

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

I. ROLL CALL

Regular members present: Pritchard, Roper, Munn
Alternate members present: Kane, Fitzgerald
Staff present: Cullen, Murphy, Stanowicz

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

Acting Chairman Roper appointed Pritchard as Secretary, alternate Kane to sit for Sherrard and alternate Fitzgerald to sit for Steinfeld.

II. PUBLIC HEARINGS

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

1. Windward Passage, Polaris Street & Crystal Lake Road (14 lots) (CAM)
– Continued

Tim Bates, Attorney, Robinson and Cole, represented the developer, Atlas Development LLC. Mr. Bates explained the proposal for a 14-lot subdivision. The site is zoned RS-12, on 13.5 acres. The Inland Wetlands Agency issued a permit for the previous application, which had 20 lots. A conservation easement was requested by the Inland Wetlands Agency. The plans have been revised to create less environmental impact, using the most suitable part of the property for development.

Attorney Bates explained a letter on file received on July 31, 2006, from the State Traffic Commission. The open space offered by the applicant totals 6.89 acres. The applicant is willing to provide trails in the open space if requested by the Commission. The Town Public Works Department requested the applicant move the new road to the west. The current plans show the preferred configurations.

Matt Calvert, Project Engineer, CME Associates, explained the lot locations (12 front lots and 2 rear lots), slopes and drainage.

Patty Chambers, Project Engineer, CME Associates, explained the proposed sidewalks and utilities. The proposed new road was described. Drainage and erosion control for the site were explained.

Mr. Bates described the two lots with irregular configurations, Lots 1 and 13. Mr. Bates explained a variance received by Atlas Development LLC for what is now abutting property. Mr. Woughter, the owner of this property, has warned that he may abandon the variance to stop the subdivision. The first version of this subdivision proposed the new road, Whittaker Lane, which would make this property a corner lot and it would then become non-conforming. The owner received a variance reducing the front yard requirement to 16 ft. Mr. Bates stated that he doesn't believe that the variance can be abandoned by the owner. The variance goes with the property, not to the applicant. A variance for a small triangular piece of property at the corner of

Polaris Road and the proposed road, Whittaker Lane, to adjust the turning radius is still in effect, and the intent was to allow Whittaker Lane to be built. Mr. Bates said the applicant is proposing to incorporate a small strip of land into Lot 1 so that the Woughter property will not have frontage on two roads, and hopefully eliminate legal issues regarding the appropriateness of the abandonment of the variance. Mr. Bates addressed Mr. Upholz's concerns with trees along the property line. Mr. Bates stated that the applicant is willing to meet with Mr. Upholz to create a landscaping plan with evergreens, protecting the sight lines, adding a buffer, and reducing the maintenance of this area for the future property owners of Lot 13.

Staff stated that the most recent revision of the plans dated September 26 are still being reviewed by the environmental planner, Public Works and the Town engineer. Staff suggested that a note be put on the plans that the two rear lots cannot be subdivided. There is a conservation easement at the back of these lots. Staff is suggesting that a conservation easement extend from the area now shown outwards to the areas now marked as open space. The applicants have requested a waiver of the offset from 150 ft. to 125 ft from the centerline of the road at Whittaker Lane to the centerline of Pegasus Drive. By shifting the road, the retaining walls could be eliminated and the road would be safer for the Town to maintain. Mr. Upholz communicated to Staff that he will be happy to meet with the applicant. Staff said there are no coastal issues because of the large elevation change from the river to the top of Bailey Hill. An appraisal for \$275,000, prepared by Greg Erb, was submitted in the event that the Town prefers a fee in lieu of open space rather than accepting the proposed open space. Staff said a 40 x 40 playscape area has been requested by the Town Parks and Recreation Department. An extension letter from the applicant to continue the public hearing to October 24, 2006, is on file.

Munn asked who would be responsible to create the future short connector road. Staff said the next developer would be responsible. Mr. Bates explained that the "wings" – extra pieces left from the cul-de-sac, would revert to adjacent property owners to eliminate the bulb when the next developer makes the connections.

Staff said 4 ft. wide sidewalks will be provided on both sides of the cul-de-sac. The Commission would need to accept the odd-shaped lots and the offset of the road if the subdivision were to be approved. The Town Engineer requested to make the road 125 ft. from the centerline as opposed to 150 ft. to make the alignment work without a retaining wall and guard rail on top of it.

Kane asked about the conservation easement. Staff explained their recommendation to place the easement at the back of the lots on the east side. Staff recommends that the only dedicated open space accepted by the Town would be the playground. Kane asked if this would be a waiver for changing or allowing the irregular lot shape. Staff said they will advise the Commission, based on Section 4.2 of the Subdivision Regulations, but that no formal waiver should be needed. The 125 ft. road offset was described by staff.

Fitzgerald asked if the buffer plantings on the strips would be a requirement of the homeowners to maintain. Mr. Bates said that would be in the deed to those two properties. The applicants would plant low - maintenance

evergreens. Staff said this requirement could be on the plan if the Commission requested.

Pritchard asked if the utilities will be underground. Staff said yes. Pritchard asked if the Fire Marshal has approved the subdivision design. Staff said the Fire Marshal has given approval and is not concerned with the slope. The location of two required hydrants was described. Pritchard asked how the shared driveways would be developed. The construction process was described. Jim Chambers, Pequot Development, said that when the first house is developed, the utilities will be brought up for both houses, and the driveway will be developed to the split.

Roper stated that he would like to have Staff review the potential for an open space trail system.

Acting Chairman Roper asked for comments from the public.

Atty. Matthew Green, Peck & Tuneski, representing John Woughter, 10 Polaris Drive, spoke about the variance for 16 ft in lieu of 30 ft. frontage. Mr. Green said the variance runs with the land for the benefit of that and all future property owners, but that the owner may abandon the variance. Mr. Green is opposing the shape of the lots, and states that the road cannot go in because it will be within 30 ft. of a building, and in violation of the Town's Zoning Regulations. Mr. Green said he is asking the Commission to take into consideration the legal issues and concerns of the adjacent property owner.

Ronald Jean, 5 Phoenix Drive, spoke against the project, due to the safety of the neighborhood and the distance between the two roads. He said this application does not meet the regulations requiring two ways in and out for developments over a certain size.

Barbara Reid, 62 Pegasus Drive, asked if this application is approved, would the two properties abutting the strips be considered corner lots, and if the taxes on those properties would be affected. Staff explained the definition of corner lots from the Regulations. Ms. Reid said she is concerned with the parking in the neighborhood.

Dennis Salemma, 105 Pegasus Drive, spoke in favor of the project.

Staff responded to Atty. Greene's comments. Staff explained that the variance was requested for the proposed road to be 16 ft. from the property line. Abandonment of the variance was discussed. The applicant is not required to exercise the variance, but once the variance is recorded, it becomes a permanent part of the land records. The new road as shown abuts a side boundary, not a front boundary. The irregular lot design and the intent of a reserve strip was discussed. Staff said reserve strips are used to control access to the street and to market land. Staff referred the Commission to the Regulations mentioning reserve strips.

Mr. Chambers said there would be no requirement for a construction trailer. The first home built would be the model/office.

Barbara Reid, 62 Pegasus Drive, stated that the surveyors should put a stake in the middle of the street. She would like the edges of the street staked.

Kane asked the widths of those strips of land. The applicant said the widths are 24 ft. and 14 ft.

Staff said they will follow up on some of the issues relative to regulations and provide some clarification in writing about the term "reserve strip".

The topography, playground and open space were discussed.

MOTION: To grant an extension and continue the public hearing for Windward Passage, Polaris Street & Crystal Lake Road, until the next regular meeting on October 24, 2006.

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

Acting Chairman Roper called a 5 minute recess at 9:33 p.m.

The meeting resumed at 9:38 p.m.

2. Subdivision Regulation Amendment to Section 2.3 (3) – Subdivision Plan – Notice of Public Hearing (Town of Groton, Applicant) *

Acting Secretary Pritchard read the legal ad.

Staff explained that on September 25th, the original proposal was revised slightly. Staff said that the Town of Groton already requires extra notification with the Zoning Board of Appeals and Zoning Commission that goes beyond the current statutory notice requirements. The new statutory requirements of Public Act 06-80 allow for a sign at the property site or a mailing to the abutters. Historically, the Planning Department uses a certificate of mailing, as stated in our Regulations. The same type of notification would be extended to applications for subdivisions, which is in compliance with this new public act. The language was discussed. "The date such notice is mailed" was explained. The buffer list and dating of such was discussed. Staff said the language has been approved by the Town Attorney and is consistent with the Commission's intent. The new public act states that if the Town requires the extra notice, it must be done this way. Staff will be required to advise the applicant within 30 days of receiving the application, and the applicant must mail the notices as soon as possible after the information is received from the Planning Department. This amendment is consistent with the public act, which promotes greater public awareness of land use activities.

Fitzgerald asked if it should be required that the applicant brings the certificate of mailing to the Planning Department the day before the public hearing. Staff said they will encourage it, but that is not proposed in the regulation. The applicant should retain the ability to bring them to the hearing. Staff will advise the Commission that the applicant has made their notifications.

Munn asked if a referral would be made to abutting towns. Staff said the mailing would only be abutting property owners as indicated on Groton's

CAMA list. The Planning Commission makes notification to the government of other Towns if an application is within 500 ft. of another municipality.

Sidney Van Zandt, representing Avalonia Land Trust and Groton Open Space Association, 3 Front Street, Noank, spoke in favor of the amendment.

MOTION: To close the public hearing on Subdivision Regulation Amendment to Section 2.3(3) – Notice of Public Hearing

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

III. APPROVAL OF THE MINUTES of September 26, 2006

MOTION: To approve the minutes of September 26, 2006 as amended.

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

IV. PUBLIC COMMUNICATIONS

Roper showed the Commission members a William Raveis Real Estate flyer showing Colonel Ledyard Estates for sale for \$1.2 million.

Staff noted that he received the official report and certificate from the State Traffic Commission for the Fitch High School driveway modification.

Staff said the Planning Department received the newest edition of the *Sound Outlook*.

Staff distributed copies of the information that Rick Norris, Project Director for the school projects, sent to the State Traffic Commission for the Fitch High School project.

Staff stated that the Conservation Commission sent a memo to the Planning Commission with their recommendations of properties for conservation in the POCD.

V. SUBDIVISIONS

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

An extension was granted and the public hearing was continued to October 24, 2006.

2. Subdivision Regulation Amendment to Section 2.3 (3) – Subdivision Plan - Notice of Public Hearing (Town of Groton, Applicant)

MOTION: To modify and adopt the proposed subdivision amendment to Section 2.3(3), subsequently revised by staff on October 10, 2006, for the following reasons:

* See attached

- 1) The proposal, as modified, is consistent with the requirements of Public Act 06-80.
- 2) The proposal promotes greater public awareness of land development process and proposed development activities, thereby furthering the public interest.

The amendment shall become effective on November 1, 2006.

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

3. Neff Hespeler Subdivision, 1211 Flanders Road (3 lots)

A public hearing date of October 24, 2006 was set for the Neff Hespeler Subdivision, 1211 Flanders Road.

4. Pendleton Farm Lane Subdivision, 520 Flanders Road (7 lots)

A public hearing date of November 14, 2006 was set for Pendleton Farm Lane Subdivision, 520 Flanders Road.

5. Proposed Retail Development Subdivision, Gold Star Highway & Antonino Road (5 lots)

A public hearing date of November 14, 2006 was set for Proposed Retail Development Subdivision, Gold Star Highway & Antonino Road.

VI. SITE PLANS

1. Gordon Daycare, 314 Noank-Ledyard Road

The applicant has requested an extension until the next regular meeting on October 24, 2006.

MOTION: To grant an extension for 30 days and table Gordon Daycare, 314 Noank-Ledyard Road, until the next regular meeting on October 24, 2006.

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

2. Groton Landing, 290 Gold Star Highway

Nuria Stockman, DiCesare Bentley Engineers, represented the applicant, Groton Landing Ltd. The project proposed is a storage facility for antique cars. The location was described. The site is in the Water Resource Protection District (WRPD). A wetlands permit has been issued to Groton Landing. The stormwater drainage system was described. Electric utilities will be underground. The applicant is requesting a waiver for frontage sidewalks on Gold Star Highway. Instead, the size of the landscape buffer at the front of the property will be increased. This site has 50 ft. of frontage, with a 40% slope adjacent to the highway. The width of the driveway was reduced by 20 ft. at the

request of the Inland Wetland Agency, and there will be no filling into the wetland buffer. The adjacent property is owned by the State of Connecticut. Ms. Stockman stated that the width of the driveway at the top is 20 ft, and then narrows down to 14. Staff suggested that the applicant widens the driveway to some uniform width, but there are drainage issues making that difficult. The Fire Marshal approved the access and sight lines on the driveway. Staff explained the sidewalk and landscaping requirements. The proposed building is a series of 24 garage bays.

Staff explained the requirements of the WRPD and self-storage requirements. This building will be for dead storage only. There will be no repairs done on the site, and no outdoor storage will be permitted. Staff explained the existing sidewalks near this site, in front of Wal-Mart, proposed for the front of the Hilton Garden Inn, and the Acura dealership has a sidewalk approved in their site plan, but it has not been constructed. This site is in the priority network for sidewalks and the school infill network as listed in the 2002 Plan of Conservation and Development. There are no sidewalks on the adjacent State property, and none on the residential property immediately next door. If the applicants build the sidewalk, it will impinge on the wetlands. They will need to submit a new wetland permit for this project. The Inland Wetlands Agency limited the driveway to 20 ft., and the applicant will need approval for anything wider. The applicant said this project will not generate a huge amount of traffic. The Town has a Sidewalk Agreement with the owner of the Hilton. Staff recommends the Commission require the sidewalk or a sidewalk agreement. Staff said there are no public water or sewer lines proposed on this site. Since vehicles are stored at the site, there could be leaks, etc., and the Commission may want to require a method for fluid capture in the case of a vehicle leak.

Munn asked if there would be one owner of all of the vehicles stored here. The applicant said no. Roper stated that he would like to look at the access drive. The Commission members all stated that sidewalks are an important issue.

Ms. Stockman explained the lighting plan.

MOTION: To grant an extension for 31 days and table Groton Landing, 290 Gold Star Highway until the next regular meeting on October 24, 2006.

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

VII. OLD BUSINESS

VIII. NEW BUSINESS

1. Report of Commission

Roper said he will attend the Mystic Cooperative Task Group meeting on October 16th at 8:00 in the Chamber offices.

Fitzgerald asked about the new Wal-Mart application. Staff explained that the subdivision public hearing is scheduled for November 14, 2006. The

subdivision application will be dealt with separately from the site plan application.

2. 2007 Planning Commission Meeting Schedule

It was the consensus of the Commission to adopt the proposed 2007 Planning Commission meeting schedule.

MOTION: To adopt the proposed 2007 Planning Commission meeting schedule.

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

Munn asked if the Commission should add a second meeting in November. The consensus of the Commission was no, because that meeting date would be Thanksgiving week. A special meeting could be scheduled if needed.

3. Zoning Commission referral for public hearing on November 1, 2006

Zone Change Request from RU-20 to RMF-12, 0 Winding Hollow Road (Cecil D. Rhodes, Applicant/Owner)

Staff explained the referral.

MOTION: To send the following comment to the Zoning Commission:

“The Planning Commission does not recommend approval of the application because it is not in accordance with the POCD Future Land Use Plan.”

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

4. Town of Stonington referral for public hearing on October 17, 2006

PZ0655RA & ZC Town of Stonington for acceptance of updated and reformatted Zoning Map

Staff explained the referral. The Commission had no comment.

VII. REPORT OF CHAIRMAN

VIII. REPORT OF STAFF

Staff attended the Mystic Cooperative Task Group meeting.

Staff discussed the upcoming land use fees ordinance. The Town Council will hold a public hearing on October 17, 2006. The Commission unanimously supports the new fee schedule.

MOTION: To send a letter of support to the Town Council to endorse the change in fee structure to reflect the cost for the Town to review

subdivision applications so that the burden of paying for these reviews is not borne by the taxpayers of Groton.

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

IX. ADJOURNMENT

Motion to adjourn at 10:38 p.m. Motion made by Roper, seconded by Pritchard, so voted unanimously.

Respectfully submitted,

Jeffrey Pritchard

ATTACHMENT

2.3 Subdivision Plan

- 3) Notice of Public Hearing – Upon official receipt of the application, the Planning Commission shall call, advertise, and conduct a public hearing in accordance with law for all subdivision applications involving creation of new building lots. All resubdivisions require public hearings. In addition to the above requirements, the following additional notice requirements shall be met for these applications:
 - a) Where a public hearing is held on an application for subdivision or resubdivision the applicant shall, at least 10 days but not more than 30 days in advance of the date of the advertised hearing, *deposit notice* in a Post Office regularly maintained by the U.S. Government, directed to each of the current owners of lots, plots, or parcels located within 150 feet from the boundaries of the subject properties, as such owners and addresses appear on the CAMA database maintained by the Groton Assessor *as of the date such notice is mailed*.
 - b) The Applicant requesting the subdivision or resubdivision approval shall, on or before the date of the public hearing, or at the start of a continued hearing, if continued for the purpose of receiving said certificate described herein file with the Planning Commission a certificate of mailing documenting compliance with Section 2.3(3) a). Under no circumstances shall said certificate be filed after the close of the public hearing.