

PLANNING COMMISSION
OCTOBER 24, 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: Kane, Fitzgerald
Staff present: Cullen, Murphy, Stanowicz

Chairman Sherrard opened the meeting with roll call at 7:00 p.m.

II. PUBLIC HEARINGS

Chairman Sherrard 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 reviewed the proposal for a 14-lot subdivision. Mr. Bates explained that revised plans were submitted to staff late last week.

Patty Chambers, CME Associates, explained some of the revisions. The easement was pushed to the existing stone wall at the back of the lots. The number of lots has been reduced to 13. Lot #6 on the original plan has been eliminated and that area will be utilized for a proposed drainage basin. The applicant is now proposing new landscaping with rows of trees on either side of the new road.

Mr. Bates submitted a quote for the playground equipment costs to calculate against the open space dedication. Mr. Bates stated for the record that he submitted a letter to the Planning Commission on October 13, 2006, stating that there is no precedent set by the Planning Commission with this type of lot arrangement. Lot 49 of the Great Brook Subdivision had similar circumstances which were mandated by wetlands, and a non-rectangular lot was approved with stipulations.

Staff reserved comments until the next meeting in order to review the new revisions.

Fitzgerald asked if the buffer strips will be permanently deeded with the properties. Mr. Bates said yes.

Roper asked if a note is on the plan reserving the landscaping on either side of the road. Ms. Chambers said no.

Steinfeld stated that he has listened to the tapes of the public hearing from the last meeting.

Kane asked about the species of trees that will be used on the strips. Mr. Bates said the trees will be white pine, 6 ft. minimum height at initial planting.

Chairman Sherrard asked for comments from the public.

Attorney Jeffrey Londregan, Conway & Londregan, 38 Huntington St., New London, represented John and Yolanda Upholz, 28 Polaris Street. Mr. Londregan stated that his clients object to the plan and the location of the proposed Whittaker Lane. Their driveway will be located in the offset of the two roads. Mr. Londregan said the new road intersection offset can be designed to be a distance of 150 ft. Moving the road 25 ft. to the west creates other zoning issues but not hardship for a waiver.

John Upholz, 28 Polaris Street, submitted a handout to the Commission ("The Mathematics Behind Stopping a Car"). Mr. Upholz spoke against the application because of the difficulty in accessing his driveway which would be created by the proposed Whittaker Lane. Mr. Upholz has spoken to the applicant regarding the trees, but is not in favor of the application.

Attorney Matthew Greene represented John Woughter, 10 Polaris Street. Mr. Greene submitted a letter to the Commission from Mr. Woughter and spoke against the application.

Mr. Bates explained that the waiver of the location of the proposed road was because of the grading and angle at the site. Due to the topography, retaining walls would be needed between the Woughter property and road. Public Works recommended moving the road. Mr. Bates said the applicant does need a waiver for the 125 ft. The abandonment of the variance was discussed. Mr. Bates said the applicant is not asking for a waiver of the non-rectangular lots, and it is not necessary.

Staff stated that some of the outstanding items are the language for the landscape maintenance, markers on the trails, and a response from the Zoning Official as to whether the lots conformed. The playground equipment will be reviewed by the Parks and Recreation Department. Staff is still waiting for comments from Public Works and the environmental planner with regards to the drainage basin.

Barbara Reid, 62 Pegasus Drive, spoke about the traffic and speed of the cars on Pegasus Drive.

John Upholz, 28 Polaris Street, spoke about the traffic.

MOTION: To continue the public hearing on Windward Passage, Polaris Street & Crystal Lake Road to the next regular meeting on November 14, 2006.

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

Chairman Sherrard stated that the voting members for the Windward Passage Subdivision will be Fitzgerald, Kane, Munn, Pritchard and Roper. Steinfeld will be the first back-up and second will be Sherrard.

2. Neff Hespeler Subdivision, 1211 Flanders Road

Secretary Steinfeld read the legal ad.

Geri-Neff Hespeler, applicant, explained the application for a three-lot subdivision. The property is on ten acres, with an existing home on the site. She and her brother purchased the property three years ago with the intention of each building their own home.

Staff explained the driveway and accessway is 490 ft. long. A variance was granted in 2003 for the accessway length. The applicant is asking for a waiver of underground utilities for the existing house. The new houses will have underground utilities. This property is outside the sewer avoidance area with no public water. The applicant is granting a conservation easement. All nearby wells and septic systems are more than 75 ft. from this property. This is a family transfer, exempt from open space or fees in lieu of. The Town can collect the fee if the property is transferred outside the family. Staff requested an appraisal. For the record, Geri Neff Hespeler and Wayne Neff are the property owners. The plan is to convey certain lots; Lot 2 will belong to Geri Neff-Hespeler and her husband, Lot 3 will belong to Wayne Neff, and the existing third lot will go to the applicant's daughter or her mother. Staff explained that for the waiver of the fee in lieu of open space, ownership of each lot must be clarified. The appraisal will set a value pre-subdivision on the property. Ten percent of the pre-subdivision appraisal, divided by three, establishes a fee per lot. If this property is conveyed outside the family, the fee will be payable at that time. Clarification is needed as to whether the entire subdivision is exempt or just the particular lot. The appraisal must be submitted and be part of the record.

Steinford asked if the fee in lieu of open space is based on the appraisal done now if these properties are sold off at some point, or if the fee will be based on the value at the time of the sale. Staff said the value is always pre-subdivision approval under this regulation. Steinford asked if there would be any ability to further subdivide this property. Staff said it would be difficult because of the amount of frontage needed; another variance would be required.

Roper would like the applicant to address at the next meeting the reason for the waiver requested for overhead utilities for the existing home.

Pritchard asked if there is a note on the drawing prohibiting subdivision of the back lots. Staff explained the difficulties of subdividing the back lots.

Staff said the Fire Marshal has approved the plan and is requiring overhead clearance of 14 ft. Public Works has approved the drainage calculations and Ledge Light Health District approved the wells.

Chairman Sherrard asked for comments from the public. There were none.

Staff read into the record a letter from Susan Marquardt, Engineer, Angus McDonald Gary Sharpe & Associates, stating that the existing utilities are overhead and will be left in place.

Sherrard asked if the Commission members can walk the site. Staff said they can access the site from the existing driveway at 1211 Flanders Road.

MOTION: To continue the public hearing on the Neff Hespeler Subdivision, 1211 Flanders Road, to the next regular meeting on November 14, 2006.

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

III. APPROVAL OF THE MINUTES of October 10, 2006

MOTION: To approve the minutes of October 10, 2006 as amended.

Motion made by Roper, seconded by Pritchard. Motion passes, 6-0-1, 1 abstention (Steinfeld).

IV. PUBLIC COMMUNICATIONS

Fitzgerald asked staff about identification cards for Commission members. He feels they would be helpful when out looking at sites. Staff said he will look into this and try to accomplish this by the Office of Planning and Development Services.

Roper showed the Commission the Thames River Basin Partnership quarterly meeting agenda for today's meeting.

Staff received a letter for the Planning Commission from Glenn Wilson, Director of Groton Utilities stating that the Utilities received their final water supply plan approval from the State. Staff will get a copy of the water supply for the department.

Staff said copies of the Economic Development Strategic Plan are being printed. The Planning Department will distribute them to the Commission members after they are received.

V. SUBDIVISIONS

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

The public hearing was continued to November 14, 2006.

2. Neff Hespeler Subdivision, 1211 Flanders Road

The public hearing was continued to November 14, 2006.

3. Pendleton Farm Lane Subdivision, 500 Flanders Road (7 lots)

MOTION: To grant a 30 day extension and reschedule a public hearing for December 12, 2006, for Pendleton Farm Lane Subdivision, 500 Flanders Road.

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

VI. SITE PLANS

1. Groton Landing, 290 Gold Star Highway

MOTION: To grant a 65 day extension to December 16, 2006, and table Groton Landing, 290 Gold Star Highway, until the regular meeting on December 12, 2006.

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

2. Gordon Daycare, 314 Noank-Ledyard Road

MOTION: To grant a 35 day extension to December 16, 2006, and table Gordon Daycare, 314 Noank-Ledyard Road, until December 12, 2006.

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

VII. OLD BUSINESS

VIII. NEW BUSINESS

1. Report of Commission

Roper stated that he attended the meeting of the Mystic Cooperative Task Group.

2. City of New London referrals for public hearings on November 2, 2006

City of New London Planning & Zoning Commission – Zone Regulation Amendment – R3 Zoning District.

Staff explained the referral. The Commission had no comment.

City of New London Planning & Zoning Commission – Zone Map Amendments - R1 & R2 to R3

Staff explained the referral. The Commission had no comment.

3. Zoning Board of Appeals referrals for public hearings on November 8, 2006

ZBA06-17 – 281 Flanders Road; Marvin & Claris Shaw, Owners, Mark Shaw, Applicant

Staff explained the referral. The Commission sends the following comment to the ZBA.

MOTION: To recommend against the application because that area is recommended for business park use in the Plan of Conservation and Development, duplexes are not a permitted use in the area, and it is a new non-conforming use of the property.

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

ZBA06-18 – 605 Gold Star Highway; Jagidar, Inc. Applicant/Owner

Staff explained the referral. The Commission had no comment.

IX. REPORT OF CHAIRMAN

Chairman Sherrard asked staff to provide an update on the Central Hall application and the Wal-Mart application.

X. REPORT OF STAFF

Staff met with the Mystic Cooperative Task Group. The \$50,000 funding for the multi-modal study between Groton and Stonington was discussed. Staff said the Seaport has received \$500,000 in funds for another study. Stonington will be the sponsor for the Seaport project earmark. The group will be looking at transportation improvements between downtown Mystic and the Seaport to alleviate traffic. The trolley for summer was discussed.

Staff spoke recently with Rod Desmarais of Central Hall. The Council is reviewing the proposed rental agreement of the parking spaces at the pump station site. All of the sites have been surveyed. Staff expects a site plan application will be submitted by the end of November for possible action in January.

Staff said the Wal-Mart subdivision and site plan applications have been received by the Planning Department.

Staff updated the Commission on the Mystic Streetscape project. He anticipates that construction will begin by Fall, 2007.

IX. ADJOURNMENT

Motion to adjourn at 9:12 p.m. Motion made by Roper, seconded by Munn, so voted unanimously.

Respectfully submitted,

Margil Steinfeld