

PLANNING COMMISSION
SEPTEMBER 14, 2004 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Steinford will sit for Chairman Sherrard and Acting Chairman Steinford appointed Kane to vote for Sherrard.

Acting Chairman Steinford opened with roll call at 7:02 p.m.

II. PUBLIC HEARINGS

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

Acting Chairman Steinford reopened the public hearing at 7:03 p.m. Donald Gerwick of Gerwick Mereen LLC, representing the applicant, stated that he had submitted revised plans to the Planning Department, which showed a shortened cul-de-sac, realigned open space, and a 2' – 4' high retaining wall to eliminate the need for grading rights.

Staff addressed certain outstanding issues regarding the Candy Lane Subdivision. Staff questioned how effective homes would be as an appropriate sound barrier as there are gaps in between homes so they don't create a solid barrier. Staff also commented that sound testing should be done on a weekday morning not a Saturday morning to effectively test noise levels. Staff read a requirement in the subdivision regulations under 4.1 subsection 7 which states, "Where the subdivision borders a manmade facility such as an interstate highway or rail line from which the subdivision should be protected, or a natural feature such as an aquifer or wetland, which should be protected from the subdivision, the Planning Commission may require that no structure, including a septic system in the case of an aquifer, wetland, brook, etc., be constructed within a distance of up to 100' of the facility or feature. In such cases, the Planning Commission may also require plantings, berms, screening, fencing, or additional measures to reduce adverse impacts." Staff further explained that it is the applicant's responsibility to show how they are going to meet this regulation. The staff feels there is a need for a 100' buffer from I-95. Staff also explained this hearing could be continued until the next Planning Commission meeting to allow the applicant to present more information and to address the outstanding issues from staff.

Staff read a list of outstanding issues regarding the Candy Lane Subdivision including a possible fire safety issue dealing with providing access through the open space that needs to be clarified with the Fire Marshal, who has been ill. The Fire Marshall did submit comments requiring the cul-de-sac to be at least 120' in diameter to maintain a minimum turning radius for their apparatus. These issues will be furthered discussed with the Fire Marshall when he recovers from his illness. The staff stated that footing drains should be shown and they need to provide a detail of an appropriate mix of landscaping along lots and the access road.

Staff stated the driveway for 180 Pamela Avenue that cuts diagonally through the intersection of Candy Lane will have to be moved. The Town of Groton did not issue a permit for this curb cut. Grading rights will also have to be documented. Mr. Gerwick stated there is a problem getting property owner to agree to let them move the driveway. Staff stated they would assist with this issue.

Mr. Gerwick granted an extension for 30 days to address these technical issues. Mr. Gerwick stated that it is at the Planning Commission's discretion to enforce a 100' buffer, but there is nothing mandatory that states the Planning Commission has to honor this 100' buffer.

Acting Chairman Steinford asked for comments from the Planning Commission. Kane asked Mr. Bennett Brooks of Brooks Acoustics Corporation, 27 Hartford Turnpike, Vernon, to address staff's outstanding questions concerning noise data. Mr. Brooks addressed the misconception that houses were less effective as a noise barrier as there are gaps between them. Mr. Brooks stated that on pages 3 and 4 in the report he submitted, there is an outlined method he used based on a federal highway administration noise model and using their equations. Table 2 compares side-by-side the existing vegetation compared to what would be the attenuation of sound if the houses were built according to the site plan.

Mr. Brooks addressed the issue of noise barrier distance from the highway to the homes. Mr. Brooks stated that he used the most conservative, lowest number, and went on to explain the farther away the barrier is from the source, the lower the reduction in sound. Mr. Brooks explained the north side of the development is about 270' from the highway and also about 70' from the peaks to the property lines of houses. Mr. Brooks explained the first house row noise figures are based on 32% open space and based on his formula this reduces the amount of attenuation. Mr. Brooks explained that the 3rd to the last page in his report shows a calculation of 11 decibels reduction achieved with barrier. The second row of houses will provide another 1.5. decibel reduction as shown in Table 2. Mr. Brooks did not include in his calculations the added noise reduction from trees, vegetation, stockade fence etc. Mr. Brooks explained that he tried to get a worst case scenario and the houses provide about 1/2 decibel more sound reduction than just leaving the trees up.

Staff responded that the real issue was dealing with the noise impact on the proposed new homes and the applicant should be addressing a solution. The noise level is highest at the southern end of the proposed subdivision boundary and the engineer should propose some solutions.

Roper asked why the study was done on a Saturday morning as opposed to a weekday during peak traffic times.

Mr. Brooks stated that he did address this in his report and explained the noise reduction from houses is better for lower frequencies, and better than the noise reduction produced by trees. There is a higher mix of trucks at peak traffic periods which produce more lower frequency noise and that would make the houses a better barrier than trees.

Roper noted that the wind usually blows from the north to the west, which is from the subdivision to I-95. He inquired if the applicant had any suggestions regarding the noise impact on new houses.

Mr. Brooks noted that the wind was light and under a tree canopy and believed the wind wouldn't make much difference to the sound level.

Mr. Brooks also stated that there are two different issues here. The noise impact on existing houses is not negative, and the new homes will provide a better noise barrier than the trees. Mr. Brooks stated the second issue is that there aren't any noise

standards or specific Town regulations that have to be met in regards to noise levels. He also pointed out that the State has regulations for stationary noise, but none for planes, boats and autos. He added that if there was HUD financing on this project then there would be a standard for noise. Since this subdivision is privately financed this is not an issue. Mr. Brooks stated he could give a subjective evaluation of a 5 to 6 decibel noise reduction to existing homes.

Staff responded that although the subdivision regulations do not specify a noise level, the regulations do specify that the Planning Commission can require specifics in regards to public health and safety for the Town. Staff stated this was not a negotiable issue and that the applicant should be making suggestions to address noise and outstanding issues.

Roper asked what could be used for building materials to reduce noise levels.

Mr. Brooks responded that although there is a fence and vegetation on southern side, he left it out of the analysis to be conservative, but it will probably provide 2 or 3 more decibels of noise reduction. Mr. Brooks stated it was up to the developer to apply any changes to the architecture of the houses, but it would probably drive-up the cost of the homes.

Munn expressed concern with the noise level being higher for the proposed new homes and asked for more specific prediction of noise levels at new houses by the next Planning Commission meeting.

Acting Chairman Steinfeld expressed concern with field test and stated there is a difference between Saturday traffic and peak times during the week. Acting Chairman Steinfeld also stated that atmospheric conditions do have an effect on noise levels. He pointed out that that section of highway is all up hill heading toward the bridge and acceleration noise, especially from trucks, is quite substantial.

Acting Chairman Steinfeld asked for comments from the audience and explained that this public hearing would be continued to the next scheduled Planning Commission meeting.

John Aguiar, 144 Pamela Avenue, submitted a letter with questions regarding the submitted acoustic report and the acceleration of trucks up the hill, especially at night. He handed out a plan he drew up, 40 scale horizontally and vertically that shows his estimate of noise level effects on a proposed home.

Staff asked if he was a certified engineer. John Aguiar stated he is a registered EIT with one more year of schooling before he can take his engineering test for a license.

Mr. Aguiar submitted a document for the public record titled "Audible Landscape, A Manual for Land Use", and also submitted a petition with signatures asking the project comply with regulation 4.7.1. Mr. Aguiar stated that Mr. Brooks used a software program for these calculations.

Mr. Brooks responded to Mr. Aguiar stating that he used TNM software, which is also used for Federal Projects. Mr. Brooks stated that he used 30' because it would be approximate to a bedroom window on a two-story home. He also stated that he was not required to meet any Federal Regulations in regards to noise levels only the Town of Groton's.

Mr. Gerwick requested Mr. Aguiar's resume and credentials.

Ray Belval, 100 Kings Hwy, submitted a letter that he sent to Susan Cullen, a Town Planner. Staff noted it was already a part of the public record.

Staff clarified that the letter submitted by Mr. Belval requested answers from staff, that should be addressed by the applicant and submitted a copy to the developer.

Tom Butler, 15 Pamela Avenue, complained of black dust from I-95 coating the sides of his home and believed if the trees were removed the condition would get much worse.

Roper requested a map of the proposed existing open space and a determination if there should be trails connecting them.

MOTION: To continue the public hearing on the Candy Lane Subdivision, Bonnie Circle/Pamela Avenue to September 28, 2004.

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

Acting Chairman Steinford called for a five-minute recess at 8:35 p.m.

Acting Chairman Steinford reopened Planning Commission meeting at 8:42 p.m.

III. APPROVAL OF THE MINUTES OF August 10, 2004

MOTION: To table the minutes of the August 10, 2004, Planning Commission meeting as there are numerous modifications to be made.

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

IV. PUBLIC COMMUNICATIONS

Roper submitted information about a 2-day symposium.

V. SUBDIVISIONS

1. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots) Continued hearing to next regular meeting.

2. Mystic Weigh Subdivision, Flanders Road

MOTION: To approve a 90-day extension for recording the Mystic Weigh Subdivision, Flanders Road.

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

3. Crawford Way Subdivision, Tollgate Road

MOTION: To approve a 90-day extension for recording the Crawford Way Subdivision, Tollgate Road.

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

VI. SITE PLANS

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

Staff presented the revised plans and program design for Four Winds at Mystic and stated that the applicant is requesting an extension to the September 28th Planning Commission meeting. Staff also submitted a letter from GOSA to the Commission and a response letter from Attorney Londregan. Staff reviewed issues with site plan discussed at IWA and previous meetings. Staff stated the proposed site plan meets the requirements for a special permit. The applicant eliminated units in the northwestern section of the project. The minimum exterior steps, 3' wide doorways & hallways comply with 7.1-1 of regulations.

The proposed site plan is subject to Army Corps of Engineer review and approval by appropriate Town agencies. There are no endangered species on site. The applicant submitted an archaeological update that was received September 14, 2004.

Staff explained that trash collection would be handled as a commercial service through the Town and residential units would have private pick-up. The Fire Marshal has approved the proposed site plan and the LedgeLight Health District has submitted comments to staff. The Department of Public Works had two small technical items that needed to be addressed.

Clint Brown of DiCesare-Bentley discussed the site management program and submitted it for the Planning Commissions' review. Mr. Brown stated there would be a set of forms for management to document and keep on file at the project site. There is a proposed pollution prevention program, which deals with additional measures during construction. Mr. Brown explained that during construction the developer will be responsible for adhering to the conservation easement, but once construction is completed, it would become the responsibility of the homeowners association. Mr. Brown stated that the site plan has not changed, and that clarifying or expanding notes are the only changes. The only two modifications are the amount of developed open space and the building separations. Mr. Brown explained that the applicant is requesting a 20' set back between buildings instead of the 35' required. The buildings consist of only 3-4 units each and are designed as a cluster design. There is greater separation in front and back of units. The 20' is the measurement from corner to corner. They are also requesting relief from the recreation space regulation because it is not appropriate or necessary in an age restricted development.

Attorney Londregan submitted a letter from the Army Corps of Engineers to the Planning Commission, staff and the intervenor. Londregan also submitted a letter from the State of Connecticut Historic Commission stating that they concur with Attorney Londregan and recommend that the Army Corps enter into an agreement with the developer and that they require no redesign of the project.

Gibson asked if the connecting road is still a part of this project and staff informed her it is part of an appeal to the superior court.

Roper inquired as to how trash and recyclables would be collected. Staff stated that they were unsure of recyclable collection but would research and have an answer at the next meeting. An individual hauler would handle trash collection. Dumpsters would be located at the recreation center. Roper asked if these units are required to be

handicap accessible. Staff responded that they are designed with a minimum amount of stairs and can be easily retrofitted in the future.

Roper asked if Victory Gardens would be included in the proposed development and Bonvie stated that they would not be incorporated into the design. Roper inquired if there was any available public transportation. Bonvie replied not at this time, but they will reassess at another time depending upon the needs of the homeowners.

Kane asked how they would ensure that the connecting road would be closed at the appropriate times. Brown stated there would be a suitable closing barrier and not anything rudimentary or that could easily be moved. The road would be closed at night during certain times of the year.

Acting Chairman Steinfeld asked if there was someone licensed to check stormwater drainage and Brown responded that there was no licensed staff and he didn't believe it was necessary.

Roper inquired as to how the Town of Groton Planning Department would be made aware of any problems after development and Brown responded there would be a permanent log on site and a copy of report would be mailed to the Planning Department.

Acting Chairman Steinfeld asked for comments from audience.

Wendy McFarland, BelAire Drive, Mystic, stated that Waterford has state of the art stormwater systems and they have extended invitations for other Towns to inquire and visit.

Joan Smith, 58 Mohegan Road, inquired whether a 24-hour nursing service could be coordinated

Jane Prohost, 405 Noank-Ledyard Road, showed concern over a stormwater drain that would be installed close to her property and near her well. Prohost was concerned her well would become contaminated. She stated that there are wetlands surrounding her property and no other place to put a well.

Staff responded that the environmental planner will be reviewing it along with any development and the stormwater basin should not affect her well, as it is just stormwater.

Clinton Brown submitted his opinion that this stormwater basin will not contaminate Jane Prohost's well.

Genevieve Surf, 17 Crescent Street, would like to see more control over the conservation easement.

Edith Fairgrieve, Roland Street, Mystic, read zoning regulation Section 8.4-5 Under Site Plan Objectives, H.

Attorney Londregan responded that eventually the homeowners would control the association. As far as nursing care, it will be designed to meet individual needs and will be coordinated by someone on staff at the development.

Staff responded that our commissions and agencies are set-up each to perform their own specific functions. We cannot preempt these agencies nor can we judge developer by previous experiences in another state.

MOTION: To continue Four Winds at Mystic, Noank-Ledyard Road to next Planning Commission meeting.

Motion made by Acting Chairman Steinfeld, seconded by Pritchard, so voted unanimously.

2. Lighthouse Square Modification, 441 Long Hill Road – action required

Staff informed the commission that application has been withdrawn.

As of 10:45 p.m. Peter Roper left meeting and Acting Chairman Steinfeld appointed Munn to vote for Roper.

3. Pequot Medical Center, Hazelnut Hill Road – Modification.

Pritchard asked if the Department of Public Works has agreed with the changes in the road and Staff responded to the affirmative.

MOTION: To approve the site plan modification for Pequot Medical Outpatient Treatment Center Hazelnut Hill Road, subject to the following modifications.

1. The sidewalk easement along Hazelnut Hill Road shall be expanded to include the handicap ramps and a note shall be placed on the plans that the easement shall be granted in favor of the Town of Groton and be recorded at the time the site plan is recorded in land records.
2. Technical items as raised by staff shall be addressed.

Motion made by Acting Chairman Steinfeld, seconded by Pritchard, so voted unanimously.

VII. NEW BUSINESS

1. Report of Commission

The Commission had nothing to report.

2. Zoning Board of Appeals Referrals for September 22, 2004 Public Hearing

#04-29 – 43-45 Depot Road

The Commission had no comment.

#04-30 – 985 Poquonnock Road: Grant Realty Holdings, LLC, Owner; Groton Shoppers Mart, LLP, Applicant

In light of reduction of overall square footage of signs, the Planning Commission was in favor of new signage.

3. Zoning Commission Referral for October 6, 2004 Public Hearing.

The Planning Commission agreed to defer the review of the referral until the next meeting on September 28, 2004.

4. Referral from Town of Ledyard for October 28, 2004 Public Hearing.

The Planning Commission agreed to defer the review of the referral until the next meeting on September 28, 2004.

5. New Applications:

The Planning Commission agreed to defer the review of the new applications until the next meeting on September 28, 2004.

- a. East Farm Subdivision, 500 Noank Road (6 lots).
- b. Brown Subdivision, 49 MacDonald Court (2 lots).
- c. Pfizer – Kings Height Technology Center, 9-23 Kings Highway.
- d. Odd Fellows of Connecticut, 235 Lestertown Road.

VIII. OLD BUSINESS - None

IX. REPORT OF CHAIRMAN - None

X. REPORT OF STAFF - None

XI. ADJOURNMENT

Motion to adjourn at 11:15 p.m. made by Acting Chairman Steinfeld, seconded by Munn, so voted unanimously.

Respectfully submitted,

Margil Steinfeld