

PLANNING COMMISSION SPECIAL MEETING
MARCH 22, 2007 – 6:00 P.M.
TOWN HALL ANNEX-COMMUNITY ROOM 1

I. ROLL CALL

Regular Members Present: Sherrard, Steinfeld, Munn, Roper, Pritchard
Alternate Members Absent: Kane, Fitzgerald
Staff: Murphy, Davis, Moulding

Chairman Sherrard opened the meeting with roll call at 6:11 p.m.

II. SITE PLANS

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

Chairman Sherrard asked if the applicant had any comments before the Commission proceeds with discussing the motion. Clint Brown, DiCesare Bentley Engineers stated that the applicant has reviewed the draft motion and does not have any questions. Staff stated that no new plans have been submitted and that all recommendations have been incorporated into the draft motion. Staff stated that they have been working with the applicant over the last four months and have met with the owners of 32 West Main Street regarding improvements to the parking lot area. The owners of that property have pending zoning issues and any changes will be dealt with when they submit a site plan. Staff reviewed the history of applications approved for the Central Hall site and each of the modifications and conditions of the draft motion. Staff showed the Commission the proposed modification changes on the site plan. He stated that there are issues related to the pump station that the Town needs to be able to control use of the site for maintenance. The public will still have public access to the property.

Rod Desmarais stated that the condominium association will retain at least one and maybe two management companies to maintain the property. If there is more than one company they will share the responsibilities.

Staff explained where the fire access will be shifted on the plan to coincide with a right of way. Staff has spoken to the owners of 32 West Main Street who realize the benefits of the proposed changes. Staff showed the curb that will be removed and where it will be replaced. Staff stated that if this application is approved and a lease is not accomplished with the Town Council there might be a reorganization of the parking to meet the requirements. There will be mobile landscape planters associated with the streetscape project. Staff stated that the parking conditions were set up by the Special Permit approved by the Zoning Commission.

Rod Desmarais agreed to place a bike rack on the site if approved by the Historic District Commission (HDC). He stated that he has a 2 year lease with the Mystic Art Association and has a letter which states the lease is renewable every 2 years.

Roper left the meeting at 7:04 p.m. Concerns were voiced by the Commission about the amount of lighting along the pedestrian access way and that it should be addressed under the technical items. Clint Brown stated that the applicant has looked at various types of lighting in the bollards and will be bringing them to the HDC for approval. The Commission discussed various parking scenarios that could occur. Staff stated that the applicant would need a site plan modification for any changes; however, he does not recommend any

attachment of a condition that requires the Town to lease parking at the pump station. Staff also discussed contingencies for parking in the event the lease is not executed with the Town. The Commission suggested modifying site plan modification #10 in the motion to allow assessment of the parking situation if no lease is signed or maintained with the Town.

MOTION: To approve SIT 06-33, application of Historic Mystic LLC for retail and residential development at 18-22 West Main Street, Mystic, including any required offsite improvements, subject to the following modifications. It is noted that action is taken on the supplemental plans of record last revised 2/22/07, sheets 1 through 6 inclusive, and any related supplemental data.

1. The plans shall note that, to the extent the plan contains improvements that are subject to the review and approval of the Historic District Commission, such plan approval does not abrogate the owner and/or his successor's or assigns from compliance with HDC authority. Design and construction details approved by the HDC shall be included on the final plans.
2. The plans shall note that approval herein shall be binding upon the applicant and all successors and assigns, in perpetuity, or until and unless otherwise modified by the Planning Commission. This note and its scope shall include by reference, compliance with Special Permit #289, issued August 2, 2006, by the Town of Groton Zoning Commission.
3. The plans shall note that the conditions of note #2 above shall be included in the Common Interest Community Declaration. Such Declaration(s) shall be provided to the Director of Planning and Development and the Town Attorney prior to execution and recording on the Land Records, for review and approval of this and any other related approval conditions.
4. The plans shall note that nothing in the Declaration, including but not necessarily limited to any rights reserved by the Declarant, his successor or assigns, shall conflict with or otherwise interfere with the complete and ongoing satisfaction of any and all conditions of this approval. This note and its scope shall include by reference, any potential Common Interest Community established for commercial uses, whether together with, or exclusive of, approved residential units.
5. The plans shall note that the deeds, leases and/or Common Interest Declaration for any non-residential units shall note that use of such units shall be limited to non-residential uses, and subject to any and all provisions of this approval, unless otherwise modified by the Planning Commission, and as limited by the terms of Special Permit #289 referenced herein.
6. The plan shall note that all required improvements shall be made at the applicant's sole expense, including but not necessarily limited to any and all required offsite parking, utility, landscaping, signage and lighting. Unless otherwise approved by the Town Council in a subsequent lease agreement, this shall include in its scope any and all improvements at #2 Gravel Street.

7. The plan shall note that design and construction shall be coordinated to the greatest degree practical with the Town's Downtown Mystic Streetscape project, including the submission for review and approval of any specific design and P.E. certified engineered drawings and easements deemed necessary at the discretion of the Director of Planning and Development. This note shall include a provision for appropriate and necessary bonds or other approved surety.
8. A note shall be added to the plan that the applicant will provide detailed, P.E. certified construction drawings and any related data, calculations and/or narrative, for review and approval by the Town Engineer, concerning the physical interface of 18-22 West Main with the street line, with specific reference to the Town Engineer's comments dated 3/16/07 prior to recording the plans in the Land Records.
9. The plan and any Common Interest Declaration shall note that the required 16 stalls to be leased at the Mystic Art Center property, shall be required as an ongoing obligation for a minimum of ten years from the date of approval of the Site Plan, shall be exclusive of and in addition to, any other stalls leased by the applicant, his successors and/or assigns, at this location, or at any other location, and that evidence of such lease shall be provided in writing upon the request of the Director of Planning and Development or his assigned agent.
10. The plan shall note that for purposes of this Site Plan, the proposed parking area to be leased from the Town at #2 Gravel Street is not required pursuant to this approval and therefore, the decision of the Council whether or not to enter into a lease with the applicant for said area has no bearing on the Commission's action. In the event the lease with the town is not executed the Commission reserves the right to review the parking situation with the applicant and require a site plan modification if deemed necessary.
11. The plan shall note that the pump station parking area and any related improvements, shall be modified at the direction of the Director of Planning and Development, acting in consultation with the Town Engineer, and consistent with the design concepts adopted for the Streetscape project and current standards, including at a minimum, a 24 foot internal isle width, an 18 foot wide curb cut, modified radii at the street, elimination of the turnout area, elimination of the northerly landscape strip (and noting a reduction to zero by modification), and relocation of the proposed/required handicap stall and related access ramp, as depicted on the staff sketch presented to the Commission on 3/13/07.
12. The plan shall note and all relevant sheets shall be revised to eliminate any improvements proposed to be located on 32 West Main Street, but shall remain consistent in all other respects with the record plan sheet 4 of 6. This note shall constitute agreement by the applicant to coordinate with the owners of 32 West Main Street to facilitate and install the improvements to that site

contemplated by the record plans, and consistent with the requirements of Special Permit #289.

13. The plan shall note that the parking area at #36 West Main Street shall not be gated at its access to Pearl Street and that no more than 8 stalls on this parcel shall be for the exclusive use of Central Hall residential occupants.
14. Note 9 on sheet 3 of 6 shall be revised to indicate that the retail tenants shall participate in the parking validation program at the Mystic Art Center, and that this shall include the tenants at 36 West Main Street and those to be located at 18-22 West Main Street. Any declaration for the non-residential condominiums on the first floor of 18-22 West Main Street shall require compliance with the proposed validation program.
15. The proposed screen fence to the N/F Laffey parcel shall be extended easterly to at least the southeast corner of the Laffey parcel (zone boundary of RS-12).
16. Technical items of staff shall be addressed.

The Commission notes that the requests for modification of building height, building setbacks and lot coverage as shown on the drawings are supported without conditions. Modification of unit density, parking ratios, and property buffers at the pump station site and the northern parking area (to Laffey/Christian Science) are deemed acceptable, however as modified by this approval. It is noted that the northerly buffer on the pump station parcel is reduced to zero, and that the request for relief to parking geometric standards for the pump station lot is denied as it exceeds the scope of the Commission's authority and conflicts with relevant provisions of Special Permit #289.

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

MOTION: To approve the Coastal Site Plan application for SIT 06-33, based upon the following findings and conditions:

The Commission hereby finds that the application as modified and conditioned herein is consistent with all applicable goals and policies of CGS 22a-92 and incorporates all reasonable measures which would mitigate adverse impacts of the proposed activity on both coastal resources, and on existing and future water dependent activities.

The Commission further finds that a careful review of the proposed activity described in the application has been made with respect to water dependent development opportunities and the proposal therefore constitutes an acceptable adverse impact upon said water dependent development opportunities for the following reasons:

1. Any required public access easements shall be clearly defined by class A-2 boundary survey, shall be depicted on the final plans, and dedicated in favor of the Town of Groton in perpetuity. Such easements shall be approved as to form and content by the Town Attorney and Director of Planning and Development, prior to execution and recording on the Land Records with the final

approved plan. No zoning or building permits shall be issued without such approved and executed easements having been recorded on the Land Records.

2. The applicant's obligation to own and maintain the public access areas is a specific and affirmative requirement of this approval. This required ongoing obligation of the applicant, and any successors and/or assigns to own and maintain the required public access areas, including but not necessarily limited to any related and required amenities such as lighting, security, refuse containers, planters, benches, public signage and other like features, shall be included in the Common Interest Community Declaration. This obligation shall run with the land at no cost or obligation to the Town of Groton.
3. Unless otherwise noted herein, the entirety of the public access areas shall remain free, open and unencumbered for public access and enjoyment at all reasonable times. Prior to recording the final approved plans on the Town Land Records, detailed, certified construction drawings shall be provided to the Director of Planning and Development for all improvements within public access areas, and shall include provisions for refuse, benches, decorative planters, lighting, signage, and like amenities.
4. The Declaration shall note a prohibition on any commercial use and/or privatization of the public access areas, including but not necessarily limited to use of any portion of such areas by commercial or other occupants of 18-22 West Main Street.
5. A Flood Management addendum to the application shall be provided and incorporate specific provisions for elevating landings to the residential units at or above the base flood elevations.
6. This project, along with the Town's Mystic Streetscape Project, will actually expand the pedestrian access way area at 2 Gravel Street and significantly improve the area with the new boardwalk, lighting, benches and landscaping, that further mitigates the modification to the public parking use.
7. The Town of Groton pump Station meets the definition of a National Interest Resource based on its function as a water pollution control facility. The future needs of the community with regard to improvements needed in the interest of the Clean Water Act and the possibility of an expanded/improved facility will be accounted for in any lease agreement for this area authorized by the Town, without sacrificing coastal pedestrian public access.
8. There are a significant number of alternative public access points along the Mystic River on the Groton side, several of which include parking for free or at minimal rates. Two of these sites are within a few hundred feet of the Gravel Street site.
9. The applicant has provided dedicated public access as part of the approved Certificate of Permission from the Connecticut Department of Environmental Protection.

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

III. ADJOURNMENT

Motion to adjourn at 8:10 p.m. by Steinfeld, seconded by Pritchard, so voted unanimously.

Respectfully submitted,

Jeffrey Pritchard