

PLANNING COMMISSION
JULY 11, 2006 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Sherrard, Steinfeld
Alternate members present: Fitzgerald, Kane

Staff present: Cullen, Glemboski, Murphy, Stanowicz

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

II. PUBLIC HEARINGS

1. Candy Lane Subdivision, 0 Bonnie Circle (11 lots) - Continued

Chairman Sherrard opened the public hearing at 7:53 p.m.

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. Attorney Hoops reviewed the application and the revised plans. Mr. Hoops said they just received a fax from staff requesting an appraisal, a center line staking of the road, the designation of active open space on the new plans, and an acoustical study. The applicant is requesting a 30 day extension to keep the public hearing open. Mr. Hoops asked staff why the applicant must incur the expense of an appraisal with no approval. Bennett Brooks of Brooks Acoustics, the acoustical engineer from the first application, will review his file, and let Mr. Hoops know by the middle of this week whether the previous acoustical study still applies. If it does, the applicant will submit it as part of this new application. Mr. Hoops said the center line should be staked before the weekend. He will let staff know when it is completed. Sherrard asked if there is Town-owned open space adjacent to this proposed subdivision. Mr. Hoops said yes.

Staff said the revised plans had been received, and there are still several outstanding issues. No noise study has been received and there is no proposed active recreation space. The Town Parks & Recreation Department has requested open space from the subdivision to tie into the existing Town-owned open space north of lots 8, 9 and 10. The land proposed by the applicant for dedicated open space is not useful to the Town and would be better suited to be included with the eastern most lot in the subdivision. Fees in lieu of open space regulations were reviewed. Staff is recommending that the applicant have an appraisal done, and as stated in the Subdivision Regulations rather than 10% of the land being dedicated as active recreational space, the applicant dedicate only enough space that would be deemed necessary to accommodate a play area, and the remainder of the 10% to be a fee in lieu of open space. Staff asked the applicant to submit an appraisal. Under the regulations the Town may ask for a percentage of the land, enough for the recreation area, and the balance of the ten percent in fees. Mr. Hoops said the applicant does not want to incur the expense of an appraisal without an approval.

Staff read into the record a letter received on June 22, 2006, from John Aguiar, 43 Pamela Avenue.

Munn asked if the appraisal is the only outstanding item, could this be handled as a technical item. Staff said that goes against the intent of the Regulation. The Commission has to approve the appraiser and the appraisal report needs to be entered into the record. If the Commission wants to accept the open space, they can. If the Commission doesn't think the dedication meets the Town's regulations, they do not have to take 10% of the land but can accept the fee instead. Sherrard asked if the appraisal is on the unimproved property as it exists before the development. Staff said yes. Steinford asked about the status of the neighbor's driveway from the previous application. Mr. Gerwick said there is an encroachment of the driveway. The applicant offered to pay for relocation of the owner's driveway. Staff said the Town did not actively approve that driveway. Mr. Gerwick said the applicant has made more than one attempt to talk to the property owner.

Roper asked about a connection to other Town-owned open space. Staff showed the areas on the map between Lots 8 and 9 or 9 and 10 where an easement could be granted so pedestrians could have easy access to the open space land. Mr. Hoops said the Town doesn't want the proposed open space because they feel the terrain is too steep or severe for an active recreation area. Mr. Hoops said only two properties have direct access to the open space recommended by the Town, and there would be no parking. Roper asked if there was any proposal for active recreation. Mr. Hoops said no. Roper said he would like to look at the property and feels this subdivision needs active recreation. Roper said he feels strongly that the appraisal is needed to be considered with the whole proposal to make a decision. He said he doesn't feel the proposed recreation is adequate. Staff will prepare a map for the next meeting showing where the existing Town-opened open space is. Staff said in response to Mr. Hoops' statement about timing, Section 4.9 (5) (b) of the Subdivision Regulations states "The fair market value of the land shall be determined by a licensed appraiser jointly approved by the Commission and the applicant and the appraisal made part of the record." The payment is not due until the time that the final plans are filed. Sherrard said the Commission members need to look at the site once it is staked. There will be a discussion of the open space and appraisal at the August 8th meeting. Staff said the applicant may need more time to do an appraisal. Hoops said the acoustical engineer will review his previously submitted report, and if it is applicable he will submit a letter. The appropriateness of the times as to when the acoustical data was taken would need to be addressed in the acoustical engineer's letter, as well.

Chairman Sherrard asked for comments from the public.

Ray Belval, 100 Kings Highway, asked that the acoustical engineer do a comparison of volumes on weekdays as opposed to weekends.

Dawn Aguiar, 43 Pamela Ave., said that the previous acoustical study made reference to new homes that were considered to act as a sound barrier and they are no longer there with this new application.

John Aguiar, 43 Pamela Ave., said the previous acoustical study made reference to an area near the site that was unpaved, but this area will now be paved and could potentially increase noise levels.

Mr. Hoops said he will not be at the August 8th meeting. Staff feels the noise study needs to be updated based on the new proposal. Staff said the noise

and open space are two big issues. Staff will be reviewing the development-free area regulation with the Town Attorney.

Pritchard said the noise survey should address roads and buildings proposed. Roper said the noise survey should be based on this proposal, as Mr. Hoops stated previously that this new application has to stand on its own.

MOTION: To accept the applicant's request for extension of the public hearing through September 12, 2006 and continue the public hearing to August 8, 2006.

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

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

Ken Petrini, DiCesare-Bentley Engineers, represented the applicant, Benajah Farm L.P. Mr. Petrini showed the open space and the existing trail system from the timber harvest. A ten ft. strip of open space by Lot 1 has been added to the plan to access the trail system, which will come out along Pleasant Valley Road North adjacent to Lot 14. Staff asked about a connection between Lots 6 & 7 on Briar Hill. Mr. Petrini said there are many issues with that connection including the slope and pedestrians being within 10 ft. of Lots 6 & 7, and erosion control and maintenance. Lot 1 near Catalpa Road leaves a flat area, and the sidewalk along Gungywamp Road is a better access point through the trails and onto the sidewalk system. The applicant would like the Parks and Rec. staff to handle the trail markers. A preliminary electric layout from Groton Utilities was submitted, showing the proposed overhead wires and underground utilities. Mr. Petrini reviewed the existing poles on the eastern and western side of Briar Hill. There will be no new poles on Briar Hill, and there will be one new pole on Gungywamp Road. Three underground utility connections are suggested for under Pleasant Valley Road North. Briar Hill Road sidewalks and trees were addressed. A sidewalk is proposed on Briar Hill Road but there are large trees that will have to come down. The Phase II archaeological study is being finalized and a conservation easement is proposed to stay clear of an archaeological area on Lot 11 that has been identified in the study. Staff has asked for conservation easement markers to be placed there, notifying people they are not allowed to go near the area. Staff has also recommended that a curb be put on Briar Hill so that people will not park there. The Fire Marshal's comments have all been addressed. The Town Engineering Dept. asked the applicant to realign the driveways and those changes have been made on the plan.

Staff addressed the open space trails. Staff has recommended traditional painted markings for the trails. Staff stated the archaeological area of interest is not in the middle of a lot, so the conservation easement will work well. More information is still needed on the utility plan. GMH Military Housing, LLC, is installing a concrete walk on Gungywamp Road up to Catalpa Road as part of the Navy privatization.

Fitzgerald said he is concerned with asphalt sidewalks vs. concrete sidewalks. Pritchard asked if the location of the driveways within 60 ft. would require a waiver. Staff said no, but the driveways will be reviewed again, and any recommendations will be made as part of the motion. Pritchard asked for

clarification of the entrance to the open space. Mr. Petrini said it will become part of the open space, not an easement, and lead directly to the sidewalk on Gungywamp Road. The applicant is asking the Town Parks & Recreation Department to do the markings for the trails. Roper asked if staff recommended the new entrance to the open space. Staff said there were some issues with an entrance off of Briar Hill Road, and the Board of Education does not want a connection to the school. Blasting procedures were discussed. Kane asked if the entrance to the open space would be well marked so that people don't walk across the residents' lawns. Staff said they will review this and have a recommendation. Munn asked if Catalpa Road will be a public way even though it is federally owned. Staff said he is not sure, but it will probably function as a public way. Munn asked if parking would be an issue for people accessing the public open space. Staff said he thinks people would park along Catalpa before Gungywamp Road. Munn asked about the lack of sidewalks on Pleasant Valley Road North. Staff said the Master Trails Plan does not show future sidewalks because of the difficult terrain. Sherrard reviewed the requested waivers with Mr. Petrini: sidewalks on Pleasant Valley Road North, underground utilities, public sewers, street lights, and no active recreation. Sidewalks will be a six ft. bituminous bike path along Briar Hill and concrete on Gungywamp Road. Staff said a recommendation for bituminous or concrete will be included in the motion. Sherrard reminded the alternate Commission members that, unless they are seated, by State law they are not allowed to discuss any aspect of the proposal after the public hearing has closed. Kane said he would prefer to see concrete sidewalks on Briar Hill Road if the applicants cannot save the trees. Fitzgerald said he prefers concrete. Staff told the Commission that concrete sidewalks would only be 4 ft., but bituminous sidewalks would be 6 ft. Roper asked if there is any potential for any additional bike paths on Briar Hill. Staff said it would not be recommended, because of stone walls and the narrow right-of-way width. Pritchard asked staff to get a recommendation from Public Works as to whether the bike path should be concrete or bituminous.

MOTION: To close the public hearing on Maple Glen Subdivision, Pleasant Valley Road North.

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

III. APPROVAL OF THE MINUTES of June 27, 2006

MOTION: To table the approval of the minutes of June 27, 2006, to the next regular meeting on August 8, 2006.

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

IV. PUBLIC COMMUNICATIONS

Roper said he received a mailing from the Thames River Basin Partnership for a workshop on July 14th.

Sherrard said he received in the mail a brochure "2006 Acts Affecting Land Use".

Staff asked the Commission to add a new item under “New Business” to the agenda to discuss a review request from Cuddy & Feder for a Cingular telecommunications tower on Route 184.

Staff said a subdivision application has been received from The Cedars at Godfrey Road, which is the former O & C Subdivision. The owners failed to record the subdivision in the 270 days due to an issue relating to the bond. Staff asked the Commission to consider the application under “Subdivisions” to schedule a public hearing. Staff said the plan was approved, but just did not get recorded.

MOTION: To add a new Item 5 under “New Business” on the agenda, to discuss the New Cingular Wireless PCS Tower Facility review request submitted to the Town.

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

MOTION: To move item 6.b under “New Business” on the agenda, to item 3 under “Subdivisions” to schedule a public hearing date for The Cedars at Godfrey Road.

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

V. SUBDIVISIONS

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

The applicant granted an extension through September 12, 2006, and the public hearing was continued to August 8, 2006.

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

The public hearing for Maple Glen Subdivision, Pleasant Valley Road North, Gungywamp Road & Briar Hill Road was closed. Discussion was tabled until the August 8, 2006 meeting.

3. The Cedars at Godfrey Road, 120 Godfrey Road – set public hearing date

A public hearing date of September 12, 2006 was set for The Cedars at Godfrey Road, 120 Godfrey Road.

VI. SITE PLANS

1. Wal-Mart Glazed Canopy, 150 Gold Star Highway

Staff said the applicant requested an extension to address staff comments.

MOTION: To grant an extension to August 8, 2006 and table Wal-Mart Glazed Canopy, 150 Gold Star Highway, until the next regular meeting on August 8, 2006.

Motion made by Steinford, seconded by Munn.

Fitzgerald noted that there has been a problem with this site using trailer truck bodies as ground level storage, which blocks fire hydrants and access to the building. The truck bodies were removed in April 2006. Staff said they are aware of the situation and this was discussed at length with them during staff review.

MOTION: To amend the motion to grant an extension for 30 days and table Wal-Mart Glazed Canopy, 150 Gold Star Highway, until the next regular meeting on August 8, 2006.

Motion to amend made by Steinford, seconded by Munn, so voted unanimously.

2. EbLens, 698 Long Hill Road

Remko Breuker of Nilsson & Siden Associates, represented the applicant, EbLens. The applicant proposes the addition of a stockroom to the back of an existing store in Groton Shopping Center (formerly Lowdowns, and previously a movie theater). EbLens, a mercantile store, moved in and needs more storage room. Mr. Breuker showed the location of the stockroom. Site conditions and landscaping were discussed. Landscaping at the site has been upgraded including the Webster Bank area. Just prior to staff review, the owner of the shopping center gave permission to plant 45 new bushes around the property, near Auto Zone. These plantings are not reflected on the plans. The rear parking lot and loading area was reviewed.

Staff reviewed the property. There have been six previous site plan applications on this property. The most recent in this shopping center was Monster Mini Golf. The parking and handicapped parking requirements were reviewed. The parking calculations were approved by the Town Zoning Officer. A reserve area is now striped for five additional parking spaces. The existing vegetation includes some large maple trees. There is a proposal for landscaping at the front of the building that will substitute for the five ft. of required landscaping. A signage plan will be submitted separately. The applicants have asked to be able to put an enclosure around their dumpster in the back of the building. Staff pointed out where an island used to be at Auto Zone. The island had suffered because of the trucks, etc., and the island is now gone. Staff is requesting that the applicant stripe or designate that island in some way to define the edge of that parking space. The Fire Marshal has approved the plan.

Steinford said the right hand side of the center behind the buildings by Drozdyk Drive has a low area which causes ponding, and he would like to see that area cleaned up. Steinford said there is also an old tractor body that has been there for years and asked the applicant to investigate. Kane said the signs on that side of Route 1 are out of control, such as the Weiss Sleep Shop truck parked near the road, with an expired registration. Staff said they would refer this to the Zoning Official.

MOTION: To approve the EbLens Site Plan, 688 Long Hill Road, subject to the following modifications:

1. A minimum of a six foot stockade fenced enclosure shall be provided around the dumpster/recycling area to provide visual screening from Drozdyk Drive.
2. All signage shall meet the Zoning Regulations of the Town.
3. Technical Items as raised by staff shall be addressed.

The Planning Commission finds that the existing mature healthy trees and shrubs to the North and Northwest of the site meet the requirements of Section 7.4-4 Buffer Area. The preservation of existing mature street trees is considered a priority by the Town of Groton Plan of Conservation and Development. Our regulations require that all existing trees shall be preserved and protected against damage.

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

3. Groton Multifamily, LLC (Ledges East), 375 Drozdyk Drive – Request for extension for start of construction.

Staff read a letter from Attorney Timothy Bates requesting an extension. The site plan was approved on August 9, 2005. Construction was to begin in one year from approval. The applicant is requesting an extension to August 9, 2007. There is a reconfiguration of the lot line between Ledges East and Ledges West. Approval from the lender should be forthcoming. Steinfeld asked how many more extensions they can receive from the Commission if they grant this one. Staff said they can receive at least three more extensions if they don't start construction. Steinfeld said he is disappointed in the appearance at that site. Steinfeld said he would approve the extension provided that within a specified length of time they clean up that area by leveling and removing the boulders. Staff said there is an outstanding Special Permit that he would like to review to see if there's something that can be enforced. Steinfeld asked if the Town is holding any bond against that development. Staff said he'd have to check the files and get back to the Commission. Sherrard asked if the final plans have been recorded. Staff said yes, they were recorded in January 2006.

MOTION: To table the request for extension for start of construction for Groton Multifamily, LLC (Ledges East), 375 Drozdyk Drive, until the next regular meeting on August 8, 2006.

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

VII. OLD BUSINESS

VIII. NEW BUSINESS

1. Report of Commission

Steinfeld asked staff about the lack of landscaping at Windsor Auto Sales at the corner of Kings Highway and Bridge Street. Staff said he will check the old site plan to see if they have changed any of the plantings. Steinfeld said they also have two standing signs and asked if that is allowed. Staff said he will check.

2. Referrals from Zoning Board of Appeals for public hearings on July 12, 2006 and July 26, 2006

ZBA06-08 – 89 Capstan Avenue, Mark Svencer, Owner/Applicant (July 12, 2006 hearing)

Staff explained the referral. The Commission had no comment.

ZBA06-09 – 26 Marquardt Lane, Elbridge Luther, Owner/Applicant (July 26, 2006 hearing)

Staff explained the referral. The Commission had no comment.

3. Referral from Inland Wetlands Agency for public hearing on July 26, 2006 (Mystic Woods)

Staff explained the application for a 241 unit active adult community. Staff showed the location of the site on Fort Hill Road and Flanders Road. The wetlands were shown on the map. The access issues due to the wetlands are being addressed by staff. Drainage basins, sewer lines, stormwater discharges were shown. An 18,000 square foot pond is proposed. The possible need for sidewalks on Route 1 was discussed. The Commission had the following comments:

“Due to the lateness of the meeting and the complexity of this plan, at this time the Planning Commission has the following comments:

1. The applicant should consider installing sidewalks on the northern side of Route 1 and the western side of Flanders Road.
2. Two access points to the site should be maintained.
3. A comprehensive internal sidewalk system should be provided within the development.

We request that the hearing remain open so that we can further review the plan and provide additional comments at the Planning Commission’s August 8th meeting.”

4. Referrals from New London for public hearings on July 20, 2006 and August 3, 2006

The referral for a Zoning Regulation Amendment regarding limitation on number of principal buildings on one property and the distance required between them was explained.

The Commission had no comment.

The referral for Zoning Regulation 605 “Supplementary Lot, Yard Height and Building Regulations” was explained.

The Commission had no comment.

5. New Cingular Wireless PCS Tower Facility, 1662 Gold Star Highway

Staff said a letter was received for the Planning Commission to comment on a future application for a proposed wireless communications tower facility. The proposal is to locate the tower at a private single family residence at 1662 Gold Star Highway at the intersection with Candlewood Road. This would be a 150 ft. tower, with a gravel drive access to the site. Staff said they typically make the standard comments on this tower based on current regulations. The Office of Planning and Development has made recommendations regarding color, historic resources, lighting, signage, etc. The Commission allowed staff to make appropriate recommendations, with a copy of the letter included in the August 8th agenda packet for the Commission members.

IX. REPORT OF CHAIRMAN

Chairman Sherrard said that Groton Highpoint on Hazelnut Hill will hopefully be staked by the weekend, and that Candy Lane will be staked soon.

X. REPORT OF STAFF

Staff explained the Wal-Mart, Hilton Garden Inn and Connecticut State Traffic Commission (STC) situation to the Commission and the request by STC for Hilton Garden Inn to get an easement from Wal-Mart for STC. Staff said he wrote to Wal-Mart asking them to show the easement on the Glazed Canopy application that is currently on file. Staff has also talked to STC.

Staff stated they received a call on Mardie Lane Homes. The judge ruled from the bench that the Town does not have to build the road all the way through. This may be appealed.

IX. ADJOURNMENT

Motion to adjourn at 10:28 p.m. Motion made by Roper, seconded by Pritchard, so voted unanimously.

Respectfully submitted,

Margil Steinfeld