

MINUTES
PLANNING COMMISSION
JUNE 26, 2007 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Acting Chairman Pritchard opened the meeting with roll call at 7:01 p.m. and appointed Roper Acting Secretary. Acting Chairman Pritchard seated Fitzgerald for Sherrard and Kane for Munn.

II. APPROVAL OF THE MINUTES of June 12, 2007

MOTION: To approve the minutes of June 12, 2007 as amended.

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

III. PUBLIC COMMUNICATIONS

Roper said there will be public meetings regarding the Regional Plan of Conservation and Development this Thursday at 7:00 p.m. at the Groton Town Hall Annex and on July 9th at 7 p.m. at COG in Norwich.

IV. SITE PLANS

1. Community Baptist Church, 0 Gold Star Highway

Rick Rovero, Provost & Rovero, represented the applicant. Mr. Rovero reviewed the application for a 16,000 s.f. church on Route 184. The site and slopes were described. The front parking, drainage and wetlands were reviewed. Mr. Rovero said the Inland Wetlands Agency granted a permit and a conservation easement was required as part of the permit. Additional parking will be gravel. Inland Wetlands Agency approval would be required for any additional paving. The landscaping plan and site lighting were reviewed. The proposed sidewalk on Route 184 and modification of the buffer were described by Mr. Rovero. The applicant proposes to provide a 14 ft. landscape buffer and add a 6 ft. high decorative privacy fence. A waiver of an internal sidewalk through the gravel parking lot was requested. The Inland Wetlands Agency requested that the driveway be moved to the northeast, further from the wetlands, but the sight line and public safety would be compromised if the driveway was moved to the location which they recommended and the area was also outside the Inland Wetland Agency's upland review area. The applicant requested waivers of the driveway surface, the internal sidewalk and the request for a sidewalk agreement for frontage sidewalks.

Staff reviewed the frontage sidewalk network in the area. The Town's Master Sidewalk Plan calls for sidewalks on both sides of Route 184. The nearby Great Brook Subdivision is now beginning construction. The Zoning Regulations require an internal sidewalk. If the internal sidewalks are required, the applicant

will need further permitting from the Inland Wetlands Agency. The pervious surface versus paved parking was discussed. The parking area will be gravel with landscape timbers. The buffer requirements and the proposed privacy fence were discussed. The requirements for shared parking have been met for the sanctuary, the multi-purpose room and the small classrooms with limitations on concurrent use of rooms. The parking calculations were reviewed. Staff said the WRPD requirements have been addressed. The dumpster location was reviewed. The rooftop units will be fully contained. The steeple configuration has been modified to meet height requirements. The 6 ft. high privacy screening fence will buffer one residence on the easterly property line; the rest of the property has a 25 ft. landscape buffer. The building will be sprinklered for fire protection. Signage was reviewed. The applicant will add a bike rack to the site. The gravel overflow parking area was described. John Ludka, the pastor of the church, described the classroom use, during regular church hours. Staff reviewed the frontage landscaping including street trees. If the height of the cupola is over 30 ft. in height, it will have to be approved by the Zoning Commission.

MOTION: To approve a site plan for Community Baptist Church, Gold Star Highway, 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. The applicant agrees to apply for a wetland permit modification within 30 days of site plan approval for construction of the sidewalk within the regulated area adjacent to the west property line. In the event that a wetland permit is not granted, the applicant shall construct the sidewalk to the edge of the area regulated by the Inland Wetland Agency.
3. All Inland Wetland Permit No. 07-06 requirements shall be met and appropriate erosion control notes and details shall be shown on the final plans and approved by the environmental planner.
4. The proposed paved sidewalk within the parking lot area shall be removed, replaced with a pervious surface, or reviewed and approved by the Inland Wetland Agency, prior to filing the plans in Land Records.
5. The final plans shall show an appropriate edging and maintain a 24-foot back-up space along the south side of the parking area, and shall show an acceptable gravel/stone surface detail to the satisfaction of the Office of Planning and Development.
6. The proposed fence shall be continued along the north side of the n/f Neghabi Property to the existing stone wall as shown on the plans.

7. 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).
8. The building shall meet the height requirements of Section 5.2 of the Zoning Regulations.
9. A note shall be placed on the plans that the “The Sanctuary and the Multi-Purpose Room/Auditorium shall not be used at the same time”.
10. All technical items by staff shall be addressed.

Motion made by Pritchard, seconded by Roper.

Steinfeld made a motion to amend the original motion to delete the word “removed” from Item #4. The motion was seconded by Pritchard.

After discussion, Steinfeld withdrew the amendment.

Steinfeld made a motion to amend the original motion to delete “...or reviewed and approved by the Inland Wetland Agency...” from Item #4. The motion was seconded by Pritchard. The amendment was approved by a unanimous vote.

MOTION: To approve a site plan for Community Baptist Church, Gold Star Highway, 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. The applicant agrees to apply for a wetland permit modification within 30 days of site plan approval for construction of the sidewalk within the regulated area adjacent to the west property line. In the event that a wetland permit is not granted, the applicant shall construct the sidewalk to the edge of the area regulated by the Inland Wetland Agency.
3. All Inland Wetland Permit No. 07-06 requirements shall be met and appropriate erosion control notes and details shall be shown on the final plans and approved by the environmental planner.
4. The proposed paved sidewalk within the parking lot area shall be replaced with a pervious surface prior to filing the plans in Land Records.

5. The final plans shall show an appropriate edging and maintain a 24-foot back-up space along the south side of the parking area, and shall show an acceptable gravel/stone surface detail to the satisfaction of the Office of Planning and Development.
6. The proposed fence shall be continued along the north side of the n/f Neghabi Property to the existing stone wall as shown on the plans.
7. 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).
8. The building shall meet the height requirements of Section 5.2 of the Zoning Regulations.
9. A note shall be placed on the plans that the “The Sanctuary and the Multi-Purpose Room/Auditorium shall not be used at the same time”.
10. All technical items by staff shall be addressed.

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.

The Planning Commission finds that an alternative surface for a portion of the parking lot is acceptable in accordance with Section 7.2-13 of the Zoning Regulations due to the location of the site within the Water Resource Protection District and that the parking lot will be used on a limited basis.

The Planning Commission notes that the use of a bituminous sidewalk or a pervious surface 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.

The Planning Commission finds that the site meets the requirements for Shared Parking under Section 7.2-6 of the Zoning Regulations. The Sanctuary and the Multi-Purpose Room will not be used at the same time and the classrooms that are used during services will be for infant, toddler and elementary age children and will be monitored by church members. There will be no substantial conflict in the demand for the shared parking.

Motion made by Steinfeld, seconded by Pritchard.

Main motion as amended passed unanimously.

2. Parisian Pomme Fries, 11 & 13 Water Street (CAM)

Attorney Eric Janney, O'Brien, Shafner, Stuart, Kelly & Morris, P.C., and Gregg Fedus, Fedus Engineering, represented the applicant, Fred Stewart. Mr. Janney reviewed the history of the building and discussed the illegal parking situation at 11 Water Street. The illegal parking will be eliminated by landscaping on the site.

Mr. Fedus described the existing site. To meet the 10 ft. landscaping requirements, the originally proposed parking spaces will be landscaped. The proposed landscaping and street trees, existing sidewalk, location of propane tanks and the parking were described. Three parking spaces have been leased from the Mystic Art Center, and the applicant is participating in the parking validation program.

Temporary construction rights and a pedestrian easement were described. A waiver requested for the frontage landscaping. The hours of operation were discussed.

Staff reviewed the landscaping, parking and past uses. Signage was reviewed. Trash and recycling removal were detailed. The addition of a bike rack on the site was agreed to by the applicant. The leasing of the parking spaces from Mystic Art Center was discussed. The potential for sale of alcohol and a change of business hours in the future discussed. The business will be closing at 10:00 p.m.

MOTION: To approve a site plan for Parisian Pomme Fries, 11 and 13 Water Street, subject to the following modifications:

1. The applicant will be required to install an indoor automatic grease recovery unit.
2. Temporary Construction Rights needed for the Streetscape Project will be granted to the Town and recorded in the land records at the time of the filing of the mylar.
3. A Permanent Pedestrian Easement needed for the Streetscape Project will be granted to the Town and recorded in the land records at the time of the filing of the mylar.
4. This approval is for a take out only type of restaurant (Section 2 and 7.2-3(J)).
5. Technical Items of Staff shall be addressed.

The Planning Commission notes that reduction in requirements under Section 7.4-3 (B) (which requires a ten foot wide contiguous strip of landscaping along the frontage of the property) is needed in all areas of the frontage that are covered by already existing structures (building, steps, raised planters).

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

Roper noted that a bike rack will be added as a technical item.

MOTION: To approve the Coastal Area Management application for Parisian Pomme Fries, 11-13 Water Street, because it is consistent with all applicable coastal policies contained in CGS 22a-92, and creates no unacceptable adverse impacts.

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

The Chairman called for a short recess and the meeting resumed at 8:50 p.m.

3. Groton Multifamily LLC (Ledges East), 375 Drozdyk Drive – Request for extension to commence construction

Attorney Bates represented the applicant. Mr. Bates said the lot line adjustment has been made and the work on the rock pile is progressing. There are still some minor site plan issues regarding the utilities being worked out. A one year extension is requested.

Staff said they have no issues as long as the applicant continues the site work to comply with the approved special permit for filling on the site. Mr. Bates said the contractor expects to have the site to construction grade by October 2007.

MOTION: To grant a one year extension for commencement of construction to Groton Multifamily LLC, 375 Drozdyk Drive.

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

The Chairman moved Item #2 in “New Business” on the agenda to the next item for discussion.

V. NEW BUSINESS

1. Town Council referral under CGS 8-24 regarding proposed Animal Shelter

Gary Schneider, Director of Public Works, reviewed the Town’s proposed animal shelter to be built near the Town Hall Annex. A conceptual drawing of the shelter was shown. Mr. Schneider detailed the building and its uses. The building will serve the Town of Groton, City of Groton and Groton Long Point.

MOTION: To issue an affirmative report in the matter of the Town Council referral under CGS 8-24 regarding the proposed animal shelter.

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

VI. OLD BUSINESS

1. Zoning Commission referral for June 27, 2007 public hearing

The Commission discussed the revised MX zoning regulation proposed and agreed that from a policy perspective the proposal was consistent. The Commission also discussed various suggestions to include in the report to the Zoning Commission. It was the Commission's consensus that staff could proceed and submit the report without the need for further Commission review or action.

MOTION: The Planning Commission makes the following affirmative report in regards to application REGA 07-01 of L&L Groton LLC, for proposed zoning regulation amendments, noting that the proposed amendments will create a process whereby applications may be made to the Town to create mixed use developments within certain areas of Town, identified as "nodes" in the 2002 Plan of Conservation and Development's community structure plan, furthering the Planning Commission's objectives.

The Commission further suggests that the following modifications be addressed in the text of the proposal:

1. That the requirements carefully consider the integration of the Planning Commission's and Zoning Commission's functions and duties, including but not necessarily limited to, the need for greater collaboration and sufficient time for proper Planning Commission review and action on MX proposals.
2. That the graphics in the proposed regulation be further refined by means of consolidation, removal or placement in a supplemental guidance document with sufficient explanatory text.
3. That measures be considered to require or otherwise assure the completion of approved projects in accordance with the approved plans.
4. That the site plan authority of the Planning Commission is in no manner usurped or abridged.
5. That the open space and recreational requirements, standards and criteria be emphasized as essential elements of any MX project, and as appropriate for a given nodal context.
6. That consideration be given to better defining potential project unit yields, possibly by node.
7. That potential permitted uses be refined and perhaps limited.
8. That a closer relationship to the CIP, utility plans and capacity be considered.
9. That more detailed and consistent design standards and graphics be provided.
10. That redundant provisions be minimized or eliminated.

11. That the Master Plan and special permit elements and their relevance be better defined..
12. That more detailed, rigorous and extensive approval criteria be required.
13. That greater emphasis be placed on the mixed use concept as an essential element of any MX project.

VII. NEW BUSINESS

2. Report of Commission

Kane said he attended the first meeting of the School Building Committee. Craig Kohler and John Scott were elected as co-chairs of the committee. There will be another meeting this Thursday.

Roper attended the Mystic Cooperative Task Group meeting.

Roper said he attended the Town Council hearing on the proposed animal control facility.

Roper and Steinford said they have submitted to staff the requested information for the Wal-Mart FOI request.

3. Zoning Board of Appeals referral for public hearing on June 27, 2007

ZBA07-10 – 53 Bay View Avenue, Gail Turgeon/Owner

Staff reviewed the referral. The Commission had no comment.

VIII. REPORT OF CHAIRMAN - None

IX. REPORT OF STAFF

Staff said the Zoning Commission will hold a public hearing tomorrow night on the MX regulation amendment application.

Staff advised the Commission that they are working on enforcement of outstanding items with Mr. Berg of Meridian Street Extension.

Staff said the Thomas Road Bikeway is moving along. An archaeological study needs to be done.

Staff received a copy of the appeal of the recently approved Ledyard subdivision, Founders Preserve. Two items being appealed may have an impact on Groton including the configuration of open space between Town of Groton and Ledyard and a condition to eliminate the lower dam. Staff said the Town engineer will look at it.

Staff said they have almost completed the RFQ for the Town's regulation revisions.

Staff said Mr. Wray, the owner of the Flanders Road garden center, opened without a C.O. and staff is taking measures to establish compliance.

Staff said they are still working with the Zoning Official on a letter to the owners of the Azu restaurant to establish zoning and Historic District compliance.

X. ADJOURNMENT

Motion to adjourn at 10:05 p.m. Motion made by Roper, seconded by Pritchard, so voted unanimously.

Peter Roper, Secretary
Planning Commission

Prepared by Debra Stanowicz, Office Assistant II