

PLANNING COMMISSION
MARCH 13, 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: Kane
Staff present: Davis, Glemboski, Murphy, Stanowicz

Chairman Sherrard opened the meeting with roll call at 7:03 p.m.

II. PUBLIC HEARINGS - None

III. APPROVAL OF THE MINUTES of February 8, 2007 and February 27, 2007

MOTION: To approve the minutes of February 8, 2007 as amended.

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

MOTION: To approve the minutes of February 27, 2007 as amended.

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

IV. PUBLIC COMMUNICATIONS

Staff said the Town of Stonington has signed the agreement for the Mystic Transportation Study. The study will look at improved movement of vehicles between downtown Mystic, Mystic Village and Stonington (Exits 89 & 90). The study will be funded with \$40,000 from federal funds and \$10,000 from the Town of Stonington.

Staff received notification that the budget for the Office of Planning and Development will be reviewed by the Town Council on April 2nd.

V. SUBDIVISIONS

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

Chairman Sherrard stated that the voting members for the Pendleton Farm Lane Subdivision are: Munn, Kane, Pritchard, Roper and Steinfeld.

Staff reviewed the two alternatives for a waiver of Section 4.7(1)a) of the concrete sidewalk. Alternative A modifies the plan with the design shown on Exhibit 1. Alternative B was described; with this plan, the landscaping strips would be owned by Lots 2 and 7.

Staff addressed the innovation of the application. Subsequent to the hearing, staff spoke to the Town Attorney, who advised staff on the waiver criteria. The Commission does not have authority to permit waivers under the regulations for these items. There must be a unique physical circumstance creating a hardship to grant a waiver. Waivers cannot be granted from standards based on an applicant's desire to propose something innovative. Staff said that can be addressed when the regulations are changed. Staff said the Commission is

duty bound to equal treatment. If they are providing relief, it must be based on a hardship. The noise and development-free area were also discussed with the Town Attorney. He said noise is something that can be considered as an issue for an application. Discussion followed on the boundaries of the pavement or the right of way with respect to noise. The potential full depth of the development free area from I-95 right-of-way limit would eliminate the two rear lots.

The Commission agreed with Alternative B. Roper said he doesn't agree with staff that the Highpoint Subdivision's argument for the waiver of sidewalks was related to terrain. Roper said he feels that there is a unique circumstance based on the parcel geometry and that the waiver doesn't have a nullifying effect on regulations because pedestrian access is still achieved.

The waiver requirements in Section 1.10 were discussed by staff. Discussion followed on the regulations and homeowners' associations and Alternatives A & B. Alternate B design was voted on.

MOTION: To approve a waiver of Section 4.7(1) a) and not require a concrete sidewalk on the south side of Pendleton Farm Lane cul-de-sac within the right-of-way (west of the driveway for Lot 6) for the following reasons.

1. The cul-de-sac will be a dead-end street that will be subject to a low volume of vehicular and pedestrian traffic.
2. The granting of the waiver will not be detrimental to public safety, health, or welfare or have significant adverse effect on adjacent property.
3. The waiver will not conflict with the provisions of the Zoning Regulations, or the Plan of Conservation and Development.

Motion made by Pritchard, seconded by Steinfeld.

Roper said he is against this waiver for Alternative B and prefers design Alternative A because the Commission has allowed this in the past, no precedent is set, and it doesn't allow Commission to be creative.

Pritchard said he feels the regulations make it difficult to support Alternative A.

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

MOTION: To approve a waiver of Section 4.3(1) k) to allow a cul-de-sac pavement diameter of 80-feet in lieu of a diameter of 90-feet at the curb line for the following reasons.

1. The cul-de-sac will be subject to a low volume of vehicular and pedestrian traffic.
2. The Plan of Conservation and Development recommends a reduced pavement width for new roads and the Town Engineer recommended the reduction in pavement area.
3. The granting of the waiver will not be detrimental to public safety, health, or welfare and does not compromise emergency services' vehicular access.

4. The waiver will not conflict with the provisions of the Zoning Regulations, or the Plan of Conservation and Development.

Motion made by Munn, seconded by Roper.

Motion fails, 1 – 4, 4 against (Steinfeld, Pritchard, Kane, Munn).

Steinfeld asked staff, for the record, the measurement from the edge of the right-hand travel lane to the setback of the proposed houses on the lots. Staff said Lot 1 is 147 ft. to the setback, 153 ft. to the house. Lot 4 is 147 ft. to the setback and 152 ft. to the house, from the edge of the pavement.

MOTION: To approve a subdivision plan for Pendleton Farm Lane Subdivision (7 lots), Flanders Road with the following modifications:

1. Alternative B shall be incorporated into the final subdivision plan. All references to the walk within the pedestrian easement and landscaping, ownership and maintenance by the Home Owner's Association shall be eliminated.
2. The Erosion Control Plan shall be modified to show the onsite staging areas for parking and storage of materials/equipment to be further into the site and to the east of the existing residential lots.
3. The existing woods road to Lot 1 shall not be used as a construction entrance.
4. The Town of Groton Conservation Easement Model shall be used for the proposed conservation easement and shall be approved by the Planning Department and recorded with the subdivision plan.
5. Note # 12 on Sheet 2 shall clearly state that the remainder 38.96 acres shall be conveyed to JJJ Realty of Mystic LLC or to the Town of Groton at the time of recording of the subdivision plan.
6. The 16 evergreen trees for the each of Lots 1 and 4 shall be a minimum of 4' high and shall be planted as shown on a Composite Exhibit, Pendleton Farm Lane dated January 2007. The type of species shall be reviewed with a landscape professional so that there is a high potential for growth and sustainability within this area and shall be approved by the Director of Planning and Development Services.
7. All staff technical items shall be addressed.

The Planning Commission notes that the extension of the new street and/or easements to the easterly or southerly boundary line has not been required in accordance with Sections 4.2 and 4.3 of the Subdivision Regulations due to the location of the extensive and sensitive wetland system associated with Eccleston

Brook and that the Inland Wetland Agency (IWA) permit stipulated that there shall not be any clearing beyond the 100-foot upland review area on the residential lots. In addition, a conservation easement was placed on these lots as part of the Inland Wetland Agency approval process. Also, there is an existing conservation easement recorded over the property to the south which limits the location for any access to the south and this proposed subdivision will not be served by public water and sewer. Also, the remainder land to the east will either be combined with other private land that has access to Noank Ledyard Road or will be conveyed to the Town as open space and the lands to the south currently have access to either Flanders Road or to a future public access right-of-way off of Regatta Circle.

Motion made by Pritchard, seconded by Steinford.

MOTION: To amend the original motion with the following addition:

In accordance with Section 4.1(7) require a 100 ft. development free area along the entirety of the northerly boundary of the subject property with the provision that only uninhabited development can occur in that area.

Motion made by Munn, seconded by Roper.

Discussion followed on how to apply the development-free area standard, how it might affect the feasibility of lot designs, options that might be available to re-design the subdivision and other considerations.

Motion passes, 3 – 2, 2 against (Pritchard, Steinford).

MOTION: To approve the original motion as amended:

To approve a subdivision plan for Pendleton Farm Lane Subdivision (7 lots), Flanders Road with the following modifications:

1. Alternative B shall be incorporated into the final subdivision plan. All references to the walk within the pedestrian easement and landscaping, ownership and maintenance by the Home Owner's Association shall be eliminated.
2. The Erosion Control Plan shall be modified to show the onsite staging areas for parking and storage of materials/equipment to be further into the site and to the east of the existing residential lots.
3. The existing woods road to Lot 1 shall not be used as a construction entrance.
4. The Town of Groton Conservation Easement Model shall be used for the proposed conservation easement and shall be approved by the Planning Department and recorded with the subdivision plan.

5. Note # 12 on Sheet 2 shall clearly state that the remainder 38.96 acres shall be conveyed to JJJ Realty of Mystic LLC or to the Town of Groton at the time of recording of the subdivision plan.
6. The 16 evergreen trees for the each of Lots 1 and 4 shall be a minimum of 4' high and shall be planted as shown on a Composite Exhibit, Pendleton Farm Lane dated January 2007. The type of species shall be reviewed with a landscape professional so that there is a high potential for growth and sustainability within this area and shall be approved by the Director of Planning and Development Services.
7. In accordance with Section 4.1(7) require a 100 ft. development free area along the entirety of the northerly boundary of the subject property with the provision that only uninhabited development can occur in that area.
8. All staff technical items shall be addressed.

The Planning Commission notes that the extension of the new street and/or easements to the easterly or southerly boundary line has not been required in accordance with Sections 4.2 and 4.3 of the Subdivision Regulations due to the location of the extensive and sensitive wetland system associated with Eccleston Brook and that the Inland Wetland Agency (IWA) permit stipulated that there shall not be any clearing beyond the 100-foot upland review area on the residential lots. In addition, a conservation easement was placed on these lots as part of the Inland Wetland Agency approval process. Also, there is an existing conservation easement recorded over the property to the south which limits the location for any access to the south and this proposed subdivision will not be served by public water and sewer. Also, the remainder land to the east will either be combined with other private land that has access to Noank Ledyard Road or will be conveyed to the Town as open space and the lands to the south currently have access to either Flanders Road or to a future public access right-of-way off of Regatta Circle.

Motion passes unanimously.

VI. SITE PLANS

1. Marine Science Magnet High School, 155 Thomas Road (CAM)

Staff said the applicant is requesting a 65 day extension to continue their work with the State on outstanding issues.

MOTION: To grant a 65 day extension to Marine Science Magnet High School, 155 Thomas Road.

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

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

Rod Desmarais, a principal of Historic Mystic LLC, the applicant, outlined the proposed project for 16 residential units and six retail units with parking at the Town-owned pump station on Gravel Street, behind the Tift building, and at the Mystic Art Association.

Mr. Desmarais reviewed the pump station parking on Gravel Street, which will provide nine spaces, will be built by the applicant to Town specifications and site improvements. Regarding the concept of public land being used for private use, Mr. Desmarais said they are not taking the parking lot away from the Town. It is being leased to the applicant, but the Town retains ownership of the asset and the improvements and they are leasing to residents of downtown Mystic. Staff said the Town does not foresee any changes to that area requiring the Town to take the lease back. This area provides nine spaces, but one must be handicapped, so only eight spaces will be used in all likelihood.

The second parking lot is located behind the Tift building. There are currently 17 spaces and there will be an additional three spaces after the removal of the dilapidated carriage house. All of these parking spaces will meet the Town standards.

The Mystic Art Association's parking validation program was reviewed. The 16 spaces at the Mystic Art Association are leased for two years at a time. The Association will not give the applicant a ten year lease.

Clint Brown, DiCesare-Bentley Engineers, addressed the outstanding issues. The special permit requirements were reviewed. The Central Hall building and the public access walkway were described. The walkway has been widened to seven ft. The applicants have received permission from the adjacent property owners to run the walkway up to the existing adjacent building, and there will be an easement across the water from the pump station. Utility design was reviewed. Coordination of this project with the streetscape project was discussed. The storm drainage for the Tift building parking lot was reviewed. The pump station parking access was reviewed. Reconfiguration of the Tift parcel was described. Lighting to match the streetscape lighting was reviewed. The design and location of a designated fire lane was reviewed. The pedestrian walkway to the Tift parking lot is being redesigned. The sewer easement was discussed. No light standards, bollards or any foundations or permanent structures can be located within the area of the sewer easement.

Staff asked the applicant to provide one final extension to get past tonight's meeting as there are still some outstanding issues that cannot be addressed tonight. March 23rd is the final date. Staff reviewed the requested waivers.

Staff discussed the Mom, Jerry and Jerry property (Azu), the bollard system and the improvements for that site, including moving the dumpsters.

The location of the lights behind the Tift building was described. The lights will be on 12 ft. poles; staff said they may want hoods on the lights to shield the adjacent residences.

Staff said a waiver is required to reduce the buffer at the back of the Tift parking area. The abutting properties of the insurance company and the Christian Science building on Gravel Street were discussed.

Staff said the streetscape construction is scheduled to start in the spring of 2008. If approved, this Central Hall project will be started before that. Coordination of the two projects and the sewer line was discussed. The sewer connection maintenance needs to be tied up with the applicant. They also need to work with the Town engineer on many of the outstanding items. Staff said the proposal calls for a 22 ft. wide aisle in the parking area and 24 ft. is the Town minimum standard, so the landscaping proposed may be jeopardized. Plowing in the winter and maintenance of the landscaping could be a problem. Continuation of the granite bollard system was discussed as an option. Grading and the width of the walkway were described.

Staff reviewed the history of the parking for the previous projects at this site. Rufus Allyn's proposal had 12 rental units in addition to retail, and the parking for that project included rental of spaces at Mystic Art Association. The planning records indicate a three year lease, which needed to be maintained perpetually. The Pavarini proposal, which followed Rufus Allyn's, leased space from the Town for seven spaces for seven larger condo units. Staff requested a copy of the lease agreement between the applicant and Mystic Art Association. The Association does not specify specific space, only that the applicant is entitled to the space if it is available. The applicant's existing lease is only a two year lease. The special permit implies a provision of up to ten years. Staff wants the Commission to understand that the pump station lease is still in negotiations, and that lease is for ten years. Staff said that all the leases from the Association fit the 150 spaces that are available there. Staff said they do not know if the applicant purchased Rufus Allyn's lease.

Mr. Brown said that the gravel surface behind the Tift building will not be paved. The heaviest traffic areas will be paved. The paved area drains to the gravel areas; drainage was discussed.

Mr. Desmarais said that all of the residences will be condominiums. The six retail spaces will have the option to be purchased as condominiums; if not, they will be leased. There will be a condominium association and will include the retail areas that are sold as condominiums. The association will be responsible for the walkway, etc. The flood elevation was reviewed. Mr. Brown said the residents will pay a higher rate for flood insurance.

Lighting in the pump station parking lot was reviewed. Staff said there are some fixtures on the building, but additional lighting will be provided at the entrance way as part of the streetscape project. Location of the light posts in the Tift building parking area was detailed. Bump-outs and street parking in front of Central Hall, provided as part of the streetscape, was reviewed.

The Commission members suggested solar buttons or some form of lighting on the bollards to provide some ambient light. Mr. Brown said they will be using the same fixtures as the streetscape fixtures for the four light poles. Potential locations for bike racks were discussed. Mr. Brown said that there were previously two handicapped parking spaces at the pump station, but the Zoning

Official concluded that only one is necessary and none is required in the Tift building lot. Mr. Brown said the fire lane will be striped.

Lease agreements for parking, the parking design and the assignment of parking spaces were reviewed.

The Commission recommended vines to soften the fencing. Staff said there will not be a buffer on Gravel Street; there may be some planters to keep the area open for views of the water. The Town will have access to the pump station in the event of an emergency. That is being built into the lease.

Steinford suggested incorporating a nautical design into the project elements.

Mr. Brown told the Commission that if an agreement is not reached with the owners of the Mom Jerry & Jerry property in the period of time left to act, there is a contingent plan. Also, regarding the lease with the Town, Mr. Brown stated that no one would sign a lease until the approvals are in place. If that lease does not happen, the project would have to be rethought. Mr. Desmarais said there will be eight designated spaces behind the Tift building and eight designated spaces at the pump station. All 16 spaces will be actually designated to the specific units.

Discussion followed on the parking stipulations for the condominium association.

MOTION: To approve the extension for Central Hall, 18-22 West Main Street and table the site plan review to the special meeting on Thursday, March 22nd in CR1 at 6:00 p.m.

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

VII. OLD BUSINESS

VIII. NEW BUSINESS

1. Report of Commission

Roper said the Regional Planning Commission will be holding monthly meetings for planning commissions regarding the regional plan update. There is a Regional Planning Commission meeting on April 19th at 7:30. There will be a public hearing on April 9th on the Regional Transportation Committee Plan.

2. Discussion of Planning Commission Meeting Minutes template

Steinford said he would like the minutes to follow the meeting chronologically, so that the public hearings will appear in the minutes where they occurred during the meeting. It was also suggested that the time might be placed next to the title, or the time for the start of the public hearings. The agenda could stay the same but the minutes would run chronologically.

Discussion ensued on the purpose of the minutes. Secretary Pritchard suggested that too much information is being put into the minutes. Staff agreed and noted the time and resources needed to do the minutes. Mr. Roper disagreed and wanted the current level of detail. It was the Commission's consensus to reduce the amount of detail. Staff will proceed accordingly and felt if a member wished to see more detail the draft could be amended appropriately.

IX. REPORT OF CHAIRMAN

The Chairman stated that the special meeting is all set for March 22nd and asked staff if it is at all possible, when a draft is completed for Central Hall, to have it delivered to each Commission member's house to be seen ahead of time.

X. REPORT OF STAFF

Staff said a Historic District Commission brochure will be coming out soon. Staff is finalizing it now. This brochure was drafted with the HDC, and explains the history of Groton's three historic districts, the location of the districts, and contact information are included in the brochure. It will be mailed to all property owners in the three districts. Staff will give copies to the Commission when it is completed.

Staff said the site plan for the tercentennial playground will be forthcoming. DiCesare-Bentley is providing the engineering work gratis. Also the Spring Ball will be held on April 21st as a fundraiser for the playground.

Staff said the Thomas Road Bikeway is moving along.

The RFQ for the Zoning Regulation amendments is being prepared. Staff hopes to have an educational forum with a consultant on the concepts for these issues, as appropriate

A referral for the GOSA application for a moratorium and text changes will be coming from the Zoning Commission.

XI. ADJOURNMENT

Motion to adjourn at 10:41 p.m. Motion made by Munn, seconded by Roper, so voted unanimously.

Respectfully submitted,

Jeffrey Pritchard