

MINUTES  
PLANNING COMMISSION  
JUNE 10, 2008 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Sherrard, Steinfeld  
Alternate members present: Kane, Fitzgerald, (7:03)  
Staff present: Davis, Glemboski, Murphy, Gilot

Chairman Sherrard opened the meeting with roll call at 7:01 p.m. and seated Kane for Roper.

II. APPROVAL OF THE MINUTES OF meeting of May 27, 2008

MOTION: To approve the minutes of May 27, 2008 as amended.

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

III. PUBLIC COMMUNICATIONS - None

IV. SUBDIVISIONS

1. Groton Highpoint Subdivision, 245 Hazelnut Hill Road (31 lots)

The applicant requested an extension for the opening of the public hearing until July 22<sup>nd</sup> or August 12<sup>th</sup>. The Commission is unsure at this time if they will hold the July 22<sup>nd</sup> meeting.

MOTION: To table the setting of the public hearing date for the Groton Highpoint Subdivision until the next regular meeting.

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

V. SITE PLANS

1. Burger King, 557 Long Hill Road

MOTION: To grant a 30 day extension for the Burger King site plan application, 557 Long Hill Road.

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

2. Mystic Active Adult Community (Four Winds), Noank-Ledyard Road

Attorney Tom Londregan and Ron Bonvie represented Mystic Active Adult. Mr. Londregan requested an extension for the start of construction to September 8, 2009. He stated that the last appeal was finalized in 2007, and the developers are working on all the conditions of the approvals, as well as the requirements of the Army Corps of Engineers.

MOTION: To grant a one year extension to September 8, 2009 for start of construction for the Mystic Adult Community.

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

3. Groton Multifamily LLC (Ledges East), 375 Drozdyk Drive

Staff said Attorney Bates requested that the Commission table the request for an extension for start of construction to the next regular meeting.

MOTION: To table the Groton Multifamily LLC (Ledges East) request for extension for start of construction to the next regular meeting on June 24, 2008.

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

4. Leonard Drive Subdivision Stockpile Relocation, 250 Leonard Drive (CAM)

Bob Schuch, Boundaries, and Gary Gileau with Terra Firma, explained the request to relocate approximately 14,000 cubic yards of gravel and topsoil from Lot 7 to Lot 7a, and to allow the sale of that material. The owners cannot sell the material until after the ten year non-compete clause with Tilcon expires February 2010. Until then, they have requested to be able to move the material to the back lot, as they have a potential buyer for Lot 7. There would be no affect on coastal resources, and there are no wetlands on the property. A special permit was granted by the Zoning Commission with some conditions, which Mr. Schuch explained.

MOTION: To approve a site plan for Leonard Drive Stockpile, 250 Leonard Drive for Filling and Removing Earth Products (Stockpile locations) with the following modifications:

1. The hours of operation shall be 8am to 5pm Monday through Saturday.
2. The stockpile shall be moved within six months (January 10, 2009) of the approval date.
3. The stockpile shall be removed within two years (February 2012) of the end of the non-competition clause.
4. Technical Items of Staff shall be addressed.

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

MOTION: To approve the Coastal Site Plan for Leonard Drive Stockpile, 250 Leonard Drive because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

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

VI. NEW BUSINESS

1. Report of Commission

Steinfeld said he attended the Zoning Commission meeting on June 4<sup>th</sup> to support Bob O'Neill.

VII. REPORT OF CHAIRMAN

Chairman Sherrard asked staff to provide at the next meeting an estimate of the Planning Commission's anticipated agenda items for the upcoming summer meetings.

Chairman Sherrard polled the Commission for a volunteer to serve on the Noank School reuse task force, although the Planning Commission has not yet been formally asked. Steinfeld volunteered to serve on the task force.

The Commission took a short recess and reconvened at 7:47 p.m.

VIII. PUBLIC HEARING

1. North Woods Subdivision, 1299 North Road (5 lots)

Secretary Pritchard read the legal ad and the Chairman read the public hearing procedures.

Jim Bernardo, Land Surveying LLC of Waterford, represented the applicants, Richard and LeAnne Buzon. Mr. Bernardo explained the location of the property, located in the Ledyard (Groton Utilities) watershed area and the water resource protection district. The wetland areas on the site were described. The proposal is for a five lot residential subdivision with 0.89 acre of open space at the rear of the site. The Haley family owns the property to the east of this parcel. The plan does not provide for direct access from Route 117 to the Haley property although the applicants have attempted to accommodate the Haley family with a 50 ft. access should the Haleys decide to purchase the land (Lot 5) to put a road in. The setbacks for the lots are at 50 ft. to accommodate the possibility of a future road. Onsite septic systems are proposed and they are awaiting final approval from Ledge Light Health District. Mr. Bernardo detailed the rain gardens, drainage, erosion controls, frontage trees, and a request for a waiver of the last two building permits to allow the applicant to construct the aprons after all five homes are completed. They have also requested a waiver of overhead utilities. They propose to use the existing overhead utilities to the last SNET pole #2104 on the site. If a road is built there in the future, the utilities would have to be disturbed if placed underground at this time. From that last pole, underground utilities will be installed to each house. The following items were entered into the record:

- Notification to the State and water company, for development within public water supply watersheds
- Comments from CONNDOT
- Two letters from the Connecticut State Archaeologist

Staff suggested that the Commission keep the public hearing open because they are awaiting agency responses, and the wetland permit has not yet been granted. Staff reviewed the accessway, open space, potential future multi-use trail, and a pedestrian easement to access the open space lot. There is an existing trail in the proposed open space. The Parks & Recreation Department is reviewing the access to the open space. A conservation easement will be provided for the regulated area that falls within the individual lots. There is potential to combine the open space provided by the North Woods Subdivision with Haley property open space if that property is ever developed in the future. The master sidewalk and trails plan shows the west side of North Road as a potential sidewalk network, and the whole area is identified in the POCD as a community sidewalk infill area. The applicants will provide a 5 ft. concrete sidewalk with street trees. Sidewalks will be provided along North Road only and not the accessway. All lots have legal access to North Road. There will be pedestrian access from North Road to the open space.

Mr. Bernardo said the stone walls on the site will be preserved to the extent possible. There will be a shared driveway agreement for all the owners to maintain the common gravel driveway. No secondary access is provided, and is not required for only five lots. They must provide access to North Road that technically meets the regulations, but the 20' easements do not have to be used for access. In other approved subdivisions, it has been interpreted that the access has to be there, but that access may have been obstructed by slope or wetlands, etc. The potential trail system was detailed. Staff said there has been no comment yet from the Fire Marshal regarding the fire access on the proposed driveway.

Madelyn Haley, power of attorney for Henry Haley, addressed the Commission. Ms. Haley discussed the access to the Haley property from Phillips Street Extension and requested access be provided to the Haley property from the North Woods Subdivision. Mr. Bernardo said this property was purchased in the last year from the Haley family, and at that time the sellers had no concerns about the access. Mr. Bernardo said the Haleys can purchase the 50 ft. strip, or purchase Lot 5. The 50 ft. strip goes with Lot 5. The length of the strip is about 600 ft. The Haley property also has frontage on North Road further to the north. Staff said the design and layout of subdivisions is the responsibility of the Planning Commission and they must approve a design in accordance with the regulations. In light of the POCD recommendation for a future east/west street in this general location, staff did not feel the Commission had sufficient information to fully evaluate that issue. Staff will prepare and present additional details at the June 24<sup>th</sup> meeting.

**MOTION:** To continue the public hearing on North Woods Subdivision, 1299 North Road, to the next regular meeting on June 24, 2008.

Motion made by Sherrard, seconded by Munn.

Chairman Sherrard said the five voting members for the North Woods Subdivision application will be Munn, Kane, Pritchard, Steinford and Fitzgerald. Sherrard said he will not be at the next meeting and Roper did not attend tonight's public hearing. Munn said he also may not be present at that

meeting. Sherrard said he will advise Roper that he will need to listen to the public hearing tapes.

Motion passed unanimously.

IX. SUBDIVISIONS

1. North Woods Subdivision, 1299 North Road

The public hearing was continued to June 24, 2008.

X. NEW BUSINESS

2. Zoning Commission referral for July 2, 2008 public hearing

Zoning Regulation Amendment to Sections 6.12 Water Resource Protection District, 6.12-3 Non-Permitted/Regulated Uses to allow Day Spas to be included in regulated uses. (Chad Wright, Applicant)

Staff explained the referral. Staff asked the Commission to table the referral to allow them time to check the "Tees Plus" file. The standards and provisions of the zoning regulations were discussed.

MOTION: To table the Zoning Commission referral to the next meeting on June 24, 2008.

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

XI. REPORT OF STAFF

Staff said the Planning Department will be involved in acquiring necessary approvals from Noank Zoning for the interim use of Noank School for the senior center. At the Town Manager's request, staff will attend a Noank Zoning Commission meeting in the near future regarding this issue.

Staff explained the status of the land use regulation update project and went over the work program again with the Commission. The next community meeting is tentatively scheduled for late July.

Staff said that a member of the Town Council had indicated that the Planning Department was "outsourcing" the regulation update project with no ability for commissions to be involved in drafting respective regulations, but staff assured the Commission that it is inaccurate, as well as the comments that the land use commissions cannot communicate with the consultant. Given that commissions act collectively, discussions with the consultant need to be managed to meet budgetary needs.

Staff said there will be a Mystic Cooperative Task Force meeting on Monday, June 16<sup>th</sup>.

Staff advised the Commission on an upcoming fundraiser to be held on June 14<sup>th</sup> at the Groton Shoppers Mart. It will be a four hour wine and food tasting in front of the Grand Spirit Shop on June 14<sup>th</sup>. Staff approved the administrative site plan for the event, and the proceeds will benefit the Groton Food Locker. Staff explained the location.

Staff received notification today that the Pizzetta restaurant on Water St. is proposing a "Taste of Mystic" type event on their site in late July. The event will use up their entire parking area for the day, so staff suggested they submit an application to the Planning Commission, which is expected for June 24<sup>th</sup>.

Staff updated the Commission on the outstanding Fitch High School modification.

## XII. ADJOURNMENT

Motion to adjourn at 9:09 p.m. made by Seinfeld, seconded by Pritchard, so voted unanimously.

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Jeffrey Pritchard, Secretary  
Planning Commission

Prepared by Debra Gilot  
Office Assistant II