

MINUTES
PLANNING COMMISSION
FEBRUARY 12, 2008 - 7:00 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Roper, Sherrard, Steinfeld
Alternate members present: Fitzgerald (left at 7:15 p.m.), Kane
Staff present: Davis, Glemboski, Murphy, Silsby

Chairman Sherrard opened the meeting with roll call at 7:02 p.m. He appointed Kane to sit for Pritchard and appointed Roper to sit as Secretary.

II. APPROVAL OF THE MINUTES of the meeting of January 22, 2008

MOTION: To approve the minutes of January 22, 2008 as written.

Kane noted that he was not at the January 22, 2008 meeting and would abstain.

Motion made by Steinfeld, seconded by Roper, so voted 4 in favor, 1 abstention (Kane).

MOTION: To approve the minutes of January 29, 2008 as amended.

Kane noted that he should be listed as an alternate member, not a regular member.

Reference was made to the second paragraph beginning with the words "Mark Oefinger" where the Town Manager speaks about the CIP budget. Some members had concerns about the monetary figure brought up by the Town Manager and discussion ensued. It was determined that the word "substantially" would be inserted before the word "cut", on line two of the second paragraph that begins with the word "Mark Oefinger".

Referring to the 6th paragraph Section 1.E. relating to Bridge reconstruction, it was determined that the word "widening" should be replaced with the word "extending the span of" in the 4th line down, and the word "could" should be replaced with the word "would", in the 5th line down.

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

III. PUBLIC COMMUNICATIONS

Fitzgerald stated that the final report of the Flanders Road Utility Extension Committee has been received. He gave a brief synopsis of the report and noted that this item would now go to the Town Council for review and action. He stated that this would be his last meeting until he returns from Florida in April. He left the meeting at 7:15 p.m.

IV. SUBDIVISIONS

1. Mill Pond Estates Subdivision, 0 Gold Star Highway – Request for extension for filing of mylars

MOTION: To grant a 90 day extension to Mill Pond Estates Subdivision, 0 Gold Star Highway, for recording of mylars.

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

2. Leonard Drive Subdivision, Leonard Drive – Request for bond reduction

A draft motion with conditions was distributed to members for review and the issue of stockpiles was referred to, in regards to having a mechanism in place to see that this stockpile is dealt with properly. Discussion ensued on the amount of the bond remaining.

MOTION: To approve a reduction of the bond for the Leonard Drive Subdivision to \$49,000 effective upon acceptance of the road and public improvements by the Town and subject to the following condition:

CONDITION:

If the material stockpiles and other construction materials associated with the subdivision are not removed from the site within one year of the date of Town acceptance of the road and other public improvements, the Town shall not release the one year maintenance surety until and unless the owner has provided a replacement surety in an amount and form deemed sufficient by the Director of OPDS to secure removal of the materials, OR until the owner has secured any and all Town approvals necessary to permit the continued storage use, processing and/or sale of such material from any portion of the subdivision.

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

V. PUBLIC HEARING

1. Leonard Drive Resubdivision, 245-250 Leonard Drive (CAM) – 3 lots

Roper read the legal notice in its entirety and Chairman Sherrard read the public hearing procedure.

Robert Schuch, a professional engineer with Boundaries, LLC. gave a presentation about re-subdividing two previously approved lots. He introduced Christopher McLaughlin and Gary Gileau of Terra Firma Enterprises, LLC. He referred to elevation, crosshatched shading, utilities, stockpiles, and sewer easements. He noted that this property is in the Enterprise Zone. Mr. Schuch noted that the zoning regulations have changed since the original subdivision was approved. He explained that this request would provide more opportunity for economic growth. Exhibits were submitted.

Staff stated that the subdivision design will make three lots out of two. Drainage, parking, stockpiles, and the reduction of the bond were noted. They

stated that subdivision approval had been approved prior to the “in lieu of” revision not yet having been accepted. Staff noted that they had no issues with the Coastal Area Management (CAM).

The issue of a “fee in lieu of open space” was discussed. Some members explained why they were in agreement with the “waiver of fees”, in this particular situation. Discussion followed about the lot numbers.

Chairman Sherrard asked for public comment and there was none.

Staff spoke about the requirements for moving the stockpile. They referred to fair market values and the “fee in lieu of open space”.

Discussion followed about the bond and stockpiles.

Christopher McLaughlin gave information about his plans for the existing stockpile on site.

MOTION: To close the public hearing on Leonard Drive Resubdivision, 245-250 Leonard Drive.

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

The public hearing closed at 8:33 p.m. The meeting recessed at 8:33 p.m. and reconvened at 8:38 p.m.

VI. SUBDIVISIONS

1. Leonard Drive Resubdivision, 245-250 Leonard Drive (CAM)

Staff distributed a draft motion and the Commission took a few minutes to read the motion.

MOTION: To approve a waiver to Section 4.9 of the Subdivision Regulations and to not require a reservation of land for public parks, playgrounds and natural open space and to not require a fee in-lieu of the reservation and dedication of such land. The Commission finds that:

1. The application is a resubdivision of a portion of a 14-lot industrial subdivision approved in March 2005. At the time of the 2005 subdivision approval, the Planning Commission did not require a reservation or dedication of land for any public park, playground or open space. There is no existing open space located adjacent to the subject property and the Plan of Conservation and Development does not show any desirable future open space or trails within the area.
2. There have been no material changes in circumstances or conditions in this area since the March 2005 approval which would justify an open space exaction.

3. The ability to require the payment of a fee in lieu of any reservation or dedication of open space (Section 4.9 (5)) was added to the Subdivision Regulations in November of 2005. Requiring a fee for open space in this circumstance would be in direct contradiction to the Town's 2002 Plan of Conservation and Development, the Town's 2006 Strategic Economic Development Plan, and the Town's substantial investment in this Enterprise Zone area.
4. The conditions upon which the request for the waiver are based are unique to the resubdivision of this industrially zoned property.
5. The lots subject to the resubdivision are surrounded by industrial land and the granting of the waiver will not be detrimental to public safety, health, or welfare or have a significant adverse impact on other adjacent property.
6. The waiver is not in conflict with the provisions of the Zoning Regulations, or the Plan of Conservation and Development, and conforms to the criteria specified in Section 1.10 of the Subdivision Regulations.

Deleted: Currently, the public improvements for the 14-lot industrial subdivision are complete and the fair market value of the land subject to resubdivision is significantly higher than land without such improvements.

Discussion ensued about the wording in Item 4. It was decided that the following language would be deleted from Item 4, "and are not generally applicable to subdivisions of undeveloped residentially zoned land".

MOTION: To amend the preamble paragraph to read as follows, "To approve a waiver to Section 4.9 of the subdivision regulations and to not require a reservation of land for public parks, playgrounds, and natural open space, and instead to require a fee in lieu of the reservation and dedication of such land based on the predetermined value of lots 7 and 7a only".

Discussion followed about a fee in lieu of open space and how that fee would be determined.

Motion on the amendment made by Munn, seconded by Kane, so voted 2 in favor, 3 opposed (Roper, Sherrard, Steinfeld). **MOTION FAILED.**

Waiver motion made by Sherrard, seconded by Steinfeld, so voted 4 in favor, 1 opposed (Kane). **MOTION CARRIED.**

MOTION: To approve a subdivision plan for Leonard Drive Resubdivision, 245 and 250 Leonard Drive, with the following modifications:

1. A note shall be provided on the final plans stating "The current owner (Terra Firma) shall be responsible for the complete removal and/or lawful disposition of existing material stockpile(s) and construction materials associated with the original subdivision. Prior to release of the endorsed re-subdivision mylar for recording on the Town of Groton

Deleted: <#>A note shall be provided on the final plans stating "Prior to the issuance of a building permit for Lot 7 or 7A the applicant shall obtain all necessary Town agency approvals for the relocation of the existing stock pile that is currently on Lot 7. ¶

Land Records, Terra Firma shall make any and all applications to the Town of Groton necessary to accomplish said removal and/or lawful disposition. If such approvals have not been issued WITHIN ONE YEAR OF THE DATE OF ACCEPTANCE OF THE ROAD AND PUBLIC IMPROVEMENTS BY THE TOWN, the Planning Commission or its agent may require Terra Firma to provide sufficient cash surety to secure removal of the material stockpiles and construction materials in accordance with the original subdivision approval, including if necessary retaining in whole or in part, any remaining surety posted for the original Leonard Drive subdivision.”

2. All staff technical items shall be addressed.

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

MOTION: To approve the Coastal Area Management application for the Leonard Drive Resubdivision, 245 & 250 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 Roper, so voted unanimously.

VII. SITE PLANS

1. Aquarion Pequot Avenue Station Sidewalk Agreement

Staff referred to the GIS map and stated that Aquarion has agreed to pursue the sidewalk installation due to a change in conditions. Background information was given. It was suggested to add that details are to be worked out by the Director of Planning.

MOTION: To activate the sidewalk agreement with Aquarion Water Company dated November 29, 2006, to install a 5 foot wide concrete sidewalk on the west side of Allyn Street. Said installation is to be completed by October 1, 2008. Details to be worked out by the Director of Planning.

Discussion followed about the nearby daycare center as well as other developments on Allyn Street. The proposed location and length of the sidewalk was discussed.

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

2. Fort Hill Citgo Convenience Store, 180 Fort Hill Road – Request for extension

Staff explained the need for the extension, which would allow the Planning Department to get additional plan revisions from the engineer.

MOTION: To grant a 30-day extension until March 22, 2008

Motion made by Kane, seconded by Roper, so voted unanimously

3. Groton Shoppers Mart Additional Restaurant Space and Shared Parking, 915-1011 Poquonnock Road.

Kyle Haubert of CLA Engineers applied to convert retail space to restaurant space. He referred to the proposed locations for Chester's Barbeque and Taco Del Mar, dumpster areas, and an extra handicapped space. He explained the need for 10-15 shared parking spaces.

Staff gave the history of the parking situation at the Big Y plaza and referred to a special permit that allowed for a 10% reduction for the entire shopping center. They referred to the rear main entrance, the grease trap, a dumpster, and handicapped parking areas. The location of signage was raised. A suggestion was made that employees should park in the rear of the building.

Discussion ensued about current parking, sidewalks, traffic flow, and pedestrian markings.

Mr. Haubert noted that Taco Del Mar would not have a drive-up window and there are currently no plans to have a designated "pick-up" parking area.

MOTION: To table the discussion regarding the Groton Shoppers Mart to a later point in the meeting, in order to open the Public Hearing scheduled for 7:45 p.m.

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

4. Groton Shoppers Mart Additional Restaurant Space and Shared Parking, 915-1011 Poquonnock Road.

Mr. Haubert of CLA Engineers referred to the required parking count and requested 15 shared parking spaces to allow for a buffer.

Discussion followed about the length of time that comments can be submitted in regards to this parking lot.

There were concerns about the lack of stop signs. Staff explained the procedure that would be followed and monitored, and spoke about speed humps. Density and marked crosswalks were discussed.

Mr. Haubert noted that two other spaces in the Starbuck's building would be utilized as retail.

MOTION: To approve a Site Plan Modification for Groton Shoppers Mart – 915-1011 Poquonnock Road, Additional Restaurant Space, Route 1, with the following modifications:

1. A minimum 1000-gallon grease trap shall be installed for each restaurant within the Grant Realty Holdings I, LLC building.
2. A note shall be placed on the plans stating "There shall be no outdoor storage of grease for the restaurants and all trash and recyclables shall be placed within the trash enclosures."
3. All new trash enclosures shall be on concrete pads and shall be operational prior to any Certificates of Occupancy for the restaurants.
4. All staff technical items shall be addressed.

The Planning Commission finds that the site meets the requirements for Shared Parking under Section 7.2-6 of the Zoning Regulations and will allow 15 shared parking spaces. This commercial site has a mix of land uses with different operating hours and peak demands for parking therefore allowing utilization of the same parking spaces. In addition, where the uses in the center have similar operating hours, they may be geared toward the same users, thus reducing the demand for the parking spaces.

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

OLD BUSINESS

Due to the inclement weather, Chairman Sherrard recommended to table the Zoning Commission referral for the March 5, 2008 public hearing and the Review of Planning By-laws until the next meeting.

MOTION: To table the Zoning Commission Referral for the March 5, 2008 public hearing and the Review of Planning By-laws until the next meeting.

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

VIII. NEW BUSINESS

1. Report of Commission

Roper distributed an article and stated that he would give his report regarding the trails at the next meeting.

Kane gave a report on the Thames Street Redevelopment Meeting that he attended. He referred to a newspaper article from a company at Avery Point Pharm Life, a pharmaceutical company looking to relocate.

Discussion ensued about available space in Groton.

Munn reported on the Charter Revision Commission (CRC) and welcomed ideas from members.

Chairman Sherrard reported on two school tours he attended.

2. New applications

Chairman Sherrard stated that a new application has been received.

IX. REPORT OF CHAIRMAN

Chairman Sherrard stated that he would be on travel at the end of February but would be back for the March meeting. He noted that Fitzgerald would also be away, as previously stated.

X. REPORT OF STAFF

Staff distributed a document regarding the real estate signs referral. Staff referred to Noank regulations and spoke about Planning Commission By-laws. They referred to the Flanders Road Committee Report. Discussion ensued about where this project would extend to.

XI. ADJOURNMENT

Motion to adjourn at 9:29 p.m. made by Roper, seconded by Kane, so voted unanimously.

Peter Roper, Acting Secretary
Planning Commission

Prepared by Robin M. Silsby, Office Assistant II