

PLANNING COMMISSION  
JANUARY 9, 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: Cullen, Davis, Glemboski, Murphy, Stanowicz

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

II. ELECTION OF OFFICERS

MOTION: To elect Sherrard as Chairman of the Planning Commission for 2007.

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

MOTION: To elect Steinfeld as Secretary of the Planning Commission for 2007.

Motion made by Roper, seconded by Munn.

Steinfeld declined the nomination as Secretary.

MOTION: To elect Pritchard as Secretary of the Planning Commission for 2007.

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

III. PUBLIC HEARINGS

1. Montali Subdivision, 77 Candlewood Road (2 lots) – Continued

Mike Scanlon L.S., DiCesare-Bentley Engineering, represented the applicant, Joanne Montali. Mr. Scanlon reviewed the application for a two lot subdivision. The only outstanding issue was the submission of an appraisal for the fee in lieu of open space. Mr. Scanlon said an appraisal for \$135,000 has now been submitted to the Planning Department and approved by the Town Assessor. The applicant is willing to pay the fee in lieu of open space. The applicant is requesting waivers for underground utilities, street lighting, street trees and sidewalks (based on the Inland Wetlands Agency's decision).

Staff reviewed the outstanding items and waivers requested. A waiver of underground utilities is requested for the two existing houses on Lot 1 from pole GW&E 128-1. The utilities to Lot 2 will be underground. Another waiver is requested to allow construction of a new residence on Lot 1 before the completion of public improvements. The project will still need to be bonded, but the applicant can obtain the building permit prior to completing the public improvements. A waiver is also requested for frontage sidewalks. The Town Engineer did not

endorse frontage sidewalks as there are no existing sidewalks adjacent to the site, and the Inland Wetlands Agency did not approve sidewalks within the upland review area. If the Commission was to require sidewalks, it would be for a very small area to the east. Staff noted that the septic system that is shown on the plans for the house at 77 Candlewood Road will not be built at this time. Ledge Light Health District does not require the applicant to remove the existing septic system until such time as it does not operate properly. The location for a code compliant septic system for Lot 1 north of the house is in a regulated area; the Inland Wetlands Agency did not permit for this location. A note is put on the plans for a separate water line to serve 79 Candlewood and the new house; that line has to go past the existing septic system, and a ten foot separation is required between the septic system and water line, so that system should be field-verified for the exact location prior to work being done.

Munn asked if there would be a technical problem with providing the underground utilities. Mr. Scanlon said the existing overhead utilities are over the existing septic; placing those utilities underground may have an adverse impact on the existing septic, so the applicant would like the Commission to allow overhead utilities from the street to the first pole. The leaching system is also in that area, and trenching for underground utilities would be limited. Munn asked if the Inland Wetlands Agency did not consider or did not approve the septic system on Lot 1. Staff said the Inland Wetlands Agency did not consider it. Steinfeld asked if the existing septic system fails, would the applicants have to get a permit. Staff said an area has been identified on the site for a new septic system in the event of a failure of the existing system. The location would have to be permitted by the Inland Wetlands Agency. This is the only logical place on that site that it could be approved. Kane said he is also concerned with the septic system. Mr. Scanlon said that there are other areas on the property which could be pumped uphill, but this location is a health-code compliant area that can accommodate the septic system. The Inland Wetlands Agency issued a permit stating that there will be no activity within 50 ft. of the wetlands. This area is beyond the 50 ft. area. Kane asked if this area has been perc-tested. Mr. Scanlon said yes. Pritchard asked if there are any adjacent sidewalks on Candlewood Road. Staff said there are not. Staff said this area is in the Plan of Conservation and Development as a neighbor enhancement infill for sidewalks, but The Town Engineer said it would have to be a Town project to put the sidewalk system in and rework Candlewood Road.

Roper said he would like to see an area for children to wait for a school bus in the driveway, not on the road. Roper would also like to see underground utilities. Roper asked about the waiver for street trees. Mr. Scanlon said that street trees are clustered to accommodate the land. Steinfeld said he agrees with leaving the utilities overhead to the pole and then underground from that point. Steinfeld said he is concerned about the septic system for the first house, but he doesn't think the subdivision would make the situation any worse than it is now.

Fitzgerald asked for a review of the proposed street trees. Mr. Scanlon proposed three street trees, clustered rather than linear, based on the frontage and the location of the driveway. There would be the correct number of trees, but they would not be placed every 50 ft. Sherrard said he would prefer underground utilities from the existing pole to all 3 lots.

Staff said the plans show a 25 ft. easement for the utilities; it is not being used but it is marked on the plans. The applicant will sign an easement document agreeing that if any work is done, additional review will be needed.

MOTION: To close the public hearing for the Montali Subdivision.

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

III. APPROVAL OF THE MINUTES of November 29, 2006 and December 12, 2006

MOTION: To approve the minutes of November 29, 2006 as amended.

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

MOTION: To approve the minutes of December 12, 2006 as amended.

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

The meeting was moved to CR-1 at 7:19 p.m.

IV. PUBLIC COMMUNICATIONS

Roper received a letter and several citizen concerns regarding the proposed Wal-Mart project. Discussion to be deferred to Item II, Konover site plan.

Roper distributed to the Commission the *Thames River Partnership* quarterly agenda and minutes from their last meeting.

Roper will be attending a meeting tomorrow with the Sierra Club to meet with legislators in Hartford, seeking support for mass transit, bikeways, etc.

Chairman Sherrard addressed the audience to explain that public hearings are not required for site plans and asked the audience to hold public comments on the Wal-Mart project until after the presentation by the applicant. He explained that after this meeting the proposed Wal-Mart application would be continued.

The following Groton residents presented petitions of intervention for the Wal-Mart project:

Raymond Belval, 100 King's Highway

Claude LaManque, 465 Toll Gate Road

Larry Croxton, 35 Knoll Drive

Peggy Burdo, 434 Gold Star Highway

Kathy Ross, 580 Toll Gate Road

Copies of the petitions were provided to the applicants.

V. SUBDIVISIONS

1. Montali Subdivision, 77 Candlewood Road (2 lots)

MOTION: To approve the waiver to Section 4.8 of the Subdivision Regulations to allow the existing overhead utilities to remain from the street to pole GW&E 128-1. The Commission finds that:

1. Allowing the overhead utility line to remain to pole GW&E 128-1 will limit the amount of disturbance within the area of the existing sewage disposal system along the front of the property, and
2. The waiver conforms to the criteria specified in Section 1.10 of the Subdivision Regulations.

Motion made by Pritchard, seconded by Steinfeld. Motion passes 4 – 1, 1 opposed (Roper). Roper opposed because he feels the utilities should be underground.

MOTION: To approve the waiver to Section 5.4 (1) of the Subdivision Regulations to allow the construction of a new residence on the building lot prior to the completion of all public improvements and offered for acceptance by the Town. The Commission finds that:

1. The subdivision is creating only one new building lot and the public improvements are minimal, and;
2. The waiver conforms to the criteria specified in Section 1.10 of the Subdivision Regulations.

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

MOTION: To approve the Montali Subdivision (two lots), 77 & 79 Candlewood Road, with the following modifications:

1. In accordance with Section 4.9(5), a payment in lieu of open space of \$13,500, the equivalent of 10% of the fair market value of the land prior to the subdivision, shall be made prior to the recording of the plans.
2. The new 25'-wide unobstructed access and utility easement for Lot 2 shall contain language that specifies that additional

approvals may be necessary from the Town of Groton for development of an access or installation of utilities within this area.

3. All final easement documents shall be provided to the Town prior to recording of the plans in land records.
4. A note shall be placed on the plans stating “Additional Town of Groton review and approvals may be necessary if the installation of the new underground utilities interferes with the operation of the existing septic system for 77 Candlewood Road.”
5. Technical Items raised by staff shall be addressed.

The Planning Commission notes that it is not requiring a sidewalk on Candlewood Road due to the location of the existing wetlands to the east of the driveway and that there are no sidewalks immediately adjacent to this site.

The Planning Commission notes that this plan is consistent with the objectives of the Water Resource Protection District and includes all best management practices and measures to preserve the storm water quality generated from the site.

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

2. Neff Hespeler Subdivision, 1211 Flanders Road (3 lots)

Staff explained that the applicant could not appear tonight. The applicant has agreed to sign a legal instrument assuring that the lots will be transferred to her daughter for no consideration and to remain in her daughter’s ownership for a period of not less than 5 years. Staff said that a note will be added to the plan that no salt will be used and there will be no underground fuel tanks, as required in the WRPD. Also, as requested by the Fire Marshal, an overhead clearance of 14 ft. shall be maintained over the driveways. The only other outstanding issue is the requested waiver of underground utilities.

Steinford asked for clarification of the open space. Staff stated that the fee in lieu of open space, per lot, is \$7,353.00. There will be a note on the subdivision plans that if the property transfers outside of the family within five years, the fee is payable to the Town. Roper asked if a precedent is set allowing subdivisions to do this. Staff said this exemption is in the statutes and no precedent is being set. Staff said it is simpler to not obtain the fee up front and then have to refund the money.

Roper said the only reasons the applicant stated for waiver of the overhead utilities was the age of the utilities and the expense.

Munn asked if the statute specifies five years for a transfer. Staff said the statute specifies relationships, but not the time period, but the Town Attorney agreed with five years. Munn said that if the statute doesn’t provide for the time

period, the Commission should provide that in the Town's regulations. Staff agrees and suggests an amendment to the Regulations would be prudent. Sherrard recommended ten years as opposed to five years. Pritchard asked if the intent of the statute is that if it was transferred outside of the family, then the fee would be due. Staff noted that the statute is silent, so therefore in theory a transfer could occur immediately, and in fact the exemption statute has been abused. Munn asked how long subdivisions are kept in the Planning Department's records. Staff said that the department is required to keep all applications for five years, but the land records are kept in perpetuity.

MOTION: To approve the waiver to allow the existing overhead utilities per Section 1.10 of the Subdivision Regulations.

1. The Commission finds that the waiver is not inconsistent with the Plan of Conservation and Development.

Motion made by Sherrard, seconded by Pritchard. Motion fails, 0 – 5, 5 opposed (Pritchard, Roper, Sherrard, Steinfeld, Munn).

MOTION: To approve The Neff Hespeler Subdivision (three lots), 1211 Flanders Road, with the following modifications:

1. No salt or underground fuel tanks will be allowed as the site is within the Water Resource Protection District.
2. A note shall be placed on the plan to reflect that the transfer of all three lots was to an exemptible party, for no consideration and that any transfer outside of the family until a ten year period from the date of approval will be subject to a payment in lieu of open space fee of \$7,353.00 per lot. The above referenced conditions, as agreed upon by the applicant, shall be placed in a legal binding instrument, approved by the Town Attorney and the Director of the Office of Planning and Development Services and filed in the Town of Groton Land Records.
3. An overhead clearance of 14' shall be maintained over the driveways as required by the fire department.
4. A conservation easement will be placed in the area on the plan marked as open space. Labels and details shall reflect this change.
5. Technical Items raised by staff shall be addressed.

The Planning Commission notes that it is not requiring a sidewalk on Flanders Road due to the site not being within the priority area for sidewalks in the 2002 Plan of Conservation and Development and there are no sidewalks in the area.

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

3. Groton Highpoint Subdivision, 245 Hazelnut Hill Road

MOTION: To approve a 90 day extension for recording of plans for the Groton Highpoint Subdivision, 245 Hazelnut Hill Road.

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

4. The Cedars at Godfrey Road, 120 Godfrey Road

Staff said the plans for this subdivision are stamped and signed, and they are waiting for the bond to be delivered in a few days.

MOTION: To approve a 90 day extension for recording of plans for the Cedars at Godfrey Road, 120 Godfrey Road.

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

VI. SITE PLANS

1. Luther Fence, 145 Leonard Drive (CAM)

Frank Magnotta, consulting engineer, represented the applicant, Jon Luther of Luther Fence. Mr. Magnotta described the location in the Leonard Drive Subdivision. The application is for a 12,000 s.f. industrial building to house Mr. Luther's fence company and some leased space. Material storage at the rear of the property was described. There are 31 parking spaces, as required. Landscaping and stormwater drainage were reviewed. The site is flat with no trees on the lot.

Staff stated that the stormwater issues have been resolved. The only outstanding item is the Fire Marshal's request for a separate water line for sprinklers. All the uses are allowed in IA-40, there are no wetlands or upland review areas, and the site is not in a flood plain.

Fitzgerald asked if there are sidewalks. Mr. Magnotta said there are existing frontage sidewalks at the site. Steinford asked what type of materials would be stored, and if any of them are considered hazardous. Mr. Luther, owner of Luther Fence, said that he would be storing fencing, and they will be leasing some office space and commercial bays. The leases for the office space and commercial bays specifically do not allow hazardous materials allowed on the site. The bays are proposed as "warehouse" and individual tenants will require additional zoning approvals.

Roper asked if the office / retail space would be in the front of the building. Mr. Luther said his business will be in the front on the right side, and the left side would be retail for his fence business, which gets maybe one or two customers a day.

Roper asked if there would be samples and a showroom. Mr. Luther showed on the plans where the outside display area would be located. Smaller items like mailboxes, hardware, etc., would be displayed inside. Mr. Luther explained that his business is more of an installation business and retail traffic to consumers is very limited. Roper asked if there would be a connection of sidewalks from the frontage to the interior sidewalks. Mr. Luther said no, as there is no residential area nearby, or foot traffic. The site is in an industrial subdivision. Roper asked if there will be a bike rack for employees or patrons, since this site is on the bicycle route. Mr. Luther said they could add one.

Kane asked for clarification of the use, parking, and storage areas. Mr. Luther said the outside storage would be for fencing and vinyl panels. The other side of the site would be potentially for tenants, who currently include a concrete business and a painter, who would be inside only. Kane asked if there would be any fuel storage on the site. Mr. Luther explained that there will be no large capacity fuel storage at the site. There will be cans of fuel on the site. Covering of the storage area was discussed. Staff said anything corrosive would need to be covered.

Munn asked for a review of the drainage plan. Mr. Magnotta said that the roof water will be collected and piped out to a storm drain in the street. Water will sheet flow off the rear of the property as it does now and as promoted in the coastal zones. There will be no other structures or catch basins. Munn asked if there will be any signage. Mr. Luther said a free-standing sign meeting regulations would be in front, and at this time, no signage on the building. There would also be interior signage identifying the location of each business.

**MOTION:** To approve the Luther Fence Site Plan, 145 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.
2. Storage bins designed to contain erosive materials shall have an impervious permanent cover.
3. Two landscaped islands shall be installed instead of bollards on both sides of the west end of the building to protect the truck loading area. The islands shall be landscaped with low growing shrubs and a four foot high decorative fence shall be installed within the island.
4. A note shall be added to the plan that states that the leased areas shall be used as warehousing unless additional parking is provided to support a more intense use as allowed in the IA-40 zone.
5. Technical items as raised by staff shall be addressed.

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

**MOTION:** To approve the Coastal Area Management application for the Luther Fence Site Plan, 145 Leonard Drive as it is consistent with all applicable coastal policies contained in CGS 22a-19, and includes all reasonable measures to mitigate adverse impacts and creates no unacceptable adverse impacts.

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

The Chairman called for a five minute recess at 9:02 p.m.

The meeting resumed at 9:15 p.m.

Chairman Sherrard spoke to the audience regarding the Regulations as they relate to this site plan application, and asked that anyone who speaks to address the Commission in terms of the regulations. Sherrard explained that the next Planning Commission meeting, on January 23<sup>rd</sup>, has another major project on the agenda, so the Wal-Mart application will resume at the February 13<sup>th</sup> meeting. Staff will secure an appropriate location and advertise in the newspaper.

2. Proposed Retail Development (Wal-Mart SuperCenter), 529, 553, 571 Gold Star Highway and 0 Antonino Road

Diane Whitney, Attorney, Pullman & Conley, represented the applicant, Konover Development. The location on Gold Star Highway and Antonino Road was reviewed. Ms. Whitney said that two modifications are requested. Instead of a 5 ft. landscaping strip in front, the applicant is asking to use large planters in front of the building. The applicant is also asking to utilize existing trees on the site, as well as additional trees rather than conform to the rigid design standard required. Ms. Whitney said a grading agreement with Gold Star Office Park has been reached and will be submitted as part of the record.

Guy Hesketh, Engineer, F. A. Hesketh & Associates, presented the project for a 207,000 s.f. retail store, to the Commission. The location of the site was reviewed. The site consists of three parcels and portions of a fourth. The first parcel, 2.71 acres, owned by Gold Star Park, is currently the site of Shetucket Plumbing; the second parcel is 11.90 acres, owned by D'Angelo Realty III. The third parcel and the portion of the fourth parcel is 18.99 acres owned by Leo Antonino. The parcels will be combined into one for the development with a portion of lot 4 to remain. The parking and landscaping were reviewed. The main access drive to the site was shown. The truck entrance on Antonino Road and the loading area were reviewed. Mr. Hesketh said the applicants are proposing roadway improvements along Gold Star Highway and new sidewalks on the south side of the site, with connecting sidewalks to the interior of the site. The existing sidewalks on Antonino Road were reviewed. Pedestrian access to the site was reviewed. Setbacks, total area, total lot coverage, and building coverage were described. Interior landscaping and signage was reviewed.

Modifications to the landscape regulation requirements were requested in a letter to the Planning Department dated November 7, 2006. There are some existing trees along Gold Star Highway the applicants would like to use as well as existing vegetation on Antonino Road to limit disturbance to the area. Due to the topography and rock, the applicants would like input into the specific plantings used in that area. Natural vegetation and topo will provide screening to the residential areas. Regulations also require five ft. of landscaping along the frontage of a commercial use. Due to the building structure, the applicants are proposing raised planters totaling 3,440 s.f. in area in lieu of the required 2,874 s.f. landscaped area.

Parking requirements, broken down by the different uses within the building, such as retail, hardware, warehousing, and restaurant, were reviewed. Storage is included in the design calculations, and paving will be kept to a minimum as required in the WRPD.

Stormwater management in the WRPD was reviewed. The east and west wetland areas and drainage throughout the site were shown on display boards. Drainage points include Beaver Brook, storm drains systems at Shetucket Plumbing and drains in Gold Star Highway near the Sojourner Inn. The northern portion of the site drains into Hempstead Brook, and the south drains to the wetlands and into an Antonino Road storm drain system. Storage of runoff will be in polyethylene underground structures backfilled with crushed stone, creating an underground reservoir to slowly infiltrate rooftop runoff. The WRPD requires clean runoff and recharge into the ground. Mr. Hesketh said there would be no increase in runoff to the wetlands. The parking area runoff will be through culverts, catch basins, and a stormwater retention basin to mitigate peak runoff. Paved parking areas will not have direct discharge to wetlands or watercourses. The retention basin was described. The storm drain system along Gold Star Highway was reviewed.

Water quality and erosion and sediment control in the WRPD, and construction phasing were described. Erosion control to be used during construction, including temporary swales, was discussed. The Inland Wetlands Agency permit was reviewed, including regular, routine stormwater sampling and a monitoring program is required as part of the Inland Wetlands Agency permit. Mr. Hesketh said a spill plan was submitted on November 21, 2006 for the record.

Mr. Hesketh said there will be no vehicle repair or photo processing at the store because it is in the WRPD. Dumpsters will be covered. Best Management Practices will be used for the stormwater drainage system. In the event of a leak in the rooftop units, drains from the rooftop units will be tied into the sanitary sewer system, and all motor units on the rooftop will have drip pans with absorbent material. The garden center area will be under a roof and that roof will drain to the stormwater system. Any drainage from the garden center interior will drain to the sanitary sewer system.

Scott Hesketh, Engineer, F. A. Hesketh & Associates, reviewed the traffic study. On January 5, 2007, a supplemental traffic report was submitted to the Planning Department. Automated traffic counters were installed in the area for a 7 day period in October, 2003. Those traffic volume counts are still valid for 2006. A growth of 2% per year was used, until 2008, when the store opens. Traffic volume estimates and trip generations included the potential future development of three restaurants and 50,000 s.f. of office space. Mr. Hesketh said the facility will generate 970 trips during the weekday peak hour and 1,359 during Saturday peak hour, both 50% entering and 50% exiting the site. Projected traffic from each direction was detailed. Offsite improvements to mitigate traffic will include widening Gold Star Highway between Antonino Road and the site driveway. Gold Star Highway is currently a two lane road but would be widened and restriped to provide a westbound thru-lane, east bound thru lane and an eastbound right turn lane, and a left turn lane for driveways along the area. It will also be widened to provide to the east a right turn lane onto Toll Gate Road and a left turn lane into the site driveway. There will be a right turn lane on Gold Star Highway and Buddington Road. The site driveway is designed with two entering lanes, a center

median and a dedicated left turn lane to Gold Star Highway and a right turn lane to Gold Star Highway. A signal will be installed at the intersection of the site and Toll Gate Road. Sight distances meet State standards.

Guy Hesketh discussed the requirements of the WRPD. The maximum impervious area allowed is 70%, and the applicant is proposing 40%; 20% of the site will remain in its natural state; 25% of the site is undisturbed. No disturbance is proposed within 100 ft. of the wetlands. All floors will be concrete, and floor drains will discharge to a sanitary sewer. All dumpsters will be covered and also drain to the sanitary sewer system. The building will be sprinklered. The State Dept. of Health has reviewed the plan.

Jeff Wagner, WPIIDC, Inc. design consultant, reviewed the building design. While the Town does not have "design review" or architectural standards, staff requested various changes to the prototype in order to break up the mass, better define access points, etc. The uses and locations within the building were reviewed. Grocery, general merchandise and garden center will have entrances at the store front. The heights of the roof have been varied from 24 ft. to 40 ft. to break up the roofline. Material changes and color changes also will create vertical and horizontal transitions. There will be similar colors and style for the entrances, with other primary colors added to break up the heights of the building. The receiving area and truck loading docks at the back of the building have some similar elements added, and some walls were added for screening. The ground refrigeration units and screening were reviewed. Various perspectives of the proposed building were shown. Signage on the building was reviewed.

Attorney Diane Whitney discussed the design of the project. She said there is potential for future development at this site. None is planned right now, but that development was taken into account in the design for traffic and drainage. Attorney Whitney also encouraged the intervenors to contact her to discuss their concerns at any time.

Staff reviewed the outstanding issues with the project and noted that submittals are still under review. A portion of the proposed parking lot is within 15 ft. of the property line. Due to changes in elevation, grading on the adjacent parcel needs to be done. A grading agreement was submitted tonight. A lighting design has been submitted and staff asked for modifications. The applicants are proposing 42 ft. high poles; most other sites in the Town are 25 to 30 ft. in height. The trash compactor, screening walls and fences were described. Staff said there have been issues with the existing Wal-Mart site and outdoor storage. The applicant says they are not having any outdoor storage except for two areas, for storage of bales and pallets, screened and on concrete. Sidewalks are being provided from Antonino Road to Buddington Road. Antonino Road currently has sidewalks, and the applicant will provide interior sidewalks from the two entrance points to the building. A sidewalk to the adjacent business office park, and a future access point for the two developments were discussed. Currently there is no note on the plan for the future access. Sidewalk access is shown on the plans. Staff said a note can be added on the plans that an access to two points can be added. If there is a modification to the existing office building in the future the Town may be able to request that access. Staff said the applicants are still working with Groton Utilities regarding the relocation of poles to the north side of Gold Star Highway. Staff said there are still grading issues for the access from Gold Star Highway into the site. The applicants have agreed to push ledge back to

allow for a small amount of landscaping, for a 1:1 slope instead of straight ledge. The State Dept. of Public Health and staff are concerned with the demolition of Shetucket Plumbing and assuring that appropriate measures are used for protection of the drinking water supply during demolition. The requirements of the Inland Wetlands Agency permit were reviewed.

Staff reviewed the lighting design, pole height and number of lights. The intensity of the lighting must stay within the standards for site illumination.

Staff said the most recent revisions are being reviewed by the Town Traffic Authority and State CONNDOT. The State Traffic Commission (STC) acts only after the local approval.

Staff clarified the status of rights to work on abutter's land (business office park). The abutter is willing to provide an easement, but an easement has not yet been received. The language is under review by their attorney. Staff acknowledged receipt of the new intervention petitions (5). They contain identical language and are represented by the same attorney.

Munn asked staff to provide information regarding the interventions to members of the Commission in enough time to be reviewed before the next meeting. Munn would also like an analysis of the Inland Wetland Agency requirements, and a more detailed lighting study, including perspectives illustrating how the site will illuminate adjacent lands once developed. Munn asked the applicants if the existing Wal-Mart will be abandoned, and why not improve the existing site, rather than the new location. Staff said the traffic reports assume that the existing store will be reoccupied, not abandoned. Munn requested a referral to the Conservation Commission for this application.

Kane asked the applicants if there is an emergency plan for containment in the event of a fire. Also, Kane would like to know the effect of widening the road and traffic patterns on other businesses in the area, especially Toll Gate Road.

Pritchard asked about combining the parcels into one parcel, and the ownership of that parcel. Pritchard also has concerns about the stormwater runoff, a snow removal plan and the impacts on runoff.

Steinford asked about the linear length of the building, the height of light poles, frequency and times of truck deliveries and store hours.

Fitzgerald asked if the traffic report could be compared to the existing Wal-Mart store, which is only half the size of the proposed store which also has a grocery department. If traffic analysis was a number a graphic analysis curve should be provided for easier interpretation. Fitzgerald also has questions about Wal-Mart completing the access road between the existing Wal-Mart site and the hotel next being built on the adjacent site, and asked for assurance that outdoor truck storage containers will not be used at the new Wal-Mart.

Sherrard asked about the hours of construction and if the storm fences will be maintained and reused if moved. Sherrard also asked if there will be any blasting on the site, and if there is a similar store in Connecticut or Rhode Island that the Commission members can look at.

Attorney Whitney wanted it noted for the record that the handbill distributed outside before the meeting refers to a different company than the applicant.

Chairman Sherrard opened the meeting to the public.

Joan Smith, Groton Open Space Association (GOSA), an intervenor, said there needs to be expert testimony relative to the runoff. She feels Groton Utilities has a conflict, with supplying both water and electricity, and she is concerned with water quality.

James Kremer, 40 Skyline Drive, Mumford Cove, Professor of Marine Sciences, expressed concerns with the water quality of the watershed, and submitted a written exhibit detailing his concerns.

Peggy Burdo, 434 Gold Star Highway, spoke against the project because of concern for nearby residents with wells without filtration systems, children crossing for school buses, increased traffic accidents, drainage making the brook wider and losing more of her property, blasting, and accessing existing driveways.

Chairman Sherrard reminded Ms. Burdo that the Traffic Authority and STC are responsible for regulating traffic impacts including the acceptability of any proposed mitigation.

Larry Croxton, 35 Knoll Drive, said he is concerned with the increase in traffic, especially on Toll Gate Road.

Robert Bogue, 195 D Street, High Rock Trailer Park, spoke against the project.

Robert Libby, 90 Kings Highway, spoke against the project because of concerns with the traffic. He felt that the Gold Star Highway entrance to 95 South is already dangerous.

Doug Taulbee, 76 A Street, said he is concerned with the competition for other businesses in the area.

George Converse, 2 Spyglass Circle, spoke against the project because of the increased traffic, lighting, and cars for the car dealership being parked there.

Larry Grundy, 64 Kings Highway, spoke against the project because of the traffic increase. He also said he wants to know what is going in the existing Wal-Mart building.

Eugene Bleau, 524 Toll Gate Road, spoke about the detention pond, the nearby Nissan dealership, and said he feels the existing system can't handle additional runoff.

Bud Chapman, 382 Toll Gate Road, spoke against the project because of the traffic.

Ray Belval, 100 King's Highway, asked for clarification of why town road traffic falls under the STC, and read letter from Chief Fogg to the STC regarding

the intersection of Kings Highway and Gold Star Highway. The letter was submitted for the record.

Staff addressed the local roads. It will be necessary for the Town to improve them in the future if necessary.

Robert Sumner, 136 South Road, spoke against the project because of concerns with how many homes will be knocked down, power, and the cemetery at the corner.

Claude LaManque, 465 Toll Gate Road, spoke against the project because of the silt runoff to the low areas of the wetlands, and the location in a residential neighborhood.

Nancie Keenan, 2 Spy Glass Circle, has concerns with the lights, ledge and noise.

Michael Fitts, 488 Toll Gate Road, spoke against the project because of the traffic and the impact on property value.

Mike Buonano, 937 Buddington Road, spoke against the project based on the traffic and possible flooding of his property, which abuts the proposed project.

Chairman Sherrard said the Wal-Mart store in North Kingston, Rhode Island, is very similar to the one proposed here.

Roper said his questions for the applicant are: if the future potential restaurants will use the same entrance, litter maintenance, bike access, and lighting.

Steinford asked staff the terminal date for action on this application. Staff said February 17, 2007. Staff has secured an extension from the applicant to February 13, 2007.

MOTION: To table the Wal-Mart site plan application to the regular meeting on February 13, 2007.

Staff said the location for that meeting is unknown at this time, but will advertise the location. Staff also encouraged all in attendance to contact the Planning Office at 446-5970 for the location.

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

VII. OLD BUSINESS

VIII. NEW BUSINESS

1. Report of Commission - None
2. Zoning Board of Appeals referrals for public hearings on January 24, 2007

ZBA06-19 – 334 High Street, Christopher Pacheco & Laura Marie Harrington/Owners

Staff explained the referral. The Commission had no comment.

ZBA06-20 – 251 Ocean View Avenue, Mark Shaw/Applicant, Connie Harris & Michael Berg/Owners

Staff explained the referral. The Commission had no comment.

3. City of Groton referral for renewal of its permit for the diversion of water for consumptive use for the sale of drinking water to the Town of Ledyard along the Route 12 corridor.

Staff explained the referral. The Commission had no comment.

4. City of Groton referral for public hearing on January 17, 2007 (Forestland Subdivision)

Staff explained the referral. Chairman Sherrard suggested that, due to the lateness of the hour, the Commission members can comment to staff and then staff can compile the comments into a letter to submit to the City. Commissioner Kane indicated that he had some comments and would contact staff.

#### IX. REPORT OF CHAIRMAN

Chairman Sherrard said the Central Hall application and the Pendleton Farm Subdivision application are on the next agenda.

Chairman Sherrard said that February 13<sup>th</sup> will be the continuation of the Wal-Mart application, and staff should consider a special meeting or start the meeting earlier due to the expiration date for Wal-Mart. Staff should also consider having a different room available for that night.

#### X. REPORT OF STAFF

Staff said they are completing the CIP and departmental budgets. February 8<sup>th</sup> was discussed as a possible date for the Commission to meet with the Town Manager to review the CIP.

The School Design Committee is looking for a representative. Kane said he is interested. Munn is interested in the Flanders Road Utility Extension Study Committee.

MOTION: To nominate Kane as the Planning Commission representative to the School Design Committee, and Munn as the Planning Commission representative to the Flanders Road Utility Extension Study Committee.

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

The Connecticut Federation of Planning Agencies' annual dinner will be on March 22<sup>nd</sup> at the Aqua Turf in Southington. Please let staff know if anyone is interested in attending..

Staff said they met with the Zoning Commission regarding a mixed use nodes concept, and will keep the Commission advised.

XII. ADJOURNMENT

Motion to adjourn at 11:58 p.m. Motion made by Steinford, seconded by Roper, so voted unanimously.

Respectfully submitted,

Jeffrey Pritchard