

PLANNING COMMISSION
JUNE 8, 2004 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Sherrard, Gibson, Roper, Steinford, Pritchard, and Alternate Munn
Staff: Murphy, Glemboski, and Moulding

Kane arrived at 7:06 p.m.

II. PUBLIC HEARING

1. Great Brook Resubdivision, Daboll Road/Gales Ferry Road (63 lots)

Chairman Sherrard opened the public hearing at 7:03 p.m. and Steinford read the legal ad. Clint Brown, DiCesare Bentley Engineers stated the site is located in the Center Groton section of town, on the west side of Gales Ferry Road and north of Daboll Road. It is approximately ½ mile west of the intersection of Connecticut Routes 184 and 117. Adjacent land uses include single family residential to the east along Gales Ferry Road, vacant and developed residential land to the south, and vacant residential and watershed land to the north and west. Immediately west of the site is Great Brook and it's associated wetland system. A church was recently completed just east of the site along Daboll Road. The site lies entirely within a Residential Zone District (RU-40); it is also located in the Water Resource Protection District (WRPD). The site is approximately 125.61 acres in area, is generally L-shaped and includes frontage on Daboll Road and at several points along Gales Ferry Road that is interspersed with individual developed lots. It is predominantly wooded; there are a number of trails that provide access to internal areas of the site. Public water is currently available to the site at Daboll Road; public sewer is neither available nor planned for this site. The topography of the site generally slopes from east to west. Elevations vary from 165 feet at the easterly portion of the site to 65 feet along the western edge. A portion of the southern area of the site slopes to the south. Relatively flatter slopes are located in the northwest and south sections with steeper slopes occurring toward the center of the property. The site topography results in a general drainage pattern that runs south and west. Stormwater runoff flowing west drains toward Great Brook; runoff flowing south drains to an existing system associated with Route 184 in the vicinity of Daboll Road. There is one area where a road was roughed out for subdivision. Inland wetlands on site comprise approximately 17.3 acres and are in three areas. Mr. Brown read a letter from Rich Snarski regarding a plant called the Showy Aster that Mr. Snarski did not find any evidence of on the site. The project involves the resubdivision of a 125.61-acre parcel of land into 63 residential building lots and related road, utility and site construction. It will include a new road connection from Goldstar Highway to Gales Ferry Road and four cul-de-sacs. Daboll could be modified to eliminate its existing intersections with Route 184 and all local traffic would utilize the new street. The average lot size is in excess of 40,000 S.F. and 51.75 acres of open space will be provided. Public water and on-site sewage disposal systems will serve the lots. Storm drainage will be managed by a system of stormwater basins designated to control peak runoff and to capture sediments from paved and landscaped areas. The majority of homes would be single family houses with 4 bedrooms and 3 lots would be 3 bedrooms. Site testing has been conducted and established that the lots are suitable for on-site sewage disposal systems. With three exceptions, the lots are able to accommodate designs supporting a four-bedroom residence. The three lots that are only able to accommodate three-bedroom designs are noted on the lot development plans. There will be three phases to the development. Conservation easements will be imposed on several areas and there will be two classifications of roads. All cul-de-sacs will be village road

standard. As per the Subdivision Regulations any project over 25 lots should have more than one access way which is what the applicant is proposing.

The applicant is requesting waivers for both temporary conditions because of phasing and a couple of permanent waivers. The first waiver is to permit a hammerhead type turnaround in lieu of a temporary cul-de-sac conforming to the same standards as a permanent dead-end road. This condition would occur in Phase 1 at the intersection of roads A and D. Since both roads are to be extended in future phases, the hammerhead would be in the same location and configuration as the future roads. The topography and road/lot configuration at this location would require unnecessary clearing, grading and related construction for the installation of a conventional circular turnaround.

The second waiver request is to permit a temporary dead end road to serve more than 20 lots and/or exceed an extreme length of 1,500 feet. In Phase 1, Road A will extend a distance of 2,030 feet from Route 184 to north of the Road A/D intersection. If the length of Road A were limited to 1,500 feet, it would terminate mid-block between Roads C & D. The topography is not conducive to building a temporary cul-de-sac, and the property configuration is such that only 6 lots would be established along Road A. Road C, to be entirely build in Phase 1, will have 15 lots and will be 1,200 feet long from its intersection with Road A to its cul-de-sac. Taken in combination with the south portion of Road A, the number of lots will be 18 and the length will be 1,905 feet. This condition is temporary and would cease when Road A is extended. Stormwater Basin D, at the end of Road C, is required to accommodate road drainage. If limited to 1500 feet or 20 lots, Road C would temporarily end and require a cul-de-sac.

The third waiver would be to permit permanent dead end road to serve more than 15 lots and exceed an extreme length of 1200 feet. When completed, Road A will extend 1473 feet from the Road A/Road D intersection and serve 8 lots and access to Road B. Taken in combination with Road B, it will serve 21 lots. Road A is not proposed to be extended through to Gales Ferry Road because of wetlands and sight line constraints at two different locations. These conditions are uniquely attributable to this development and are characteristics of the property that the applicant cannot modify. Mr. Brown noted that approximately 375 feet of Road A is dedicated to Open Space B frontage and 595 feet of Road A is dedicated to Open Space A frontage.

The fourth waiver is to permit a permanent dead end road to serve more than 15 lots and exceed an extreme length of 1200 feet. Road B is 700 feet long and serves 13 lots. When completed, Road B and its access portion of Road A will extend 1755 feet from the Road A/Road D intersection and serve 16 lots.

The fire lane will also be used for public water access. He explained the alternative layout of the roads that was presented to the Inland Wetlands Agency because of the distance to some wetlands. The Inland Wetlands Agency has not acted on the application yet. If the alternative layout were approved, the requested waivers for the roads would change. Mr. Brown explained the storm drainage collection system, which is made up of catch basins and pipes required by the stormwater regulations. An Environmental Stewardship Program used to educate homeowners on proper ways of protecting the WRPD has been submitted for the record. The water supply would be extended from Daboll road through the street system to Gales Ferry Road at two points. Sewage disposal would be on site sewer disposal systems. The main road would have sidewalks on both sides and the applicant is asking that all other cul-de-sacs have sidewalks on one side. Mr. Brown explained the extensive 3000-foot trail system through the open space that connects all of the cul-de-sacs. Gales Ferry Road has

existing sidewalks on part of the road. The applicant proposes to extend sidewalks to Road D. The applicant did not see sidewalks on Route 184 as being desirable because there are no sidewalks in the immediate area. The applicant has exceeded the open space requirement of 10% and has 51.75 acres of open space which more than 40% of will be deeded to Town of Groton. Two-thirds of the open space is non-wetland.

Attorney Timothy Bates clarified that the waivers for the roads are to protect a vernal pool and another wetland area. He stated that water quality is a concern with this application because of the proximity to the reservoir. The (gross) density is almost 2 acres per lot, which is one that the State has said, would be appropriate. The Covenants and Restriction document is in the file and will be part of the plan when filed. It will prohibit car washing in driveways, as well as limiting sand and salt applications. Even without these extra measures they feel they have met the standards needed.

Staff will not be commenting on the plan until comments are received on the revised plans received last week and distributed. Staff received a notice of intervention today from the Groton Open Space Association. Staff listed the reports available in the file that the public and Commission members are welcome to review. Staff stated the public hearing has been closed before the Inland Wetland Agency. Gibson asked that the application be mailed to the Commission members. Pritchard asked for development of a second connection if there is only one access point. Roper received a copy of the GOSA newsletter he submitted for the record that contains information regarding this application that he has not read. Kane would like to see the covenant and would like to know it is enforceable.

Clint Brown stated that the wetland agency asked the applicant to supply an alternate road design. Munn asked Groton Utilities if sufficient pressure and volume would be supplied to the new development for future possible service to Gales Ferry Road. He asked if the recreation facility is the only one in the subdivision. Munn would like to see the intervention included in the packet. Attorney Bates explained how the covenant would be enforced. Sherrard asked if Daboll Road is blocked off, he would like a presentation as to what would be involved. Sherrard asked if it is referred to the City because WRPD. Staff responded that it had been sent to the City.

Clint Brown stated that a traffic study would be required later on in the process. Sherrard asked if there are any markers on the property to guide the commission if they walk the site. Brown stated because of the testing done they could try and access through Daboll road and follow the trails.

Staff and the applicant requested that the hearing be continued to July 13, 2004 to give the Inland Wetlands Agency and State enough time to act.

Chairman Sherrard asked if there was anyone from the public who would like to address the Commission.

Priscilla Pratt, Groton Open Space Association stated that the intervention is because of environmental protection and natural resources such as Great Brook.

Joan Smith, 58 Mohegan Road, submitted a report by Sigrun Gadwa, a copy of an intervention, three memos from Karl Acimovic of Groton Utilities and other materials. She read the intervention to the Commission. Mr. Murphy arrived at 8:30 p.m.

Adam Spreccace, 182 Gales Ferry Road submitted written concerns to the Commission regarding lot sizes, sprinklers, on site disposal systems, modular or stick construction, size of homes, a traffic study, and other items. He also submitted a petition signed by several neighbors requesting a relocation of the access point on Gales Ferry Road.

Sherrard asked staff to review the comments and respond at the next hearing. Pritchard asked for staff to respond as to why some of the items were not applicable to this application. Attorney Bates submitted a 35-day extension for the hearing to be continued.

Staff noted that several Groton Utilities personnel were at the hearing. Rick Stevens, Groton Utilities thanked staff for referring the plan to the State Public Health Department and stated he is waiting for a response from the health department before commenting further.

Genevieve Cerf, GOSA, RTM District 8, Groton Long Point is concerned with voluntary compliance and does not see how it can possibly be enforced. She also voiced concerns with the watershed.

Attorney Bates stated the covenant is an attempt to improve the situation and is enforceable by the Town and City of Groton. Staff will review legal aspects of the applicant's proposal.

MOTION: To continue the public hearing on the Great Brook Resubdivision to July 13, 2004.

Motion made by Gibson, seconded by Roper, so voted unanimously. The chairman asked for a short 5-minute break.

III. APPROVAL OF THE MINUTES OF May 25, 2004

MOTION: To approve the minutes of May 25, 2004 with the following modification:

1. Page 3, #5 "temporary access associated with work" should replace "temporary work"
2. Page 8, #2, Steinford does not feel they "should deviate from the original crossing area"
3. Page 6, second paragraph, 5th line "Staff suggested"
4. Page 1, first #1, "withhold" spelled incorrectly
5. Page 1. last paragraph, "Public" hearings
6. Page 4 "are" different

Motion made by Steinford, seconded by Pritchard. The motion carried with 4 in favor, and 1 abstention (Gibson).

IV. PUBLIC COMMUNICATIONS

Roper received Southeastern Connecticut Council of Governments newsletter that he passed around to the Commission members.

Staff noted receipt of a Notice of Environmental Land use restriction for electric boat in the City. Mystic Estates Subdivision STC certificate expiration has been extended to May 7, 2005.

V. SUBDIVISIONS

1. Great Brook Resubdivision, Daboll Road/Gales Ferry Road (63 lots)

The public hearing has been continued to July 13, 2004.

2. Anderson Subdivision, Brook Street

MOTION: To release the total bond for the Anderson Subdivision, Brook Street.

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

3. Fort Hill Homes Resubdivision (Sylvia), Concord Court

MOTION: To reduce the \$6500 bond to a 10% maintenance bond of \$670.00.

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

4. Crosswinds Subdivision, Route 215

Scott Schram, 63 West Elderkin Avenue submitted a waiver to obtain building permits for lots 27 and 45 that he has potential buyers for. He stated that there is still another lot that has not been developed. Staff stated that Mr. Schram owns lots but was not one of the road developers. Staff reviewed the outstanding bonded work. Staff stated that the developers are busy on other projects and Mr. Schram has waited several years to obtain the building permits. Staff believes, at this time, that these are the only two lots left in the subdivision.

Gibson is concerned with previous enforcement issues with the Crosswinds subdivision. Roper asked what leverage the Town has against the developer when the lots have been sold off. Staff stated the only leverage is if the developer has not done the work within the 5-year period and he still needs building permits. Also, the Town still holds a bond of more than \$172,000, which exceeds the costs of remaining work.

Mr. Schram feels that holding up development on his lots would not affect the bond the Town is holding from the developer. He feels the developer should not be allowed to sell the last 10% of the lots. Staff suggested releasing one permit tonight and getting more information for the next meeting. Pritchard does not see that issuing the building permits will affect the road being completed. Staff will contact the developer to push the road completion. Steinfeld feels the fact the applicant has waited long enough.

MOTION: To approve a modification of the subdivision plan to allow two building permits.

Motion made by Pritchard, seconded by Steinfeld.

MOTION: Roper amended the motion to allow 1 permit for lot 45.

Motion made by Roper, seconded by Sherrard motion failed 2 in favor (Roper, Sherrard) and 3 opposed.

The original motion passed 3 in favor, 2 opposed (Roper, Gibson)

V. SITE PLANS

1. Ninety-Nine Restaurant & Pub, 117 Long Hill Road

Bill Bentley, DiCesare Bentley Engineers introduced the applicant, Tom Woburn. Mr. Bentley explained that the site is the former Volkswagen Dealership, which will be torn down. The new building will be 6,100 S.F. and the site is leased from Volkswagen. The driveway cuts will be brought down to 24 feet in width. The applicant is proposing 99 parking spaces even though only 74 are required. The applicant feels based on experience the extra spaces are needed. The impervious area will be reduced by 26,000 S.F. and adding more landscaping. There will be a 10 x 40 loading zone and drainage on site is underground. They received a wetland permit to remove paving and have over sheet flow into the wetlands. The dumpster and compactor will be enclosed. There will be sidewalks along Kings Highway on the frontage of the property and on Long Hill Road there will be 430 linear feet of sidewalk. This proposal will be a big improvement of a vacant parcel.

Staff stated that this is in the CB zone and this would be a use by right. Staff described the improvements to the curb cuts and the proposed sidewalks. The applicant will be cleaning up contamination at the site. Staff feels the 430-ft of sidewalk is a big improvement but may not close the entire gap on Route 1. Staff is suggesting 24-foot wide connectors, improvements in lighting, and sidewalks. The applicant is working with the utility department. Technical details on sidewalks and fire marshal comments will be addressed under technical items. The applicant showed a survey showing the sidewalk would be longer than 430 feet. Mr. Bentley suggested installing a walk on the east side of Route 1 to the intersection with King's Highway. Kane suggested a bike rack be added to the plan. Steinfeld would give up sidewalk on the small portion of Kings highway to fill in the Route 1 area. Steinfeld mentioned the quick traffic light that may cause some traffic backup.

Staff stated that there could be back up on the site because of the light, but not much can be done about this. The police department will be looking into this. The owner stated bottles are sorted inside and there will be an area for recyclables. The signs will meet zoning regulations. Staff will review the sidewalk agreement with the Pfizer property across the street as a result of this sites improvement and contact them given the change in conditions. Pritchard, Gibson, and Sherrard support the Route 1 sidewalk infill. The restaurant holds 154 dining room seats and 30 bar seats in the middle. Utilities will all be underground. The applicant agreed to put in the sidewalk along Kings Highway also to satisfy Commission concerns.

MOTION: To approve the Ninety-Nine Restaurant and Pub, 117 Long Hill Road, with the following modifications:

1. A note shall be placed on the plan that states 'If it is determined by the Planning Commission to be necessary for improved traffic circulation and safety for this site, a connecting driveway from this site to adjacent property to the south shall be installed. The connector shall not exceed 24 feet in width and will require Planning Commission approval prior to installation.

2. The parking lot lighting plan shall be adjusted to minimize glare beyond the property line and to lower the average lighting intensity to a value recommended by the Illuminating Engineering Society of North America and approved by the Director of Planning and Development.
3. As proposed by the applicant, the Route 1 frontage sidewalk shall be placed on the east side of Route 1 and shall be installed from the existing walk to the intersection with King's Highway. The walk shall be designed in accordance with the June 7, 2004 Department of Public Works sketch. The final design shall include grading and erosion controls and shall be included on the approved site plan.
4. Technical items as raised by staff shall be addressed

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

2. Pizza Palace, 944 Poquonnock Road

Kyle Haubert, CLA Engineers stated that this would be a new Pizza Palace with 3800 S.F. total. The restaurant will be 2300 S.F. with additional 1500 s.f. of retail use. There will be 36 parking spaces, 2 handicap spaces, the sidewalk will be set level, a small loading area in the rear, a dumpster pad fenced in and gated, and a sidewalk along Route 1 connecting to Christophers. Existing drainage flows to a catch basin on Route 1. The applicant has proposed a dry well system in front of the building to reduce the flow to Route 1. The site will have a walk up window, picnic tables out front, landscaping around the site and a connector to the Chelsea Groton lot behind. The driveway aligns with the Groton Shoppers Mart. The traffic study shows it lining up with the traffic signal and coordinating with the State and Groton Shopper's Mart plans.

Staff worked with the applicant for several months to get the circulation working well. Staff will notify Chelsea Groton to work with the Pizza Palace as per its site plan approval to make the connection in back of the site. The lot is also skewed so staff is asking the applicant to fill in some areas around the building with landscaping. An historical SNET easement is shown on the site. The landscaping will be out in front of the building towards one side to reach the 5-foot requirement. They will be paying a voluntary impact fee of \$6000 per acre. Roper asked if the intersection would have a crosswalk. Staff will check with State Traffic Commission regarding a crosswalk. There will be a freestanding sign that will meet the zoning requirements as well as two building wall signs.

MOTION: To approve a site plan application for Pizza Palace, 944 Poquonnock Road with the following modifications:

1. All requirements of the City of Groton Department of Utilities shall be met.
2. Additional shrubs shall be added to the landscaped areas to the side and rear of the building.
3. That the SNET easement be shown on the plans.
4. Technical items by staff shall be addressed

Motion made by Sherrard, seconded by Pritchard, so voted unanimously. The Commission notes that the applicant has agreed to work with STC to improve pedestrian access across Route 1 to the extent possible.

3. Mystic Oil Co., 2414 & 2440 Gold Star Highway

MOTION: To grant a 30-day extension for Mystic Oil Co., 2414 & 2440 Gold Star Highway.

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

VI. NEW BUSINESS

1. Report of Commission

Roper asked staff to report next time on Chipperini's sidewalk. Staff said immediate action has been taken for safety issues.

2. Zoning Board of Appeals referrals for June 9, 2004 public hearings.

#04-14 – 515 Gold Star Highway, (David W. Johnson, Sr., applicant)

MOTION: The Commission had no comment.

Motion made by Steinfeld, seconded by Sherrard. Motion passed 4 in favor, 1 opposed (Roper).

#04-16 – 190 Clift Street, (Casey, Applicant)

The Commission had no comment.

#04-17 – 45 Overlook Avenue (Merriman/Applicant)

MOTION: To recommend against Zoning Board of Appeals application #04-17 – 45 Overlook Avenue.

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

3. O. S. Grant Application – Groton Utilities support

Staff has been working with Groton Utilities regarding the Porter property and an application for open space and watershed land acquisition grant funds to purchase 47 acres on Route 117 for increased protection of Groton's reservoir.

MOTION: To strongly endorse the City of Groton application for open space and watershed land acquisition grant funds to purchase 47 acres of the Porter property on Route 117 for the following reasons:

1. It is consistent with the policies of the Town's Plan of Conservation and Development in that portions of this property are significant or important conservation areas and that the entire property is within the Water Resource Protection District

2. It is adjacent to land owned by the City of Groton and its acquisition will protect the Ledyard Reservoir.
3. It is in the sewer avoidance area.

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

4. New Applications

- a. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots)
- b. Mary Morrison Elementary School, 154 Toll Gate Road

VII. REPORT OF CHAIRMAN

Chairman Sherrard will not be attending the next meeting. He attended a Chairpersons meeting on May 27, 2004. Sherrard gave an overview on the Poquonnock River shellfish area, which has two points of pollution. Gibson would like to see copies of materials referred to distributed to the Commission when presentations are made. Chairman Sherrard suggested this be brought up during staff review time.

VIII. REPORT OF STAFF

Staff stated that two people would be hired within the next week or so. The Manager of Planning Services has been closed. A complaint has been signed for the Mardie Lane Home Subdivision. Staff also provided comments to Southeastern Connecticut Council of Governments on the Transportation plan. Staff also reviewed and commented on the Regional Comprehensive Economic Development Strategy Sites Plan. Staff has also spent considerable time on City Planning and staffing issues.

IX. ADJOURNMENT

Motion to adjourn at 11:17 p.m. made by Steinfeld, seconded by Roper, so voted unanimously.

Respectfully submitted,

Margil Steinfeld