

PLANNING COMMISSION
JULY 12, 2005 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular Members Present: Roper, Steinfeld, Pritchard, and Munn
Alternate Members Present: Kane
Staff Present: Discordia, Glemboski, Goodrich, and Murphy

Acting Chairman Steinfeld opened with roll call at 7:02 p.m.

Acting Chairman Steinfeld appointed Roper as Secretary and alternate Kane to sit for Sherrard.

II. PUBLIC HEARINGS

Acting Chairman Steinfeld opened the public hearings at 7:51 p.m.

Acting Chairman Steinfeld read an opening statement describing the public hearing procedures and guidelines.

1. O & C Subdivision, 120 Godfrey Road (4 lots) - continuation

Gary Winalski, a professional engineer represented the owner, Henry O'Reily. Mr. Winalski stated that this is a 4-lot subdivision of 8.49 acres. Each lot has it's own access way, but they will share a common driveway. There is an existing home on the parcel that will remain. Mr. Winalski stated they will extend the public water line about 950 feet to supply water to the proposed homes. There is no proposal to construct sidewalks, as there are no sidewalks in the area. The applicant is not providing open space but has offered to place conservation easements across the rear of the property.

Mr. Winalski submitted a letter from the State Archaeologist that stated there are no areas of historical significance on the site. No comments have been received as of yet from Public Works, Groton Utilities or Aquarion. All utilities are proposed to be underground.

Staff stated the applicant has submitted a letter granting the Planning Commission an extension of 7 days. Staff stated that the applicant has not received Inland Wetland approval. If open space is not required, staff recommends a conservation easement be placed across the rear of the property to protect the brook.

Roper asked if there was potential for a trail through the property. Staff stated no, due to the location of the property within the watershed, proximity to wetlands and the grade of the site. Roper asked if there was potential for duplexes and Mr. Winalski stated no duplexes are planned at this time. Staff stated that the site is zoned RU-40, therefore duplexes are not permitted.

Kane asked if the Fire Marshall has approved the common driveway and staff stated he had. Kane inquired about the stone walls on the property.

Henry O'Reilly, owner/applicant, 208 High Meadow Lane in Mystic, stated there is only one part of a stone wall they will loose or have to move, but the other stone walls would remain.

Kane requested they note on the plans which stone wall they will relocate.

Acting Chairman Steinford asked Mr. Winalski to review the location and extent of the wetlands.

Staff reiterated their recommendation for a conservation easement to protect the wetlands.

Acting Chairman Steinford asked if the smaller buildings currently on the property would be removed and Mr. O'Reilly stated they would probably be demolished.

Acting Chairman Steinford asked for public comments and there were none.

MOTION: To continue the public hearing for O & C Subdivision, 120 Godfrey Road (4 lots) to the next regularly scheduled meeting on August 9, 2005.

Motion made by Acting Chairman Steinford, seconded by Pritchard, so voted unanimously.

2. Common Ground Subdivision, 236 Pumpkin Hill Road (3 lots)

Roper read the legal ad for the public hearing.

Michael Scanlon, of DiCesare-Bentley Engineers at 100 Fort Hill Road, represented the owner, Common Ground LLC. The site has an existing home built in the late 1800's located on the southern portion of the parcel identified as Lot 1 on the plan. The remainder of the site is undisturbed. An Inland Wetland Agency Permit was granted on June 22, 2005 with a requirement to reinforce the sediment fence with hay bales on the rear lot.

The proposal is to subdivide the 7.3-acre site into 3 residential lots ranging in size from 80,000 to 150,000 square feet. The site is located on the east side of Pumpkin Hill Road approximately 200 feet south of the Groton/Ledyard town line. Zoning on the site is RU-80 and the site is also located within the WRPD. The major portion of the site is wooded. The driveway to Lot 1 will be upgraded and the well relocated to comply with health code.

Mr. Scanlon stated that Lot 2 is a frontage lot approximately 2 acres in size. Lot 3 is served by an access/utility easement. He stated there would be one shared driveway for Lots 2 and 3. The driveway is 18 feet wide as it enters the property, tapers to 15 feet, and then tapers to 12 feet wide. This is due to the grade at these points. The Fire Marshall has reviewed the plan and feels it meets requirements for emergency access. Ledge Light has reviewed the sewage disposal and feels it is appropriate.

The stone wall along the road will be moved back to give the Town more frontage in case they want to widen the road at some point.

Mr. Scanlon stated that there is no reservation of open space on the parcel due to the fact that there is no adjoining open space on the surrounding parcels and that the area is not identified in the 2002 Plan of Conservation and Development (POCD) as a priority area for future open space.

The applicant is requesting that he not be required to install a sidewalk on Pumpkin Hill Road. The site is not within the priority network for sidewalks in the 2002 POCD and the current sidewalk on Pumpkin Hill Road is located approximately 2,100 feet south of the site. Streetlights exist along the frontage and the plans call for keeping the existing trees along the frontage and filling in with new trees as necessary.

A waiver is requested to Section 4.8 to not require underground utilities to be installed for the existing home on Lot 1, which is currently vacant.

Staff stated that the existing house was built in the 1800's and it is vacant at this time. Staff asked for a review by the State archaeologist of this site and the comments are not back yet. A wetlands permit was granted last month with the condition that they enhance the sediment fence with hay bales. Public water and sewer is located more than 1,000 feet from the site so the applicant is proposing on-site sewage and private wells.

Staff stated that the applicant is requesting a waiver to Section 5.4(1) to allow building permits to be issued for the 2 new lots prior to completion of all public improvements due to the desire to construct the new public improvements concurrently with new residences.

Staff stated that the applicant is requesting a waiver for underground utilities to the existing house. Staff recommends that if the applicant requests a building permit for Lot 1 then they are required to underground utilities at that time.

General discussion followed on the timing for placing utilities underground.

Pritchard asked if the Town would enforce the clearing area shown on the plans. Staff stated for the initial building permits they will, but after the homes are built it is harder to enforce any limitations to clearing areas.

Parks and Recreation is not requesting the reservation of any active recreation area. Staff reviewed recommendations in the POCD. The site is near areas recommended for preservation, but the specific site is not recommended for preservation.

Acting Chairman Steinford asked about the vacant building on Lot 1 and if any improvements were needed to this house to make it livable. Mr. Scanlon stated that there is a functional septic system on site. Ron McDaniel, of 39 Riverview Road in Uncasville, stated the house is livable, but needs to be cleaned up.

Roper asked if this was in a high priority trail area and staff stated no. Staff stated the Town Engineer would have to approve the site lines on Pumpkin Hill Road.

Kane asked for clarification regarding the timing for underground utilities to the existing house. Staff stated that the Commission could condition the installation of underground utilities based on substantial improvement to the house or an electrical permit. Mr. Scanlon stated they may need to update the service panel and this would be a minor improvement and should not warrant installing underground utilities.

Roper requested that underground utilities be required to the existing house as part of the subdivision approval.

Acting Chairman Steinford asked for public comments and there were none.

MOTION: To close the public hearing for Common Ground Subdivision, 236 Pumpkin Hill Road (3 lots)

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

3. Hickey Subdivision, 287 Briar Hill Road (5 lots)

Roper read the legal ad for the public hearing.

Michael Scanlon, of DiCesare-Bentley Engineers at 100 Fort Hill Road, represented the applicant, Chris Hickey. Mr. Scanlon submitted a letter withdrawing a waiver request for Section 4.5 that deals with water supply facilities.

The applicant is proposing a 5-lot, residential subdivision on the southerly side of Briar Hill Road. It is zoned RU-20 and located in the WRPD. There is one existing home on the property. Two of the new lots are frontage lots and two are rear lots. The two rear lots will have a shared driveway and utility easements. There will be underground utilities to all the houses. There is public water and on-site sewage disposal systems as there isn't a sewer line within 1,000 feet. The applicant is abandoning the existing sewer disposal system and installing a new one. There is an existing water line that stops 360 feet from the beginning of this proposed subdivision. They will extend the existing water main to provide water service to the site. Mr. Scanlon stated that there is a fire hydrant proposed at the end of the new water line. The Fire Marshal may wish to move the fire hydrant location. There is street lighting already in place. They propose to install street trees. They have asked for a waiver for sidewalks. Public Works does not recommend sidewalks, as Briar Hill Road is too narrow to accommodate them.

Mr. Scanlon stated that most of the paved road would be disturbed for installing the water line. They will repave the road and extend the width of the road in front of the proposed subdivision to 24' wide. Mr. Scanlon asks that the Commission not require the applicant to expand the width of the remainder of Briar Hill Road.

Mr. Scanlon stated that they have requested a waiver for overhead utilities to the existing home. They are not providing open space or an active recreation area.

Staff recommended that this public hearing be continued as they have not received all the comments back from various departments. Ledge Light Health District had comments regarding the private wells that were originally proposed and the Town Engineer hasn't had a chance to review these new plans that include the proposed water line. Staff stated that if the road is widened, some of the homes on the north side would have to remove and relocate anything in the right-of-way such as mailboxes. Inland Wetlands agency requested a 50 foot buffer from the wetlands. Staff reviewed the stone walls and stated they may request the walls be relocated.

Pritchard asked if we formally have a request for underground utilities and staff stated not yet. Mr. Scanlon stated that he misspoke, there is no waiver request for underground utilities.

Roper asked about the possibility to continue a road to the south allowing access to other potential developments. Staff presented an aerial photo and pointed out there are no other properties to the south to be served by this.

Kane asked if this was a potential linkage to Dr. Grobb's property on Pleasant Valley Road North in the future. Staff responded there is no direct linkage at this time. Kane asked about the stone walls. Mr. Scanlon stated that it is noted on the plans that the stone walls should be preserved.

Acting Chairman Steinford asked about the location of the existing water main and asked if there will be sufficient pressure. Mr. Scanlon stated that according to Groton Utilities there will be.

Acting Chairman Steinford opened the hearing to the public.

Carol Lee Case, of 352 Briar Hill Road, reviewed the limitations of Briar Hill Road. She stated that the road is quite narrow. Ms. Case stated she counted 37 cars on

this road. This new subdivision would probably bring 10 more cars increasing the total to 47. There should be sidewalks to the school, as school buses will not come down Briar Hill Road. There is only one side of the road where parents pick up and drop off children at the school on this narrow road and it causes a dangerous bottleneck of traffic.

Christopher Letz, of 300 Briar Hill Road, stated his concern with emergency vehicle access and the road width. He asked where the construction trucks will turn around. Mr. Letz is concerned about emergency vehicles getting up and down the road when construction trucks are there.

Beverly Letz, of 336 Briar Hill Road, has lived on Briar Hill Road for forty years. She states it is a narrow, curving, serpentine street. When school is open all cars exit onto Briar Hill Road. There is a terrible bottleneck when school is let out. Ms. Letz stated that she doesn't believe that Briar Hill Road can handle anymore homes.

Ronald Cedio, of 305 Briar Hill Road, lives adjacent to this proposed subdivision. He had an old subdivision plan and was concerned about site drainage going into his pond. Staff encouraged him to come to the office to view the updated plan.

Marcus Larkin, of 125 Briar Hill Road stated that there are probably 11 children who live on Briar Hill Road that have to walk down Briar Hill Road to the school. Mr. Larkin liked the suggestion made by Commissioner Roper, during a previous subdivision review, to install a path behind the stone wall versus a sidewalk. Mr. Larkin asked what the plans were for the original home as it may be of historical value. Staff stated that the house is proposed to stay although there are no regulations stopping the developer from demolishing it, as it is not in the historic district.

Christopher Letz asked if they widen the road where does the water drain. Staff stated that the Town Engineer would look at it. He viewed the previous plans and didn't see a problem with drainage. Mr. Letz questioned the property line between his property and the applicants as shown on the survey.

Staff recommended continuing this public hearing, as comments have not been received back from all departments.

Roper asked the public to submit additional comments as soon as possible so the Commission may review it.

Pritchard asked if Public Works would require a traffic study. Staff stated that Public Works is interested in improvements to Briar Hill Road and will make that determination.

MOTION: To continue the public hearing for Hickey Subdivision, 287 Briar Hill Road (5 lots) to the next regularly scheduled meeting on August 9, 2005.

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

III. APPROVAL OF MINUTES of June 28, 2005

MOTION: To approve the minutes of the June 28, 2005, Planning Commission meeting with the following modifications:

1. Page 1, under PUBLIC HEARINGS, 1., 1st paragraph, last sentence, insert “,” after “drive”.
2. Page 1, under PUBLIC HEARINGS, 1., 5th paragraph, 2nd line, replace “there wasn’t” with “it hadn’t been considered”.
3. Page 2, under PUBLIC HEARINGS, 2., 1st paragraph, 4th sentence, replace “maintained” with “retained”.
4. Page 2, under PUBLIC HEARINGS, 2., 1st paragraph, 3rd sentence, replace “adjacent” with “near”.
5. Page 6, under SITE PLANS, 2nd paragraph, 1st sentence, replace “Chernzia” with “Cherenzia”.
6. Page 7, under NEW BUSINESS, 2nd paragraph, replace 2nd “Route 1” with “Long Hill Road”.
7. Page 7, under NEW BUSINESS, 4th paragraph, replace “are paving” with “have paved”.
8. Page 7, under NEW BUSINESS, last paragraph, replace “activity” with “landscaping”.

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

MOTION: To approve the minutes of the July 5, 2005 Special Planning Commission Meeting.

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

IV. PUBLIC COMMUNICATIONS - None

V. SUBDIVISIONS

1. O & C Subdivision, 120 Godfrey Road (4 lots)

The O & C Subdivision, 120 Godfrey Road (4 lots), will be continued until the next regularly scheduled meeting on August 9, 2005.

2. Common Ground Subdivision, 236 Pumpkin Hill Road (3 lots)

MOTION: To approve a waiver of 5.4(1) to permit issuance of building permits for the 2 new residential lots (Lots 2 and 3) prior to completion of all public improvements, with the following condition:

1. All public improvements shall be completed and offered for acceptance by the Town prior to the issuance of a Certificate of Occupancy for either of Lots 2 or 3.

The Commission notes that this waiver meets Section 1.10 of the Subdivision Regulations.

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

MOTION: To grant a waiver to Section 4.8 (1) of the Subdivision Regulations to allow the overhead utility connection to the existing building on Lot 1 to remain.

Motion made by Roper, seconded by Kane, 0 in favor, 5 against, waiver denied.

MOTION: To approve the Common Ground Subdivision, 236 Pumpkin Hill Road, with the following modifications:

1. Sightlines for the driveways shall be approved the Town Engineer.
2. The site shall be reviewed by the Office of the State Archaeology (OSA) prior to any disturbance on the site. Any recommendation for mitigation for significant archaeological resources shall be done in accordance with the requirements of the State Historic Preservation Office (SHPO) and the Environmental Review Primer for Connecticut's Archaeological Resources. Any significant modifications to the subdivision plan shall require additional review and approval by land use agencies of the Town of Groton, as necessary.
3. Technical items raised by staff shall be addressed

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

The Planning Commission notes that the Commission has not required any dedication of public open space on this property due to the fact that there is no adjoining open space on the surrounding parcels, the area is not identified in the 2002 Plan of Conservation and Development as an area of future open space, and the Department of Parks and Recreation does not see a need for any active recreation on the site.

The Planning Commission notes that it is not requiring a sidewalk on Pumpkin Hill Road due to the site not being within the priority area for sidewalks in the 2002 Plan of Conservation and Development and the current sidewalk on Pumpkin Hill Rd is located approximately 2100 feet south of the site.

3. Hickey Subdivision, 287 Briar Hill Road (5 lots)

The Hickey Subdivision, 287 Briar Hill Road (5 lots) will be continued until the next regularly scheduled meeting on August 9, 2005.

4. East Farms Subdivision, Noank Road (6 lots) – Request for Extension for Recording Plans

MOTION: To grant a 90-day extension for recording plans for the East Farms Subdivision, Noank Road (6 lots)

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

VI. SITE PLANS

1. Four Winds/Mystic Active Adult, Noank-Ledyard Road – Request for Extension for Start of Construction

Staff stated that the applicant is requesting a 1-year extension for start of construction on this site plan.

MOTION: To approve a 1-year extension for start of construction for Four Winds/Mystic Active Adult, Noank-Ledyard Road.

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

2. Groton Landing Modification, 10 Fort Hill Road (CAM)

Timothy Main, engineer at 1297 Route 163 in Oakdale, represented the owner. Mr. Mann stated that they are changing the use from office to retail, which requires the addition of 6 parking spaces.

There were 4 parking spaces originally, but with a change of use to retail they needed to add 6 new spaces. Staff feels that the sidewalk should be continued down the east side of the driveway. Mr. Main stated the plans show a sidewalk on the west side through the adjoining property connecting to the existing sidewalk on Fort Hill Road.

Mike Difano stated that they have an easement with the property next door for utilities and rights of access.

Roper asked what type of retail and Mr. Mann stated Flat's Tattooing. Roper expressed concern over the retail business being so far from the road. The applicant reviewed the sign location. The business is a destination business, not one likely to generate a lot of drive-by interest. The applicant is putting in two decorated streetlights along the driveway.

Pritchard asked if this driveway would support more usage if this business goes to retail. Staff stated it would and it would not become a Town road. There was discussion over a vinyl fence to be installed close to the property line.

Pritchard asked if this application meets all the CAM requirements and staff responded yes.

Roper would like to see a sidewalk on both sides of the driveway. Mr. Mann stated that the width of the drive is 24 feet and that makes it too narrow to include sidewalks on both sides. Roper clarified that he would like a sidewalk along the frontage of the property. Mr. Difano stated that a manhole would probably go in that area within a few months.

Acting Chairman Steinford stated that this is a big lot and he is concerned with development and access to the back. Mr. Difano stated that in the future, he would like to build 19 condominiums in the back. Acting Chairman Steinford stated he was concerned with one access drive that would become heavily traveled if condominiums were put in back.

Staff stated that we could only consider the application submitted. If Mr. Difano submits an application for building 19 condominiums at a later date, then it will have to come before the Planning Commission for approval.

MOTION: To approve the site plan for Modification to Bayside Restoration Site Plan, 10 Fort Hill Road, with the following modifications:

1. That an internal sidewalk be provided from the project area to Route 1 on the west-side of the driveway linking with the existing sidewalks on the adjacent property.
2. Detail and location of any proposed signs be added to the plan to the satisfaction of the Planning Department.
3. A 5-foot wide full frontage sidewalk and appropriate details shall be required and shown on the plans.
4. Technical items raised by staff shall be addressed.

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

MOTION: To approve the CAM application for 10 Fort Hill Road for the Modification to Bayside Restoration Site Plan because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

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

VII. OLD BUSINESS

1. Review of procedure for seating alternates.

Staff stated there was nothing to report at this time.

VIII. NEW BUSINESS

1. Report of Commission

Pritchard stated he would not be able to attend the August 9, 2005 Planning Commission meeting.

Acting Chairman Steinfeld noticed that Lighthouse Square had finally removed the illegal signage and stated it looks much better. Acting Chairman Steinfeld inquired about the Pizza Palace entrance and will it be in front of the entrance/exit to the Shoppers Mart with a signal light. Staff responded the entrance would be at that light. The Commission encouraged staff to work on getting a rear connection constructed at that site.

2. ZBA Referrals

ZBA 05-16 – 217 Deerfield Ridge Drive

The Planning Commission had no comment.

ZBA 05-17 – 18 Daboll Road

The Planning Commission had no comment.

ZBA 05-18 – 2 Essex Street

The Planning Commission had no comment.

3. Zoning Commission Referral

a. Zoning Text Amendments

Staff stated that the Zoning Commission has scheduled a public hearing on August 3, 2005 regarding proposed text amendments and a new sub section to Section 7.3 Sign Regulations to the Zoning Regulations. Staff stated the purpose of the amendment is to allow more space for signage on larger buildings. The regulation amendment would allow the amount and number of wall signs for large commercial businesses to increase. Discussion followed on the impact the new formula would have on future businesses.

The Commission would like more time to review the regulation amendment. They asked if the Zoning Commission would consider continuing the public hearing. Staff stated they would submit a request on behalf of the Planning Commission to the Zoning Commission.

MOTION: To table action on the Zoning Commission Referral regarding amendments to the signage regulations until the next regularly scheduled meeting on August 9, 2005.

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

b. Special Permit # 287 - Precious Memories, 195 Sandy Hollow Road

The Planning Commission had no comment.

IX. REPORT OF CHAIRMAN - None

X. REPORT OF STAFF - None

XI. ADJOURNMENT

Motion to adjourn at 10:52 p.m. made by Roper, seconded by Acting Chairman Steinford, so voted unanimously.

Respectfully submitted,

Peter Roper