

PLANNING COMMISSION
SEPTEMBER 12, 2006 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Steinfeld, Munn (arrived at 7:03 p.m.)
Alternate members present: Fitzgerald
Staff present: Cullen, Glemboski, Murphy, Stanowicz

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

Acting Chairman Steinfeld appointed Roper as Secretary and seated Fitzgerald as a voting member.

II. PUBLIC HEARINGS

Acting Chairman Steinfeld explained the Planning Commission public hearing procedures for the public.

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

The application has been withdrawn.

2. The Cedars at Godfrey Road, 120 Godfrey Road

Roper read the legal ad.

Bob Patrick, owner of Elite Development and owner of 120 Godfrey Road, requested a continuance. They need more work to be done on the septic system design.

Munn asked if any part of this subdivision is different from the previous approved application. Staff said it is generally the same, with the same lot configuration, etc., but the plan has been upgraded with slight differences. Staff stated this is in a planned sewer avoidance area.

There were no public comments.

MOTION: To grant an extension and continue the public hearing for The Cedars at Godfrey Road, 120 Godfrey Road, to the next regular meeting on September 26, 2006.

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

III. APPROVAL OF THE MINUTES of August 8, 2006

MOTION: To approve the minutes of August 8, 2006 as amended.

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

IV. PUBLIC COMMUNICATIONS

Staff received a newsletter from UCONN regarding cooperative extension programs. It is in the Planning Department if anyone would like to view it.

Staff stated that a letter was received from St. Mary's Church stating that they will hold a groundbreaking on September 16, 2006 at 5:45 p.m. The parish wanted the Commission to be aware that the reason for the groundbreaking before the site plan approval is to meet the Bishop's schedule.

Staff received an intent to review an application from the State of Connecticut Dept. of Environmental Protection for Groton Utilities' water diversion permit for the interconnection along Route 117 between the Town of Ledyard and Groton Utilities.

Staff distributed to Commission members a copy of the Connecticut Environmental Review Team (ERT) review requested by the Inland Wetlands Agency for the wetland application submitted by Mystic Woods. Staff said several state-level professionals will be assigned to review the application as a service to the Town. It will take three to four months to complete. Steinford asked staff to forward that information to Planning Commission when it is forwarded to the Zoning Commission. Staff said the State Traffic Commission and Department of Transportation have already met with staff.

Fitzgerald said he would like a locational map sent with the staff summary in agenda packets. Staff explained that with the new application staff sends a locational map, and the staff summary sheet is sent when the application is on the agenda for action.

Staff received a letter from the State Traffic Commission detailing the permit conditions for the Hilton Garden site.

Staff said they received two Notices of Tentative Determination from State of Connecticut Department of Environmental Protection; the first is for a permit to install a steel scour wall, two watercraft lifts and ship ladders at 35 Atlantic Avenue, Groton Long Point, and the second, a Notice to renew a discharge permit for the Naval Submarine Base to discharge water into the Thames River.

Staff distributed a *C.F.P.Z.A.* newsletter and stated that if anyone would like a copy they can request it from the department.

Fitzgerald said that the Town of Groton should consider the article regarding asphalt and concrete sidewalks, which he distributed to the Commission at the last meeting.

V. SUBDIVISIONS

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

Acting Chairman Steinford stated that the voting members for Groton Highpoint Subdivision are: Fitzgerald, Pritchard, Roper, Steinford, and Munn.

Staff said there are four key areas for discussion and review by the Commission.

The first key area is the sidewalks. The applicant proposes a five foot wide bituminous sidewalk on one side of the subdivision road. The sidewalk is proposed to meander outside of the right-of-way with some small areas within the right-of-way. The sidewalk is proposed to be maintained by the homeowners' association. The Town did ask for an easement for public access over the sidewalk, but the Public Works Department does not want to maintain a sidewalk that is outside the right-of-way and not built to Town standards. Staff suggests that the Commission either require a standard concrete sidewalk within the right-of-way which would be maintained by the Town, or the Commission could allow the design as submitted by the applicant, which is aesthetically pleasing and may be best for the environment, but with no public easement. Elimination of the walk is another alternative. The bituminous walk would be maintained by the homeowners' association. The bituminous walk would not be an official public access walk but the access to the Town-owned open space and trails would still be public.

Pritchard asked if this means that the Town would basically be granting a waiver for sidewalks. Staff said yes. Pritchard asked if the Town-owned open space would be signed and marked. Staff said yes, and it would be maintained by the Town. Roper stated that he feels that the sidewalks should be Town-owned rather than private. Staff said sidewalks are typically public in all subdivisions. Maintenance of this proposed sidewalk is problematic for the Town. Munn said there should be a waiver for sidewalks since they don't conform to Town standards. Steinfeld said that he has reservations with the Town being responsible for the maintenance and liability of sidewalks not within the Town right-of-way. Roper asked staff what the developer's intention was. Staff said the applicant proposed that the homeowners' association would maintain the sidewalk and that there would be a public easement over the sidewalks. Pritchard said that several other items will be maintained by the association as well and therefore the association needs to be a viable organization. Fitzgerald said he feels that sidewalks on Hazelnut Hill are necessary to provide safety on the curve. Staff said the applicant has also requested 26 ft. wide roads rather than 30 ft. wide roads.

Staff stated the second key area for discussion is the new path. The applicant has proposed a paved access to the stormwater basin, and then a 5 ft. stone dust trail with a wetland crossing approved by the Inland Wetlands Agency. The Inland Wetlands Agency allowed the placement of steps in the steep areas along the path in order to limit erosion of the path. Two public utilities lines are proposed from Meryl Court up to the subdivision along this path. The proposed sewer line has some manholes that the Town will need to access for maintenance. There is the potential for erosion of this path currently designed with stone dust. Staff is suggesting a 10 ft. wide processed compacted gravel path design with loam and seed that can be driven on. Staff asked if the Commission would want the path to be marked with boulders to identify it as a designated path or left open. Roper said the path should be available for pedestrians and designated with boulders. Pritchard asked if there would be ATV barriers. Staff said removable bollards can be put up to discourage public vehicular traffic. Roper said this may be considered an unofficial second access for emergency vehicles. Steinfeld asked for clarification of the steps. Staff said no steps would be necessary with this design.

Staff said the third key area is the lots on slopes over 25%. Staff said there are several critical lots, with Lot # 18 being the most difficult. There is regulated area and steep slopes on the lot and the building envelope is very small. The proposed grading leads right to the regulated area. The site is in a direct line to Fort Hill Brook and the wetlands. Staff reviewed the clearing areas around the houses that allow feasible construction to take place. Staff reviewed their concern when trees are shown too close to structures. Staff would recommend that the applicant eliminate this lot, and then the road could be pulled back. Staff said the other lots of concern are between 25 and 30% slope.

The summary of requested waivers was reviewed.

Steinford asked if the easement could be formally considered an emergency access. Staff said not formally. The easement is for utilities only. Roper asked if the industrial zoned land to the north could be rezoned to residential to allow a second access. Staff said this isn't likely and there is a wetland area that would need to be crossed to connect the two.

Staff said the fourth key area is the water line. Staff said that Groton Utilities recommended the line be extended an additional 700 ft. from Pequot Health Center on Hazelnut Hill to the subdivision. The applicant proposed extending the line approximately 1,000 ft. from Meryl Court and through the open space. The line from Pequot Health Center to the subdivision would be approximately 1,700 ft. in length. The applicant anticipated that Groton Utilities would want control or responsibility for that water line. Groton Utilities has required that the water line be maintained by the homeowners' association and built to standard. Staff said that if the water line is a private system, there needs to be a mechanism to make sure that it is maintained. Groton Utilities would maintain and have control over the water lines in the street of the subdivision, but not the connection to get it there from Meryl Court. The funds must be available for the homeowners' association to maintain the water line. Groton Utilities has concerns with the slope and location of the Meryl Court route. Munn said he would rather see the water line publicly owned. Roper asked if other homes could be tied into the line if it extended up Hazelnut Hill. Staff said yes. Pritchard said the water should be public for health and safety because of the sprinkler systems required in the houses. Steinford said he thinks the public water should come up Hazelnut Hill.

Fitzgerald asked if there is a waiver requested for the sidewalks on Hazelnut Hill. Staff said a formal waiver request is not necessary. The Commission can request sidewalks along the subdivision frontage, but it is not a waiver. The existing sidewalks on Hazelnut Hill Road were reviewed. The Plan of Conservation and Development shows the subdivision right at the limit of the walking distance to one of the schools. No wetland permit has been obtained for sidewalks on Hazelnut Hill Road and staff is not recommending any sidewalks along Hazelnut Hill Road on this side of the road. Roper suggested the subdivision sidewalks be included as part of the trail system.

MOTION: To table discussion of Highpoint Subdivision, 245 Hazelnut Hill Road, until the next regular meeting on September 26, 2006.

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

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

Staff said the application has been withdrawn.

3. The Cedars at Godfrey Road, 120 Godfrey Road (4 lots)

The public hearing was continued to September 26, 2006.

4. Windward Passage, Polaris Street & Crystal Lake Road (14 lots) (CAM)

Staff said the applicant is making major revisions to the plans. The applicant has requested an extension and to open the public hearing on September 26, 2006.

MOTION: To grant an extension to September 26, 2006 and reschedule a public hearing for Windward Passage, Polaris Street and Crystal Lake Road, to the next regular meeting on September 26, 2006.

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

5. Subdivision Amendment to Section 2.3(3) regarding Subdivision Notice Requirements

A public hearing date of October 10, 2006 was set for Subdivision Amendment to Section 2.3(3) regarding Subdivision Notice Requirements.

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

6. DiCesare Subdivision, 35 Lamphere Road

Staff explained the request for a bond release. Last year, the Commission released most of the bond for this subdivision. The remaining 10% was held by the Town for one year until February 2006. The Town Public Works Department said that the public improvements are complete. The applicant is requesting release of the remaining \$1,495.00

MOTION: To release the \$1,495.00 bond for DiCesare Subdivision, 35 Lamphere Road.

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

VI. SITE PLANS

1. Groton Shopper's Mart Expansion, 923 Poquonnock Road

Kyle Haubert, CLA Engineers, representing the applicant, Groton Shopper's Mart, reviewed the application. There are three phases to the expansion. Phase One is for a new CVS to be built in the location of the gym building, with expanded parking behind the CVS. The existing gym building will be demolished and the gym will be relocated to the Big Y building with expanded parking behind the Big Y. Traffic flow for the two drive-thru stations for the CVS was reviewed. The loading area for CVS, parking realignment and the pass-thru

between the buildings to the back parking lot were reviewed. Sidewalk connections to Poquonnock Road and throughout the site were reviewed. Phase Two is for a Starbucks and retail site at the Grant lot location, in front of the Big Y building. Reduction of setbacks for the building on Route 1 was reviewed based on reduction allowances in the Downtown Development District (DDD). Sidewalk connections, landscaping and entrances along Route 1 were reviewed. Phase Three is for the Savings Institute drive-thru ATM in the parking lot. Revised entrances and traffic flow to the Savings Institute were reviewed. Parking spaces were discussed. The applicant is requesting that 91 spaces be held in reserve. The Town Zoning Official can request that those spaces be constructed at any time he finds them necessary. New entrances and islands at the corner of Poquonnock Road and Long Hill Road were reviewed. The applicant is requesting that the landscaped area in front of CVS be reduced from the required 20 ft. to 15 ft. A six ft. sidewalk will be provided in front of CVS. The applicant said that over 11,000 sq. ft. of interior landscaping is provided. The facades for CVS, Starbucks, and the retail area were reviewed.

Andrew Shapiro, owner of Groton Shoppers Mart, reviewed the overall site plan.

Staff explained their suggestions for the plan. Staff is requesting that the back of the Starbucks - retail building look like a front of a building since it faces Route 1. Staff requested an access to Starbucks from the street. The retail spaces will not have pedestrian access from Route 1. The drive-thru ATM meets all the requirements for stacking. The drive-thru lanes for the pharmacy and the dumpster enclosure for the Savings Institute were reviewed. Staff requested that the Grant and other small parcels be combined with the existing main parcel.

Munn asked if there will be assigned employee parking. Staff said that will not be specified by the Planning Department; the owner will make that determination. The traffic flow for the CVS drive-thru and the location of the dumpster for the Grant building were reviewed. The truck routes within the shopping center were reviewed. Roper asked if the parking lot will be at maximum capacity at the peak time for parking at this center. Mr. Shapiro said it has only happened at the grand opening for Big Y. Roper asked if there would be shade trees in this parking lot. Staff reviewed the shade trees in the parking lot and the plantings near Starbucks. Roper asked if the retail space could be a restaurant. Staff said the parking would have to be reviewed if it becomes a restaurant. The back area of the Starbucks and the retail building facing Route 1 was discussed. Staff said the crosswalks will have signage and decorative paving. The lighting plan for the parking area was reviewed. There will be 20 ft. poles in the area of Starbucks and the front of CVS. The rear of the center will have 30 ft. poles. The gym's new location was reviewed. Mr. Shapiro said it is an existing remnant from the old Stop and Shop building that is being completely renovated. Sidewalks along Route 1 and the entrance to Starbucks were reviewed. Steinford asked why there are two drive-thru windows for CVS. Sharon Borges, with Gershman, Brown and Associates, the developer for CVS, explained that the outside drive-thru is for prescription drop-off only. The inner lane will be for drop off, pickup and consultation. The outside lane is drop-off only, with no waiting, and run by pneumatic tube and will only be used as relief for the drive-thru if necessary. Steinford asked how many shops there will be in the Starbucks building. Mr. Shapiro said one, possibly two. Steinford asked if the access to the theater will be changed. Mr. Haubert said no.

MOTION: To approve a site plan for Groton Shopper's Mart Expansion at 923-1011 Poquonnock Road with the following modifications:

- 1) The applicant shall legally combine all parcels that are subject to this site plan or a note shall be placed on the plans stating "The Grant Realty Holdings I, LLC parcel (PIN 169806275577) shall not be conveyed separately from the remainder of the center unless all Zoning Regulation requirements are met and a new site plan is approved by the Planning Commission".
- 2) A Note shall be placed on the plans stating "The outside area in front of the new restaurant and retail building along Route 1 shall be properly maintained and shall be kept free of trash, equipment, products, etc. The front doors for the retail buildings shall not be used for customers, unless additional approvals are obtained from the Planning Commission".
- 3) A note shall be placed on the plans stating " Within 2 years of the issuance of a certificate of occupancy for the CVS building, the applicant shall appear before the Planning Commission for a determination by the said Commission as to the need to construct/install the 91 "reserved" parking spaces and associated improvements on the plan. The Zoning Official shall also have the ability at any point to require the installation of the "reserved" parking and associated improvements when a determination is made by the Zoning Official that a parking problem exists within the center. "
- 4) A dumpster enclosure shall be provided for the dumpster at the bank.
- 5) The applicant shall provide a design for the pharmacy drive-thru island that is safe and aesthetically appropriate and the design shall be approved by the Director of Planning and Development.
- 6) Bollards shall be provided, as appropriate near the proposed Trash Compactor.
- 7) Modify General Note # 20 to clarify that PIN 169806275577 and PIN 169809271067 are both subject to the Long Hill Drainage Voluntary Impact Fee.
- 8) Technical Items raised by staff shall be addressed.

The Planning Commission finds that the reduction of the Front Yard Setback from 75' to 30' for the drive-thru lane of the new restaurant and the new Starbucks/retail building will best carry out the objectives of the Downtown Development District.

In addition, the Planning Commission hereby approves the phased development of the 91 parking spaces based on the provisions 7.2-16 of the Zoning Regulations, subject to the short term requirements established in modification # 3 of the above approval.

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

2. Lighthouse Point, Gungywamp Road & Pleasant Valley Road North

Staff said revised plans were just received today and the applicants are granting an extension for 30 days.

MOTION: To accept an extension for 30 days and table Lighthouse Point, Gungywamp Road & Pleasant Valley Road North, until the next regular meeting on September 26, 2006.

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

3. JJMA Realty, LLC, 1064 Poquonnock Road

Nuria Stockman, landscape architect with DiCesare-Bentley Engineers, represented the applicant, JJMA Realty. The proposal is to convert an existing book store to a Dunkin Donuts and two upstairs units of the building to office space. The location is 1056 and 1064 Poquonnock Road. The surrounding properties were described. The applicants would remove an existing residential building, remove the asphalt, and renovate the existing retail building. A variance was granted in June for allowing the stacking for the drive-thru service in the front yard. Curb cuts and sidewalks were reviewed. Damaged existing sidewalks will be repaired and replaced, and the walkway to the building will be repaired. A future connection location to an adjacent site was shown. The loading, dumpsters, and fencing were reviewed. Access from Poquonnock Road, a rumble strip to prevent crossover traffic, stacking space and the menu board were explained. The parking spaces were explained. The main restaurant parking would be in the front of the restaurant and parking for the rental spaces would be in the rear of the building. A new sign will be in the same location as the existing sign, but the sign will be modified. Crosswalks on the site were reviewed. An existing encroachment from a neighboring property will be removed, but the drainage there will be maintained to avoid flooding of the neighboring property. The existing stormwater management facilities will be maintained. The proposed site lighting on 20 ft. poles was reviewed. Landscaping will include a minimum of six ft. trees, low shrubs to maintain the sight line, and buffer islands. The underground utilities, as proposed by Groton Utilities, were reviewed.

Staff explained the drive-thru facility variance received from the Zoning Board of Appeals and reviewed the application.

Fitzgerald asked about the stacking of the drive-thru. Staff explained that 10 spaces are required and provided. Pritchard asked what the second floor will be used for. Staff said the original site plan approval was for seven executive motel/hotel suites; two will be converted to offices for Dunkin Donuts. Roper asked if the book store is staying. The owner, John Couto, said yes. Steinford asked how much seating will be in the restaurant. Mr. Couto said there will be seating for 10 in a 176 sq. ft. seating area. Staff asked the applicant to not forget

the previous site plan approval for their other Dunkin Donuts on Long Hill Road. Mr. Couto said they will be doing that work after this restaurant is completed.

MOTION: To approve the site plan for JJMA Realty (Dunkin Donuts) at 1056 & 1064 Poquonnock Road with the following modifications:

- 1) A note shall be added to the plan “The applicant shall legally combine parcels identified as PIN 169806372869 and PIN 1698063739351 prior to obtaining a Building Permit for the site.”
- 2) 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.”
- 3) A note shall be added to 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 east shall be installed. The driveway is not to exceed 20’ in width and will require Planning Commission approval prior to installation.”
- 4) A note shall be added to the plans (Note # 15): “All signage shall meet Zoning Regulation requirements”.
- 5) All Groton Utilities comments shall be addressed and underground lines shall be provided on the site.
- 6) Technical Items raised by staff shall be addressed.

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

Roper left at 10:45 p.m.

4. St. Mary’s Church Parish Center, 69 Groton Long Point Road

The application was tabled until the next regular meeting on September 26, 2006.

5. Steadfast Baptist Church, 1041 Poquonnock Road

Russell Sergeant, Architect, represented the applicant, Bill Beck, Steadfast Baptist Church. The history of the building was reviewed. Mr. Sergeant said that very few exterior site improvements are proposed. The proposal is for an addition for classrooms at the back of the building and office space on the second floor. A variance has been received for the rear yard setback. No new signage is proposed. The applicant has an agreement with the transmission store next door for parking on Sundays, when the church lot is full.

Staff explained improvements to the site which were completed by the applicant in 2002, including sidewalks and landscaping. There will be no change or increase in the drainage patterns because the area being added is already paved. The shared parking agreement was reviewed.

Munn asked if the variance is for the current project. Mr. Sergeant explained that the variance received in June 2006 was for lot coverage and the rear setback. Pritchard asked about the turning radius in the parking lot. Staff said the Fire Marshal has approved the site access, and the applicant will be installing a sprinkler system in the building. Staff asked about the buses. Mr. Beck explained the location of the buses during the week at the back of the property. He said they are mostly used on Sundays. Steinford is concerned that if Stop 'n Go cancels the agreement, or moves their business, what would happen with the parking. Staff explained that if this happens, the Planning Commission can call the applicant back and request that they develop a plan to accommodate the parking needs. The existing parking arrangements will be noted on the plans and must remain in effect. This will be addressed in the findings.

MOTION: To approve a site plan for the Steadfast Baptist Church, 1041 Poquonnock Road, with the following modifications:

- 1) An additional street tree will be added along the frontage of the property.
- 2) Technical Items raised by staff shall be addressed.

The Commission finds that the shared parking agreement with the adjacent Stop N Go Transmission Facility is required to meet the provisions of Section 7.2-6 whereas there is no substantial conflict in the operating hours of the two sites and the building is less than 500 feet from the furthest parking space.

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

VII. OLD BUSINESS

VIII. NEW BUSINESS

1. Report of Commission

Pritchard stated that he will not be at the next meeting; Steinford said he will not be at the October 10th meeting.

2. Zoning Board of Appeals referral for September 13, 2006 public hearing

ZBA #06-14 – 605 Gold Star Highway; Jagidar, Inc. (Econo-Lodge), Applicant/Owner

Staff explained the referral. The Commission had no comment.

3. Zoning Board of Appeals referrals for September 27, 2006 public hearing.

ZBA06-15 – 145 Pleasant Valley Road South, Dawn Mingione,
Owner/Applicant

Staff explained the referral. The Commission had no comment.

ZBA06-16 – 33 Bolles Lane, Angela Peters, Owner/Applicant

Staff explained the referral. The applicant has requested variances for the sideyard setbacks and the lot coverage. The 10 ft. setbacks for an open space subdivision were reviewed. Roper said he is concerned precedent will be set with the variance requests in these subdivisions. Staff said each case must be reviewed individually.

The Commission had no comment.

4. Town of Stonington referral for public hearing on September 19, 2006

Staff explained the referral. The Commission had the following comment:

“In order to stay consistent with the Coastal Management Act, it would be more prudent to relax the setback to specify the setback is for water-dependent uses.”

6. City of Groton referrals for public hearings on September 19, 2006

Hausmann, Applicant - Revision to Section 5.6 and Section 5.7 of the Zoning Regulations

Staff explained the referral. The Commission had no comment. Staff noted concerns that the revisions could hinder amortization of non-conforming uses.

City of Groton, Applicant –Amendment to Section 4.11 of the Zoning Regulations regarding Filling and Removing Earth Products

Staff explained the referral. The Commission had no comment.

VII. REPORT OF CHAIRMAN

VIII. REPORT OF STAFF

Staff distributed an article from *New England Real Estate Journal*, August 11-17, 2006, regarding demand for senior housing properties.

IX. ADJOURNMENT

Motion to adjourn at 11:19 p.m. Motion made by Pritchard, seconded by Munn, so voted unanimously.

Respectfully submitted,

Peter Roper