

MINUTES
PLANNING COMMISSION
JULY 8, 2008 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Sherrard, Steinford
Alternate members present: Fitzgerald, Kane, Zod
Staff present: Davis, Glemboski, Murphy, Silsby

Chairman Sherrard opened the meeting with roll call at 7:00 p.m.

II. APPROVAL OF THE MINUTES OF meeting of June 24, 2008

MOTION: To approve the minutes of June 24, 2008 as amended.

Motion made by Roper, seconded by Steinford. Motion passed unanimously.

III. PUBLIC COMMUNICATIONS – None.

IV. SITE PLANS

1. Burger King, 557 Long Hill Road

Charles Georgie, Architect, CGA Architects and Engineers of West Haven, CT., presented plans and gave an overview of the proposal. He stated that he has received approval from the Inland Wetlands Agency. The project includes the demolition of the existing building and replacing it with a new structure. The building will be more energy efficient and more compact. There will be a reduction of 3,500 square feet of impervious areas. Landscaping and parking lot changes were reviewed and curb cut widths will be reduced. He addressed drainage and stated that one catch basin has been changed to a sediment control structure. Refuse and recycling was discussed. Georgie stated that the playscape will be removed.

Staff gave a recap of the project. The drive-thru location would remain the same and meets requirements for stacking. There will be diagonal parking with the same circulation and handicapped spaces provided with a ramp to the front door. The existing sign will remain. The front sidewalk is being replaced, landscaping will be updated, and trees around the perimeter of the parking lot will be installed. Additional pervious pavement has been created. The existing condition of a wall at the side of the property is an existing condition and will remain as a pre-existing non-conforming structure. This property abuts a residentially zoned district and requires a buffer to the west. Staff stated that this project is consistent with buffer regulations. Regarding technical issues, the Inland Wetland Agency has recommended that hydrodynamic separators be installed instead of oil water separators.

Georgie spoke about the increase of pervious areas and modifications to the landscaping. There will be outside trash receptacles and a bike rack. He

stated that the hours of operation will remain the same and construction should take approximately 75 days.

Some Commission members suggested the existing front sign area be reduced and discussion ensued about the size requirements and if the sign size could be modified. The architect agreed to discuss it with the owner.

Discussion ensued about the footprint, grading, existing front landscape, railings at the south wall, and regulations in regards to the wall sign. Staff will check with the building official about the need for a railing at the south wall.

MOTION: To approve a site plan for Burger King, 557 Long Hill Road, with the following modifications:

1. The grease/oil storage waste container shall either be kept indoors, placed in a roofed enclosure, or placed on a filter media deck unless an alternative method for spill management/containment is approved by the Office of Planning and Development. If the grease/oil storage waste container is placed outdoors, then details of the storage method and a list of Best Management Practices and Spill Procedures for the outdoor storage of this waste shall be reviewed and approved by the Office of Planning and Development and shall become part of the employee training manual for the site.
2. Wall signage shown on the plans shall meet the requirements of the Zoning Regulations.
3. All Inland Wetland Agency permit requirements shall be addressed on the final plans.
4. All staff technical items shall be addressed.

The Planning Commission notes that the existing condition along the southeast property line does not provide for a minimum 5-foot wide landscape area along the perimeter of the parking area in this location. The proposed design does not increase this non-conforming situation and provides enhanced landscape islands and additional parking lot trees to meet the intent of Section 7.4-5 of the Zoning Regulations.

The Planning Commission notes that the site has an existing natural area adjacent to the residentially zoned property and that 50% of the rear perimeter parking area has been enhanced with evergreen trees to meet the intent of the buffer requirements of Section 7.4-4 of the Zoning Regulations.

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

V. SITE PLANS

1. Central Hall, 18-22 West Main Street (CAM)

Staff presented the new application. They explained that construction has not begun within the required one-year time period and this new application has been submitted for the site plan and the coastal site plan. The only material change is a reduction from 16 dwelling units to 12 dwelling units.

Clint Brown of DiCesare-Bentley Engineers explained that the previous application had been approved by this Commission and Rod Demaris is working diligently with the DEP, HDC, and other required authorities. Brown gave a recap of the proposal noting the specifics of the Central Hall building on Main Street, which will be a 4-story residential and retail building. He spoke about parking lots, landscaping, a pedestrian walkway, and fire access. He referred to spacing between the Central Hall building and # 24 West Main, and having to move the new Central Hall building west 1½ feet.

Staff stated that the original application was approved in 2007 and 16 modifications were required. Twelve of these prior modifications have been addressed on the current plan. He referred to condominium arrangements being established, and noted that the first floor area will be used for retail. The applicant has received a "Certificate of Permission (COP) from the State DEP. Parking spaces were brought up and it was noted that there will be a potential of 9 parking spaces, including 1 handicapped parking spot at the pump station lot. He noted that handicapped access could change if needed.

Discussion followed about the parking lots and spaces at various sites including the pump station and the Tift building. Staff referred to the commercial units and the Tift properties being part of the parking validation program and would want to have that specified on the plan. It was noted that the town engineer had technical comments which would be included in the modifications. The subject of the streetscape project and easements to the Town of Groton were noted.

Being past 7:45 p.m., the Commission decided to continue discussion of the application after the Public Hearing portion of the meeting.

V. PUBLIC HEARING

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

It was stated that the public notice had been read at the commencement of the Public Hearing on June 10, 2008.

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. He stated that he has received Inland Wetland Agency (IWA) approval. He noted the existence of potential vernal pools on the Haley Property. The IWA has recommended a 200 foot future "buffer" to regulated areas and he explained what changes were made to accommodate this request. He stated that shared driveway design specifications and details have been provided as requested. Bernardo spoke about the depth of the compact sub

grade, the vehicle turnaround area, and widening the driveway in the staging area, which was agreed upon by the Fire Marshall.

Staff referred to access options in the future as endorsed in the 2002 POCD, and the decision to look at potential future access based on the analysis previously provided by staff. Topics addressed were the common drive, conditions relative to bonding, and maintenance obligations. The subject of the staging area and possible modifications were noted as well as the need to accommodate the fire marshal's requirements. The Town engineer suggests a consistent 18-foot wide travel way for the private road. Additional details were given in regards to the need for staging and the need to have a path to the public recreation area. The waiver to allow building permits for all lots prior to the building of the permanent apron was discussed and it was noted that public water is being proposed for domestic use only.

A concern was raised about the staging location relating to emergency vehicles and the ability for vehicles to be able to get out of the staging area in a satisfactory manner. Other issues raised were about maintenance of the driveway and how that would be enforced. Staff noted its concerns with five houses accessing off a private drive, in light of the fact that the Town has no desire or ability to be responsible in any manner for private roads. Discussion ensued about the Wetlands report. Putting mechanisms in place in regards to the potential of a future public road was discussed. Staff clarified the Wetlands recommendations about the road being 200 feet away.

Discussion ensued about future access to Lambtown Road via the Haley Property, vernal pools, and the possibility of building a road. Staff explained that the Wetlands report is advisory only and the Planning Commission would be within its rights to require a public street be built within this subdivision. Concerns about the 200 foot recommendation by the Wetland Agency were expressed. Some members expressed their concerns about the access road to and through the wetlands and Staff explained about the language in the regulations about unrestricted access for easements. The issue of fire protection was reviewed and discussed. Staff stated that the fire marshal was okay with the staging area shown on the plan. Staff stated that the public hearing would need to be closed unless an extension was granted.

Bernardo had no problem with the 18-foot wide road, as suggested by the town engineer. He referred to withdrawing a request for above ground utilities and that they are now proposed underground. He spoke about access and footage requirements. In regards to the parking area, the applicant will work with town staff to come up with something less intrusive instead of the gravel staging area, which would be incorporated into the final plan.

There was a consensus to close the public hearing even though no action would be taken tonight. Munn expressed concerns about the access road.

Bernardo referred to the plans and spoke about showing access to specific lots and gave closing statements to the Commission. Munn referred to the regulations in regards to the distance to access building lots and discussion ensued about the definition of "unobstructed easements". Staff referred to the zoning official's interpretation in prior projects that this approach does meet

zoning regulations. Staff gave closing comments about the access to the individual lots and gave options for Commission members to consider.

The Chairman specifically asked the applicant multiple times if they wanted to close the public hearing or extend and keep it open for additional testimony. The applicant responded that they wanted to close the hearing.

MOTION: To close the public hearing for North Woods Subdivision, 1299 North Road.

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

Action will be taken at the regularly scheduled meeting on August 12, 2008.

The meeting recessed at 8:43 p.m. and reconvened at 8:53 p.m.

VII. SITE PLANS

2. Central Hall, 18-22 West Main Street (CAM) (Continued discussion)

Staff stated that the plan calls to retain 6 additional spaces on the Tift property and felt that the recommended 6 stalls (not 8) would be appropriate. Public access parking and the pump station parking area was referenced. The lease has been endorsed by the Town Council, the Historic District Commission (HDC) is considering lighting options, and the Planning Commission is recommending a screening fence to protect residential uses. The coastal site plan would virtually be the same except for the "flood management addendum", as is noted in the existing plans.

Discussion ensued about parking lot lighting, walkways, ballards, the pump station, streetscape, coastal management, and waiver modifications. Staff stated that the DEP and to some extent, Harbor Management and the Army Corp of Engineers (ACOE) regulate activities waterward of the high tide line. Inquiries were raised about moving the building 1½ feet and the effects it would have on the right side. Brown stated that there would be 5.2 feet left on the east side. Details were given about the access to Main Street via the sloped sidewalk and the potential need for a hand rail. It was noted that additional approvals are still needed by the HDC. Staff explained that all the required referrals have been completed and no responses have been received. Rod Desmarais explained that an agreement is in place in regards to parking at the Mystic Art Association. Staff stated that this is noted in the plans.

MOTION: To approve SIT 08-13, application of Historic Mystic LLC for retail and residential development (12 dwelling units) at 18-22 West Main Street, Mystic, including any required offsite improvements shown herein, subject to the following modifications. It is noted that action is taken on the supplemental plans of record last revised 6/03/08, sheets 1 through 7 inclusive, and any related supplemental data.

1. 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 6 stalls on this parcel shall be for the exclusive use of Central Hall residential occupants.

2. Note 9 on sheet 3 of 7 shall be clarified to reflect that the retail tenants shall participate in the downtown Mystic parking validation program, 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.
3. The Town Engineer's comments with regard to the future sanitary connection, sanitary sewer removal, and verification of the force main be addressed on the final plan.
4. Any references to easements for the Mystic Streetscape Utility, Relocation project shall be in favor of the Town, its successors and assigns, and/or the appropriate utility company as specified by the Director of Planning and Development.
5. 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 accepted 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.

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

MOTION: To approve the Coastal Site Plan application for SIT 08-13, 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. This project, along with the Town's Mystic Streetscape Project, will actually improve public pedestrian access at 2 Gravel Street and mitigates the modification to the informal public parking use at the pump station.
6. 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 is accounted for in the lease

agreement for this area authorized by the Town, without sacrificing coastal pedestrian public access.

7. 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.
8. 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 Roper, so voted unanimously.

VI. SUBDIVISIONS

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

At the Chairman's request, staff gave an overview of the draft motion. Chairman Sherrard recommended to table any discussion until the August 12th meeting and asked that Commission members read through the draft motion and report back with comments prior to the next meeting.

A suggestion was made to include language in the motion to approve a waiver in regards to the 400 foot limitation. Staff explained that that would be a variance and not a waiver but that they would look at alternatives for the lot access. A member suggested that there be an emergency vehicle bypass area that should be clearly marked and designated.

MOTION: To table until the August 12, 2008 meeting.

Motion made by Sherrard, seconded by Steinford, so voted unanimously. No action was taken.

VIII. NEW BUSINESS

1. Report of Commission

Kane attended the Thames Street Rehabilitation Meeting and gave a report on the traffic analysis study that is being done. Suggestions included making a portion of Eastern Point Road a one-way road near John Street but no action has yet been taken. There has been no public engagement component or effort to date.

Roper stated that the Regional Planning Commission Meeting was cancelled. He attended a ribbon cutting ceremony at the Mystic Depot to kick off the "bike share program". He received a New York Times news article from George Finn about the issue of stone walls being stolen and asked that staff forward it to the regulation update consultants.

2. Town of Stonington referral for July 15, 2008 public hearing

PZ0814SUP & CAM KAC Realty, LLC – Special Use Permit application and Coastal Area Management Review for property located at 17-19 East Main Street, Mystic

Town of Stonington referral for August 5, 2008 public hearing

PZ0816RA Sea Research Foundation, Inc. - Zoning Regulation Amendment to create a Marine Research and Education District (MRED) in Section 1.1 and add proposed MRED Regulations to Article VII as Section 7.22. (August 5, 2008 public hearing)

The Commission read the referrals, discussion ensued, and they had no comment on either referral.

IX. REPORT OF CHAIRMAN

Sherrard stated that a Committee of Chairpersons meeting is scheduled for Monday July 21, 2008. All members are welcome to attend.

Sherrard stated that he would be out of town during the August 12, 2008 Planning Commission meeting.

X. REPORT OF STAFF

Staff welcomed new member Hal Zod, an architect employed by the Navy. The Precious Memories application has been withdrawn and a revised one would be forthcoming. Staff referred to a presentation recently given by Kevin McBride about the “American Battlefield” and his attempt to share with the public the importance of locating historical artifacts in the local region. Staff noted that the Senior Center and animal shelter expansion will be going out to bid shortly. The Noank Zoning Commission will be holding a public hearing on the reuse of Noank School on July 15, 2008 at 7 p.m. at the Groton Senior Center, at which time the Town will make a presentation. As a point of interest, “Segway Tours of Guilford” will be operating out of the Stonington Train Depot Station. Staff gave an update of the current Walmart application which was recently denied by the Inland Wetland Agency and has been appealed. Staff stated that the original Wetland permit is still valid.

XI. ADJOURNMENT

Motion to adjourn at 10:01 p.m. made by Sherrard, seconded by Roper, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Robin M. Silsby
Office Assistant II