

PLANNING COMMISSION
JUNE 13, 2006 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Steinfeld
Alternate members present: Fitzgerald, Kane (7:07 p.m.)
Staff present: Discordia, Murphy

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

Acting Chairman Steinfeld appointed Fitzgerald as a voting member.

Acting Chairman Steinfeld appointed Roper as Secretary.

II. PUBLIC HEARINGS

1. Colonel Ledyard Estates, 0 Colonel Ledyard Highway

Acting Chairman Steinfeld opened the public hearing at 8:02 p.m.

Paul Hallisey, Civil Engineer with Hallisey Pearson & Cassidy, represented the owners, Fairway Estates Ltd. Mr. Hallisey stated that one change was made as requested by the police chief. He requested they narrow the road at the corner of Quaker Town Road. The police chief asked they bring the driveway out further and narrow it down to 45 feet.

Mr. Hallisey asked for a waiver of the sidewalk from 5 to 4 feet from Western Auto to the first driveway, about 450 feet.

Staff noted that besides the sidewalk the outstanding issue was the driveway intersection and they've addressed this. Staff stated the applicant would not need any grading rights for the intersection improvements. Staff has no issue with the sidewalk going to 4 feet, as it would be the best option in this scenario. Otherwise the beam rail would be in the middle of the sidewalk. Staff feels there should not be any construction access through Deerfield Ridge Road. Staff has detailed recommendations for playground equipment and suggested a removable barrier so that four-wheeled vehicles will not use the bike paths/trails.

Munn asked if the traffic authority has any interest in the 4-foot sidewalk. Staff stated that they have not been consulted and the location of the sidewalk is traditionally handled by the Public Works department.

Kane asked what kind of guardrail would be installed and Mr. Hallisey stated a metal one.

Roper stated he felt strongly that this sidewalk is necessary and it connects a loop. He felt it was safer than not having a sidewalk.

Pritchard asked what the curb would look like. Mr. Hallisey stated that there would be a 6-inch concrete curb.

Roper suggested a white painted stripe along the 6-inch curb to draw attention to it. Staff stated he could address this with the Traffic Authority outside this process.

Fitzgerald stated he felt it was a safety concern not having a guardrail on the outside of the sidewalk.

Acting Chairman Steinford stated that it was the best solution. He stated the applicant is restricted by wetlands.

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

MOTION: To close the public hearing for Colonel Ledyard Estates, 0 Colonel Ledyard Highway.

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

Acting Chairman Steinford called for a 3-minute recess.

Acting Chairman Steinford called the meeting back to order at 8:31 p.m. and read the public hearing procedures.

Roper read the legal ad as it appeared in The Day.

2. Groton Highpoint Subdivision, 245 Hazelnut Hill Road

Clint Brown of DiCesare Bentley Engineers introduced the architectural team to the Commission. Ray Jefferson, a landscape architect of 790 Farmington Avenue in Farmington, presented a slide presentation to the Commission. He showed slides of other developments done by the developer. Mr. Jefferson showed pictures of the site including the old home. Mr. Jefferson stated there are numerous stone walls and a brook that will be maintained.

Mr. Brown stated that the site is located on the southeast side of Hazelnut Hill Road. The site is 62.75 acres and is zoned RU-20. There is a little over 200 feet of frontage on Hazelnut Hill Road. North of the property is an existing residential property. The area on the north side is zoned all industrial park. The land to the north and east is undeveloped property. The site slopes from the north to the south. There are four or five high points on the property. There are some open fields located on the northwest side of the site. The balance of the site is predominately wooded. Mr. Brown stated there is no public water or sewer available on the site. Fort Hill Brook comes down from the northeastern part of the property and flows to the south of the site.

Mr. Brown stated that the proposal is for 33 single-family lots. All lots are conventional in terms of size and configuration. A road will come in to the development off of Hazelnut Hill Road and finish in a loop type cul-de-sac. The project will be developed in two phases. The first phase would include 500 feet of road A and 19 of the 33 lots. Road B would be built as part of phase I as well.

There are improvements proposed for Hazelnut Hill, which would be done on the first phase along with the stormwater basin. The remaining 14 lots would

be completed during the second phase. They will use conventional driveways and mews. They are requesting a waiver regarding access to individual lots. Mr. Brown stated they submitted a 2-page letter stating the waivers they are requesting and the reasons why.

Mr. Brown stated they designed the street system to conform to the village street width requirements and they are requesting a waiver for this. Cul-de-sac A has more lots than allowed in the requirements. Mr. Brown stated they did propose a secondary means of access, but the Wetlands Agency required it be removed. Mr. Brown stated he went to the Fire Marshal and asked what they could do safety-wise and he requested the homes have sprinkler systems.

The applicant is proposing a 25-foot wide landscape easement bordering the roads in this development. Mr. Brown stated they would like to aggressively landscape and are requesting a waiver from the Town of Groton regulation calling for disturbed areas to be seeded and sodded.

Mr. Brown went over the stormwater treatment system and the landscaping.

The project is within 1,000 feet of public water and sewer. The applicant has secured a utility easement from Village Green Condominiums to bring sewer and water lines into the subdivision. Mr. Brown stated that Groton Utilities would prefer to bring water down Hazelnut Hill Road. The applicant is reluctant, as it is 3 times longer than their approach and they anticipate a lot of rock in Hazelnut Hill Road.

Mr. Brown went over erosion and sediment control measures.

The applicant is proposing a system of sidewalks and trails. Mr. Brown stated that sidewalks would be installed on one side of the streets in the development and tied into the trail system. There are a number of trails already on the property. The applicant is requesting a waiver for sidewalks on both sides of the road. They are proposing a 4-foot wide bituminous sidewalk.

Mr. Brown stated that 61 percent of this site is open space, which is equal to 38 acres, and 26 acres is non-wetland. The open space will be deeded to the Town.

Ray Jefferson, landscape architect, addressed the Commission. The mews were incorporated to preserve as much of the vegetation as possible. Mr. Jefferson discussed the site's natural properties.

Staff stated that they have extensive comments on file that the applicant is addressing. Staff discussed the waivers. Staff is waiting for additional comments from other agencies. He stated there are significant steep slopes on the site. The Commission can require that second access onto the property. Staff stated that the applicant should note whether these roads could be extended at any point. An Archaeological survey was entered into the record as correspondence. Staff stated that they received a verified notice of intervention from GOSA. Staff read into the record a memo from the Inland Wetland Agency, recommending reduced street width.

Fitzgerald asked if the road is going to be reduced in width, would emergency vehicles be able to get in and out. Staff stated they would confirm this. Fitzgerald asked if it was a gated community and the applicant stated it was not. Fitzgerald asked if they were denied by Groton utilities to bring up the water line would they install it on Hazelnut Hill Road. Mr. Brown stated that would be the only other option at this point.

Pritchard asked for a description of the mews and how they would be maintained. Mr. Brown stated that the mews are 15 feet wide and paved. They are set up so emergency vehicles can have access and maintained by the homeowners' association. Pritchard asked if there were any unusual items on the inland wetlands permit that the Planning Commission should be aware of and Mr. Brown stated that they did have a secondary access road but the Agency required it be removed. Staff read the substantive conditions of the wetlands permit into the record.

Roper asked if there was active recreation and Mr. Brown stated not at this time. Roper asked if school buses would go into this development and Mr. Brown stated that he didn't believe so. Roper encouraged the applicant to ask for permission to extend the public trail through the Village Green condominiums. Mr. Brown stated that the easement is for utility purposes and he believes that it's limited to that. Roper stated that he would like the applicant to ask the condo association to open up a trail on their property to the public.

Roper asked if any trails reach any high points and Mr. Brown stated that there is a trail that connects two on the southern portion. The waterfall is accessible to the public as well.

Kane asked if the mews were curbless and Mr. Brown stated they are, and no sidewalks are proposed on the mews.

Munn asked if there would be real access to the public if the mews will be private and how will the public access these trails if they have no parking. Mr. Brown stated that they could park on the public roads. Munn asked if they had a means for the secondary access and Mr. Brown explained why they do not.

Acting Chairman Steinfeld asked where the existing homestead is on the site. Mr. Brown pointed out the area on the site plan and stated they do not know if the Edgecomb home is on this site. There will be a second archaeological study that will address that.

Fitzgerald asked where the children are going to wait for the bus and Mr. Brown stated that at the corner of Road A and Hazelnut Hill Road there is ample room for a bus stop.

Acting Chairman Steinfeld asked why the applicant is proposing a 4-foot bituminous sidewalk and Mr. Brown stated that it was more compatible with the environment.

Staff asked if they could stake the centerline of the road so Commission members can walk the site on their own and Mr. Brown stated they would do this.

Acting Chairman Steinford asked the public if they would like to comment.

Mike Nahornick, 441 Hazelnut Hill Road, requested to see the traffic study as he believes that the intersection is a major problem. He stated that there have been numerous accidents at this intersection. Staff stated that anything submitted is of public record and he is welcome to view it.

Joan Smith, 58 Mohegan Road, is a member of Groton Open Space Association (GOSA). She stated the reason they intervened was so their concerns would be addressed. There are concerns because this property has steep slopes and rocky ledge. She stated that they do support the narrower roads and meandering sidewalks.

Ron Chappel, 211 Hazelnut Hill Road, supports this project as people are using this open land as a dumpsite.

Otto Paparozzo, of Farmington, thinks this is an opportunity to do something special with this site and is very proud of this project.

Roper asked if the roads were curbed and Mr. Brown stated they are except for the mews.

MOTION: To continue the public hearing for Groton Highpoint Subdivision, 245 Hazelnut Hill Road, until the next regular meeting on June 27, 2006.

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

3. Candy Lane Subdivision, 0 Bonnie Circle

Roper read the legal ad as it appeared in The Day.

Staff informed the Commission that the applicant had requested a continuance until the next regularly scheduled meeting.

MOTION: To continue the public hearing for Candy Lane Subdivision, 0 Bonnie Circle, until the next regular meeting on June 27, 2006.

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

III. APPROVAL OF THE MINUTES of May 23, 2006.

MOTION: To approve the minutes of May 23, 2006 as amended.

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

IV. PUBLIC COMMUNICATIONS

Roper was contacted by Wendy McFarlane and Sydney Van Zandt regarding the Mystic Woods project.

Staff submitted the "Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter" and the D.E.P. newsletter "Sound Outlook" to the Commission.

V. SUBDIVISIONS

1. Colonel Ledyard Estates, 0 Colonel Ledyard Highway (15 lots)

MOTION: To approve a waiver of Section 4.7 to allow particular sidewalks along Colonel Ledyard Highway to be reduced from five (5') to four (4') south of lot 15 to the southern property boundary in accordance with Inland Wetland Agency permit conditions for the following reasons:

1. The request is consistent with the general requirements for issuance of waivers in Section 1.10.
2. Conditions in the area of this sidewalk development are unique to the property.

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

MOTION: To approve the Colonel Ledyard Estates open space subdivision with the following modifications:

1. A note should be included on the plan: During construction, access will only be granted to the Fire Department, and Deerfield Ridge Road shall be blocked off to thru traffic with locked gates approved by the Town.
2. A note shall be included on the plan requiring that a maintenance agreement be prepared for the private retaining walls on lots 8 & 9.
3. Playground equipment, surfacing and installation must meet or exceed all Consumer Product Safety Commission, ASTM, and ADA guidelines for safety and age appropriateness. Playground equipment must be designed for 2-5 year old children and fit in a 30-foot by 80-foot protective area bordered by 8-inch by 8-inch pressure treated timbers.
4. Provide a four-foot grass snow shelf for the sidewalk in front of lot 15. Transition to no snow shelf just south of lot 15.
5. A removable barrier shall be placed at the curbcut to the grasscrete maintenance path just north of the playground to restrict vehicular access to this area.
6. Technical items raised by staff shall be addressed.

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

Roper asked staff to bring to the attention of the Traffic Authority the Commission's suggestion to consider painting traffic striping along the eastern side of the northbound lane of Colonel Ledyard Highway and evaluate the possibility of a speed limit reduction there.

2. Groton Highpoint Subdivision, 245 Hazelnut Hill Road (33 lots)

The public hearing was continued to June 27, 2006.

3. Candy Lane Subdivision, 0 Bonnie Circle (11 lots)

The public hearing was continued to June 27, 2006.

VI. SITE PLANS

1. D'Angelo Realty II, LLC, 141-145 Gold Star Highway (Continued)

Granville Morris, an attorney for O'Brien, Shafner, Stuart, Kelly & Morris, P.C., presented to the Commission. The parcel is approximately 13,000 square feet. The parcel to be deeded to the Town is approximately 800 square feet. Once all the property is acquired they plan on making it all one parcel and one deed. This will include the removal of two buildings. The new diner will be prefabricated. Mr. Morris stated they did environmental testing because it was previously used as a gasoline station and used car dealership. Mr. Morris provided a copy of the letter showing the status of the tests to the Commission. They did 10 test holes and they did find some contamination in 3 of the test pits. They have removed the soil from those problem areas. They had testing for asbestos in the old buildings and he submitted another report from GeoQuest to the Commission.

Mr. Morris stated that under Section 7.4-4 of the Town's regulations there is a requirement of a buffer strip of 15 feet between any residential and commercial zones. Directly across the street from this site there is a residential zone. They are requesting a waiver to allow the buffer strip to be 10 feet wide. Mr. Morris stated that with this new site plan it will actually conform to the Town of Groton regulations whereas the old site did not. He stated that over 30 percent of the property would be landscaped with vegetation.

Jim Rossman with Colonial Surveyors went over the site plan with the Commission. They negotiated with the State of Connecticut to purchase property and formalize a new front lot line. The exit does point to the residential zone but it is the least intrusive option. Mr. Rossman explained how they came to positioning the 'enter' and 'exit' drives.

There is conversion from almost 90 percent pavement to 70 percent. The proposed drainage structure is also a treatment facility and will be able to catch almost all the storm water instead of it previously flowing off the site. This has been reviewed with the State. They were not allowed to relocate any of the utilities.

Vegetation must be kept at a low height so as not to disturb the sight line along the roads. The lighting was designed to be kept as unobtrusive to residents as possible and still meet the guidelines of the Town.

Staff stated that the applicant has addressed its comments. The 'enter' and 'exit' points are much improved over what was previously there. Staff stated that they have discussed with D'Angelo a connecting driveway to the hotel. Although D'Angelo has been receptive the hotel has not. Staff stated that pedestrian traffic would probably be more plausible as opposed to vehicular traffic from the hotel. Staff is recommending the applicant work with the State on the recommended crosswalk at Route 184 and Kings Highway. Staff stated that the detailed berm

and 10 foot buffer is sufficient. Staff wanted the applicant to address the impervious parking space issue.

Mr. Morris stated that they would drop the parking space count to 40 from 41.

Staff stated that there are shade trees planned on the site and they are recommending two more.

Mr. Rossman addressed the Commission regarding the best management practices considering they are in the WRPD district. They are currently negotiating the final arrangement with Groton Utilities. Groton Utilities wants a baseline monitoring of the stormwater leaving the site. The applicant has agreed to test the stormwater as it leaves the site during construction. Once the project is completed they would do quarterly testing for the first year. After the first year they would agree to semi-annual testing. There is also an agreement not to use products that might damage the area, such as pesticides and heavy fertilization.

Acting Chairman Steinfeld asked if they would have a baseline since water runoff from Route 184 would also go into the same basin. Mr. Rossman stated they do have a baseline and they are taking into consideration accidents and accidental radiator spills etc.

Staff has also recommended combination of the lots. A note about a driveway connector should at least be included and some improvements to the dumpster enclosure.

Fitzgerald asked about the 13,000 square feet being bought from the State and can the Commission make the approval conditional on the purchase of this land. Staff replied that it is obvious from the letter that they are very far along in the process. Staff suggested that a building permit should be withheld until the sale is final. Staff felt that the conveyance of the property to the applicant was highly likely and that the Commission and staff had reasonable expectation the it would take place. This should meet the legal test.

Mr. Morris requested that they at least get permission to get a building permit for the foundation. He suggested that they withhold the Certificate of Occupancy instead of a permit.

Staff asked if a foundation was on the State property and Mr. Rossman stated it was not. Acting Chairman Steinfeld asked if it was a full basement and Mr. Rossman stated it would be.

Staff recommended that a foundation permit might be considered before the act of conveyance from the State, because it was on private property and could be remedied easily with demolition and filling at the applicant's peril.

Fitzgerald asked if they met the requirement for parking and Mr. Morris stated they do.

MOTION: To table the D'Angelo Realty II, LLC, 141-145 Gold Star Highway until after the public hearings.

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

Discussion resumed after the public hearings.

Roper asked the applicant if the diner would be open 24 hours and the reply was yes. Roper was concerned about deliveries and trash pick-up disturbing the neighbors. Mr. Rossman stated he believed pick-ups and deliveries are only conducted during daylight hours. Staff and Commissioners discussed a screening fence in the landscaped area south of the loading dock.

Roper asked about signage and Mr. Jefferson stated there would be one pedestal sign on the corner of the lot and none on the building. There will be a few generic signs for directional purposes only.

MOTION: To approve the site plan for D'Angelo Realty (Oh Boy Diner) at 141 & 145 Gold Star Highway with the following modifications:

1. The applicant shall legally combine parcels identified as PIN 168912853419 and PIN 168912852464 and shall obtain legal rights from the State of Connecticut for Parcel A prior to obtaining a Building Permit for the site. This shall not preclude the issuance of a foundation permit only.
2. The applicant shall make every effort to provide a crosswalk with pedestrian push buttons and signal heads across Kings Hwy and to obtain all necessary permits from the State Traffic Commission.
3. A note shall be placed on the plans stating "Any modifications required by a State Traffic Commission (STC) permit, or any other State permitting process, shall be reviewed by Town staff. Any required modifications to the site plan shall be approved by the appropriate agencies, as necessary."
4. A note shall be placed on the plans stating "If, in the future, it is determined by the Planning Commission to be necessary for the improved traffic circulation and safety for this site, a connecting driveway from this site to the adjacent property to the west shall be installed. The driveway is not to exceed 20' in width and will require Planning Commission approval prior to installation." A tentative location shall be shown on the final plans.
5. A detailed design for the landscape berm shall be shown on the final plans and approved by the Planning Department, including a screening fence south of the access drive to mitigate the impacts of the loading zone. The design shall provide adequate topographic information and evergreen plantings to buffer the adjacent residentially zoned property.

6. The final plan shall show 40 parking spaces or shall show pervious pavement material for any parking spaces over the 40 required spaces.
7. Two shade trees shall be added along the western parking lot area. Species information shall be added to the plans.
8. The dumpster enclosure shall be changed to a black vinyl chain link structure with black slats or another design that is durable, as approved by the Planning Department.
9. A street light shall be added on GW&E #5 to better illuminate the exit/entrance drive off of Route 184.
10. Best Management Practices, as approved by the Planning Department and Groton Utilities, shall be added to the final plans.
11. Technical Items raised by staff shall be addressed.

The Planning Commission finds that the buffer design with the berm and fence screening and evergreen plantings meets the intent of Section 7.4-4 of the Zoning Regulations.

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

VII. OLD BUSINESS

1. Town of Stonington Referral for June 20, 2006 public hearing

The Commission had no comment for the open-space design regulation amendments.

2. Discussion of Notification of Property Owners with Subdivision Applications

Staff handed out information to the Commission concerning the new statute regarding notice requirements for subdivisions that he is proposing for Commission consideration.

VIII. NEW BUSINESS

1. Report of Commission - None
2. Referrals from Zoning Board of Appeals for public hearings on June 14, 2006

ZBA 06-05 – Steadfast Baptist Church, 1041 Poquonnock Road, Bill Beck, Applicant

ZBA 06-06 – JJMA Realty LLC, 1056 & 1064 Poquonnock Road,
DiCesare-Bentley Engineers, Inc., Applicant

ZBA 06-07 – Parikh Residence, 39 Hunting Ridge Drive, J. Parikh,
Applicant

Staff explained the referrals. The Planning Commission had no comment on the referrals.

3. Town of Stonington Referrals for public hearings on June 20, 2006

a. Robert & Fred Valenti (S & P Oyster Co.)

The Planning Commission notes that care should be taken to assure that this application request should not affect any further water taxi activities and suggested that noise restrictions be considered as well for any outdoor music activities

The Planning Commission had no comments on the remaining referrals for the June 20, 2006 public hearings.

4. Town of Ledyard Referral for public hearing on July 13, 2006

The Planning Commission continued the discussion to the next regular meeting on June 27, 2006.

IX. REPORT OF CHAIRMAN

None

X. REPORT OF STAFF

None

IX. ADJOURNMENT

Motion to adjourn at 11:33 p.m. Motion made by Roper, seconded by Pritchard, so voted unanimously.

Respectfully submitted,

Peter Roper