

PLANNING COMMISSION
JUNE 27, 2006 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Sherrard, Steinford
Alternate members present: Fitzgerald, Kane (arrived at 7:11p.m.)

Staff present: Cullen, Glemboski, Murphy, Stanowicz

Chairman Sherrard opened the meeting with roll call at 7:03 p.m.

II. PUBLIC HEARINGS

1. Groton Highpoint Subdivision, 245 Hazelnut Hill Road - continued

Chairman Sherrard opened the public hearing at 7:49 p.m.

Staff said the applicant requested a continuance for the public hearing until the August 8, 2006 meeting, and an extension to keep the public hearing open, as the 35 days would expire on July 18th. They will need the extra time to address staff's comments. Roper asked if anything has been addressed to this point, staff said no.

Pritchard would like the applicant to address construction techniques of the buildings on steeper slopes than what is typically allowed. Staff said that is one of the items the applicant must address. Chairman Sherrard announced that this application will be continued to August 8th, and the Commission will hear public comments at that time. Chairman Sherrard also stated the policy for voting members of the Commission. Munn, Steinford, Roper, Pritchard and Fitzgerald were present for the first of the public hearings. Alternate Kane can be a voting member if needed.

Roper reiterated he is interested in connections of the trails to the adjacent the site. Kane asked that the road area be flagged. Fitzgerald said he feels the entryway from Hazelnut Hill Road is a safety issue and would like the Traffic Authority to address. Fitzgerald said the sidewalks from the subdivision and the bus waiting area are important. Staff said these are all being addressed by the applicant.

MOTION: To continue the public hearing for Groton Highpoint Subdivision, 245 Hazelnut Hill Road to the regular meeting on August 8, 2006, and accept their extension to August 8, 2006.

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

2. Candy Lane Subdivision, 0 Bonnie Circle - continued

Fitzgerald recused himself from the hearing.

Attorney Peter Hoops, 19A Thames Street, Groton, represented the applicant, Peter Lampasona. He introduced the project engineer, Don Gerwick.

Mr. Hoops explained the location of the project and addressed the appeal of the previous application for this project. Mr. Hoops said that 25 comments were received from staff on June 21st. Revised plans are being submitted to the Planning Department tomorrow, and Mr. Gerwick will address a few technical items tonight.

Staff did not want to review plans that haven't been received; Mr. Gerwick said they are not substantive changes. Mr. Gerwick said he would like to proceed with the presentation.

Munn asked for clarification of "plan of record". Staff explained that a plan of record is the most recent plan that has been received by the Planning Department when the legal ad appears.

Donald Gerwick, principal engineer with Gerwick-Mereen presented an overview of the proposal. The site is 6.2 acres off Bonnie Circle, adjacent to Exit Ramp 86 on I-95. This parcel is a remnant from a previous subdivision built about 30 years ago. The entrance will be from Bonnie Circle. With the previous application, staff asked the applicant to leave a 100 ft. development-free area from the exit ramp. The proposed road is now skewed to the southern portion of the parcel, with all the houses to the north, with two lots to the east on a cul-de-sac. The 100 ft. line runs through the southern portion of the parcel, with all proposed structures on the 11 lots out of the development-free zone. The development will have public water and public sewer connections. There will be some relocation to align with the lots. Mr. Gerwick referred to the drainage scheme as being the same as the previous application.

Staff reviewed the buffering on the property. One of the main concerns is there are 330 linear feet open on the southern portion with very little effective screen. Because of the way the road is cut, staff has asked them to address the buffering. The applicant cannot use the state's highway screening. Staff addressed the open space and how it could be used by the Town. Staff stated a portion of the land could be accepted as dedicated open space, and fees in lieu of dedicated open space for the balance may be considered by the Commission, and advised the applicant that an appraisal would be appropriate. There is no open recreation in the area. Staff would like a recreation area to connect to some Town-owned land for a playground. Staff said there are several smaller, technical items that still need to be addressed by the applicant, and may be on the revised plans.

Munn asked staff if material from the previous hearing can be considered in this application. Staff said each application is different, and should be reviewed independently. If the concerns are the same, the member can bring it up with the Commission. Staff said if the noise issue is a concern, they can ask the applicant for updated noise reports. Mr. Hoops said this application stands on its own, and should be reviewed on its own. If there is previous testimony that the Commission would like to enter into this record, the applicant would entertain that request.

Mr. Hoops addressed the Subdivision Regulations on structures in the development-free zone. Staff noted that he reserves his right to comment on the "development free area" regulation and its interpretation, until he reviews the regulation with the Town Attorney. Munn stated he would like an updated acoustical report. Munn asked if the screening referred to acoustic or visual screening. Mr Gerwick said there would be plantings and with a fence behind it

along the 330 linear feet. The fence would provide a noise barrier and the plantings would be a visual screening. Steinfeld concurred with Munn that an updated acoustical study be completed for this application. Roper said there is no active recreation shown in this proposal right now, and he would like the applicant to add this to the plan, but will withhold comment until the revised plans are submitted. Pritchard said he does not like the shared driveways but is comfortable with the acoustics. Sherrard said he also wants the acoustical study addressed. Sherrard asked the applicant about sidewalks. Mr. Gerwick said they will be on one side of the road, and the applicant will request a waiver for sidewalks on the other side.

Chairman Sherrard asked for public comments.

Ray Belval, 100 Kings Highway, submitted handouts to the Commission (CONNDOT Highway Traffic Noise Impact Analysis and Abatement Policies and Procedures and State Statutes regarding Noise Control), and spoke against the project.

John Aguiar, 43 Pamela Avenue, submitted a letter addressing the development-free zone. Staff said the letter will be read into the record. Mr. Aguiar spoke against the project.

Roper asked if the Commission members can walk this property. Staff said the center line should be staked. Mr. Hoops said he would ask the surveyor and let staff know when this is done.

MOTION: To continue the public hearing for Candy Lane Subdivision, 0 Bonnie Circle, until the next regular meeting on July 11, 2006.

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

3. Maple Glen Subdivision, Pleasant Valley Road North, Gungywamp Road & Briar Hill Road

Steinfeld read the legal ad.

Ken Petrini, DiCesare-Bentley Engineers, introduced Clint Brown of DiCesare-Bentley and Alan Gardner, the applicant. Mr. Petrini described the location of the parcel. The site is 36.5 acres, R-20 zoning with municipal water. Twenty acres will be dedicated open space. The topography from the center of the site slopes on both sides, with the lots on either side of the center. The wetland areas were described. The applicant performed a timber harvest at the site in the past, and trails from the harvest remain on the site. The proposed project is a 14 lot subdivision with open space. Erosion and sediment controls were explained. There are no new roads. They will utilize frontage on the existing streets. There will be on-site sewage disposal systems. The applicant is requesting a waiver for public sewer. The site is within 1,000 ft. of sewer lines on Crystal Lake Road. The entire parcel is within the sewer service area; it almost like 2 subdivisions, separated in the middle. Existing conditions on Pleasant Valley Road would require very deep sewers, and a large ledge cut to install them. Public Works is neutral on installing the sewer lines. Ledge Light has approved the on-site sanitary system. Existing utility poles will be used. The applicant is requesting a waiver of the subdivision requirement for lighting and a waiver of underground

utilities. Mr. Petrini submitted a memo received from Mike Fedors of Groton Utilities regarding their recommendation for installing utilities at this site. The catch basin size will be upgraded. The applicant is proposing 6 ft. bituminous sidewalks along the frontage on Briar Hill, extended to Gungywamp Road. Staff requested that sidewalks be installed along Gungywamp Road, which is part of the Master Trails Plan, in lieu of sidewalks on Pleasant Valley Road North, which is not part of the Master Trails Plan for sidewalks. Mr. Petrini submitted photos of the intersection of Briar Hill and Catalpa, and along Gungywamp Road. An archaeological study was performed. There is a cemetery north of the area of Pleasant Valley Road North. Phase I testing showed hot spots in the vicinity of Lots 8 and 11. Phase II of the archaeological study is being done in those two small areas. Mr. Petrini said they have received approvals from the Inland Wetland Agency and Public Works, and all comments to date have been addressed except for a few technical items.

Staff discussed the Phase I Archaeological Assessment. Staff said there is no long-term plan by the Town Public Works Department to sewer Pleasant Valley Road. Staff read the letter received from Mike Fedors of Groton Utilities. Overhead wires were recommended for this site by Groton Utilities. Staff wants the utilities underground. The number of poles needed for the overhead utilities is based on the connections. Additional detail is needed on plans. There is an elementary school nearby on Briar Hill for open recreation, and the open space is desirable for the Town. There are many pre-existing non-conforming lots on Briar Hill. The existence of the tower to the north, along Briar Hill, presents no fall-zone problem for the subdivision. The intersection at Catalpa Street, which is Navy property, has been modified to address the traffic in the area.

Mr. Petrini stated that all lots front on existing roads. There will be no new roads. All the utility poles are on opposite sides of the roads. The applicant will probably need two poles on Briar Hill, one pole on Gungywamp, and possibly two poles on Pleasant Valley North, and then disbursed underground from there. Mr. Petrini said that the Subdivision Regulations refer to underground utilities for new roads and not existing roads. Therefore, they are requesting a waiver. Six underground crossings on Briar Hill, Gungywamp Road and Pleasant Valley Road North would be difficult. Staff said every service from those poles to the houses will be underground. Staff noted that this would be a lot of crossings. Staff has no recommended action at this point.

Staff read into the record comments from Greg Hanover, Town of Groton Engineering - Public Works.

Pritchard asked the applicant to describe how the shared driveways work. Mr. Petrini said Lots 3 & 4 would share an 18 ft. driveway, breaking off into the lots near the houses. Lots 10 & 11 will have a 20 ft. shared driveway, and then break off into the lots. Both driveways will have reciprocal easements. Staff asked if the driveways are closer than 60 ft. Mr. Petrini said yes. Staff would like to look at the terrain to review the situation.

Roper asked if there are any stone walls. Mr. Petrini said yes, one runs through Lot 12, 10 and 11. The wetlands permit requires the stone wall to remain for erosion and sediment control. There are other stray walls running through the site, none significant. Roper asked if there are any trails on the site. Mr. Petrini said with the timber harvest, there are remnants of trails. These were shown on the

plan. Large boulders on the site were pointed out, and they will remain in the open space. Roper asked if a trail from the school to the open space were considered. Staff said no. Roper asked staff to review the possibility of a marked trail in the open space. Roper asked staff to review the sidewalks for the subdivision. A potential further extension of the open space to the north is a possibility.

Steinford said numerous houses have been built on Briar Hill Road recently, and asked if these houses have underground utilities. Staff said that for the approved subdivision no crossings were necessary because the poles were on the subdivision's side of the road. Mr. Petrini confirmed that. Steinford asked if the costs were a consideration in using poles as opposed to underground. Staff said no; cost was not a concern.

Kane would like the overhead utilities addressed. Kane asked if there would be sidewalks along Catalpa Road. Staff said that is federal property, out of the Town's jurisdiction. Kane asked if any sidewalks can be connected. Staff explained the sidewalks down Briar Hill and to Gungywamp. Kane asked if there are any sidewalks along Briar Hill past the school. Staff said there are no sidewalks until the proposed Hickey Subdivision. Kane asked for confirmation of the sidewalks. Mr. Petrini said there will be a 6 ft. bituminous sidewalk on Briar Hill and a 5 ft. bituminous on Gungywamp. All other existing sidewalks in the area are 4 ft. bituminous sidewalks. Kane asked if the significant trees where the sidewalks will be installed would need to be removed. Mr. Petrini said yes. Kane asked the applicant to see if they can save some of those trees by building the sidewalks around the trees. Kane said he would like to be able to walk the site.

Munn asked for a trail system to be considered for the open space.

Sherrard asked if the cemetery is on their property. Mr. Petrini said no.

Roper asked for the number of poles.

Steinford asked why GU isn't able to make one cross under the road for underground utilities.

Sherrard asked for comments from the public.

Chris Letz, 300 Briar Hill Road, spoke against the proposal. He expressed concern with the traffic at the intersection of Briar Hill Road and Gungywamp Road, especially at 3:30 when the school dismisses students

MOTION: To continue the public hearing for Maple Glen Subdivision, Pleasant Valley Road North, Gungywamp Road & Briar Hill Road, until the next regular meeting on July 11, 2006.

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

III. APPROVAL OF THE MINUTES of June 13, 2006.

MOTION: To approve the minutes of June 13, 2006 as amended.

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

IV. PUBLIC COMMUNICATIONS

Staff received two approvals from State of Connecticut DEP for docks in Beebe Cove.

Staff also received State Traffic Commission approval on June 20th for a Traffic Investigation Report for Fitch High School.

Staff told the Commission that there will be a discussion on July 20, 2006, 7-9 p.m. at Waterford Town Hall on funding for acquisition of coastal open space. It is being presented by The Trust for Public Land and Office of Long Island Sound Programs.

Staff received the May/June issue of Planning News.

Staff said there was an article in The Day that referred to a water taxi beginning on June 30th between Mystic Seaport and Mystic's downtown.

A referral was received from New London Planning and Zoning Commission, which will be on the next agenda.

V. SUBDIVISIONS

1. Groton Highpoint Subdivision, 245 Hazelnut Hill Road

An extension was granted and the public hearing is continued to August 8, 2006.

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

The public hearing was continued to July 11, 2006.

3. Maple Glen Subdivision, Pleasant Valley Road North, Gungywamp Road & Briar Hill Road (14 lots)

The public hearing was continued to July 11, 2006.

VI. SITE PLANS

1. Nextel Communications of Mid-Atlantic, Inc., New London Road

Marie Burbank, Nextel Communications of Mid-Atlantic, Inc., presented the proposal. Nextel proposes to add three antennas to the existing antennas on top of the Fort Hill water tank. They will add one antenna to each of 3 sectors, for a total of 12 antennas on the water tank. The antennas will be the same height and size as the existing antennas. The application meets all the qualifications of the previous approval. Only 19 antennas were originally approved; 18 are there now and the applicant wants to add 3 more.

Staff spoke about the residential zoning of the property. The site is well screened with a sidewalk on the front and all the required improvements were previously completed on the site. The application is for only the 3 new antennas. There will be nothing new on the ground. All necessary documentation has been presented to the Planning Dept.

Fitzgerald asked what the maximum number of antennas will be, and how it is determined. Ms. Burbank explained the need for the antennas to carry the load being placed on the antennas. The technology is not there to meet the need by combining antennas or increasing the capacity of the antennas. Fitzgerald asked if the City of Groton owns the water tower. Staff said the City of Groton is the owner and has given appropriate permission to the applicant. Fitzgerald said he thought Federal law would take precedence over the Town. Ms. Burbank said water towers are under the jurisdiction of the Town. Pritchard asked how 19 was arrived at. Staff said that was the number requested in the original application. Roper asked how many antennas can physically fit on the tower. Ms. Burbank doesn't know. Roper asked about spacing of the antennas. Staff said they are 5 ft. apart. Staff said the wind loads and capability of the structure are fine. Roper said he hopes they utilize all the space on the tower. Steinford asked if other carriers' antennas are on there. Staff said there are three carriers and three equipment boxes with screening and fencing, on the ground. Steinford asked if any of those three carriers are utilizing the tower at the Police Station. Staff said she would find out. Kane asked if there are guy wires. Staff said no.

MOTION: To approve the Nextel Communications Site Plan, 95 New London Road, subject to the following modifications:

1. Technical Items as raised by staff shall be addressed.

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

2. Four Winds/Mystic Active Adult, Noank-Ledyard Road

Staff said they received a request from Four Winds for an extension for the start of construction. Staff explained the state statutes allowing the applicant five years to begin construction from the end of the appeals period. Staff explained that the developer waited until all of the lawsuits and court challenges were settled before they continued with the process of recording the plans. Staff said the check prints are in the Planning Office. Sherrard would like to grant the extension to March 26, 2007, one year from their final court decision. Staff said the Commission last year acted in the context of the original approval date which was September 28, 2005. They are now requesting a grant of extension based on local regulations from the date the Commission approved it. Staff recommends that they follow the same decision they made last year. Staff said the Commission can grant the extension to March 2007, and the applicant can apply for another extension if they need it. Pritchard said sees no reason to not give them the one year to September 2007. Steinford concurred. Staff explained the one year extension is a local regulation and is for start of construction, not to file the plans.

MOTION: To grant a one year extension to September 28, 2007 for start of construction to Mystic Active Adult.

Motion made by Pritchard, seconded by Steinfeld. Motion passes 4 -0 -1 (Sherrard abstained).

VII. OLD BUSINESS

1. Town of Ledyard referral for public hearing on July 13, 2006

Staff explained the referral. The Commission had no comment.

2. Discussion of Notification of Property Owners with Subdivision Applications

Staff explained the statutes regarding notification of property owners and discussed Public Act 5290, which will become effective October 1, 2006. The Act sets up the language to make it clear that Commissions can put this extra notice into effect. There are two ways to make notification; either by certificate of mailings, or signage on the property. The Town's Subdivision Regulations already require a hearing on subdivisions and resubdivisions. Staff said the signage method has many loopholes that would need to be addressed. Therefore, the Planning Department has proposed an amendment to the Subdivision Regulations, following the Zoning Board of Appeals regulations, requiring a mailing between 10 and 30 days before the public hearing. Pritchard asked about the notification of a Trust, which is very detailed and complex in the text of Public Act 5290. The second act effective in October is about the Town creating a public registry for notification to anyone who requests it of any changes to the Zoning Regulations or Subdivision Regulations.

Fitzgerald told the Commission that it worked well for the Zoning Board of Appeals. Staff will revise the language and refer it to the Town Attorney. The Commission's consensus was to schedule a public hearing for September.

VIII. NEW BUSINESS

1. Report of Commission

Roper attended the Regional POCD public meeting on June 15th here in the Town Hall Annex. There was a good turnout and good discussion. No one attended the Norwich meeting on June 5th.

Roper said the Transportation Strategy Board will be reviewing plans for Connecticut in January. The I-95 & 395 Transportation Investment Area needs to review by September.

2. Referrals from Zoning Commission for public hearings on July 5, 2006

Staff explained the referrals.

SPEC 290 – 516-528 Gold Star Highway (Gold Star Investment Group LLC, applicant)

The application is for the relocation of a non-permitted use. No plan or descriptions were submitted with the application. This application will be

withdrawn. Staff said sufficient data was not supplied and does not meet the WRPD requirements. The Commission had no comment.

SPEC 291 – 425 Gold Star Hwy. (Girard Nissan Inc., applicant)

Staff explained the application. The Commission had no comment.

3. Town of Stonington Referrals for public hearings on August 1, 2006

Staff explained the first referral regarding the removal of separation distance requirements for liquor sales establishments and keeping the separation distance requirements for gas stations. The Commission had no comment.

Staff explained the second referral regarding additional signage in the HI-60 Highway Design District. The Commission had no comment.

IX. REPORT OF CHAIRMAN - None

X. REPORT OF STAFF

Staff attended a Mystic Cooperative Task Group meeting and gave them an update on the Mystic Streetscape Project. The Town is negotiating with the state because of the increased cost for drainage structures to address the Mystic River siltation issue. The State has made their recommendations. The Town will need to address the funding for the repairs. The earliest the Streetscape can begin would be April 2007.

Staff said the Central Hall Building Special Permit public hearing was continued.

Funds are encumbered for revisions to the Zoning Regulations and the Subdivision Regulations.

Staff attended the Governor's Diversification Meeting at SCCOG today. Discussed at the meeting were the utility extension into Flanders Business Park area, the issue of appropriating funding for the potential reuse study of Mystic Educational Center, the Subase Gateway Project to improve the area with a bikeway along Crystal Lake Road which would tie into Route 12, and the identification of parcels that can accept non-military improvements off-site to increase the base's status, as identified in the Economic Development Strategic Plan.

The Economic Development Strategic Plan is being finalized and should be ready for print soon. Staff has encumbered funding for the printing of about 150 – 200 color copies.

IX. ADJOURNMENT

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Motion to adjourn at 10:16 p.m. Motion made by Munn, seconded by Steinford, so voted unanimously.

Respectfully submitted,

Margil Steinford