

PLANNING COMMISSION
SEPTEMBER 28, 2004 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Steinfeld will sit for Chairman Sherrard and Acting Chairman Steinfeld appointed Kane to vote for Sherrard and Munn to vote for Gibson.

Acting Chairman Steinfeld opened with roll call at 7:03 p.m.

II. PUBLIC HEARINGS

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

Acting Chairman Steinfeld reopened the public hearing at 7:04 p.m. Staff read the letter submitted by Peter Hoops and Associates, on behalf of the applicant, requesting that the Public Hearing be continued until October 12, 2004, the next Planning Commission meeting. The applicant needs more time to gather information to present to the commission.

John Aquiar, 144 Pamela Avenue, asked if the amount of open space was still an issue. Staff responded that open space meets the regulations and it was not an issue. Mr. Aquiar asked that staff research how much open space there actually is as he disagreed. Staff stated that it would be addressed at the Public Hearing at the next meeting.

MOTION: To table the Public Hearing on the Candy Lane Subdivision, Bonnie Circle/Pamela Avenue to October 12, 2004.

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

III. APPROVAL OF THE MINUTES OF August 10, 2004 and September 14, 2004

MOTION: To approve the minutes of the August 10, 2004, Planning Commission meeting with the following modifications:

1. Page 1, under PUBLIC HEARINGS, 1st paragraph, insert “the” before “next Planning” in last sentence.
2. Page 1, under PUBLIC HEARINGS, 3rd paragraph, insert “that” after “Staff reported” in 1st sentence.
3. Page 1, under PUBLIC HEARINGS, 3rd paragraph, insert “the” before “original” in 1st sentence.
4. Page 1, under PUBLIC HEARINGS, 3rd paragraph, insert “the” before “corner lot” in 5th sentence.
5. Page 1, under PUBLIC HEARINGS, 3rd paragraph, change “amount” to “number” in 6th sentence.
6. Page 2, 1st paragraph, insert “the” before “short turn” in 1st sentence.
7. Page 2, 8th paragraph, change “Bevel” to “Belval”.
8. Page 4, 2nd paragraph, under SITE PLANS, change “flows” to “drains” in 6th line down.

9. Page 4, 3rd paragraph, insert “the” before “property line” in last sentence.
10. Page 7, under #4., 2nd paragraph, insert “the” before “room”.
11. Page 8, under #3., after last MOTION insert “Motion made by Roper, seconded by Steinfeld, so voted unanimously.”

Motion made by Steinfeld, seconded by Roper, motion passed 4 in favor, and 1 abstention (Pritchard).

MOTION: To approve the minutes of the September 14, 2004, Planning Commission meeting with the following modifications:

1. Page 3, 6th paragraph, insert “the” before “field test” in 1st sentence.
2. Page 4, 5th paragraph, insert “and” before “existing open”.
3. Page 4, under PUBLIC COMMUNICATIONS; add “on transportation in New London” after “symposium”.
4. Page 6, 5th paragraph, change “copy of report” to “copies of reports”.
5. Page 6, 9th paragraph, change “Jane Prohost” to “Jean Provost”.
6. Page 7, insert before 1st paragraph “A representative from GOSA submitted a hand-out with information regarding the developer and his building in another community.”

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

IV. PUBLIC COMMUNICATIONS

Staff reported that on September 27th employees of the Town attended Connecticut DEP’s designation at Noank Town Dock, for a new discharge area to improve water quality.

Staff attended a recent conference in Old Lyme geared toward Open Space Protection.

Roper handed out a pamphlet entitled “Current Issues on Stormwater in Eastern CT”.

V. SUBDIVISIONS

1. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots) Continued hearing to next regular meeting, October 12, 2004.
2. Brown Subdivision, Campbell Road & MacDonald Court (2 lots) – Schedule a public hearing.

A Public Hearing was scheduled for October 26, 2004.

3. Boulder Heights LLC, Colver Heights – Request for 2nd 90-day extension of statutory time for recording subdivision plans.

MOTION: To approve a 90-day extension for recording the Boulder Heights LLC, Colver Heights Subdivision plans.

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

4. Mystic Shores Overlook Subdivision – Acceptance of Prospect Street.

MOTION: To recommend acceptance of Prospect Street at the Mystic Shores Overlook Subdivision.

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 staff is prepared to make a recommendation on this project. The commission must act tonight or the developer will have to grant an extension.

Joan Smith handed out information to commission members.

Acting Chairman Steinford asked for a few minutes so that the commission could go over the new information.

Munn stated that there is so much information from the intervenor and developer that he didn't feel he could properly read and study it. He preferred a brief presentation of the information.

Staff suggested the intervenor make a short presentation of the key points they would like to address.

Acting Chairman Steinford stated that as long as the applicant is allowed to respond to these key points as well, the intervenor(s) may make a short presentation.

Joan Smith, 58 Mohegan Road, a member of GOSA, read part of a letter from the Department of Environmental Protection. Ms. Smith also read excerpts from a letter that was submitted to the commission, written by Sigrun N. Gadwa, an Ecologist and Registered Soil Scientist. She also noted excerpts from Inland Wetland Agency minutes of April 23 and May 14, 2003. Ms. Smith suggested that a feasible alternative to the proposal would be to approve two separate subdivisions with no connector road to help further preserve the wetlands. She stated that a smaller footprint would allow for the preservation of the archaeological sites. Ms. Smith suggested that the two gates to the project change the character of the neighborhood, as there are no gated communities in Groton at this time. She stated that the applicant's specialist only identified birds by sight, not by sound in his study and therefore may have missed a few species. The proposed 20-foot width of the connector road is smaller than the standard Town road and lighting will be low making it unsafe to travel. Ms. Smith disputed the program design stating there wasn't a 24-hour nursing service that meets the Town's regulations. According to regulations, nursing care should be available 24 hours a day on the site. This plan only states that someone will be on staff part-time to place a call to a visiting nurse association. She commented that she doesn't believe the project provides community meals.

Jim Furlong, 57 Fishtown Lane, stated that GOSA recommended in 2001 that the Town should take over the property. He believes that issue is still before the Town Council. On December 11, 2001, the Conservation Commission recommended that the Town apply for State funds to purchase this property. In March 2002, Mystic Active Adult filed an option to purchase this property.

Genevieve Surf, 17 Crescent Street, is the treasurer for GOSA. She stated that GOSA has been trying to get \$25,000 in the RTM budget to purchase open space. She also stated that the State's goal is 20% open space whereas the Town of Groton only has 5% open space and is not meeting the State's recommendation. She encouraged the Planning Commission to preserve the Watrous property as open space due to the biodiversity of the site.

Attorney Londregan, attorney for the applicant, responded to the comments. He stated that 70% of the entire site will not be developed and will remain as open space. In order to abide by GOSA's suggestions, the applicant would have had to violate the Town's own regulations. Mr. Snarski has done a great study of this site, according to GOSA, but they have come to a different conclusion by just doing a walk-thru of the site. The applicant has accepted staff's changes and revisions to the conservation easement. Attorney Londregan stated that after the applicant redesigned the connector road following GOSA's suggestions in order to protect amphibians, GOSA now argues that the road is unsafe for people. He stated that there would never be an expansion of the subdivision to the north of this site and the nursing and transportation issues are under the Zoning Commission's jurisdiction. Attorney Londregan stated that the contract for this site was negotiated long before it was filed with land records.

Roper commented that the commission received a lot of information and that they didn't have much time to study it and he was concerned about this.

Munn agreed with Roper that there was a lot of information, but most of this material doesn't pertain to the Planning Commission's role. He believes that this site plan is in conformance with the Regulations.

Staff clarified that the letter from the Department of Environmental Protection is a form letter. Staff stated that he spoke with Mr. Morrisey from DEP and Mr. Morrisey questioned the wording of this letter specifically the word "approved". He preferred the terms "eligible" or "meets criteria". Mr. Morrisey explained to staff that there is no funding available right now, and also that the process requires that the property be ranked with other properties in the State. He could not guarantee this property would qualify even if there was funding. Staff went on to state that this funding also depends on the cooperation of the property owners.

Roper submitted an article from the Mystic Press dated September 23, 2004, regarding archaeological findings on this site. He asked that it be put in the site plan file.

Staff presented findings, recommendations and a draft motion to commission members.

Staff reviewed the latest revisions to the plans that resolved outstanding issues pertaining to accessibility. The revised plans included notes from the environmental planner and showed the conservation areas. She clarified that the Red Shouldered Hawk has not been seen on the site. She questioned the inference by Joan Smith that archaeological resources should always be preserved on-site. Staff spoke to Maggie Jones, the applicant's consultant, regarding the archaeological sites and she stated these sites may have already been looted and disturbed at this point. If the sites were to be preserved on-site they would have to be "capped" but this could also disturb the site.

Roper inquired as to all the legalities incorporated into these notes and wondered if they might have an adverse effect.

Staff responded that this plan is within all regulations and has the support of all involved agencies. The Town of Groton has simply incorporated every provision necessary, in protecting this site and protecting the Town. The Town has even asked for a conservation easement in the upland area, which was not required by the Army Corps of Engineers.

Roper inquired as to whether the easements would be included with the land records when filed. Staff responded that that might not be the case with this project since the one easement along the northern boundary is part of a lawsuit.

Roper asked if the notes should include that the Town has the right to go onto the site if a report is filed as opposed to notes stating just twice a year. Staff suggested rewording the recommended note to include "and to check submitted reports".

Pritchard asked that the actual distance between buildings of 20' be incorporated in the notes.

Staff stated that a special permit was granted and there is the approval of the Inland Wetlands Agency. Also, staff stated that there are no regulations stating that a nurse has to be on site 24 hours a day, care levels at this site are different from an assisted living or nursing homesite. Staff stated they recommend that this site plan as modified be approved as it complies with all the regulations.

Staff went on to explain the process of the Conservation Commission's suggestions regarding open space land for DEP funding.

Pritchard asked if the connector road was a Town road, would it meet our standards. Staff replied that the connector road is not being built to Town standards, but to what the Inland Wetland Agency stipulated. He said it is only for internal traffic between housing clusters.

Roper asked if there were any restrictions on the trails of this site. Staff responded that the trails are consistent with what IWA has required to protect wetlands. Roper inquired as to the 20' space between buildings and why not 35'. Staff responded that the density of this cluster development warrants this request being granted. Roper inquired as to whether there is a provision to allow a study of vernal pool by local scientists and/or universities. Roper was concerned that this is a valuable area and wanted people to have access for study of it. Staff suggested that while this is not the public's vernal pool but the applicants, provisions for study have been incorporated into the easement document and agreed to by the applicant.

Steinford stated that he has the interest of the Town at heart and feels that this project is the best compromise between conservation and development. Commissioner Roper also asked about a possible crosswalk at Daniel Brown Road. Staff felt the plan should be referred to the Traffic Authority for this consideration if members felt strongly about it. Roper asked that the referral be made. Staff will address this with the Authority.

MOTION: To approve a site plan for Four Winds at Mystic, Noank-Ledyard Road with the following modifications:

1. The Erosion Control Plan shall be modified as follows:
 - a) Clearing and grading for Phase II shall not commence until a minimum of 50% of the Certificates of Occupancies (COs) for Phase I units have been issued.
 - b) Clearing and grading for Phase III shall not commence until a minimum of 50% of the COs have been issued for the combined Phases I and II.
 - c) The Connector Road shall not be used for construction traffic between the phases. Traffic in this location shall only be for the actual construction of the connector road and utilities therein.
2. The Conservation Easement shall be amended as follows:
 - a) Conservation line shall be modified behind Buildings 14, 16, and 17 to either be within 20' of buildings, deck, or other structure or to be the same as the "new clearing limit line" as shown on Sheet 20, whichever is greater.
 - b) The area on the Sheet 7 of the plan shall be noted as "Conservation Easement Area Subject to Court Appeal (See Modification 2.b. of approval). The applicant shall execute and provide the Town a second Conservation Easement identical to the first to cover the area subject to court appeal in docket # CV 03 05665502S (Mystic Active Adult, LLC and Wolfebrook Development, LLC v. Town of Groton Inland Wetlands Agency, et.al) pending in the New London Superior Court, but that the Town shall release said second Conservation Easement if said appeal and any appeals therefrom result in a final, nonappealable decision allowing the crossing denied by the Inland Wetlands Commission when it granted permit # 03-01. Any development in this area shall be subject to modification to Special Permit # 265 and this site plan."
 - c) Note 40 shall be modified to state "The conservation easement consists of an area generally outside of the clearing limit line as substantially shown on this plan. The easement language shall be substantially the same as per Draft Conservation Easement -Four Winds at Mystic Active Adult Community dated 9/28/04 and the conservation easement shall be recorded in land records prior to any disturbance on the site. Conservation Easement signs shall be posted at 50 foot intervals in accordance with detail (Sheet 53)."
 - d) The note on Sheet 7 regarding the additional easement area shall be modified to state "Additional Easement Area subject to Army Corps of Engineers Permit. Any future work for utilities and roads shall require Town of Groton approval."
3. Note 54 shall be modified to include: "The future Home Owners Association shall designate and/or hire a person/company to be responsible for management of the site in accordance with the "Site Management Program for Four Winds" (Revised 9/14/04). The Homeowners Association shall allow inspections of the site by the Office of Planning and

Development and Department of Public Works a minimum of twice per year after significant storm events, and to check submitted reports to review compliance with the "Site Management Program".

4. A note shall be placed on the plans stating "Archaeological mitigation on the site shall be in accordance with the requirements of the State Historic Preservation Office and the Army Corp of Engineers Permit. Any modifications to the site plan based on these agencies shall require additional review and approval by land use agencies of the Town of Groton, as necessary.
5. A note shall be placed on the plans stating "No disturbance or construction shall take place on the site until the Army Corps of Engineers Permit has been issued."
6. All internal pedestrian walkways, except to the individual units, shall be a minimum of 5-feet wide.
7. The trash enclosure for the amenities center shall be sized to include recyclables.
8. The Community Development Program shall be modified to include, " The senior services coordinator shall address optional transportation opportunities for the residents, including the potential to coordinate with other Residential Life Care Communities in the area for services, as necessary."
9. All technical items shall be addressed.

The Planning Commission notes that this approval constitutes a reduction of the requirements of Section 6.7- 6. E. for separation distance between residential structures to a minimum of 20', and Section 6.7-6.G for the minimum site recreational area based on the site plan and justification provided by the applicant, and in accordance with the provisions of Section 6.7-6.L including the following findings: 1) The reductions will be consistent with the intent of these regulations and 2) will result in the development of a residential life care community meeting the purposes and intent of Section 7.1.1.

The Planning Commission notes that this approval constitutes a modification of the requirement of a 5' wide concrete sidewalk along the entire road frontage of the site. In lieu of this requirement, the applicant will construct a 4-foot wide bituminous concrete sidewalk on the east side of Noank Ledyard Road as specified on the plans. This will fill in an existing gap in the sidewalk network on the east sidewalk of the road.

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

The Commission reviewed and endorsed draft findings to address the intervention petition and compliance with zoning regulations. Munn read the commission findings regarding the site plan for Four Winds at Mystic into the record confirming:

Findings with Respect **(A)** to the Provisions of Section 22a-19(b) of the Connecticut General Statutes Regarding Alleged Unreasonable Pollution, Impairment, or Destruction of the Public Trust in the Air, Water, or other Natural Resources of the State and **(B)** Conformance with Zoning Regulations:

(A) CGS. Section 22a-19(b) Findings

1. The Commission finds that after review and consideration of the record, including testimony and other evidence from the applicant, the intervenors pursuant to CGS 22a-19, the public, and the staff, as well as consideration of all relevant circumstances and factors, the proposed Four Winds at Mystic Site Plan, as modified, does not have, or is not reasonably likely to have, the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, or other natural resources of the State, including but not limited to such resources as trees, wildlife, and historic resources, and based on this finding there is no need to consider whether a feasible and prudent alternative exists which is consistent with “reasonable requirements of the public health, safety, and welfare.” In making this finding the Commission notes:
 - A. The Planning Commission has given due regard of the report of the decision of the Groton Inland Wetlands Agency, which has issued a permit for the development activities and environmental protection measures including, but not limited to, requirements for an environmental bond, conservation easement, stormwater quality management plan, stewardship manual, specific timing for phased grading and development, closing of the central connecting road during certain times of the year, and periodic review of the property by the Town’s Environmental Planner.
 - B. The Planning Commission has given due regard of the report of the decision of the Town of Groton Zoning Commission, which has approved a special permit for the proposed use in accordance with Sections 7.1 and 8.3 of the Zoning Regulations and which has given due consideration to the protection of relevant environmental and natural resources and the surrounding neighborhood in approving the size and location of the use, the intensity of the operations and the site layout.
 - C. The Town of Groton Zoning Regulations include provisions to assure protection of relevant environmental resources and consideration of environmental matters which impact the jurisdiction of the Planning Commission, including but not limited to, the ability to review the plan for general conformance with the Town Plan of Conservation and Development, the requirement that all utility systems are located and designed to serve the use and protect the property from adverse air, water, or land pollution and to preserve and enhance the environmental quality of the surrounding neighborhood and the Town, the provisions that the development will preserve sensitive environmental land features, such as steep slopes, wetlands, large rock outcroppings, scenic views and historically significant resources, and the requirement for an erosion and sediment control plan to ensure that erosion and storm water controls are in place prior to any land disturbance. All provisions of these Zoning Regulations are met by this plan as modified herein.

(B) Town of Groton Zoning Regulations Findings

2. The Commission finds that the plan is consistent with the Plan of Conservation and Development by providing for diversity in housing types and meeting the local needs for

elderly housing, by being consistent with the Residential Density Plan with a density of less than 2 dwelling units per acre and being consistent with the Future Open Space Plan by preserving significant open space surrounding Eccleston Brook, utilizing an extensive conservation easement and open space development patterns.

3. The Commission finds that the stormwater management system is designed to Town standards, is designed to minimize the erosive velocities of water, and is designed to minimize the deposition of sediments in wetlands, and minimize the impact on downstream properties. The stormwater management system, combined with the stormwater quality management program, will protect the property in this important watershed from adverse water or land pollution and will preserve and enhance environmental quality of the surrounding neighborhood and the Town.
4. The Commission finds that the Erosion and Sediment Control Plan components contain appropriate measures to phase grading and to control erosion and sedimentation both during and after construction. The plan is consistent with the "Connecticut Guidelines for Soil Erosion and Sediment Control, as amended."
5. The Commission finds that the site plan with approximately 70.5% of the site in open space and requirements for buffers, a conservation easement, limits on site clearing, and environmental monitoring, will not unreasonably pollute the air, water or the land. The plan provides the most efficient design and layout of the land while preserving the density pattern of the land and district.
6. The Commission finds that impacts on the significant archaeological resources shall be mitigated in accordance with the permit requirements of the United States Army Corps of Engineers and with consultation of the State of Connecticut Historic Preservation Office, which agency is responsible for identifying, evaluating, and protecting Connecticut's archaeological heritage and who has determined that no feasible or prudent approaches exist with respect to the on site conservation of the archaeological resources and is recommending the development and implementation of a data recovery program.
7. The Commission hereby finds that, as modified, the application is consistent with all applicable standards, objectives, and regulations of the Town of Groton Zoning Regulations, and conforms to all other public health and safety requirements incorporated therein.

2. Pfizer's, King's Height Technology Center, 9-23 King's Highway.

Stephen Hess of Pfizer's presented the site plan for a 7,500 sq. ft expansion of the facility and the construction of a new 21,500-sq. ft. building. One of the buildings would be a stability chamber, for testing the stability of drugs. The expansion to the automated storage area is where the applicant keeps the chemical compounds. There will be a minimal number of employees required because it is all automated. Some of the trees will be relocated and some will be removed from this site. Associated water and sewer work will be done. The applicant has proposed approximately 330' of sidewalk off of the property for a total of 420' of frontage sidewalk. A decorative stone strip is being installed around the front of the building. The applicant explained that being a pharmaceutical company, they do not put in mulch or anything that attracts insects or rodents. There is funding in place for the storage building expansion. The new automated lab may be built later.

Staff presented their draft motion.

Kane asked why the original plan included a sidewalk all the way to Route 1. Staff responded that the minutes were not specific. Staff stated that the applicant is providing more feet of off-site sidewalk than the Town regulations require.

Roper inquired as to how the hazardous waste is disposed of. Mr. Hess assured the commission that a private contractor hauls hazardous waste off of the site. Roper inquired as to how much security there is at this site. Mr. Hess stated that it is a high security facility and that cameras are used for surveillance.

Ray Belval, 100 Kings Highway, stated that at the intersection of Route 1 and Kings Highway, there were 75 accidents. He stated that increased truck traffic due to the expansion of this site is a concern. Mr. Hess replied that there wasn't going to be a lot of truck traffic besides UPS deliveries. Staff also explained that this intersection might improve due to the site work associated with the 99 restaurant.

Roper asked if the applicant would consider extending the sidewalk to meet the conditions of the sidewalk agreement. Mr. Hess explained that the regulations only call for up to 200' of off-site sidewalk and they are proposing 330' of off-site sidewalk and that the applicant respectfully declines adding any more footage to sidewalk off of the property.

MOTION: To approve a site plan for Pfizer's, King's Height Technology Center, 9-23 King's Highway with the following modifications:

1. Install integral concrete curb and walk where frontage sidewalk abuts the curb.
2. A minimum of 18" vertical separation between the existing underground electric and gas must be kept.
3. A new legal instrument shall be filed in the land records to modify the Sidewalk Agreement dated June 20, 2000, and make it consistent with these plans.

4. All technical items shall be addressed.

The Commission notes that a 5' decorative gravel and stone strip instead of a landscaped strip along the front of the automation laboratory is more consistent with the existing conditions and is an architectural design element of the site.

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

3. Four Seasons Golf – Indoor, Gold Star Highway.

The Four Seasons Golf – Indoor, Gold Star Highway was tabled until the next Planning Commission meeting.

VII. OLD BUSINESS

1. Site Design Award Program Update

Program update was tabled to the next Planning Commission meeting.

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

The Commission endorses this proposal for revisions to regulations for Residential Life Care Communities and Active Senior Housing, and other associated amendments.

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

The Commission tabled the referral to the next Planning Commission meeting.

VIII. NEW BUSINESS

1. Report of Commission - None

2. Zoning Board of Appeals Referral for October 13, 2004 Public Hearing.

The referral was tabled until the next Planning Commission meeting.

3. Inland Wetland Agency Referral for October 27, 2004 Public Hearing.

The referral was tabled until the next Planning Commission meeting.

4. New Applications:

- a. Hickey Subdivision, 268 Briar Hill Road (6 lots).
- b. Coastal Petroleum, 2414 & 2440 Gold Star Highway.
- c. LBI, Inc., 973 North Road.
- d. The Ledges, 11 LedgeWood Drive.

IX. REPORT OF CHAIRMAN - None

X. REPORT OF STAFF - None

XI. ADJOURNMENT

Motion to adjourn at 11:16 p.m. made by Pritchard, seconded by Munn, so voted unanimously.

Respectfully submitted,

Margil Steinfeld