Commission meeting on August 14th. The functions of the Zoning Commission and the Planning Commission, the density of the project, the traffic impacts, safety, and access to the site were discussed. Staff stated that the Town has contracted with CDM to complete a review of the applicant's traffic study. The Commission concurred that they are concerned with the limited access to the site and added that comment to the referral.

MOTION: To make the following referral to the Zoning Commission:

1. The Planning Commission is very concerned by the proposed 211 units with only limited access and egress and urges the Zoning Commission to address this concern.
2. Traffic safety and maintaining existing levels of service should be assured. Improvements at the Flanders Road/Route 1 intersection should be required.
3. Sewer utility extension(s) and easement(s) into the site should be sized and installed to facilitate proper planning for future land development that may occur in the industrial zoned land to the north.
4. Setbacks and buffers should be reviewed carefully by the Zoning Commission to assure compatibility between residential product types in the area.
5. The project should promote an open space development pattern that creates a variety of exterior and interior common spaces to preserve meaningful open space with respect to groupings of buildings and recreation areas.
6. The project should be designed in a manner so as to be able to be easily converted to allow for ramp or level access to the units. At the site plan stage, the Planning Commission intends to review and consider all measures to assure the ability to construct the plan, i.e., proper construction administration, given the population to be served.

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

IX. NEW BUSINESS

1. Report of Commission

Roper distributed an article from the AARP Bulletin to staff entitled "Street Smart", which promotes proper design of streets to accommodate pedestrians and vehicular traffic.

Roper presented to staff some information from the Chamber of Commerce regarding businesses employing the sticker validation program for parking in Mystic.

Roper recently visited Pizzetta and discovered that they are not participating in the validation program. He thought they were participating in the program.

Roper and Steinford said they volunteered at the Tercentennial Legacy Park playground along with about 70 other volunteers.

2. Zoning Commission referral for October 3, 2007 public hearing

MOTION: To table the Zoning Commission referral for October 3, 2007 public hearing to the next regular Planning Commission meeting on September 25, 2007.

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

3. ZBA referral for September 26, 2007 public hearing

MOTION: To table the ZBA referral for September 26, 2007 to the next regular Planning Commission meeting on September 25, 2007.

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

The Commission asked for additional information to be included in the next agenda packet.

4. City of Groton referral for public hearing on September 18, 2007

Staff explained the referral. The Commission had no comment.

5. Town of Stonington referral for public hearing on October 2, 2007

Staff explained the referral. The Commission had no comment.

6. 2008 Planning Commission Meeting Schedule

The Planning Commission concurred to discuss the 2008 Planning Commission meeting schedule at the next regular meeting. The Commission will review the calendar with respect to meeting dates in July, August and November.

IX. REPORT OF CHAIRMAN

Sherrard said he heard that the MX proposal text had changed substantially from when the Planning Commission had reviewed it. The Commission discussed the Chair's September 5th correspondence to the Zoning Commission requesting withdrawal of the application after the Commission's correspondence supporting the application and suggesting editorial changes be made to improve the proposal. Sherrard said that he spoke with the Town Attorney about the procedures to approach the Zoning Commission regarding changes that impact the Planning Commission.

Discussion ensued on referrals to the Zoning Commission. Staff indicated that the legal test relative to change in an amendment proposal should focus on "substantive" change. In the case of the MX proposal the Town Attorney and staff felt changes are appropriate, necessary, and are within the scope of the original public notice.

X. REPORT OF STAFF

Staff distributed a copy of the RFQ for the regulation update to the Commission members. Applications will be received until September 15, 2007. A selection committee is being assembled. The Commission appointed Steinford to serve as a member of the selection committee.

Staff said the owners of the Azu restaurant are expected to submit a site plan application.

Staff distributed the CIP to the Commission members.

Staff will be providing the Commission with legal information on site plan reviews and the Commission's limited authority in this area.

Roper requested staff to report to the Commission on the status of the Town's economic development program. Staff noted that this is addressed in the OPDS monthly report, copies of which will go to the Planning Commission at the next meeting.

Staff reminded everyone that Monday is the Town's Citizenship Day.

XI. ADJOURNMENT

Motion to adjourn at 10:32 p.m. made by Roper, seconded by Pritchard, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Debra Gilot, Office Assistant II