

PLANNING COMMISSION  
JANUARY 25, 2005 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Gibson, Munn, Pritchard, and Roper

Staff: Discordia, Goodrich, Murphy, Glemboski

Acting Chairman Roper opened with roll call at 7:00 p.m.

Acting Chairman Roper appointed Munn as a regular member.

Commission member Kane arrived at 8 p.m.

Acting Chairman Roper appointed Kane to sit for Sherrard.

II. PUBLIC HEARINGS

1. Neal Subdivision, New London Road (3 lots) - continuation

Bart Ferrante of A-2 Maps & Surveys, reviewed the project with the Commission. The project is for a 3-lot subdivision of an existing single family house lot located on the North side of New London Road. New lots 1 and 3 are in the rear. There is one common driveway proposed to serve all three lots. The driveway serving the existing house will be relocated. All the lots are in compliance with zoning regulations and have received approval from the Inland Wetlands Agency. The applicant is asking for three waivers. The first waiver is for sidewalks. The applicant explained that there are no sidewalks in this area. The applicant proposes giving the Town a 10' easement for future sidewalk improvements. Mr. Ferrante stated that he was requesting a second waiver for street trees. He stated that as the area is wooded, no additional trees are needed and they could impede sight lines. The third waiver is to allow the overhead electrical wires to the existing home to remain so there is no disruption of service. Mr. Ferrante stated he could put a note on the plans stating if any changes to the existing building were done, the electric would be updated.

Mr. Ferrante reviewed the drainage issues with the Commission. The project proposes the construction of swales to contain and disperse water on site. Mr. Ferrante pointed out a brook running alongside the property. The drainage calculations show no difference in post development storm drainage flow. The engineer directed as much drainage as possible into the wetlands and the rest into two storm drains.

Pritchard asked to be shown the existing trees. Mr. Ferrante pointed them out on the plan.

Pritchard asked if any rear lots have frontage. Mr. Ferrante stated yes and showed the frontage on the plans. Lots 1 and 3 will have access via the shared driveway that is 12' wide.

Staff reviewed the proposed plan with the Commission. Staff stated they would recommend that the applicant provide grading plans for the rear lot, drainage calculations and as-builts at the time of a request for a C.O. to reduce run off impact on the neighboring property. Staff reviewed the open space issue. The applicant is not providing any open space. The property abuts the open space at the Wolfbrook subdivision. There is access to this open space through the Wolfbrook subdivision, but

there isn't a way to access it from the Neal subdivision without going directly through the wetlands. Staff explained the various options for preserving open space on this parcel, which would be 10% or equivalent to 11,000 square feet.

- Require no open space.
- Call out the wetlands in the rear of Lot 3 as open space.
- Place a conservation easement across the wetlands, which are already protected.
- Require 10% open space set-aside across the rear of Lot 3 abutting the open space at Wolfbrook. This proposal has impacts on the building envelope and on the drainage swale that is located in this area.

Staff showed the Commission a map of the sidewalks in the area. The applicant has proposed a 10' easement instead of a sidewalk. Due to the limited amount of pedestrian traffic, staff recommended the easement.

Mr. Ferrante addressed the Commission regarding Groton Utilities and the water line. The applicant has requested a waiver of the 10' buffer from Groton Utilities for the water line. The waiver would only be for a small strip, approximately 130' or so. The applicant used the State guideline of 18" above and over the lines and Groton Utilities stated they would grant a waiver for this section as long as the rest of the water line meets the 10' requirements required by them. A letter to this effect has been requested.

Staff stated the Fire Marshall noted that the driveway should be 12' wide and 14' high for emergency vehicles.

Gibson asked if the wetlands would be part of the lots and Mr. Ferrante stated yes.

Staff recommended that the street trees be put in.

Pritchard stated that he felt that the applicant should put in the sidewalk now, rather than have the Town pay for it in the future. The sidewalks are part of the Plan of Conservation and Development.

Acting Chairman Roper asked for comments from public and there were none.

Acting Chairman Roper stated he would like the applicant to put in the sidewalk.

**MOTION:** To close the public hearing for Neal Subdivision, New London Road (3 lots).

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

2. Lamphere Estates Resubdivision, Lamphere Road (6 lots)

Pritchard read the legal ad for the public hearing.

Mike Bennett, of Bennett Smilas Engineering, 415 Killingworth Road, Higganum, represented the applicant. Mr. Bennett explained that the site consists of 19 acres accessed from the end of Lamphere Road. Lamphere Road is a Town owned right-of-way, but it is not a Town approved road. The bulk of the land is behind lots on Indigo Street, with frontage on Whittle Street and Indigo Street. In 1961, this property was approved as part of the 25-lot Fieldcrest Subdivision. The approval lapsed. The applicant is proposing 6 building lots. Four lots would derive access from a new road extension to Lamphere Road. Two lots would share a common drive. The property contains 5 acres of

wetlands. Mr. Bennett stated that they are proposing extending Lamphere Road approximately 200 feet and making a cul-de-sac at the end. He reviewed the areas the applicant will be deeding to the Town of Groton for future cul-de-sac construction as per the request of Public Works.

There is a conservation easement on lot 6 and a conservation easement on lot 5 near Lamphere Road. The plan provides 10.6 acres of open space and 1.2 acres of easement. Public water and sewer will serve the lots. The applicant is providing a 12' wide emergency access road to Whittle Street from the proposed cul-de-sac at the end of Lamphere Road. Emergency bollards will be installed to restrict access to pedestrians. The applicant is also asking for a waiver of construction of sidewalks, as there are no sidewalks in this development.

Mr. Bennett reviewed the status of Newport Street, shown on the previously approved Fieldcrest plans. He stated that the previous owner gave up her interest in the road. It is the position of the applicant that the southern half of the road, to the centerline, now reverts to the owners of the pre-existing lots across from the proposed subdivision. The northern half of the road reverts to the applicant and is part of the lots of the proposed subdivision. There are two buildable lots on the southern side of the street that are vacant lots and take their frontage from Newport Street. Due to the confusion with ownership and frontage the applicant proposes a lot line adjustment to a lot on the south side of Newport Street owned by the applicant.

Staff reviewed the proposed subdivision with the Commission. The Fire Marshall asked for two turnoffs on the emergency access road to allow vehicles to pass each other if necessary. The applicant is providing 10.6 acres of "natural park area" as noted in the deed. The applicant has approved permits from the Inland Wetlands Agency. Staff reviewed the access to Lots 5 and 6 compared to the frontage for Lots 5 and 6. Access to the lots will be a shared driveway from Whittle Street. Frontage for Lot 5 will be on Lamphere Road. Frontage for Lot 6 will be on Indigo Street. The Town Engineer agreed with the applicant that it is feasible to get sewer, water and electric into Lots 5 and 6 without requiring grading or access rights from adjacent property owners. There can be no future subdivision of the larger lots due to access and wetlands constraints.

Staff reviewed the issue of Newport Street. The road was not built and accepted by the Town. Therefore it can't be abandoned by the Town. However, it is an approved street as per the approved plans for the Fieldcrest subdivision. There are complications as there are two vacant lots that were designed to have frontage and access on Newport Street. The Town Attorney needs to be consulted regarding this issue, as Newport Street is technically a paper street. Abandoning the interest in the street may not make the street disappear; it will exist under different ownership. Staff stated the Town of Groton doesn't need the street but would need a sewer easement. The best way to eliminate the road would be to resubdivide and the Planning Commission must approve any resubdivision that would eliminate the paper street. The staff recommends leaving the public hearing open so they can research this issue with the Town Attorney and then discuss Newport Street at the next regularly scheduled meeting.

Acting Chairman Roper inquired about the two building lots and how would they get access. Staff responded that the new subdivision cannot wipe out access to these two empty building lots as they are pre-existing approved lots. These lots can still obtain access from the north or south.

Staff stated that they are supporting the request for a waiver of any sidewalks. The Town Engineer has approved the cul-de-sac's dimensions. The applicant is requesting not to build a sidewalk around the cul-de-sac.

Acting Chairman Roper asked staff if it made sense to build a sidewalk around the cul-de-sac to connect with the pedestrian and emergency access along the unimproved portion of Lamphere Road. Staff will review this question for the next meeting.

Pritchard questioned the access to the open space and the design of Lot #6.

Acting Chairman Roper asked the public for any comments and there were none.

Mr. Bennett stated that there already is a sewer easement on Newport Street. Staff asked that this be reflected on the subdivision plans.

**MOTION:** To continue the public hearing for Lamphere Estates Resubdivision, Lamphere Road (6 lots) until the next regularly scheduled meeting February 8, 2005 at 7:45 PM.

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

### III. APPROVAL OF MINUTES of January 11, 2005

**MOTION:** To approve the minutes of the January 11, 2005 meeting.

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

**MOTION:** To approve the minutes of the January 11, 2005, Planning Commission meeting with the following modifications:

1. Page 2, under APPROVAL OF MINUTES, 2., change "recluse" to "recuse".
2. Page 2, under PUBLIC COMMUNICATIONS, 2<sup>nd</sup> paragraph; replace "Pritchard sat" with "Munn attended".
3. Page 5, 5., add "hearing" to end of sentence.
4. Page 5, delete "MOTION"s and "To" regarding scheduling public hearings and change to "Scheduled".
5. Page 5, under SITE PLANS, 1., 2<sup>nd</sup> paragraph, last sentence, reverse "placed be" to "be placed".
6. Page 6, last paragraph, change "an applicant uses" to "applicants use".
7. Page 7, insert referral information under NEW BUSINESS, 2., "ZBA #04-36 – 7 Forest Avenue, Bruce Carver, owner/applicant".
8. Page 8, under REPORT OF STAFF, 2., change "Conservation Committee" to "Conservation Commission" all through 1<sup>st</sup> paragraph.

### IV. PUBLIC COMMUNICATIONS

Staff made mention of a CCM Legislative Bulletin noting the Climate Change Action Plan. Staff stated they received a letter that the Thames Basin Water Intervention Project has the permit from DEP to make the water connection for the Thames Basin Regional Water Connection Project. Staff advised that the legislature would be considering legislation that would enable payments-in-lieu-of sidewalks.

Acting Chairman Roper asked the public for any communications and there were none.

V. SUBDIVISIONS

1. Neal Subdivision, New London Road (3 lots).

Staff reviewed the various options outlined in the draft motion.

Gibson felt that the wetlands along the northern boundary of lot 3 should be designated as open space in order to ensure protection. She stated that if the existing house is rebuilt the utilities should be placed underground and she supports the trees along the frontage.

Munn stated that the motion should be written in the positive. He supports the trees along the frontage but may consider only 2 trees.

Acting Chairman Roper stated he supports the construction of sidewalks and that the number of street trees is negotiable.

General discussion followed on the different plans to provide open space and protect the wetlands, resetting the markers and providing sidewalks.

**MOTION:** To grant a waiver to Section 4.8 (1) of the Subdivision Regulations to allow the overhead utility connection to the existing buildings on Lot 2 to remain for the following reasons:

1. The existing home was built prior to Subdivision Regulations
2. The request meets the requirements of section 1.10 of the Subdivision Regulations.

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

**MOTION:** To approve a waiver to Section 4.10 (2) of the Subdivision Regulations to omit the planting of shade trees at the front lot lines at an interval of 1 tree per 75' of frontage:

Motion made by Acting Chairman Roper, seconded by Gibson, 0 voted in favor, 5 voted against.

The waiver was denied based on the following reasons:

1. There are currently no shade trees along the project frontage of New London Road.
2. The planting of shade trees in this location would add value to and be of benefit to the Town as a whole.

**MOTION:** To approve the Neal Subdivision, 119 New London Road, with the following modifications:

1. A note shall be placed on the plan stating “ A minimum driveway clearance of 12’ width and 14’ height shall be maintained for Fire Department access to Lots 1 and 3.”
2. A note shall be placed on the plans stating “The stone wall along the west property line shall be repaired if disturbed by the placement of utilities near this location”.
3. Shade trees shall be planted along the New London Road frontage in accordance with subdivision regulations.
4. The location of the water lines shall be approved by Groton Utilities.
5. A note shall be placed on the plans stating “Individual plot/grading/drainage plans for development of and access to Lots 1 and 3 shall be reviewed by staff prior to the issuance of a building permit. Drainage shall be designed and certified by an engineer to minimize increase in runoff to adjacent property. As-built plans for lots and grading shall be submitted to the Office of Planning and Development prior to the issuance of Certificate of Occupancies for Lots 1 and 3”.
6. A 10’ strip of open space along the northern boundary of lot 3 shall be deeded to the Town.
7. A 5’ wide concrete sidewalk shall be constructed within the 10’ wide pedestrian easement shown on the plans.
8. Technical items raised by staff shall be addressed.

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

2. Lamphere Estates Resubdivision, Lamphere Road (6 lots).

The public hearing for Lamphere Estates Resubdivision, Lamphere Road (6 lots) will be continued at the next regularly scheduled meeting, February 8, 2005 at 7:45 p.m.

3. DiCesare Subdivision, Lamphere Road – Request for Bond Release.

Staff stated that all the work has been done so they recommend that the 10% maintenance bond be released.

**MOTION:** To reduce the bond for the DiCesare Subdivision, Lamphere Road to the 10% maintenance bond of \$1,495.

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

4. Emerald Estates at Mystic, Lambtown Road (7 lots) – Schedule a Public Hearing.

A public hearing was scheduled for Emerald Estates at Mystic, Lambtown Road (7 lots) on February 22, 2005 at 7:45 p.m.

5. Downes-Patterson Subdivision (Mystic Highlands), Ledgeland Drive (45 lots) – Request for Bond Reduction.

Staff stated that the bond can be reduced since the balance will cover the few remaining punch lists items that can be completed in the next few months. The remaining maintenance bond would be \$162,132.

**MOTION:** To reduce the Downes-Patterson Subdivision (Mystic Highlands), Ledgeland Drive (45 lots) to a 10% maintenance bond of \$161,232.

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

## VI. SITE PLANS

### 1. The Ledges, Drozdyk Drive – Preliminary Plan Review

Jim Psaki presented their third preliminary review for The Ledges. Mr. Psaki stated they created a break at the upper level of the building creating the effect of two buildings. They used an earthen berm and landscaping to further break up the long façade. He reiterated the proposed use of fenestration, offset entrances and varied rooflines, to break up the building mass.

Munn stated he felt they had met not the letter but the intent of the regulation.

Staff presented an alternative that showed opening up the bottom two floors of the building and leaving the top floors intact.

Acting Chairman Roper stated he would like to see the section for elevators and stairs moved more into the buildings so it would look more like two buildings. The Commission liked the direction of the new drawings and stated they reflected some of the comments made at previous meetings.

## VII. OLD BUSINESS

### 1. Subdivision Regulation Amendment to Section 4.9 – Schedule a Public Hearing.

Staff discussed with the Commission how other Towns have provided for remote land dedication. Staff stated they still need to have a discussion with the Town Attorney regarding technical issues. The Commission and staff discussed the mechanics of land dedication.

The Planning Commission tabled scheduling the public hearing until the next regularly scheduled meeting.

### 2. Discussion of proposed public hearing guidelines.

Staff handed out proposed public hearing guidelines and asked the Commission to take the time to review them and come back with comments at the next regularly scheduled meeting. Staff also stated they are going to review these with the Town's Attorney. Staff suggested that these would be handed out at every public hearing and the Chairman could read the key points and ask if there were any questions.

VIII. NEW BUSINESS

1. Report of Commission

Acting Chairman Roper stated that there was a Regional Planning Commission meeting last night, which he did not attend. There is a Transportation Investment Area meeting March 1, 2005 at SCCOG (Southeastern Connecticut Council of Governments) at 8 p.m. regarding I-395. At 9:30 p.m. the same evening, there will be a meeting regarding I-95. The Mystic Cooperative Task Group will be meeting at 8 a.m. on Monday the 28<sup>th</sup> of January.

2. Referral from City of Groton for February 15, 2005 Public Hearing.

Amendments to the City of Groton Subdivision and Zoning Regulations.

The Commission had no comment.

3. New Applications:

- a. High Street Subdivision, High Street (3 lots)
- b. Porter Subdivision, Route 117 (5 lots)

IX. REPORT OF CHAIRMAN

Acting Chairman Roper cannot attend the Committee of Chairpersons meeting on February 24<sup>th</sup> so Kane will attend.

X. REPORT OF STAFF

Staff stated that the budget has been submitted with a 2% increase. Most of our increases in the budget were due to costs associated with supporting appeals and lawsuits.

Staff stated that they would be revising the fee schedule for all applications and plan to include a process to charge fees for specialized outside consultants.

POCD Theme Update – Deb Jones is still working with the Conservation Commission regarding the Conservation theme. Staff reminded the Commission that they will meet with the Conservation Commission at a special meeting to discuss this theme.

XI. ADJOURNMENT

Motion to adjourn at 10:02 p.m. made by Pritchard, seconded by Munn, so voted unanimously.

Respectfully submitted,

Jeffrey Pritchard