

MINUTES
PLANNING COMMISSION
MAY 8, 2007 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Steinfeld
Alternate members present: Fitzgerald, Kane
Staff present: Cullen, Davis, Glemboski, Stanowicz

Acting Chairman Pritchard opened the meeting with roll call at 7:02 p.m.
Acting Chairman Pritchard seated Fitzgerald for Sherrard and appointed Roper as Acting Secretary.

II. APPROVAL OF THE MINUTES of April 24, 2007

MOTION: To approve the minutes of April 24, 2007 as amended.

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

III. PUBLIC COMMUNICATIONS

All of the Commission members received notice of the school caravan; members must respond by May 11th if they will attend.

Roper said he received a phone call on May 6th from Wendy MacFarland supporting the Commission's denial of the Wal-Mart application and noting her concern with the MX zone application.

Kane said he also received a phone call from Wendy MacFarland regarding the same subjects.

IV. SITE PLANS

1. Groton Village Condominiums, 10 Fort Hill Road (CAM)

MOTION: To table the Groton Village Condominiums, 10 Fort Hill Road, to the next regular meeting on May 22, 2007.

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

2. Mystic Active Adult, Noank-Ledyard Road

MOTION: To grant an extension for commencement of construction to Mystic Active Adult, Noank-Ledyard Road, to September, 2008.

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

3. Boulder Heights/Carriage Park, Colver Avenue

MOTION: To grant an extension for commencement of construction to Boulder Heights/Carriage Park, Colver Avenue, to May, 2008.

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

V. OLD BUSINESS

1. Discussion regarding Oh Boy Diner (143 Gold Star Highway) site plan condition (crosswalk)

Granville Morris, Attorney, O'Brien Shafner, represented D'Angelo Realty II, Oh Boy Diner. The site plan for the diner was approved in June 2006. That approval required that the applicant work with the DOT to investigate the feasibility of installing a crosswalk across Gold Star Highway. Mr. Morris explained that building a crosswalk would require a permit from State Traffic Commission. The STC can require the applicant to upgrade all of the intersection signals at a substantial expense to the applicant. The State is not requiring the crosswalk. Mr. Morris detailed the existing intersection. The applicant is requesting that the Commission find that the application has satisfied the permit conditions.

Staff spoke with Rick Chapman, DOT in Norwich, who stated that the State is not requiring a crosswalk and did not require one when Wal-Mart was built, and a diner was on the site where the Oh Boy Diner is being constructed. If the crosswalk is installed the STC may want exclusive walk signals and upgrades to all the intersection signals, at the expense of the applicant.

Mr. Morris said the number of seats for this restaurant will be more than the previous, and there is no other development in the area warranting more walking traffic. The existing configuration of the intersection and crosswalks was reviewed. Staff stated that the STC would require the crosswalk to be signalized with a pedestal on the Oh Boy Diner side of Gold Star Highway, and modify the pedestal on the opposing side of the highway, and possibly require them to also change out all the signal heads.

MOTION: To table discussion of the Oh Boy Diner crosswalk condition until the applicant provides the Planning Commission with information indicating that the State will not permit the more limited traffic signal improvement option.

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

Acting Chairman Pritchard called a short recess and the meeting resumed at 7:48.

VI. PUBLIC HEARINGS

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

Fitzgerald recused himself. Pritchard seated Kane for Fitzgerald as a voting member for the Candy Lane Subdivision.

Attorney Robert Avena represented the applicant, Peter Lampasona. Mr. Avena said this application is for fewer lots than the previous application, but that the appeal is still pending on the larger proposal.

Don Gerwick, P.E., reviewed the location of the subdivision. Mr. Gerwick said a wetlands permit was previously obtained and none of the proposed changes

will affect that permit. Mr. Gerwick reviewed the lots and sizes, the traffic, and the proposed sound barriers. The applicant is proposing to install playscape equipment on Town-owned open space to the north of the subdivision, with a cost of approximately \$10,000. An access way to the playground has been added to the plans. A sidewalk waiver has been requested, and the applicant is asking the Commission to allow the required lot width of 80 ft. to be at the front setback line.

Staff distributed a map detailing the parcel's abutting properties, topography and wetlands. Staff said the lots are larger than in previous plans and some lots will have duplex units. Staff reviewed the retaining walls, concrete sidewalks, timbered noise barrier which has an opening to access the drainage structures behind Lot 10 as requested by the Inland Wetlands Agency. The opening in the noise barrier is contrary to the recommendations of the applicant's acoustics engineers and the most recent analysis he performed. Some of the timbered noise barriers will be located on Town-owned property and the Town will be responsible for maintenance of the barrier, which the town has agreed to. Staff said the noise barriers meet DOT specs and are replicated on the plans. An appraisal has been provided, valuing the land at \$215,000. Staff said the Commission previously suggested that they may consider reducing the applicant's fee in lieu of open space by the amount of the cost of the playground equipment. The lot widths, front setback requirements, building envelopes and yard space were reviewed.

The Commission reviewed Mr. Baudro's landlocked property to the east of this applicant's and the location of the wetlands there. The illegal driveway encroaching on the west side of the applicant's property was discussed.

Staff reviewed the utilities, parking, driveways, and the trees located along the sound barrier. There will be 8 duplexes and 2 single family houses on the ten lots. The waiver of the frontage sidewalk on the south side of Candy Lane was reviewed. The frontage requirements were discussed and the acoustics were reviewed.

MOTION: To continue the public hearing for Candy Lane Subdivision, 0 Bonnie Circle, to the next regular meeting on May 22, 2007.

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

VII. SUBDIVISIONS

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

The public hearing was continued to May 22, 2007.

Acting Chairman Pritchard called a short recess and the meeting resumed at 8:57 p.m.

VIII. SITE PLANS

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

Greg Smolley, JCJ Architecture, presented the application. Mr. Smolley answered some outstanding issues. The dumpster location, propane tanks, bike

rack, and fire hydrant locations were reviewed. The photometric plan and light fixtures were reviewed.

Mr. Smolley detailed the runway glide path and elevations of the building and stated that the heights of the generator, oil tank and building are all above the 500 year flood plain. Noise migration and mitigation were reviewed. Signage will be a separate application. The emergency evacuation plan and construction sequencing were outlined. The archaeological survey was discussed.

Staff reviewed the hazardous materials list, flood regulations and flight path information, all received today. The stairwell, storage room and elevator, all located under the flood plain level, were discussed. Staff will confirm DOT's approval. In lieu of the frontage sidewalk required, staff has asked the applicant to dedicate a percentage of their frontage to the Thomas Road bike path. If the Town does not construct the bike path, staff is recommending that a sidewalk agreement be required by the applicant. Modifications requested are: a thirty three foot buffer in lieu of a fifty foot buffer, as required for schools in industrial zones, in one small area; street trees and natural vegetation in lieu of 20 ft. wide frontage landscaping; one shade tree, located in the interior area; and to allow sections of bituminous sidewalks. The entrance will be a bituminous path into the site to match the bike path, and change to concrete midway up the driveway. Staff reviewed the various materials on the interior sidewalks. Coastal management application conditions were reviewed, including a construction phasing management plan, flood management planning, and management of construction activities. The number of shade trees was reviewed. The applicants are trying to avoid the beach and estuary, maintain natural vegetation and allow the school to be seen from the street. The public will have access to the floating dock except when school is in session. The Commission suggested putting a "Do Not Mow" sign over the natural vegetation. Mr. Smolley discussed rooftop units and rooftop planting flats.

Trees around the driveway and parking area were reviewed. The evacuation routes and FAA standards and authority were discussed. Discharge of salt water to Birch Plain Creek was discussed. Staff explained the draft motion items. Mr. Smolley told the Commission that the applicant, LEARN, will agree to the sidewalk agreement and may not have the funding to build the sidewalks immediately, but would budget for that in their subsequent budget cycle.

MOTION: To approve a site plan for Marine Science Magnet School at 155 Thomas Road, subject to the following modifications:

1. A note shall be placed on the plans stating "Any modifications required by any State or Federal permitting process, shall be reviewed by Town staff. Any required modifications to the site plan shall be approved by the appropriate agencies as necessary."
2. In accordance with Section 7.5-5 A. of the Town of Groton Zoning Regulations, a sidewalk agreement shall be recorded with the site plan that stipulates that if a bike path is not built by the Town of Groton along the project frontage, that the owner agrees to appear before the Planning Commission within a period not to exceed five years from the date of approval, to

allow for a determination to be made as to the need for the installation of a 5' concrete sidewalk, or alternative design, along the project frontage. Said determination as to the need for the installation of this sidewalk shall be at the discretion of the Planning Commission. Prior to the initiation of any construction of a sidewalk required under this provision, the property owner will prepare and have approved a construction plan for said walk which shall meet all requirements of the Town of Groton including all information regarding location, grade, elevation and other details.

3. A note shall be placed on the plans stating "All Federal Aviation (FAA) and CT Department of Transportation (CTDOT), Bureau of Aviation and Ports requirements shall be met for this project". The plan shall reference the "Airport Runway/Groton Glide Path Analysis" provided by the applicant.
4. Prior to any site disturbance the applicant shall conduct a subsurface testing program and pedestrian surface survey to document any prehistoric or historic cultural resources on the project property. The research and field methods shall be in accordance with requirements as stated in the ACS Phase I Archaeological Reconnaissance Survey; Background Research Summary dated April 27, 2007. Mitigation, if necessary, shall be in accordance with all State and Federal requirements and copies of all reports shall be submitted to the Town.
5. The fire hydrants shall be relocated as per the memo from the Fire Marshal dated May 7, 2007. The applicant shall obtain any additional reviews and approvals by the appropriate Town agencies, if necessary for these hydrants.
6. All Inland Wetland Permit No. 06-20 requirements shall be met and appropriate details shown on the final plans.
7. A note shall be placed on the plans stating "All necessary permits shall be obtained from local or State agencies prior to any discharge from the facility to the sanitary sewer. Any discharge from the laboratories and chemical storage facilities to other than the sanitary sewer system shall require additional review and approval by the appropriate Town and State departments, agencies, and commissions."
8. An updated narrative and plan of the aquaculture facilities and operations shall be provided to the Office of Planning and Development prior to the issuance of a building permit for the project. The narrative and plan shall include water intake and discharge plans and details, filtering and pumping methods, chemical use and disposal, types and amounts of hazardous materials, spill containment for hazardous materials, and the tank area, pump and filtering details. The design and operation

of the facility shall be reviewed and approved by all appropriate Town departments and agencies.

9. A Final Emergency Preparedness and Evacuation Plan shall be reviewed and approved by all appropriate departments and agencies party to the Plan. The Final Plan shall be submitted to the Office of Planning and Development prior to issuance of a Certificate of Occupancy.
10. The final site plan shall show compliance with all requirements of Section 6.6 of the Zoning Regulations. Details shall be provided on the plan showing that all fully enclosed spaces below the base flood elevation, and utilities, storage tanks, etc. are designed to meet Section 6.6 of the Zoning Regulations.
11. A note shall be placed on the final plans stating “The final building plans shall show compliance with Section 6.6 of the Zoning Regulations. The applicant shall provide to the Office of Planning and Development the as-built elevations (in relation to mean sea level) of the lowest floor (including parking/storage area/elevator/storage tank) or to the level that the structure was flood proofed prior to the issuance of the Certificate of Occupancy”.
12. A narrative report and details shall be submitted prior to recording of the final plans that addresses compliance with and identifies any hazardous materials associated with the proposed occupancy and use of the property in accordance with Section 8.4-4 of the regulations. Notes shall be placed on the final plans referencing the report and the following:
 - a. All rooftop and other site mechanical equipment and facilities shall be designed to have adequate containment from potential spillage of hazardous materials. Certification from an engineer as to the proper installation of these containment facilities must be provided to the OPDS prior to the Certificate of Occupancy (CO).
 - b. Any drainage system located in the vicinity of the loading areas or trash areas shall be designed with a secondary storage system or other appropriate method of containment for any spill of hazardous materials.
13. All technical items by staff shall be addressed.

The Planning Commission notes that a buffer of 33’ in lieu of 50’ is acceptable in accordance with Section 7.1-8.B of the Zoning Regulations and as shown with the evergreen plantings on the site plan adjacent to the golf course. The adjacent type of use allows for a lesser degree of impact mitigation and the location of the buffer is in an area of an irregular boundary with the adjacent golf course and is located where the interior of the building is a corridor adjacent to the aquaculture labs.

The Planning Commission notes that the school building may be constructed within a coastal flood hazard as per Section 7.1-8.2 of the Zoning Regulations and it can be demonstrated that, as modified, hazards to life and property are minimized and all potential flood hazard impacts have been mitigated to the maximum extent practicable in accordance with the Town of Groton Zoning Regulations.

The Planning Commission notes that the modified landscape design shown on the landscape plan is acceptable and meets the intent of Section 7.4-3 for frontage trees and landscaping and Section 7.4-5 for parking lot trees.

The Planning Commission notes that the requirement of a frontage sidewalk per Section 7.5-2 shall be met with the construction of a 10-foot wide bituminous bike path by the Town or the recording of a sidewalk agreement in case the bike path is not constructed in a timely manner.

The Planning Commission notes that the use of a bituminous sidewalk on a portion of the site in lieu of all concrete sidewalks is an acceptable design for this site and is in accordance with Section 7.5-4 of the Zoning Regulations.

Motion made by Pritchard, seconded by Roper. Motion passes unanimously.

MOTION: To approve the Coastal Area Management application for the Marine Science Magnet High School, 155 Thomas Road because, as modified and with the following conditions, it is consistent with all applicable coastal policies contained in CGS 22a-92, and includes all reasonable measures to mitigate adverse impacts and creates no unacceptable adverse impacts.

1. The general public shall have access to the parking lot and the marine/tidal waters and dock during non-school daylight hours. Access shall include the ability to park and to launch canoes and kayaks (non-motorized) at this location. Appropriate "Coastal Access" signage shall be installed along the entrance at Thomas Road and within the site. Locations and details of the signs shall be shown on the final plans. A pedestrian easement shall be submitted to the Town for review and approval and shall be recorded in land records prior to the issuance of a Certificate of Occupancy for the site.
2. A note shall be provided on the plans stating "The maximum quantity of fill brought onto the site shall be limited to 13,000 cubic yards without further review and approval by the appropriate Town and State departments and agencies, if necessary."
3. A note shall be placed on the plans stating "The discharge or withdrawal of water to or from Birch Plain Creek shall require additional review and approval by the appropriate Town and State departments, agencies, and commissions."
4. A Construction Management Plan, including the flood contingency plan, the erosion control plan, and various

housekeeping and best management practices for the construction site, shall be reviewed and approved by the Office of Planning and Development prior to the start of construction.

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

Acting Secretary Roper left at 10:48 p.m.

Acting Chairman Pritchard appointed Steinford as Acting Secretary and seated Kane for Roper.

IX. OLD BUSINESS

1. Inland Wetlands Agency referral for May 9, 2007 public hearing (Hawthorne Development Partners, Applicant)

Staff explained the referral. Staff would suggest 400 ft. of linear sidewalk down Fort Hill. Due to the location of the wetlands, this area would require further Inland Wetlands Agency permitting if the sidewalks are required for this area. Staff also noted that the access drive locations are fixed, and endorsed the interior walkways contingent upon special treatment in sloped areas.

Sidney Van Zandt, 3 Front Street, made a statement opposing the development and encouraging the Planning Commission to endorse her concerns. Staff asked her if her comments were her own personal opinions or if they were submitted on behalf of any group with which she was affiliated. Ms. Van Zandt indicated the concerns were hers, but that she was an officer in GOSA. Staff asked if GOSA had intervened in the projects wetland permit proceeding and Ms. Van Zandt confirmed that fact.

Some Commission members wanted to suggest that the Inland Wetlands Agency not permit any disturbance to the wetland #4 or its associated upland review area. Staff suggested that was not appropriate or consistent with the referral's purpose. The Commission agreed to rephrase its recommendation.

The Planning Commission had the following comment:

The Planning Commission recommends the consideration of a sidewalk extending 400 linear feet ± westerly from the access road on to Fort Hill Road. Also, the Planning Commission has no objection to revising the road pattern design around Area 4 to minimize the impact to the upland review area.

X. NEW BUSINESS

1. Report of Commission

Steinford attended the Zoning Commission's public hearing on May 2nd for GOSA's application for a zoning regulation text amendment, which was withdrawn.

2. Zoning Commission referral for June 6, 2007 public hearing (Mixed Use Floating Zone)

Staff gave an overview of the nodal and non-nodal areas as described in the POCD, and the mixed use concept. Further discussion was tabled until the next meeting on May 22nd.

3. Zoning Board of Appeals referral for May 9, 2007 public hearing (180 Fort Hill Road, Russell Sergeant/Applicant, Nick Sahin/Owner)

Staff explained the referral. The Commission had no comment.

4. Discussion on drive-through zoning/stacking requirements

The discussion was tabled until the next meeting on May 22, 2007.

XII. REPORT OF CHAIRMAN - None

XIII. REPORT OF STAFF

Staff said a letter has been sent to the owners of the Azu restaurant regarding compliance issues.

XIV. ADJOURNMENT

Motion to adjourn at 11:38 p.m. Motion made by Steinfeld, seconded by Kane, so voted unanimously.

Margil Steinfeld, Acting Secretary
Planning Commission

Prepared by Debra Stanowicz, Office Assistant II