

PLANNING COMMISSION
JANUARY 10, 2006 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Sherrard, Steinfeld, Munn
Alternate members present: Kane
Staff present: Glemboski, Goodrich, Stanowicz

Chairman Sherrard opened with roll call at 7:05 p.m

MOTION: To add election of officers to the agenda.

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

MOTION: To elect Sherrard as Chairman of the Planning Commission for 2006.

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

MOTION: To elect Steinfeld as Secretary of the Planning Commission for 2006.

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

II. APPROVAL OF THE MINUTES OF December 13, 2005

MOTION: To approve the minutes of December 13, 2005 with the following modifications:

1. Page 4 – Item 4 change to read “All staff technical items shall be addressed.”
2. Page 6 – under New Business, Item 1 in Report of Commission - eliminate “Committee” and “Chairman”.

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

III. PUBLIC COMMUNICATIONS

Roper told the Commission that Bill Bentley passed away recently.

Roper said the Thames River Basin Partnership meeting is scheduled for January 17, 2006 at 9:30 a.m. at Dime Bank in Norwich.

Staff distributed the most recent Avalonia Land Conservancy newsletter.

Staff also distributed copies of the draft Economic Development Strategic Plan to the Commission. The Steering Committee will be meeting on January 19th. Commission members were invited to attend the meeting, or to contact Ray Munn, Mike Murphy or Barbara Strother in advance to submit comments.

IV. SUBDIVISIONS

1. Highland Valley (Copp) Subdivision, Pleasant Valley Road South – Request for extension of statutory time for recording plans.

MOTION: To approve a 90 day extension for recording of the Highland Valley (Copp) Subdivision, Pleasant Valley Road South.

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

2. Antonino Subdivision, 290 Gold Star Highway (2 lots)

This application has been withdrawn.

3. Common Ground Subdivision, 236 Pumpkin Hill Road – Request for extension of statutory time for recording plans

MOTION: To approve a 90 day extension for recording of the Common Ground Subdivision, 236 Pumpkin Hill Road.

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

V. SITE PLANS

1. Fox Residence, 2 Essex Street (CAM) – Request for extension or action required

MOTION: To approve a 65 day extension for the Fox Residence CAM application, 2 Essex Street.

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

2. Mystic Executive Park, Poheganut Drive – Site plan modification

John Casey of Robinson & Cole LLC, represented the applicant, Mystic Executive Park. He asked the Commission to approve the application to amend the original site plan to allow the temporary real estate sign to stay on the Mystic Executive Park property for three more years. The expiration date for removal of the temporary sign was April, 2004. This modification will allow the real estate sign to stay up until April 2007. Mr. Casey explained that the owners are still actively marketing the available lots, so there is still a need for the sign. The sign is allowable in Zoning Regulations #7.3-8(a) and -8(b).

Staff advised that in 2001 this temporary sign was approved for 3 years. There have been no issues with the Connecticut Department of Transportation, and the sign is still in good shape.

Roper inquired as to whether it is a useful marketing tool, and Mr. Casey responded yes.

Steinfeld questioned why the extension was so late coming to the Commission. Casey responded that it was just an oversight. Staff explained that the new expiration date reflects the original expiration date in 2004.

Munn inquired how many sites are still available. Mr. Casey said that 2 lots are under contract and 2 have been sold.

Roper and Steinfeld advised the applicant to keep the sign in good shape.

MOTION: To approve a Site Plan Modification for Mystic Executive Park Signage Plan, 155 Poheganut Drive, with the following modifications:

- 1.) Modify Note #16 of the Signage Plan to extend the life of the temporary real estate sign to April 11, 2007.
- 2.) All staff technical items shall be addressed.

Motion made by Pritchard, seconded by Munn. Motion carried 4 votes in favor, 1 against (Roper).

3. River Road Culvert, River Road (CAM)

Peter Georgetti, Town of Groton Public Works Department engineer, represented the Town of Groton. Mr. Georgetti explained the location of the culvert on River Road, near the duck feeding area. The existing culvert is made of slabs of stone, and has held up pretty well but needs to be replaced. The construction is very loose, and requires frequent maintenance. Also, the culvert is too small to serve as an outlet to a fairly large watershed (130 acres), which extends to Cow Hill and discharges through the culvert. The culvert acts as a conduit for the tide, but it is too small for that purpose. Other benefits to building a new culvert will be to improve the quality of that wetland, correcting an unsafe road condition, eliminating the ongoing maintenance problem and improving storm drainage.

This application has been approved by the Department of Environmental Protection and the Army Corps of Engineers. The project now needs this CAM permit, and then Town Council approval because it is a scenic road.

The Town of Groton Public Works Department is proposing a total of 36 ft. of horizontal elliptical (45" x 29") pipe to maximize the flow going through the pipe without having to raise or widen the road. The completed project will require 50 yards of excavation. Mr. Georgetti reviewed the coastal resources that include tidal and fresh water wetlands and estuarine embayment. The site is in the 100 year coastal flood hazard area. The adverse impacts are that the excavation will minimally disturb some tidal wetlands and perhaps some habitat. All work will be done at low tide. The Town will use turbidity curtains and 'dirt bags' to filter water, and expects minimal noise and traffic disruption.

Munn asked how long the project will take. Mr. Georgetti replied that it will probably take a couple of days. The road may have to be closed for one day, or they may do one lane at a time. They will probably do the project when there is minimal stream flow, maybe in the summer.

Kane inquired whether the size of the new culvert will be large enough to eliminate the phragmites. Mr. Georgetti responded that it would help bring more salt water to that wetland.

Steinford asked what the Town will do with the old culvert. Mr. Georgetti said it will be removed.

Roper asked if the new culvert will help to alleviate the flooding on the road. Mr. Georgetti responded that it may help a little, but will not help if there's a real heavy rain. Roper also suggested the Town make a historic recording of the

culvert that is there now, and use the existing stone work to camouflage some of the new pipe because it is a historic and scenic road.

Pritchard asked if the new culvert will solve all the long-range problems, including the flooding. Georgetti said it may ease some of the flooding. An older plan involved raising the road to eliminate flooding, but the State would not approve it.

Sherrard asked the life expectancy of this culvert replacement. Mr. Georgetti answered that it would be long term, perhaps 300 years.

Kane asked if they could leave the old culvert in while installing the new one. Mr. Georgetti said the engineers want to keep the culvert in the same spot to minimize disruption, and this will allow better alignment hydraulically with the stream.

Roper asked if 2 or 3 pipes would be better, and Mr. Georgetti said the Department of Environmental Protection wants one pipe to keep it simple, with less disruption to the wetland.

MOTION: To approve the Coastal Area Management application for the River Road Culvert Replacement, because, as modified, it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts and causes no unacceptable adverse impact.

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

The Planning Commission recommends the Department of Public Works document the construction of the existing culvert and use the existing stones from the culvert to camouflage the new pipe to blend it in.

VI. NEW BUSINESS

1. Report of Commission

Steinford pointed out to staff that he has noticed in Groton Shoppers Mart where Big Y is located that there are numerous marked crosswalks, but none by Ocean State Job Lot. He would like the Town to look into the feasibility of adding a crosswalk there.

Steinford said that some of the post offices in Groton have sent letters out asking residents, on a voluntary basis, to install mail boxes on the road side. He asked if the Planning Department can have new subdivision applicants work with the Post Office to see how they would prefer to deliver mail in that area. Staff responded that we have asked the developers to talk to the Mystic Postmaster to see what the Post Office is going to request. This process has been ongoing for some time in the Mystic area.

Steinford stated that he is concerned about the dirt and rock piled up at Ledges 2 and the outcome if they decide not to build that project. Staff answered that the Town has a bond in place for this project. Staff will confirm this.

Roper stated that the Steering Committee for the Regional POCD update will produce a questionnaire that will be submitted to Planning and Zoning Commissions and town planners for input to the project.

2. Preliminary subdivision plan review – Watrous Subdivision, 113 Fishtown Road, (2 lots) – open space

Jim Bernardo represented the applicant, Phil Watrous. Mr. Bernardo explained to the Commission that Mr. Watrous is proposing to resubdivide property at 113 Fishtown Road into two lots.

In accordance with Subdivision Regulation 4.9(5)(a), the Town may accept up to 10% of the value of the land in lieu of open space. Due to the restrictions of the site, the 10% open space would be isolated land. The property has not yet been appraised, but assuming the property has a value of \$300,000, the 10% payment will be \$30,000. Mr. Watrous is proposing a more reasonable payment. He would like the Town to accept 2.5%, or \$7,500.

Chairman Sherrard stated this is the first time the staff and Commission has been presented with this option since the regulation was adopted.

Pritchard said the Commission should not negotiate the amount of the payment in lieu of open space.

Roper questioned whether the original subdivision (Kent) was a free split. Staff explained that this is a resubdivision. Roper said consideration should be given to calculating the 10% fee in lieu of on the value of all three lots.

Steinfeld concurred with Pritchard. He explained that this is totally new ground for the Planning Commission, and he would like to see some review by the town attorney. He is not ready to look at negotiating the amount until we have a foundation to make judgement on.

Kane stated that ethically, the Commission should not be negotiating the fee, but should make a yes or no decision.

Munn agreed with all these sentiments.

Sherrard agreed that he does not support negotiating the fee and stated that he is looking to staff and/or town attorney for guidance. This case will be setting a precedent for the Commission.

Roper asked if an appraisal is needed on the property. Staff answered that an appraisal is required.

Staff explained that the Town of Groton's new regulation states that "not more than" 10% of the fair market value of the land can be taken as a payment in lieu of open space. It is the maximum allowed by state statute. Other towns have established different amounts for the fee. Staff clarified with the Commission that the fair market value takes into consideration the land only, not improvements such as buildings. Staff stated that the Town's regulations don't establish a process to negotiate this fee.

Pritchard requested a report from staff of what other local towns use for the percent of payments in lieu of open space.

Chairman Sherrard asked for any further questions. There were none.

3. ZBA Referrals for January 11, 2006 Public Hearing

- a. ZBA #05-33 – 164 Noank Ledyard Road, Mystic (Stricker Contracting, Applicant)

Staff explained the referral. The Commission had no comment.

- b. ZBA #05-34 – 115 Oslo Street (Town of Groton, Applicant)

Staff explained the request for a height and setback variance for Northeast Academy at the site of the former Freeman Hathaway School.

The Commission had the following comment:

If the variance to Section 7.1-8(c) for the 75 foot setback is granted the Planning Commission will be looking for appropriate buffers at the site plan stage to protect nearby residences.

4. Inland Wetland Agency Referrals for January 11, 2006 Public Hearing

- a. OJP Development LLC

Staff explained the referral. The application is associated with the Groton Highpoint Subdivision, a 34-lot subdivision off Hazelnut Hill Road. Discussion ensued on the need for a second access road and sidewalks in the new subdivision, as well as the wetland disturbance.

The Planning Commission had the following comments:

The Planning commission feels that due to the number of proposed lots maintaining a second access to the development remains important. The Planning commission recommends the loop road configuration and lot layouts should be reviewed to minimize the impact to wetlands to the maximum degree possible. The Planning commission feels that the proposed lot development on steep slopes where the clearing and grading could impact wetlands should be limited to the degree possible.

The Planning Commission notes that pedestrian access ways that will allow linked and uninterrupted public movement to and from the development are recommended.

5. New Applications

- a. Atkinson Residence, 1184 River Road (CAM)
b. The Woodlands, Ronald Road

VII. REPORT OF CHAIRMAN

The Mayor's meeting with the Committee of Chairpersons is scheduled for Thursday, January 26th.

Sherrard asked about the timing of the Capital Improvement Program presentation to the Commission.

Sherrard asked Munn to report to the Planning Commission on the Economic Development Strategic Plan at the next meeting.

Steinford attended the Historic District Commission meeting on December 20, 2005 and commented on the brick vs. clapboard issue for the proposed new building at the Allyn – Bohlander site.

Pritchard asked how the staff tracks expiration dates on sidewalks, etc.

VIII. REPORT OF STAFF

1. Staff reviewed the status of the Capital Improvement Program and stated the Commissions should receive it for review in February.

IX. ADJOURNMENT

Motion to adjourn at 8:55 p.m. made by Roper, seconded by Munn, so voted unanimously.

Respectfully submitted,

Margil Steinford