

MINUTES
PLANNING COMMISSION
AUGUST 12, 2008 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Steinford, Munn
Alternate members present: Fitzgerald, Kane
Staff present: Cullen, Davis, Glemboski, Murphy, Gilot

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

II. APPROVAL OF THE MINUTES OF meeting of July 8, 2008

MOTION: To approve the minutes of July 8, 2008 as amended.

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

III. PUBLIC COMMUNICATIONS

Steinford said he received a phone call from a resident on Hazelnut Hill Road regarding the proposed Groton Highpoint Subdivision.

Commission members received invitations to the Fitch High School open house on Saturday, September 6, 2008.

IV. SUBDIVISIONS

1. Windward Passage Subdivision, Polaris Drive – Request for bond reduction

MOTION: To accept a portion of the public improvements for the Windward Passage Subdivision, Polaris Drive, and to reduce the bond to \$75,000.00.

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

2. Neal Subdivision, 119 New London Road – Acceptance of open space & public improvements and reduction of bond

MOTION: To accept the public improvements for the Neal Subdivision, 119 New London Road, to recommend acceptance of the open space, and to reduce the bond to \$1,630.00.

Motion made by Pritchard, seconded by Munn. Motion carried unanimously.

2. North Woods Subdivision, 1299 North Road

MOTION: To table the discussion of North Woods Subdivision to later in the agenda.

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

V. SITE PLANS

1. Boulder Heights/Carriage Park, Colver Avenue – Request for extension for start of construction

Staff stated that there is no representative for Boulder Heights present at the meeting at this time although staff had requested the applicant's presence and had received a confirmation.

MOTION: To table the discussion of the Boulder Heights/Carriage Park request to later in the agenda.

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

2. Mystic Woods, 246 Fort Hill Road and Flanders Road – Extension or action required

The Commission accepted a 65 day extension to November 1, 2008 for Mystic Woods. A written extension is in the file.

3. Southeastern CT Business Complex Modifications, 195 Leonard Drive (CAM)

Pat Lafayette, Development Solutions, explained the modifications to the drainage for the first building and parking for the second building which is now under construction. The parking spaces will be rearranged but the number of spaces will remain the same. Mr. Lafayette explained the problem with the existing rain garden at the first building and the proposed changes.

MOTION: To approve a site plan modification for SECT Business Complex, 195 Leonard Drive with the following modifications:

1. Technical Items of staff shall be addressed.

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

MOTION: To approve the Coastal Site Plan for SECT Business Complex Modification, 195 Leonard Drive because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

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

VI. NEW BUSINESS

1. Report of Commission

Roper distributed to staff a notice from the Department of Environmental Protection regarding the availability of grants for trails, and a flyer for "Mystic Community Bikes, Inc." about Mystic's bike share program. Roper said the bike share program is working well. Roper said a tape of the bike share program's ribbon cutting

will be shown on Thames Valley Communication's public access channel on Friday, August 15th at 6:30 p.m.

Roper said there will be a Mystic Cooperative Task group meeting Monday, August 18th at 8:00 a.m.

2. Zoning Board of Appeals referral for August 27, 2008 public hearing
ZBA#08-09 – 206 Ridgewood Drive, Joe & Christine Simmons/Owner

Staff explained the referral. The Commission had no comment.

The Commission took a short recess and the meeting resumed at 7:46 p.m.

VII. PUBLIC HEARING

1. Groton Highpoint Subdivision, 245 & 255 Hazelnut Hill Road (31 lots)

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

Clint Brown, DiCesare-Bentley Engineers, presented the application for a 31 lot conventional single family subdivision. Mr. Brown explained that this proposal was approved by the Planning Commission about a year ago, but was never recorded. Mr. Brown detailed the location and site conditions, including Fort Hill Brook, wetlands and existing trails. No public utilities, sewer or water, are currently available at the site. The lots range in size from ½ acre to 1¾ acres. The phasing of development was reviewed. Conservation easements will be placed on each of the lots that fall within 100 feet of the wetlands. Some lots will be accessed by mews, or shared driveways. A modification of Section 4.3(2)a) of the Subdivision Regulations, which requires that each lot must be accessed from the street, was requested. The proposed streets and cul-de-sacs were explained. Seventeen lots are proposed on one of the new roads and a waiver of the regulations to allow more than 15 lots to be served by a permanent dead end road was requested. Also, a waiver to allow 26 ft. pavement width on a short section of roadway in lieu of 30 ft. pavement width was requested. A lack of secondary access was discussed. Mr. Brown said that the applicant has agreed that all of the houses will be sprinklered as there will be no second means of access. The sight line at Hazelnut Hill Road will be improved. There will be no change in the level of service at the intersection of Hazelnut Hill Road and Route 117. The need for an additional traffic signal was found to be unnecessary during the previous application. The 25 ft. landscape easement along the road system at the subdivision's entrance, and the site drainage were detailed.

Public water and sewer are available at Meryl Court. The applicant proposes to extend the sewer line from Meryl Court (Village Green condominiums) to Groton Highpoint. The water line will be extended from Hazelnut Hill Road. The phasing and erosion and sediment control plans were discussed. The sidewalk system would be on one side of the street only and would meander in the 25 ft. landscape and pedestrian easement area. The homeowner's association (HOA) would maintain that area. The applicant has requested waivers of the requirement to have sidewalks on both sides of the streets, to be bituminous rather than concrete, and to allow the sidewalks to meander. Thirty nine acres of open space and over six acres of conservation areas

would be provided. All of Fort Hill Brook and all the wetlands would be included in the open space.

Staff explained the changes from the previously approved application. The master trails plan does not show sidewalks continuing up Hazelnut Hill Road and the site is on the fringe of being in the sidewalk infill area for schools. There are technical issues outstanding regarding the maintenance of the mews by the homeowner's association. The HOA will maintain the sidewalks and trail system within their boundaries. The trails in the open space would be maintained by the Town. The Inland Wetlands Agency did not want the area of the sewer line paved, so the surface area has not been decided yet. Significant archaeological work still remains on the site and must be completed before any disturbance to the site, and is so noted on the plan. Trail restrictors will be required at the stone wall property lines in the trail system.

Mr. Brown detailed the location of the 12" water line. The drainage basin has been relocated further from the wetland, redesigned and reduced in size. The landscaping was discussed. The Department of Environmental Protection reviewed the plan for the basin and determined that no dam permit is required. Staff reviewed outside agency comments. Groton Utilities still has some outstanding items. Staff said a wetlands permit was granted for benches within the existing trail system. The mailings were completed properly. All outstanding items from the previous approval have been addressed. The redevelopment of Hazelnut Hill Road and the width were discussed. The street lighting was reviewed. Adaptive terrain-style houses and the lots with slopes over 25% were reviewed. The school walking distance infill from the Plan of Conservation and Development was described for the Commission. An area outside of the travel area will be provided for people to wait for the school bus. In the event of the failure of the HOA to maintain the sidewalks and trails, they will be taken over by the Town Parks & Recreation.

Carl Kiely, 302 Hazelnut Hill Road, does not object to the project, but spoke about the ledge on Hazelnut Hill Road, and concern for the neighbor's wells.

Denise Thompson, 206 Ring Drive, asked about the proximity of Meryl Court to the proposed development, and spoke against the project. Ms. Avery responded to her questions.

Ron Chappell, 211 Hazelnut Hill, spoke in favor of the project, but has concern about the ledge and the effects on the neighborhood wells.

Staff distributed copies of the previous approval to the Commission. It was recommended that the public hearing remain open to allow for the outstanding items relating to the water pressure to be resolved.

MOTION: To continue the public hearing for Groton Highpoint Subdivision, 245 & 255 Hazelnut Hill Road, to the next meeting on September 9, 2008.

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

The Commission took a short recess and the meeting resumed at 9:43 p.m.

VIII. SITE PLANS

1. Airport Park Enterprise, 250 Leonard Drive (CAM)

Pat Lafayette, Development Solutions, detailed the application for two buildings. The first building, phase one, would consist of tenants that will have retail at the front and warehouse storage in the back. The second building will have a mixture of offices and warehouse space. Mr. Lafayette detailed the parking, drainage, a 25 ft. wide gravel access road and parking at the rear of the site. The buildings will have shared parking and underground utilities. Staff detailed the parking, landscaping, dumpsters and signage.

MOTION: To approve a site plan for Airport Park Enterprise, 250 Leonard Drive with the following modifications:

1. Technical Items of staff shall be addressed.

The Planning Commission notes that a reduction in the requirement under Section 7.2-9 for Building 2 (requiring off street parking spaces adjacent to a building be separated by a six foot wide concrete sidewalk with a six inch high safety curb) will not hinder the safety of pedestrians as the building interface with twelve overhead doors is a unique situation and that the landscaped island and curb stops proposed will protect the building from damage by vehicles. This reduction in the requirement also allows a design that minimizes the impervious surfaces on the site while still maintaining safe turning radii for vehicles entering and exiting the site.

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

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

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

IX. SUBDIVISIONS

1. Groton Highpoint Subdivision, 245 & 255 Hazelnut Hill Road

The public hearing was continued to September 9, 2008.

2. North Woods Subdivision, 1299 North Road

A draft motion was distributed to the Commission at the previous meeting. Acting Chairman Pritchard stated that the voting members for the North Woods Subdivision are Munn, Kane, Steinfeld, Fitzgerald and himself. Exhaustive discussion ensued on the private common drive design, construction, and easements. The Commission expressed concern with the wetland obstruction of the drive to lot 4.

MOTION: To waive Section 4.2(4) of Subdivision Regulations only as it pertains to that one access that is obstructed.

Motion made by Munn.

Staff advised the Commission that this waiver was not applied for during the public hearing, so it is not permissible. In addition, it would be improper to vary a zoning requirement via a waiver of a subdivision regulation. Section 1.10 of the Subdivision Regulations regarding findings for waivers was discussed.

Munn withdrew the motion.

Section 4.2.4 of the Subdivision Regulations was discussed. The Fire Marshal's requirement for staging of emergency vehicles was reviewed.

Roper left at 10:48 p.m.

Staff suggested that precedence is not being set with this particular application. If or when this private drive becomes a town road, the issue with the obstruction will no longer exist.

MOTION: To approve the waiver of Section 5.4(1) of the Subdivision Regulations to allow the issuance of building permits for the last two homes prior to completion of the DOT approved permanent common drive apron to State Route 117.

The permanent DOT approved common drive apron shall be constructed prior to the issuance of a Certificate of Occupancy for either of the last two lots or within one year of the issuance of a Certificate of Occupancy for the 1st home, which ever comes first. Prior to the installation of the permanent DOT approved common drive apron, site access may be provided by a safe and suitable temporary means to be reviewed and approved by both the State DOT District Office and the Town of Groton's Manager of Planning Services, prior to the initiation of any site work.

Nothing contained herein shall in any way abrogate or usurp the authority of the State of Connecticut DOT to require installation of the permanent DOT approved common drive apron at any time prior to or during project development.

Failure to comply with these requirements may result in the Town with holding building permits and/or certificates of occupancy for any home within the subdivision at any time during the development process.

Motion made by Pritchard, seconded by Steinfeld. Motion passed unanimously.

MOTION: To approve the subdivision plan for North Woods Subdivision, 1299 North Road, with the following modifications. The final plan including as appropriate, all plan notes and details, shall be revised as follows:

1. Future Public Road

- a. Lot 5 shall be encumbered by a 50 foot wide future public road reservation in favor of the Town of Groton. All boundaries of this reservation area shall be depicted on the final plan and mylar

to A-2 standards, and such reservation shall be explicitly called out on the final plan and in the deed for lot 5. This reservation area shall extend from Route 117 eastward to the property line now or formerly of Haley. This reservation shall not in any manner obligate the Town to take title to this area or to construct all or any portion of a public road. Fee simple title to this reservation area shall not be conveyed to the Town of Groton unless and until a Town Road is constructed by others and accepted by the Town of Groton.

- b. The deeds for all lots within the subdivision sharing a property line with the reservation area shall contain an express grant of perpetual easement of all necessary rights to any future party required by the Town to construct a public road within the reservation area. More specifically, said grant shall be for the purposes of utility installation, grading, street trees, clearing and storm drainage within all areas of said lots located within 20 feet of the boundary of the reservation area. This area shall be shown on the final plans.
- c. The plan shall depict permanent monumentation to be installed for the reservation area, separate and distinct from lot monumentation, and in accordance with Town standards for public streets. Said monuments shall be installed by the developer prior to the issuance of a Certificate of Occupancy for the first home lot.
- d. This reservation shall in no way imply or infer that any rights are granted to others to use the reservation area for any purpose, unless otherwise expressly granted pursuant to this subdivision approval.
- e. Elimination or alteration of all or any portion of the reservation area or to any rights or limitations therein pursuant to this approval, shall require review and approval of a resubdivision application by the Town of Groton Planning Commission.

2. Emergency Vehicle Access

- a. The private common drive shall be designed to provide a sufficient staging area and turn-around for emergency vehicles. The design of this area shall be submitted to the Manager of Planning Services for review and approval, and shall in general be configured as either a "T" or a cul de sac. The final approved design shall be shown on the final mylar and the configuration shown on the exhibit dated 7/7/08 shall be deleted from the plans.
- b. Such emergency access shall be installed prior to the issuance of the Certificate of Occupancy for the first home, and shall remain in place at all times and unencumbered until a public road is constructed within the reservation area and accepted by the Town of Groton.

3. Private Common Drive Design and Construction

- a. Until such time as a public road is constructed and accepted by the Town, the subdivision shall be served by a private common

- drive to be constructed within the reservation area. The Town shall have no obligation or liability related to this private common drive at any time. All lot owners within the subdivision shall have the right at all times to use the private common drive for access and private utilities to and from their residential homes.
- b. In addition to the rights granted under 3a above, the Town shall have an easement over the reservation area for purposes of emergency access and access to the public open space. The general public shall also be granted the right to use the reservation area for pedestrian access the public open space. All of these rights shall be clearly noted and annotated on the final plans and referenced in the lot deeds.
 - c. All plans and details relating to the private common drive shall be designed by a licensed professional civil engineer and all final plans shall include the seal and original signature of the design engineer.
 - d. The travel portion of the private common drive shall be a minimum of 18 feet wide and this entire area shall consist of a minimum of 3 inches of processed gravel over a minimum of 12 inches of bank run gravel. This shall be in addition to and exclusive of, any areas provided for the required emergency access/turn-around area. Prior to issuance of a Certificate of Occupancy for the first home, the design engineer will provide a certified as-built that the private common drive has been constructed in accordance with all approval requirements.
 - e. The private common drive shall be constructed in its entirety from Route 117 to a point extending at least 100 feet into lot 3, and including the required emergency access/turn around area, access to and Town maintenance parking for the public open space area, and all related utility, grading and stabilization. Said construction period shall not exceed twelve months from start to completion, unless otherwise extended by the Commission or its agent for good cause.
 - f. The final plan shall provide sufficient detail at an appropriate scale of the private common drive beginning from a point 400 feet east of Route 117, to and including the front 100 feet into lot 3, and the recreational trail/access/maintenance parking extending to the public open space. Such plan shall be certified by the design engineer and shall show at a minimum, the proposed extent of pavement areas, methods to address stormwater flows, grading, erosion controls, and final slope treatments. If necessary, these measures shall include rights to drain from and over lots within the subdivision, but shall not encumber the reservation area or inhibit the potential creation of a public road within that area in any manner.
 - g. The proposed construction sequence shall be revised to include a detailed narrative relating specifically to the private common drive construction and related grading, utilities and other components. This shall include a proposed location for tree/rock/stump/soil stockpile relating to the drive's construction.

- h. Legal documents shall be provided for the perpetual maintenance of the private common drive and shall be reviewed and approved by the Office of Planning and Development and the Town Attorney prior to the sale of the 1st lot. The approved document shall be provided at closing for each lot owner, shall be included in the project file, and shall be clearly referenced in all lot deeds. In addition to other provisions, such document shall indicate that the developer and successors and assigns expressly hold harmless and indemnify the Town of Groton in regards to the construction, use and maintenance of the private common drive and any related ancillary components (i.e. drainage, utilities, grading).
- i. Legal access by means of a 25 foot wide easement to lot 2 shall be shown within the 50 foot wide reservation area.

4. Open Space Access

- a. The final plan shall be revised to depict appropriate Town maintenance parking and a means of public pedestrian access to the public open space. Said project improvements shall be reviewed and approved by Town staff prior to the recording of the endorsed mylar, and shall be installed by the developer prior to the issuance of a Certificate of Occupancy for the first home.

5. Bond/Surety

- a. Prior to release of the endorsed mylar, the applicant shall provide a surety in a form and amount deemed sufficient by the Town, and intended to guarantee sufficient erosion controls and stabilization, monumentation of the reservation area, lots and easements, installation of the emergency vehicle staging area/turn-around, and installation of the required pedestrian access to the public open space and any related improvements (i.e. signs, maintenance parking, gates etc).
- b. All technical items of staff shall be addressed.

Motion made by Pritchard, seconded by Steinford. Motion passed 3-0-2, two abstentions (Munn, Fitzgerald). Munn abstained because he felt the application did not meet the requirement of Section 4.2.4 relative to lot access to lot 4. Fitzgerald concurred.

X. NEW BUSINESS

1. Zoning Commission referrals for September 3, 2008 public hearings

Special Permit #307, 0 Sandy Hollow Road (Precious Memories Preschool of Mystic, Applicant)

Staff distributed correspondence to the Commission members received from Attorney Cody, on demanding that two members of the Commission recuse themselves from this referral, and demanding full disclosure of all conversations any member of

the Commission may have had outside of the meeting schedule with either of these two members regarding this referral.

MOTION: To report to the Zoning Commission for their September 3, 2008 public hearing the referral that the Planning Commission will not send a referral report to the Zoning Commission on this proposal until it has received and reviewed the Town Attorney's opinion regarding Attorney Cody's letter of 8/12/08, and to table the referral of Special Permit #307.

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

Special Permit #306, 0 Winding Hollow Road (Cecil Rhodes, Applicant)

Staff explained the history of the applicant's previous applications, the current application and the zoning regulations relative to this application.

MOTION: To accept staff's report of 8/12/08* and forward it to the Zoning Commission as the Planning Commission's referral for Special Permit #306, 0 Winding Hollow Road, Cecil Rhodes, Applicant.

Motion made by Pritchard, seconded by Kane. Motion passed unanimously.

XI. REPORT OF CHAIRMAN - None

XII. REPORT OF STAFF

Staff updated the Commission on the regulation update project. A special meeting will hopefully be scheduled sometime in late September for the Commission to review an assessment provided by the consultant.

Staff suggested that the Commission may want to amend the motion for Windward Passage, as there actually are no public improvements to be accepted at this point, but the bond should still be reduced.

AMENDED MOTION: To revise the previous motion for Windward Passage by deleting the words "accept a portion of the public improvements for the Windward Passage Subdivision, Polaris Drive, and to" and amending the motion to read:

"To reduce the bond for the Windward Passage Subdivision, Polaris Drive to \$75,000.00."

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

Staff said the Noank Zoning Commission approved the use of the former Noank School as a temporary senior center.

Proposals are being reviewed for the gateway project on Route 1.

The Committee of Chairs meeting scheduled for August 18th has been cancelled.

Staff reported that the Town received State trails grant funding to help develop a portion of the Lily Lane trail.

Staff updated the Commission on outstanding enforcement action and the status of 23 Library Street in Mystic since the fire there.

Staff updated the Commission on the Cook site at Meridian Street Extension, and their move to Leonard Drive.

Staff stated that he recently inspected the Tercentennial Legacy Playground. The plan called for a bituminous path to connect the playground to the paved path. It's been left as grass, so staff sent a letter to the Parks Department requesting that the path be completed, and suggested they could finish the path in stone dust as opposed to bituminous. The Commission concurred that stone dust is acceptable. The heating from the sun on the rubber base and the potential for burning was discussed.

Staff updated the Commission on Konover's pending wetlands permit application.

1. Boulder Heights/Carriage Park, Colver Avenue – Request for extension for start of construction

MOTION: To grant an extension for start of construction to Boulder Heights/Carriage Park to September 10, 2008.

The Commission asked staff to direct the applicant to be present on September 9, 2008, if an additional extension is desired.

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

XIII. ADJOURNMENT

Motion to adjourn at 11:57 p.m. made by Pritchard, seconded by Kane, so voted unanimously.

Peter Roper, Acting Secretary
Planning Commission

Prepared by Debra Gilot
Office Assistant II