

PLANNING COMMISSION  
FEBRUARY 27, 2007 – 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: Cullen, Davis, Glemboski, Murphy, Stanowicz

Acting Chairman Pritchard opened the meeting with roll call at 7:00 p.m.

Acting Chairman Pritchard appointed Roper as Secretary.

Acting Chairman Pritchard seated Kane for Sherrard.

II. PUBLIC HEARINGS

Acting Chairman Pritchard reviewed the public hearing procedures for the public.

1. Pendleton Farm Lane Subdivision, 520 Flanders Road (7 lots) – Continued

Attorney Mark Branse represented the applicant. Mr. Branse said he submitted a letter dated February 13, 2007, to the Commission members explaining some of the revisions that have been made to the plans.

Mr. Branse reviewed some of the outstanding items, including the pedestrian circulation. Two options were detailed for the Commission. Alternative A shows a meandering bituminous path which can be plowed, is better for carriages, etc. Alternative B is a standard sidewalk plan, and the applicant would ask for a waiver of sidewalks on one side.

A memo from the Town Engineer stated that Alternative A is acceptable except for two changes. First, he requested that the walkway extend all the way to Flanders Road. Mr. Branse said a wide area at the end near Flanders Road is a waiting area for children waiting for school buses, and to discourage “horse play” that close to Flanders Road, the applicant is asking to keep the walkway set back a bit from the busy main road. Mr. Branse said that if the Commission prefers the walkway to go all the way to the street, the applicant will comply. Second, the Town Engineer would prefer the path to the open space be realigned over the driveway of Lot 5. Mr. Branse described the proposed bituminous path, the open space entrance, and then showed the walkway the applicant proposed to the open space. The detention pond has been shifted to allow plenty of room for the path to go around. The path proposed by the engineer over the driveway of lot 5 would make a 90 degree hook around the entrance wall of the open space. Robert Schuch, P.E., Boundaries, showed the right-of-way along the driveway of Lot 5 and the sight line for Lot 5, with a more natural transition into the open space area. Mr. Branse said a path in the Town right-of-way creates no more liability for the Town, because it will have a public easement over it, so there is no liability advantage to locate this where the Town Engineer wants it.

Mr. Branse said to help buffer the noise from I-95, 16 additional evergreens have been added to the plan. Mr. Schuch handed out a sheet to the Commission members showing the proposed plantings in clear areas with adequate spacing to increase the existing buffer, 100 ft. from the paved area of I-

95. In response to staff regarding noise, the buffer was increased. Mr. Branse said the area is heavily wooded and they will intersperse the evergreens.

Mr. Branse said the cul-de-sac radius requirement is 45 ft. but the Town Engineer recommends 40 ft. The Fire Marshal recommends 50 ft. The applicant is asking to keep it at 40 ft., since the plan has already been revised to accommodate the Town Engineer's request. The applicant has offered to include plantings along the right side of Lot 7 to provide privacy for the owners of Lot 7 as the property at 510 Flanders Road. They are shown on the plan. Mr. Branse said that a fence belonging to Mr. Broadbent, north of the proposed road, encroaches slightly onto the proposed road. Rather than making Mr. Broadbent move the fence, the applicants are proposing to convey 2 ft. to Mr. Broadbent to eliminate easements, encroachments, etc., giving him a clear title to his fence.

Mr. Branse said the last issue arose after the public hearing. The applicant received a letter dated February 9, 2007, from Peter Anderson, Wolfebrook Development, requesting an emergency access roadway and utilities from the proposed Pendleton Farm Lane to the Wolfebrook property. A detailed map was distributed to the Commission members. Mr. Branse explained there are no utilities to extend, and because of the wetlands, it would not be possible to build a roadway as they had proposed. The Wolfebrook Development property to the south and the flagged wetlands were reviewed. The Inland Wetlands Agency requested a 100 ft. upland review area and a conservation easement along the entire common boundary with the Wolfebrook property. Even without an easement, the only place for a driveway to connect would be a 25 ft. space between the wetland and their property line. The concern of the applicant is that they do not want to do it if the Inland Wetlands Agency feels this area should be protected. Mr. Branse asked why, for his development, he must stay 100 ft. from the wetlands, but to accommodate Wolfebrook, they should build a road within 25 ft. of the wetlands.

Mr. Schuch reviewed an easement between Lot 6 and Lot 7 along the southern property line. There would be a problem with any utility bedding requirements and health code requirements as there is no downgrade bedding or pipe allowed within 50 ft. of a septic system, so it is not possible to bring utilities to that area. No clearing and no disturbance within 100 ft. is allowed. The conservation easement from the Wolfebrook property, with a narrow lane from the easement to the property line, were reviewed on the plans.

Staff addressed the conservation easement and the strip along the northern end, and the Four Winds development. The Army Corps worked with them to get an additional easement on the west side of Eccleston Brook. The 25 ft. conservation easement put on by the Army Corps precludes any access to the northern portion of the property. Staff reviewed Alternatives A and B. Staff said there are two other issues besides the path. With the bituminous winding path and landscaping, the reserve strips are proposed to still be owned by the homeowners' association, with a pedestrian easement outside the Town right-of-way, also owned by the homeowners' association. The concrete sidewalk on Pendleton Lane, extending to driveway of Lot 6, would not belong to the homeowners' association, but would be owned by Lots 2 and 7, with no landscaping provided. The maintenance would be the responsibilities of the owners of Lots 2 and 7.

Staff stated that additional evergreens have been added to the plan to buffer noise. If this is agreeable, the Commission would want to make sure the species can grow in a shaded, treed area, or bring them out more into the yard area.

Staff said the Mystic Fire Marshal's comments were received after the last meeting. He would prefer the cul-de-sac remain at a 50 ft. radius, and the driveway lengths be less than 400 ft. A note is on the plan to maintain 14 ft. overhead clearance as well. Pritchard asked if staff had any preference for the radius. Staff said 45 ft. is in the Town road and drainage specs, and the POCD recommends most pavement be reduced to reduce the impervious area. The Fire Marshal said it is a small cul-de-sac, and they will have to do some maneuvers to remove the fire equipment from the site. The sub-village road is only 20 ft. wide with 90 ft. of pavement. Staff said going to 40 ft. makes sense with a 20 ft. wide road, with less of a bulge at the end of the cul-de-sac. There will be no issue with the plows, but the fire truck might have to do a 3-point turn to leave a fire.

Munn asked staff to reread the Fire Marshal's comment regarding the cul-de-sac. Staff read the memo stating that the Fire Marshal "would prefer that the cul-de-sac remain at a 50 ft. radius." The Regulations require a 90 ft. paved diameter, which would be a 45 ft. radius. The Town Engineer recommended 80 ft. diameter. The plan now shows a 40 ft. radius, and requires a waiver of 45 ft., not 50 ft. Munn said he would not support that waiver. Munn asked if the sidewalks in Alternative A would be maintained by the homeowners' association from the bus area all the way in. Staff said yes.

Kane asked if the Town Engineer gave a reason for moving the sidewalk. Staff said he thinks the design, but that he did not take into consideration the open space markers. Kane asked if the sidewalks would be bituminous all the way back with Alternative A. Staff, yes, 4 ft. wide bituminous with Alternative A, and 4 ft. wide concrete on Alternative B.

Roper asked if the applicant requested a waiver for the sidewalk. Alternative B goes to the driveway of Lot 5. Roper said he would prefer sidewalks all the way around to the driveway of Lot 6. Roper asked staff if they have any problem with Alternative A. Staff said they would discuss the design with the Town Engineer. Staff discussed the meandering walk, the waiver of regulations, the uniqueness of the walk and the liability concerns. Staff said that bringing the sidewalk to Flanders eliminates some landscaping and the two reserve strips maintained by them. Staff is concerned about the Town Engineer's comments and his understanding of the trail. Staff said they have no concerns with the cul-de-sac pavement radius at 40 ft.

Roper prefers Alternative A because it is better looking, but he doesn't see any convincing case to stop it shy of Flanders Road, and rather than creating a nuisance, he asked the applicant to add a bench away from the road, but the sidewalk should continue to Flanders Road. Roper said he is concerned with the closeness of the northern lots to I-95, and if I-95 is changed, the houses would be that much closer to the highway. Staff said the houses would be beyond 150 ft. from the pavement edge. Discussion ensued on the extent of any future development-free area and elimination of lots. Staff said there is not a lot of flexibility to move the houses, and there is a huge amount of open space the applicant will be deeding to the Town. Staff said the applicant may be able to build window treatments into the housing plans to limit noise. Roper has a

concern with the fact that this project abuts the climbing lane of the highway. Steinford and Pritchard said it is a regular lane, not a climbing lane. Staff said a development-free area would be 100 ft. from the source, and allows you to require extra plantings, fencing, etc.

Steinford said he likes the concept of Alternative A, but would like the walkway extended all the way to Lot 6. Steinford asked if the markers for the open space could be moved to accommodate the change to Lot 5 suggested by the Town Engineer. Steinford said he visited the site several times, and is very concerned about the noise level from I-95. Steinford said he doesn't know if the elevations between the road bed and the development would buffer some of the noise.

Pritchard asked staff if they had any concerns with the viability of the homeowners' association. Staff said there is just a small area to maintain; if the Town had to maintain it, they would probably prefer concrete. They now have other bituminous paths that they maintain, but principally on public property. Pritchard asked if the sidewalk change that Public Works recommends could be handled as a technical item. Staff said it could be as far as placement of the sidewalk. Pritchard said that he was surprised to hear very little truck noise at the site, but mostly just tire noise, and doesn't see that as an issue. Pritchard asked what will happen with the boulders on the west side of the developed area. Mr. Schuch said the larger rocks will have to be removed, but they have not made a definite plan for their use. They may be used to create a wall at the front of the property, or worked into the slope. Staff said there is a note on the plan that says prior to issuance of a Certificate of Occupancy for Lot 1, the berm will be beefed up.

Acting Chairman Pritchard polled the Commission members on their preferences for the sidewalk design.

Munn said he prefers Alternative A.

Kane said he is fine with Alternative A as long as it connects to Flanders Road and Lot 6.

Roper said he prefers the sidewalk to go to Flanders Road and Lot 6.

Steinford said he prefers Alternative A with the sidewalk continuing to the driveway of Lot 6, and would like them to consider moving the open space markers. Steinford said he likes the concept at Flanders Road, to keep the children off Flanders Road.

Pritchard said he likes Alternative A, but has a concern with the homeowners' association.

Greg Broadbent, 530 Flanders Road, thanked the applicant for their accommodation. Mr. Broadbent said he does not want the sidewalks and is worried about the homeowners' association.

Mr. Branse said the applicant has no objection to moving the open space markers. Munn said that he hoped the applicant would address the issue of noise. Mr. Branse said the potential buyers of those houses near the highway are aware

that I-95 is there, and have the choice to buy or not buy the property. Mr. Branse said the Commission does not have authority over noise. If they maintained a development-free area 100 ft. from the right-of-way, it would destroy Lots 2 and 4, destroying the subdivision. The homeowners' association was addressed. Mr. Branse discussed the Connecticut homeowners' association laws; he said this is not a huge amount of money per lot. They could hire a landscape service, creating a minimal burden for the homeowners.

Staff said the draft of the conservation easement is not written up at this point. Staff discussed options for maintenance of the land strips at the intersection. Staff said the plantings can be very low maintenance, without an association. The applicant may want to landscape those strips prior to selling, and this would not be part of the association. Erik Kudlis, Pendleton Farm Estates LLC, the applicant, said that the reserve strips give the entire development a village-type atmosphere. If the Commission requires the sidewalk and the strips are privately owned, the owners can do anything with that property. His preference is to have an association for a reasonable assurance that the entrance way will be well-kept and an asset to the Town.

Munn said he is not satisfied with the noise levels there, and does not want to leave that up to the buyer. He said that he has measured the acoustic levels there, and at the fence line it is 75 db, far in excess of any public health standard. At 100 ft. from the fence line, he measured 65.9 db, and it lowers from the 100 ft. development-free area back from the fence line. Munn said that he is convinced that the noise level is in excess of a common acceptable federal standard of 65 db, which can be achieved 100 ft. from the fence line.

Staff said the applicants may want to review this information. Staff asked Munn where the referenced decibel level would be on the property. Mr. Munn said that starting at Lot 6, and going in 100 ft. increments, at the fence he read 75.3 db, at 100 ft. out, 65.9 db, at 200 ft., 64.9 db, at 300 ft., 64.1 db. Staff asked Munn if he is an acoustics expert. Munn said he asked the applicant to provide this information and they have not, so he took these measurements. Munn proposes a 100 ft. development-free area from the fence line. Munn said he is concerned with Sections 1.1 and 4.2 of the regulations. Pritchard asked if the Commission should accept this as expert information. Munn said he used calibrated equipment but is not an acoustics engineer and is not claiming to be an expert witness.

The explanation of a "development-free" area from the Subdivision Regulations was read into the record.

Roper asked staff for any recommendations on the access to the Wolfebrook property. Staff said having the road invade the wetlands is not optimal. This is a low density subdivision, rezoned from manufacturing to one acre residential. Even using the Town's latest studies for the Flanders Road Utility extension, they may in the distant future lead up to Flanders Road, but they will probably be in the road.

Mr. Branse asked Munn if he used an A scale or a B scale, and if the ambient noise was deducted. Munn said he measured total noise. Mr. Branse said noise from a mobile source is exempt from the standard, using state or federal

law. Mr. Branse said this application complies with the 100 ft. development-free area setback as required by the regulations.

Staff said they would consult with the Town Attorney and present their recommendations. Roper asked for a bench at the end of the walkway, set back from the road, for children to wait.

MOTION: To close the public hearing on Pendleton Farm Lane Subdivision, 520 Flanders Road.

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

Acting Chairman Pritchard called a recess at 9:28 p.m.

The meeting resumed at 9:34 p.m.

III. APPROVAL OF THE MINUTES of February 13, 2007.

MOTION: To approve the minutes of February 13, 2007 as amended.

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

IV. PUBLIC COMMUNICATIONS

Staff was asked by Joan Smith of GOSA to provide the Commissioners with a copy of a letter which was submitted to the Town Council, relating to development in the WRPD.

Pritchard received a letter today dated the February 26, 2007, from Mr. Nowak relating to the Shepherd Subdivision.

Roper said he received a phone message from Sherry McLaughlin thanking him for the Wal-Mart vote and said other people were also concerned about the water.

Munn had the same message from the same caller, and three anonymous calls regarding Wal-Mart.

Steinford said he received direct comments about his vote on the Wal-Mart application.

V. SUBDIVISIONS

1. Pendleton Farm Lane Subdivision, 520 Flanders Road (7 lots)

MOTION: To table discussion of the Pendleton Farm Lane Subdivision, 520 Flanders Road.

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

2. Shepherd Subdivision, 305 Pequot Avenue (2 lots)

Acting Chairman Pritchard reviewed the record and said that all five members present are able to vote and participate in the discussion.

Staff reviewed and clarified outstanding issues for the application for a two lot subdivision. Staff received a letter from Mr. Nowak and it has been placed in the file, but it was received after the public hearing was closed. Regarding the frontage on Allyn Street, the Zoning Official does consider that to be frontage for the lot. Staff clarified the actual subdivided lots on the plan. Grading on the second lot in the area of the reserve septic system was described. The erosion and sediment control plan was reviewed. The Fire Marshal commented to staff verbally that he approves the plan with the 5% grade, the driveway and the overhead clearance. Staff added infiltration off the roof of the new house. The sidewalks were reviewed. The fee in lieu of open space will be \$18,000. The appraisal was approved by the Town Assessor. Staff said some of the neighbors along the same driveway mentioned speed bumps. Staff said they cannot recommend that on a private driveway. It will be gravel for the full extension with a 5% grade, and a bituminous apron as requested by the Town Engineer. Staff does not want to add more impervious surface to the plan, and the speed could be higher on a paved driveway.

Steinford asked about the neighbor's concern with the surface runoff to his lot. Staff reviewed the drainage pattern. The neighboring building is over 200 ft. away with a buffer on their side of the property. Steinford said one or two people complained about the dust from the driveway. Staff said the gravel driveway is shown on the plan, and the Town has standards for the gravel. Steinford asked if the underground electric, cable and telephone would come from Pequot Avenue. Staff reviewed the existing poles and said the electric, cable and telephone will go underground with appropriate easements.

Roper asked if the Commission can require the applicant to move the poles. Staff said the poles are on property that is not part of this subdivision. The applicant wants to continue the lines overhead from the existing poles. Staff said the free split has an existing pole and we cannot regulate what is not part of this subdivision. On a free split, there is no underground utility requirement. Roper asked if the driveway will be any bigger than it is now. Staff said no, but the turn will be straightened to service both lots. Roper said he is concerned about the potential speeding on the driveway. Roper said the applicant offered to put in a speed bump, and Roper said he is willing to accept the offer. Staff said it is difficult to require. Staff reviewed the drainage, silt fencing, and topo change on the back of the lot near the reserve septic area. Roper asked how the change to the drainage will affect the abutting property. Staff said it will go in the same direction toward the wetland, with small area, less than 100 sq. ft., going diagonally, to the hay bales and the forested buffer.

Munn asked if there is a note on the plan about prohibiting further subdivision, which staff said will be addressed on the plan.

Discussion ensued on the length of the driveway. Staff said the driveway, from the edge of the pavement to the lot line of Lot 2 is about 683 feet. Pritchard asked how the Zoning Official can deviate from Section 4.2 of the Zoning Regulations. The frontage on Allyn Street was discussed. Staff said this has been done on many projects before. Staff discussed "public way", "accepted by", as used in the Regulations. Using State highways as frontage was defined. Staff said

that in this case, if Allyn Street was not there, this would be a totally valid concern because the length of the accessway would be over 400 ft. The preferred plan is to limit access from Allyn Street. Staff said this is the prevailing definition and interpretation of this community. With other subdivisions along Allyn Street and others with easements, the Town prefers this. That is the standing interpretation of the Zoning Official and the way the Town deals with all of the subdivisions. Staff said they would not ask the Commission to exclude Allyn Street as an accepted street. Munn agreed with Pritchard, that this does not meet the wording of the Regulations. If the intent is different from what is written, then the Regulations need to be changed, or a waiver should be issued.

Staff entered the comment from the Zoning Official into the record to note the lot's conformance with the regulations. Staff noted previous discussions with the Town Attorney to support this interpretation.

**MOTION:** To approve the waiver to Section 4.5(2) requiring connection to public water within 1000 feet of an existing system.

1. The Commission finds that because of the particular physical surroundings of the property a hardship would result if these regulations were carried out.

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

**MOTION:** To approve the waiver to to Section 4.1(1) requiring connection to a sewer when a project is within 1000 feet of an existing system.

1. The Commission finds that because of the particular physical surroundings of the property a hardship would result if these regulations were carried out.

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

**MOTION:** To approve the Shepherd Subdivision (two lots), 305 Pequot Avenue, with the following modifications:

1. A fee in lieu of open space in the amount of 10% of the appraised value (\$180,000) of the land only, \$18,000.00 shall be granted to the Town at the time of recording of the mylars.
2. The existing well on lot 1 shall be abandoned per Ledge Light Health District Guidelines.
3. The proposed well on lot 1 shall be relocated a minimum of 75 feet from the existing septic system at 279 Pequot Avenue, the existing septic system on lot 1 and from the proposed system at 309 Pequot Avenue.
4. A five foot concrete sidewalk shall be constructed in the area north of the recently constructed sidewalk that begins at the northern edge of Stony Hill Drive on the western side of Allyn Street. This sidewalk shall be 213 feet in length which is equal to the combined frontages of the proposed subdivision (193' Allyn, 20' Pequot).
5. Electrical easements shall be added to the plan for both lots 1 & 2 from the pole at 309 Pequot Avenue.

6. A bituminous concrete apron shall be added on Pequot Avenue.
7. Direct the roof water to an infiltration system. (Note that this is subject to health code separation distances from the septic system).
8. Technical Items raised by staff shall be addressed.

Motion made by Pritchard, seconded by Steinfeld.

Roper asked if it is clear on the plan that the utilities will go underground Staff said yes, they will be underground from the existing pole.

Motion passes 3 – 1 – 1, 1 opposed (Pritchard), 1 abstained (Munn). Pritchard opposed the motion because he feels the application does not meet Section 4.2 of the Zoning Regulations. Munn stated that he abstained because it is not clear that the application meets Section 4.2 of the Zoning Regulations.

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

A public hearing date of March 27, 2007 was set for the Candy Lane Subdivision, 0 Bonnie Circle.

4. Mystic Weigh Subdivision, Flanders Road

Staff said that no bonds have been posted for Phase 2 or Phase 3, as no construction has started yet.

MOTION: To reduce a performance bond for Mystic Weigh Subdivision, Flanders Road, for work completed on Phase 1, to \$343,310.

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

5. Mount Kineo Subdivision, New London Road

Staff said it has been inspected, and they are requesting a reduction to 10%. It has been inspected by the Town.

MOTION: To reduce a performance bond for Mount Kineo Subdivision New London Road to \$3,206.00.

Motion made by Munn, seconded by Steinfeld

Roper said the aprons were built before construction of the houses, so is there enough left on the bond if they have to redo the aprons.

Motion passes unanimously.

## VI. SITE PLANS

1. Central Hall, 18-22 West Main Street, 36 West Main Street, 2 & 3 Gravel Street

Staff said revised plans were received last Thursday, and there are still some minor issues to resolve, so they asked for the extension. Staff said the streetscape consultant is also reviewing the plans. Staff said detailed plans for the Central Hall application are now in the Planning Department for the Commissioners to review.

MOTION: To grant an extension to March 13, 2007 and table Central Hall, 18-22 West Main Street, until March 13, 2007.

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

## VII. OLD BUSINESS

1. 2008-2013 Capital Improvements Program – Review and recommendations

Staff told the Commission that a couple of other projects have come up since their last CIP meeting. The two projects should be reviewed by the Commission, and their comments will be forwarded to the Town Manager. The School project is for a furnace, based on a request from the Board of Education, and this should be included with the plan. Staff said the Commission didn't spend a lot of time on schools during the meeting, but staff still wanted the Commission members to see these requests.

Staff said there is also a proposed study from the City, for the entire length of Thames Street, extending to Bridge Street and the exit ramp, considered to be the "gateway" to the City. This study is for conceptual roadway and streetscape designs, and has a total construction cost of about 4.9 to 6 million dollars. This will be funded by capital reserve if approved by referendum. Only the area from the Veterans' Memorial to Garbo's, is a focus of the Economic Strategic Plan. Staff said it is a City project, but the Town is involved because the roads are the Town's responsibility and Town funding would be used. Staff asked the Commission members for comments. The extent of the improvements involves 5,800 linear feet of roadway.

Steinford said that he has issues with the extension that is being proposed, but would be in favor of seeing Thames Street upgraded. Steinford asked if Eastern Point Road near Pfizer was done with Town money. Staff said he thought primarily Pfizer and State funds were used.

Staff said pavement management is a CIP project, and from a fiscal standpoint, the Town appropriates 100% of the City highway budget. The City does not have a traditional capital improvement program like the Town's. The Town also funds their Police Department by half.

Pritchard suggested that this may be more of an Economic Development project.

Roper said he could not justify supporting this project for this year. Staff explained that it is more of an existing conditions evaluation, a concept design. Pritchard said not a high priority. Steinford said the City is now asking to expand the scope of the original project, and the Town should not go along with this.

Munn addressed the Economic Strategic Plan regarding the study and pavement management plans.

Steinford suggested moving the project (\$134,000 for P & E) out another year to FY 2009. Munn feels the economic development is important to the Town and this is one opportunity for economic development.

MOTION: To make a recommendation to the Town Manager to move the proposed Thames Street study project out to FY 2009.

Motion made by Steinford, seconded by Roper. Motion passes 3 – 2, 2 opposed (Kane and Munn).

The Commission had the following suggestion:

The economic development components (i.e. lighting, landscaping, etc.) should be separate from road improvement costs.

The Commission had no comment regarding the request for a school furnace.

## VIII. NEW BUSINESS

### 1. Report of Commission

Steinford said he does not like the way the minutes are laid out, since public hearings now start at 7:45 p.m. He would recommend a chronological way of recording the minutes. Roper suggested listing the time by each item in the minutes. Staff said that could be changed, and recommended adding this issue as an agenda item for a future meeting.

Steinford submitted to staff a notification from DEP regarding the former Fusconi's Dry Cleaners. Discussion ensued on the various environmental issues with that property. Staff said there is no active application for that property that he is aware of.

Roper said the Mystic Cooperative Task Group met yesterday morning.

### 2. Zoning Board of Appeals referral for public hearing on February 28, 2007

ZBA07-03 – 100 Winding Hollow Road, Peter Vandenbosch, Applicant/Owner

Staff explained the referral for a variance for an in-home occupation. Staff disclosed that Mr. Vandenbosch, the applicant, works for the Planning Department. Staff explained the regulations for home occupations, but said that the specific use, types of clients, hours, etc., needs to be specified in the application. A variance is granted for the land, and if granted, anyone in the future has this variance without the limitations of types of clients, hours, etc. The property is located in the WRPD. Today staff received information from Ledge Light Health District that they would also require more information as to the nature of the business. The health district rescinded the discharge permit for this home, and the applicant cannot go forward with the Certificate of Occupancy.

Staff stated that this is a new house, built in 2005, but the Certificate of Occupancy hasn't been issued yet.

Steinford said the Commission cannot make a recommendation on the basis that there is insufficient information.

Roper said the Commission should recommend denying the application because there is not enough information available.

The consensus of the Planning Commission is to recommend denying the application because there is not enough information available.

IX. REPORT OF CHAIRMAN – None.

X. REPORT OF STAFF

Staff said they will add the agenda discussion to the next meeting's agenda.

Staff reminded the Commission that the CFPZA annual meeting is March 22, 2007.

Munn said that he may be interested in attending the March 17<sup>th</sup> seminar sponsored by the CT Bar Association.

Staff distributed a letter from Groton Open Space Association (GOSA) requesting a moratorium on all new applications for development within the Water Resource Protection District (WRPD). Staff said he will be responding to this letter in writing.

Staff said a comprehensive revision of regulations is being planned. Changes in areas where someone may want a word changed, etc., can be addressed. Staff spoke about educational seminars regarding conservation designs for subdivisions.

Staff said a significant proposal was received from GOSA to redefine "buildable area", "density of lots", and eliminating slopes of 15% or more, including ledge. The Planning Commission will receive the referral from the Zoning Commission. Staff said GOSA has also asked for a moratorium on active adult housing. These are serious issues that need careful attention.

Steinford commended Lee Treadway, the Code Enforcement Inspector, and Susan Cullen regarding their work on the emergency access for the Wayne Road area. Staff discussed the position of the code enforcement inspector and some upcoming projects.

XI. ADJOURNMENT

Motion to adjourn at 10:45 p.m. Motion made by Pritchard, seconded by Steinford, so voted unanimously.

Respectfully submitted,

Peter Roper