

MINUTES
PLANNING COMMISSION
FEBRUARY 26, 2008 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Steinfeld
Alternate members present: Kane
Staff present: Davis, Glemboski, Murphy, Gilot

Acting Chairman Pritchard opened the meeting with roll call at 7:04 p.m., seated Kane for Sherrard and appointed Roper as Acting Secretary.

II. PUBLIC COMMUNICATIONS - None

III. SUBDIVISIONS

1. Mystic Business Park Subdivision, Flanders Road & 1085 Noank-Ledyard Road – Request for extension for recording of mylars

MOTION: To grant a 90 extension to Mystic Business Park Subdivision, Flanders Road & 1085 Noank-Ledyard Road, for recording of mylars.

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

2. Emerald Estates Subdivision Modification, Patricks Court

David Reagan, Tier One Development, explained the request for a modification of the requirement to hold the last two building permits until the public improvements are completed. Mr. Reagan said the last two aprons will be built after construction of the last two houses so that they are not damaged during the construction.

MOTION: To approve the waiver of Section 5.4(1) of the Subdivision Regulations to release the two remaining building permits in the Emerald Estates Subdivision, Lambtown Road.

The Commission notes that the remaining public improvements include the construction of two concrete driveway aprons and that the applicant will not obtain a Certificate of Occupancy for these lots until the aprons have been installed.

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

IV. SITE PLANS

1. Fort Hill Citgo Convenience Store, 180 Fort Hill Road

MOTION: To table the Fort Hill Citgo Convenience Store, 180 Fort Hill Road, to the next regular meeting on March 11, 2008.

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

2. B & W Paving, 215 Flanders Road

Tom Collier, attorney, represented B & W Paving. Ken Petrini, DiCesare Bentley Engineering, presented the proposal for a modification to the site plan approved in 2005. Mr. Petrini explained the current status of the site and the proposed changes, which include moving the existing storage bins to a paved area to the north. The original site plan required 20 parking spaces for the retail use and equipment storage shed. The modifications will require an additional 29 spaces. Mr. Petrini detailed the proposed parking spaces. The applicants are asking the Commission to allow a gravel surface for a ten-space overflow parking area due to its seasonal use and proximity to the wetlands. Concrete frontage sidewalks on the eastern side of Flanders Road will be built by the applicant. The applicant also asked the Commission to modify the requirements for concrete internal sidewalks to allow one area to have a bituminous internal sidewalk. Mr. Petrini explained the proposed lighting. The drainage will remain the same, and stormwater management was explained. The grading, erosion control, and landscaping, including islands and new trees, were detailed. A hazardous materials report has been updated. The storage of hazardous materials onsite is in the basement of the building. A one inch lip will be put at the entrance of that basement, providing for up to 900 gallons of spill containment.

Staff said the final Certificate of Site Plan Compliance was never granted for the original project. An Inland Wetlands permit was granted. The Inland Wetlands Agency reviewed the requested modification and decided no additional permit was necessary. Staff reviewed outside agency comments.

Staff reviewed the frontage sidewalks for the project. Sidewalks will be built on the opposite side of the property to infill existing areas on both sides of the Mystic Weigh entrance. Staff explained the internal sidewalks, parking areas and proposed changes. Hazardous materials or chemicals for the retail display or storage must remain inside the building. The basement is dedicated to storage use and a garage door is provided in the rear for access. Due to current design and environmental issues with the accessway to the storage area, the applicant has currently removed that driveway from the plans. Staff said the access to and offloading of product to the storage area still needs to be addressed.

Staff explained the parking in front of the storage bins, including the handicap spaces.

The lighting was discussed. Staff has suggested the use of cut-off fixtures rather than the spotlights as proposed by the applicant. It was agreed that the applicant will work with staff to design a lighting plan that is acceptable and provides some lighting in the southern parking area.

Vehicular access to and loading from the bins for the gravel, mulch, topsoil, etc. were described.

The dumpster location was reviewed. Storage of hazardous materials, the spill control plan, business hours and signage were discussed.

Minimal access to the basement storage area, the unlikely chance of flooding in the basement and the building elevation were also discussed.

MOTION: To approve a site plan for Prestige Park (B & W Paving), 215 Flanders Road, with the following modifications:

1. A 20-foot curb radius shall be provided at the northern driveway entrance.
2. A barricade shall be installed in the southern area to prohibit vehicular access to the basement/storage area to the rear of the building. The design shall be approved by the Director of Planning and Development and shown on the final site plan. A note shall be provided on the plan stating "There shall be no vehicular access to this storage area. Any future vehicular access to this area or other plan modifications shall require review and approval by the Planning Commission or its agent."
3. The 5-foot concrete sidewalk on the east side of Flanders Road shall be constructed prior to the issuance of any Certificate of Site Plan Compliance.
4. A note shall be placed on the plans stating "Public water shall be installed and in operation prior to the issuance of a Certificate of Occupancy or a Certificate of Site Plan Compliance."
5. All building and other site lighting details shall be provided on the final plans and approved by the Director of Planning and Development.
6. The handicapped space in front of the bins shall be protected by a landscaped island, bollards, or some other means, as approved by the Director of Planning and Development and shown on the final plans.
7. A note shall be provided on the final plan stating "The 50-foot upland review boundary shall be reestablished in the field prior to any work on the western slope in the northern portion of the site. The new slope shall not be steeper than 2:1 unless additional review and approvals are obtained from the Office of Planning and Development and all appropriate agencies."
8. All notes shall be clarified on the plan to be consistent with the following: "No hazardous materials, including but not limited to, chemicals, pesticides, herbicides, fertilizers, etc., shall be stored or displayed outside in any area of the site or

on any pervious surface. These materials shall be stored and displayed only within the building on an impervious surface and where there are no floor drains. These materials shall also not be stored or displayed within the greenhouse or any other outside covered area. Storage areas shall provide means of containment for any spills”.

9. A Hazardous Materials Manual shall be created which includes the Spill Control Plan, the Best Management Practices Manual, and a map that shows the areas where hazardous materials storage and display is allowed onsite. The final document shall be approved by the Office of Planning and Development prior to the issuance of a Certificate of Site Plan Compliance. The Manual shall be distributed to all employees and shall be kept on site in an accessible location.
10. The Cease and Desist order issued by the Office of Planning and Development on June 26, 2007 for 215 Flanders Road shall remain in effect until a Certificate of Site Plan Compliance is issued for this property.
11. All staff technical items shall be addressed.

The Planning Commission finds that the use of an alternative surface and the marking of the parking spaces with wheel stops is acceptable for the northern parking area and meets the intent of Sections 7.2-12 and 7.2-13 of the Zoning Regulations. It is anticipated that this parking lot will not be used on a regular basis and that the pervious surface will help to protect the adjacent sensitive resources on the site.

The Planning Commission notes that it is allowing a bituminous sidewalk for the interior walkway at the central portion of the site in accordance with Section 7.5-5 of the Zoning Regulations.

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

V. OLD BUSINESS

1. City of Groton referral for POCD update for public hearing on March 18, 2008

Staff discussed some of their concerns and their comments on the draft City POCD. The Commission discussed various items, and asked staff to include this referral on the agenda for the March 11, 2008 meeting.

2. Zoning Commission referrals for March 5, 2008 public hearings
Special Permit #300, Winding Hollow Road, Cecil Rhodes, Applicant

Staff explained that the special permit application resulted from enforcement and that the request is to approve the illegal fill after the fact. Staff discussed the original Fleet Bank Subdivision, of which this is a parcel. The proposal for fill, impacts of the illegal fill on the septic system area and Ledge Light Health District's concerns were discussed. The possibility of a sewer line from the Winding Hollow condominium complex was discussed. Staff said that the applicant has almost complied with the requirements of the wetlands enforcement. The Commission was in agreement with the five comments made by staff, dated February 26, 2008.

MOTION: To send the following comment to the Zoning Commission:

Approval of the fill should not in any way adversely affect the ability to develop the property in accordance with the original subdivision approval and its current zoning.

Motion made by Pritchard, seconded by Steinfeld. Motion is carried unanimously.

Proposed Zoning Regulation Amendment to Section 7.3-5 (A) (2), Signs Permitted in All Districts, Eastern CT Association of Realtors, Inc., Applicant

Staff explained the referral.

MOTION: The Town of Groton Planning Commission makes the following advisory recommendations to the Zoning Commission regarding the proposed regulation amendment by the Realtors to allow offsite "open house" directional signs:

1. The 2002 POCD does not appear to contain any specific support for this proposal.
2. The Commission should give careful consideration to any constitutional issues, particularly the potential for disparate treatment claims by other similarly situated parties.
3. The Commission should consider how the proposal might impact the community's character, including but not limited to impacts on scenic roads, coastal environments, commercial areas and historic districts.

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

4. Review of Planning Commission By-laws

It was the consensus of the Commission to submit ideas in writing to staff before the next meeting and staff will compile these comments for discussion at a future meeting.

VI. NEW BUSINESS

1. Report of Commission

Roper said he attended the Mystic Cooperative Task Group meeting yesterday. The multi-modal traffic study was discussed. Roper said a CD of the study is available. Staff had been working with Stonington to maintain the funding for the multi-modal traffic study. Bill Haase, the Stonington planner and the First Selectman of Stonington attended the meeting and expressed interest in working with the group.

Roper provided staff with a news article on mass transit.

2. Zoning Board of Appeals referrals for March 12, 2008 public hearings

ZBA#08-01 – 415 Noank Road, Sharon Grube, Owner

Staff explained the referral. The Commission had no comment.

ZBA#08-02 – 12, 14 & 16 Godfrey Street, Elaine Cole, Applicant, Mystic River Residential Care, Inc., Owner

Staff explained the referral. The request is for an expansion and alteration of a nonconforming use and building, and to exceed lot coverage standards.

Discussion of the referral was tabled to the next meeting on March 11, 2008.

VII. REPORT OF CHAIRMAN - None

VIII. REPORT OF STAFF

Staff updated the Commission on the streetscape project; the plan should be complete this summer.

Staff said the Thomas Road bikeway project is progressing.

The most recent Candy Lane Subdivision application court case is being withdrawn or eliminated.

The Planning Department is interviewing for a new secretary to fill a vacant Building Inspection clerical position and will be interviewing soon to fill the vacant building inspector position.

The Flanders Road Utilities Extension Committee report is available for review at the Planning Department. Staff made a presentation to the Committee of the Whole tonight. The Council will consider a resolution to accept the report on 3/4/08. Staff said they would look into having the report put on the Town website.

The Commission asked staff to add Councilor O'Beirne's legislative proposal from the Town Council Agenda Report for 2/19/08 COW Special Meeting to the next meeting's agenda, for Commission discussion.

IX. ADJOURNMENT

Motion to adjourn at 9:58 p.m. made by Roper, seconded by Munn, so voted unanimously.

Peter Roper, Acting Secretary
Planning Commission

Prepared by Debra Gilot, Office Assistant II