

PLANNING COMMISSION
AUGUST 10, 2004 – 7:00 PM
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Sherrard, Roper, Steinford, Gibson, Munn, Kane, Sullo
Staff: Glemboski, Murphy, Goodrich, Discordia

Chairman Sherrard opened with roll call at 7:05 p.m. and appointed Kane to vote for Pritchard.

II. PUBLIC HEARINGS

1. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots)

Chairman Sherrard opened the public hearing at 7:06 p.m. Secretary Steinford read the legal advertisement. Chairman Sherrard explained public hearing proceedings and said the public hearing would be continued to next Planning Commission meeting, September 14th.

Staff reviewed proposed Candy Lane Subdivision. Candy Lane is a proposed cul-de-sac off the intersection of Pamela Avenue and Bonnie Circle. The parcel contains several storm water easements. The proposal before the board is for a cul-de-sac of 900+ ft. in length. The project has received an IWA permit. Project is served by municipal water and sewer. The lots are generally 12,000 to 15,000 sq. ft. in size consistent with this zone. In addition to regular requirements the applicant has also included a stockade fence and additional screening along the back of the property. The report from the applicant's acoustical engineer was just submitted on August 10, 2004. Staff will review the acoustical survey with the engineer before the next Planning Commission meeting. Staff has asked the developer to shorten the cul-de-sac and reconfigure the open space lot.

Staff reported there are significant issues outstanding including additional legal research on original subdivision and layout of lots and zoning requirements. Staff requested that the acoustical engineer review noise level from Route 12 ramp off of I-95. The engineer's report has been distributed to the commission but has not been reviewed yet. The public will be able to review the report before the September 14th Planning Commission meeting. Grading rights are necessary from a few properties to get the right radius of road going into the development. Staff expressed concern with driveway location of corner lot near the intersection. Loop road system – staff wants to look closer at the total amount of homes on this system. If there is only one way into a development then the number of homes can be restricted to no more than 24. This needs to be further reviewed before next meeting.

Gibson asked if the developer could provide a map of the entire development. Staff stated they will provide one. Steinford questioned the sound buffering fence and was concerned over big drop-offs. The developer responded that there is a safety fence along I-95. Sullo asked if this proposal was part of the original development or is this new. Staff responded there was a stub shown and implication of a new street to this property. Chairman Sherrard proposed having internal sidewalks and would like an overview of sidewalks at next meeting. Sherrard also inquired as to fire and emergency accesses, with all accessing from that one road, perhaps a traffic study is needed. Staff responded it is perceived as being minimal and no traffic study at this point should be necessary. Staff stated we are apparently still waiting for the Fire Marshal's comments.

Chairman Sherrard was concerned over short turn off from highway and traffic moving rapidly. Staff responded that the developer would report at the next meeting.

Roper requested a map showing the open space plan. He would like the developer to show existing open space and proposed open space.

Gibson asked if another development is attached to this subdivision. The developer responded no, cul-de-sac has individual residential lots around it and no future right of way or access is proposed. Staff responded that the next road to the east is Winding Hollow Road and its development. Staff would not recommend a connecting road to the east, as it is all residential and would result in substantial multi-family trip generation through the neighborhood. The developer explained that there are several physical impediments to impede any further development.

Chairman Sherrard opened the floor for questions/statements from public.

Karen Holly Libby of 90 Kings Highway stated there is a wildlife issue concerning displacing rodents to other residential homes. Schooling children from this subdivision would be difficult, as some schools have closed.

Ray Belval of 100 Kings Highway is concerned about traffic along Kings Hwy. Mr. Belval has approached the traffic authority in regards to heavy traffic flow. State of Connecticut DOT reported 3,278 vehicles use Kings Highway and 4,930 vehicles exited I-95 via exit 86. At the intersection where 99 Restaurant is going there have been at least 75 accidents. Mr. Belval is also concerned about losing the natural sound barrier of the trees.

Susan Stevens of 50 Kings Highway believes that a stockade fence for the noise barrier against I-95 is insufficient.

Terrence Spalding of 107 Pamela Avenue, handed out copies of a letter from Mr. Bevel regarding traffic along I-95. He read a letter stating that the removal of 6 acres of trees would remove the sound barrier.

Dawn Mosch of 43 Pamela Avenue handed out information to the commission and introduced research regarding removal of trees and how it will affect the noise level from I-95.

Anthony Spinato of 181 Pamela Avenue addressed the fact of pollution from I-95. He is concerned that without foliage the pollution will get worse. Mr. Spinato suggested a noise barrier fence be considered.

Sherrard asked if there is a way the commission members could walk the property. Developer stated it is accessible to get in and he could set-up stakes to show centerline of the proposed road. Staff suggested staking the centerline at 100' intervals. Sherrard asked members to take the time to walk this site before the September 14 Planning Commission meeting and also to please read the acoustic report by end of next week.

Staff will look at all ways the noise will/will not be buffered and affect homes. There are state regulations in place and staff will work with DOT in reviewing options for sound barriers.

Roper inquired if open space should be included on the highway side of the property to keep the buffer. The developer responded he didn't believe that was possible and still keep lots on that side of the road.

MOTION: To continue the public hearing on Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots) until the next Planning Commission meeting of September 14th, 2004.

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

III. APPROVAL OF THE MINUTES OF July 13, 2004

MOTION: To approve the minutes of the July 13, 2004 with the following modifications:

1. Page 2, Insert after 3rd paragraph: MOTION: To close public hearing on Subdivision Regulation Amendments.
2. Page 2, IV, 1st paragraph, insert Heritage Corridor after Thames River.
3. Page 2, IV, 2nd paragraph, change McCloud to Prohaska and insert "in his return call" before "he couldn't".
4. Page 2, IV, 2nd paragraph, insert after last sentence: Munn received a call from Ms. Prohaska as well.

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

IV. PUBLIC COMMUNICATIONS

Roper handed out "Water Rights, Protect Them or Lose Them" to members and "Walking Weekends" Brochure.

Gibson received a call from a resident on Shelby Court regarding a pool put in on the side front yard of another home. Staff stated that because it is a zoning issue, the complaint should be forwarded to our zoning official.

Staff received requests to add two applicants to the agenda. Kevin Daley, Masonry & Landscaping, is asking for an extension of one year for the start of construction along Meridian Street and Copp Property Dog Park Project is asking for a one year start of construction extension.

Edith Fairgrieve of Roland Street, Mystic, presented a petition of 99 signatures of Groton residents requesting a public hearing for the Four Winds project. GOSA would like to present statements regarding Four Winds. Sherrard explained this isn't the proper procedure, but after the developer and staff have been heard on the agenda item there can be questions/statements from the audience members.

V. SUBDIVISIONS

1. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots)

The Public Hearing has been continued to September 14th, 2004.

VI. SITE PLANS

1. Mystic Oil Co., 2414-2440 Gold Star Highway – Action required.

Staff explained the application has been withdrawn.

2. Four Winds at Mystic, Noank-Ledyard Road – Request for extension or action required.

Clint Brown of DiCesare-Bentley presented the proposed project, a development of residential life care community prepared pursuant to zoning regulations. The project has been before the wetlands commission. Ron Bonvie is the managing member of Mystic Active Adult and Attorney Frank Londregan, is the applicants attorney.

The site is located on the West Side of Noank-Ledyard Road. The site is 105 acres zoned RS-20. South of the site is Mystic Weigh subdivision and to the west is additional land owned by Wolfebrook. To the North are vacant parcels that were recently re-zoned residential. The area is predominately residential. The wetlands on the property are shown in detail on the submitted plans. Two-thirds of the property flows in a westerly direction. Public water and sewer are available at the southeast portion of the property. The proposal is for 147 dwelling units located in 2 pods of 43 buildings each. Each building is composed of 3 to 4 units except for one (2) unit building and each unit has it's own garage. An amenity center is proposed which has indoor/outdoor amenities. The plan includes a low impact road connecting the north and south parts of site. The road connecting the nodes is subject to closure during certain times of year due to the proximity of wetlands.

The project will be developed in three phases. 1st phase will be in the south end including 43 units and an amenity center; phase 2 includes a low impact connector road, sewer pump station, 60+ units, and sidewalks, and the 3rd phase will add 40 units. There is an extensive system of sidewalks and pathways/trails. Three setback requirements are met in this site plan; all units are 75 ft. from property line, 150 ft. from any adjoining houses, and there is a 25-ft. buffer at property line.

Seventy percent of the 105 acres is open space. This open space area is subject to a conservation easement to dictate how it may be used in the future. There will be five storm water quality management basins and rooftop drainage will be discharged directly into the infiltration systems.

Staff recently received revised plans and distributed them to different agencies for staff review. Staff will review the storm water management and drainage report before the next meeting. STC reviewed the project and made a determination that the site-generated traffic will not affect general traffic or state highways and no STC permit is required.

There is a Phase I archaeological review of the site submitted in May 2004 and a Phase II archaeological study is in progress now. Staff received email from the state archaeologist. The State Historic Preservation Office has reviewed the site plan because of the army corps permit necessary for this site. Staff is reviewing the historical and archaeological information. The open space plan of the POCD has been strictly adhered to in this site plan. Staff recommendation was that the Town of Groton not acquire open space, but preserve it through conservation easements and open space development patterns.

Staff received an intervention from Priscilla Pratt, president of GOSA on August 10, 2004. Staff then explained the intervention process.

Sullo inquired if connector road would become a Town road. Staff explained no, it was a private road and would remain so with maintenance being the responsibility of the developer and Homeowners Association. Sullo also asked about lighting this connector road. Staff explained that the Inland Wetlands Agency has specific guidelines as far as lighting and closing this road at specific times. Mr. Brown from DiCesare-Bentley explained that there would be two types of lighting in the project, decorative in development areas and special lighting in inland wetland areas. He also explained that all streets would be private and the Town of Groton would not be responsible for maintenance. The road closure is stipulated in IWA permit Note #35 on the site plans. The Homeowners Association will be responsible to hold up any stipulations required by IWA and these stipulations cannot be written out of documents at a later date.

Steinford asked what was the length of the low impact connector road and Mr. Brown responded it was to be 1,000 to 1,200 ft. long.

Roper asked how private this community would be. Mr. Brown responded that there would be gates at both entrances, north and south and that a card key or some other form of entry will be needed. Also, Roper asked how trash would be removed. Mr. Brown responded by private hired contractors and there would be one dumpster on site at the amenity center.

Roper inquired as to a possible bussing route. Mr. Brown responded that nothing specific had been discussed, but maybe programs out of amenity center would warrant bussing.

Roper asked how mail would be delivered and Mr. Brown responded mail would be delivered at the amenity center. He also asked if residents would have their own gardens. The developer responded that commonly there is a victory garden or common garden provided. There may be a 2-ft. area for additional planting on the side of homes, but installation of victory gardens may be phased out of this development.

Roper asked how is the control of pesticides going to be enforced. Mr. Brown responded, the Homeowners Association would enforce guidelines.

Roper asked about sidewalks. Mr. Brown stated that there are sidewalks along Noank-Ledyard Road and they will fill 750 ft. of sidewalk gap to create a continuous sidewalk.

Gibson asked if 1st phase is built, was the developer obligated to build 2nd phase. Mr. Brown responded that the developer is not obligated.

Gibson inquired as to whether the developer would consider building with environmentally sensitive material. The developer stated they would be willing to look at this type of material.

Chairman Sherrard asked if property to west has access to a Town road. Mr. Brown responded it has access to Mystic Weigh.

Chairman Sherrard inquired if this is a gated community and will the public have access to the open space. Staff responded that this is passive open space. The open space on the site plan is not dedicated to the Town, as this is not a subdivision. Chairman Sherrard asked for an explanation of the open space terminology on this site

plan. The developer explained it is not for general public access and will be left for exclusive use of residents and guests only. Steinfeld asked for a new term besides "open space", as it is not public "open space". Staff explained that through a conservation easement the Town would have control of activities in the open/recreation space to assure its preservation.

Attorney Londregan described the "open space" as a common element controlled through conservation easement.

Staff explained the difference between managed open space such as land of Groton Utilities and the former land of the YMCA and passive open space such as with this particular site plan. Chairman Sherrard asked for a draft of conservation easement for commission review. Staff explained we would have a model of a conservation easement for the next Planning Commission meeting.

Sherrard asked about waivers. Mr. Brown responded that the waiver is from traditional building separation distances. Although the plan complied with all setback requirements the waiver request is to relax the setback to no less than 20' between buildings measured corner to corner.

Roper asked how the Town is going to have access to this private development. Staff responded that there is a note on plan that Town has access to site.

Roper addressed the issue of holding a public hearing for site plan. Staff responded that the Zoning Commission had held a public hearing. The Zoning Commission has the right to deny/approve application based on the special permit test. To hold a public hearing just to make sure applicant meets regulations when this is the normal planning process would be redundant. Staff explained a public hearing is not going to change the process at this point, as it is purely technical standards and regulations that must be met now. Staff did, however, note that in his opinion, the commission could hold a hearing but it should weigh this action carefully because it is not the commissions' normal practice. The commission should also be prepared to explain what makes this application different from other applications. This hearing would also need to be held before August 26th and a decision made by that date as well. It was staffs opinion that the public interest is better served in this case with no public hearing because more time is available for review and the commission allows all to speak anyway.

Attorney Londregan reviewed the process for public hearings. Mr. Londregan quoted from Fuller's text, noting that the Town must have a regulation in place to hold a hearing on a site plan application. He also would object to holding another public hearing, as commission takes information from residents at each Planning Commission meeting, as most towns do not. Mr. Londregan also objects to intervenor status, given that subdivision regulations state protection of environment as a specific purpose. The Town does not have enforcement authority other than review of the site plan in this case.

Chairman Sherrard opened the floor for questions and statements from audience.

Priscilla Pratt, President of GOSA, read items 11, item 4, item 9 from statement she had submitted to board.

Joan Smith, 58 Mohegan Rd, declared that 45% of the property is wetlands. Most upland area is developed and amphibians require upland habitat. She opposes the proposed road closure because it is based on guesswork and no studies were done. Ms. Smith also does not believe it meets zoning regulations, as there is only a part-time activity coordinator and one or two steps to each unit with no level entrances. She also stated that there is no arrangement for 24-hour nursing care and no contract for transportation. Ms. Smith submitted information for the board's review.

Staff explained IWA eliminated 12 units so they wouldn't cross wetlands and will also show development for 147 units meets all regulations. Staff also stated that permit approvals from Zoning Commission and IWA were included in the agenda packet for commission members' review. Staff also noted that the level of service enrichment and amenities would differ from that in an assisted living facility.

Chairman Sherrard requested access to walk grounds for commission members. The developer stated that they would have access across from Daniel Brown Road, on the southern end of the property.

MOTION: To continue site plan review to September 14th and to accept extension letter.

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

3. Up Periscope Apartments, Crystal Lake Road – Request for 1 year start of construction extension.

Vito Sanitero represented the owner and stated after 3 years of working with state, state decided to rescind the offer. Since then owner has found private financing and has contractors set-up and ready to go. Owner is waiting for State to sign the agreement.

Staff responded they did record the plan and it is the last extension they could obtain.

MOTION: To approve one-year extension for start of construction

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

4. Kevin Daley Masonry, LLC, Meridian Street Ext. – Request for one-year start of construction extension.

Gibson excused herself due to relationship with applicant and left room.

Staff noted that the applicant has not completed the plan or had it recorded and recommends one-year extension be granted.

MOTION: To approve one-year extension for start of construction.

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

5. Copp Property Dog Park project – Request for one-year start of construction extension.

MOTION: To approve one-year extension for start of construction.

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

VII. NEW BUSINESS

1. Report of Commission

Chairman Sherrard submitted "Office of Long Island Sound Programs, New Directions in Coastal Planning, Notice of Available Funds and Request For Proposals", which he had received.

Roper submitted "The Fiscal Implications of Large Subdivision Development, An Examination of Current and Proposed Subdivisions in Hopkinton, Rhode Island", which he had received.

2. Zoning Board of Appeals Referrals for August 11 and August 25, Public Hearings.

04-26 - 56 Pearl Street, Mystic, Ed & Diana Cassidy/owner, Peter Springsteel/applicant.

MOTION: No Comment

04-25 - 45 Rhonda Drive, Glenn Baker, owner/applicant.

MOTION: No Comment

04-27 - 2590 Gold Star Highway, Haley Brook Associates, LLC, owner/applicant.

MOTION: No comment

3. Town of Stonington Referrals for August 17, 2004 Public Hearing.

PZ0441RA Richard Morrone - Regulation Amendment to add moving self-service/mini-storage facility to the H1 zone as an allowed principal use.

MOTION: No comment

PZ0436RA Town of Stonington Planning and Zoning Commission - Amendments to zoning regulations regarding I-95/Route 78 interchange zone (H1). Definitions to motels-hotels, site plan and structure design review and yard and street classification.

MOTION: The Town of Groton Planning Commission reviewed the above referral and suggested these amendments should not preclude regional or multi-modal transportation centers or parking facilities related thereto.

4. Inland Wetlands Agency Referral for September 8, 2004 Public Hearing

Boulder Heights Apartment Complex off of Colver Avenue

The commission had no comment

5. New Application

Four Seasons Golf, 515 Gold Star Highway

VIII. REPORT OF CHAIRMAN

No report from Chairman Sherrard.

IX. REPORT OF STAFF

1. Chipperini/Route 1 sidewalk update. Staff reported that the Town is making sure every legal avenue is being pursued before it resolves this issue.
2. Barbara Goodrich was introduced by the Director as the new Manager of Planning Services, a new supervisor position in the office.

X. ADJOURNMENT

Motion to adjourn at 10:50 p.m. made by Steinfeld, seconded by Gibson, so voted unanimously.

Respectfully submitted,

Margil Steinfeld