

PLANNING COMMISSION
OCTOBER 12, 2004 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Sherrard appointed Munn to vote for Pritchard.

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

II. PUBLIC HEARINGS

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

Chairman Sherrard reopened the public hearing at 7:04 p.m.

Donald Gerwick, Gerwick Mereen LLC, representing the applicant, explained latest revised site plans. Mr. Gerwick addressed the outstanding items noted by the staff. Additional landscaping along the southern property line has been added to the plans. The footing drains are shown and can tie into the storm water system. The revision dates, and Erosion and Sedimentation contact name and telephone number have been added to the plans. The owners of the properties immediately adjacent to the proposed Candy Lane cul-de-sac have refused to grant grading rights. Therefore, the developer proposes to construct retaining walls in the right-of-way so no grading rights will be necessary. The owner of 180 Pamela Avenue refuses to allow the applicant to reconstruct her driveway so that it does not encroach into Candy Lane. The applicant intends to construct the road with no curb cut for the driveway but will go on record that they will relocate the driveway if the owner grants permission. Gerwick stated that no temporary grading rights are required to construct the retaining walls. He noted that he changed the retaining wall from concrete to Vers-lok and added the chain link fence. The applicant will grant a maintenance easement for the retaining wall. The 15 lots proposed on Candy Lane would add approximately 150 trips a day. He argued that the 120' turning radius required by Fire Dept. is not consistent with regulations. He stated that sprinklers are not an industry standard and will not be added to this development. Gerwick stated that the development does not provide 10% open space but that the open space provided as part of the Burgess Park subdivision abuts the Candy Lane open space. He stated the existing open space is overgrown with a steep grade and is not used. Therefore he is asking that the Planning Commission allow the applicant a reduction in the percentage of open space required for the Candy Lane project.

Bennett Brooks, of Brooks Acoustics Corporation, 27 Hartford Turnpike, Vernon, the developer's acoustical engineer, submitted data from CT DOT taken at a continuous count station in Groton located on Route I-95, .61 miles south of exit 89. The week tested was 9-14-03 to 9-20-03. Mr. Brooks compared the hour that he did his test to the times on the CT DOT study. The highest traffic count was on a Friday from 5-6 p.m. according to the DOT study. Mr. Brooks test data was 87% of the peak traffic time if compared to the CT DOT study. Mr. Brooks submitted his letter to the commission with traffic data attached. The conclusion of the study is that the houses do provide a slight improvement over the existing vegetation of about ½ a decibel.

Staff asked for the ambient noise levels at the southern end of the development and its impact on the proposed houses.

Mr. Brooks reviewed original study regarding noise levels at southern boundary. His report shows an average of 75 decibels/dba at southern boundary and 69.4 decibels/dba at the northern boundary.

Roper asked if there are any improvements in the sound level provided by the vegetation or fence proposed by the applicant. Brooks responded that there are some provided by the fence. The vegetation provides visual screening, not sound reduction. He stated that he didn't look at architectural modifications to the homes.

Kane asked if since the attenuation impact of the fence and vegetation were not included in original test, was it safe to say they provide no added noise reduction. Mr. Brooks stated he was being conservative not including them. He stated that they might decrease noise level by ½ a decibel.

Sherrard asked about seasonal differences in noise levels. Mr. Brooks stated that the leaves don't protect much as far as sound, but the roots keep the ground soft and it absorbs the sound, similar to how a fresh snow absorbs sound. He stated that weather should not have a big impact on sound.

Staff responded that there are 3 major outstanding issues. One is the easements and retaining walls that will have to be reviewed by the Town Engineer. The next is the open space issue. The development does not meet the 10% set aside, but the commission can approve less than 10% if they feel the proposed .22 acres combined with the existing 1.7 acres is enough. Finally is the issue of the ambient noise level and its impact on the proposed houses. What remediation could be offered by the applicant to mitigate the impact of 75 decibels on the proposed new development to justify construction within 100 feet of the highway.

Steinfeld asked for clarification regarding high frequency and low frequency decibels. Mr. Brooks stated that his study was based on whether "to build" or a "not to build" scenario, and his study shows that building the proposed houses blocks the low frequencies from the trucks better than the existing vegetation.

Mr. Brooks addressed staff's concerns that 75 decibels may impair hearing. He stated that OSHA's standard is 85 decibels for 8 hours whereas HUD has a 65-decibel limit. HUD specifies that if they're financing then the homes have to be constructed to bring the level down to 45 decibels inside the homes. Mr. Brooks stated that different organizations use different levels and different ways of testing and there really are no set standards.

Staff asked if there is any proposal to reduce noise impacts on proposed houses.

Mr. Gerwick stated that they would build all homes with 2x6 construction and minimize glass to reduce the noise level. Mr. Brooks stated that it would reduce the levels in the bedrooms in the proposed homes to approximately 69 decibels as a guess.

Kane asked if 2x6 construction could be a condition of approval of this site plan. Mr. Gerwick expressed that it could be. Kane expressed that he is a builder and hasn't built a 2x4 home in 20 years. Mr. Gerwick responded that a 2x4 home is still an industry standard.

Peter Lampazona, 34 Lampert Road, stated that the new building code requirements will require 2x6 construction for hurricane protection.

Chairman Sherrard opened the floor for comments from the public.

John Aquiar, 144 Pamela Avenue, argued that the stockade fence and vegetation could not provide any additional noise barrier, as they are lower than proposed homes. He pointed out that the plan assumes 30-foot tall houses. He pointed out that at night the HUD standards do require even 10 decibels less than during the day. He questioned mitigation efforts stating that nothing on plans guarantees these efforts.

Chairman Sherrard requested a summary of waivers being requested.

Mr. Gerwick stated that there are no waivers being requested only a reduction in the required open space set aside.

Staff asked if there are any easement dedications by any other individuals. Mr. Gerwick responded not to his knowledge.

Roper asked about emergency access through open space. Staff noted that the Fire Marshall has not requested or provided any comments regarding adding another emergency access.

Roper asked if a trail has been proposed through open space. Staff responded that we could address this issue. Mr. Gerwick said they would not be averse to this issue. Staff reminded the Commission that it is within their power to request this. Roper asked if lot 13 could be added to open space. Staff suggested that it would be the most logical solution to meet the 10% recommended open space dedication.

Sherrard stated that the retaining walls in the Town right-of-way could be a legal issue as it had been in years past and requested that staff review the issue with the town's attorney.

Gibson asked if the 120' radius in the cul-de-sac requested by the Fire Marshall would be enforced. Staff stated that they would get clarification but it exceeded the existing regulation.

Gibson asked what standards the Commission should use for noise levels, as there are so many standards. Staff explained that there are no noise level standards established by the Town.

MOTION: To close the public hearing for the Candy Lane Subdivision, Bonnie Circle/Pamela Avenue.

Motion made by Steinfeld, seconded by Munn.

Gibson requested an unbiased acoustical engineer provide a study reviewing the submitted information. General discussion followed on the value of hiring a separate acoustical engineer or using town staff to check validity of submitted acoustical reports. Staff reminded Commission that the developer would have to grant us an extension and confirmed the public hearing was opened on August 10th, 2004.

Motion to close the Public Hearing passed, 4 in favor, and 1 against (Gibson).

Chairman Sherrard called for a 5-minute recess at 9:05 p.m.

Chairman Sherrard reopened the Planning Commission meeting at 9:10 p.m.

III. APPROVAL OF THE MINUTES OF September 28, 2004

MOTION: To approve the minutes of the September 28, 2004, Planning Commission meeting with the following modifications:

1. Page 2, under PUBLIC COMMUNICATIONS, 1st paragraph, insert “no” in place of “new” in last sentence.
2. Page 2, under PUBLIC COMMUNICATIONS, 3rd paragraph, replace “pamphlet” with “conference notice”.
3. Page 3, under SITE PLANS, 4th paragraph, insert “presented at this session” before “from the intervenor”.
4. Page 4, 1st paragraph, replace “Surf” with “Cerf”.
5. Page 4, 4th paragraph, insert “the Planning Commission must limit itself to the zoning regulations” after “He believes” in last sentence.
6. Page 7, 1st paragraph, insert a “,” after “twice per year”.

Motion made by Roper, seconded by Steinfeld, so voted unanimously, one abstention, Chairman Sherrard.

IV. PUBLIC COMMUNICATIONS

Munn received a call from Wendy McFarland.

Staff noted that the documents for individual items in agenda packets would be separated by subject in copying back-to-back from now on as to make it easier for Commissioners to use.

V. SUBDIVISIONS

1. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots) to be continued too next meeting on October 26, 2004.
2. East Farm Subdivision, 500 Noank Road (6 lots) – Schedule a public hearing.
A Public Hearing was scheduled for November 9, 2004.
3. Hickey Subdivision, 268 Briar Hill Road (5 lots) – Schedule a public hearing.
A Public Hearing was scheduled for November 9, 2004.
4. Hale Subdivision, Cow Hill Road (2 lots) – Modification.

Staff explained the proposal to the Commission. Staff explained that according to the letter received, the neighbor does not want to combine her driveway with the proposed subdivision driveway. The DOT permit is predicated on the elimination of the existing driveway cut. Staff would like to address this issue at the next meeting after they gather more information.

MOTION: To table the modification to Hale Subdivision, 662 Cow Hill Road (2 lots) until the next meeting on October 26, 2004.

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

VI. SITE PLANS

1. Four Seasons Golf, Indoor, Gold Star Highway – Request for extension or action required.

Mr. Gerwick presented the proposed site plan. The proposed site is just to the east of the Wokery on Route 184. The Zoning Board of Appeals granted a variance for this site to allow a structure 15' from the side property lines in lieu of 30' and 15' from the rear property line in lieu of 30'. This lot is a pre-existing, non-conforming lot that is 14,426 square feet in size rather than the required 15,000. The site plan proposes an indoor golf simulation facility. The building will consist of four simulation booths. The site is located within the WRPD. As this site was previously cleared, the plan shows 20% of the site revegetated and restored in keeping with 6.12 of the zoning regulations. The applicant asked the Commission to waive the requirement for an internal connecting sidewalk as there will be minimal foot traffic with this business. There is no proposed truck loading space as this business would not require a lot of deliveries.

Staff reviewed the location and configuration of the driveway, and explained that a dumpster does not appear necessary for this site.

Steinfeld asked for clarification of the square footage of the building. Mr. Gerwick responded that it is 3,000 square feet.

Chairman Sherrard asked if the internal sidewalk could be required later if there was a future change of use at the site. Staff stated that it could be included as a requirement with the modification.

MOTION: To approve a site plan for Four Seasons Golf, Indoor, 515 Gold Star Highway, with the following modifications:

1. All signage shall meet Section 7.3-7 of the Zoning Regulations.
2. The stormwater drainage system accommodates the State DOT's requirements for retaining stormwater at up to a 10-year flood level onsite.
3. A note will be added to the plan: While the commission is not requiring an internal sidewalk connection from the street to the business at this time, the commission reserves the right to require a sidewalk with any change of use.
4. Technical items raised by staff shall be addressed.

Motion made by Roper to approve the site plan for Four Seasons Golf, Indoor, based on original plan. Motion failed due to lack of a second.

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

2. Coastal Petroleum Corporation, 2414-2440 Gold Star Highway

Clinton Brown of DiCesare-Bentley Engineers, presented proposed site plan. The site consists of 2 parcels; one an existing convenience store and gas station and the other the former location of a retail/warehouse known as "Ted's Sales Room". This 2nd parcel

is currently vacant and includes the foundation slab for the previous use, excavated areas of steep slopes, and a wooded area near the rear of the parcel.

The site received an IWA permit on March 24, 2004 and a Special Permit for a car wash on April 7, 2004.

The 3.7-acre site is located within the CB-15 zone and the Water Resource Protection District (WRPD) and is accessed off of Gold Star Highway. The topography results in a drainage divide that runs east/west. Westerly runoff flows into the State system in Goldstar Highway. The easterly system flows overland from the site to the properties to the east. Public water and sewer do not presently serve the site. Extensions of both systems are proposed..

The project consists of 3 new buildings. Building one is a combined office, retail and restaurants. Building two is a car wash, and building three is a convenience store with a drive-through window for a donut shop and with an existing gasoline storage and dispensing facility. The gasoline dispensing facility will remain unchanged with this proposal.

The three curb cuts were explained. No left-hand turns will be permitted. The DOT has signed off on the access to the site.

All of the lighting will be full cut-off. There will be evergreens and a fence along the border. The applicant has asked for a modification to buffer requirements in order to leave the natural vegetation instead of ripping it up and planting new plants on the northeastern side of property.

Staff explained the process of reviewing this site plan. Staff had a few technical items to address and recommended action, with modifications regarding signage, E&S control measures, Fire Code compliance, buffer installation, lighting and parking details, and technical items.

Gibson inquired about signage for directions/directory. Mr. Brown pointed out proposed signage. Gibson asked about sidewalks/crosswalks. Mr. Brown pointed out sidewalks.

Roper readdressed pedestrian traffic and suggested an additional internal sidewalk area for potential pedestrian traffic from the nearby Deerfield residential neighborhood. Mr. Brown and applicant had no objection to additional sidewalk and crosswalk. Roper asked about sanitation trucks and loading truck traffic. The applicant explained that garbage removal is done about 10 a.m. and would not affect the residential neighborhood at night.

Steinford asked about pedestrian traffic from the pumps to the store. The applicant pointed out on the site plan how pedestrians would enter the convenience store.

Kane inquired about how the trucks are going to refuel the gas tanks. The applicant explained that they will schedule off-peak hours or traffic will have to wait. Kane asked how many employees might work here. The applicant responded that the donut shop will have 2 to 3 people and the convenience store will have 2 to 3 employees. Kane asked if they would have designated parking and applicant responded no, but they will probably park in back.

Munn suggested if someone uses car wash and then decides to use vacuums that there may be some confusion with regards to the internal traffic pattern. Mr. Brown explained how the car would travel through the lot.

Chairman Sherrard asked if the pumps would be available during the construction of the convenience store. Mr. Brown stated they would. Chairman Sherrard asked how high is the retaining wall. Mr. Brown explained that the highest point is 14 feet.

Steinford asked if public water and sewer would be adequate for future expansions and changes and applicant assured it would be.

MOTION: To approve a site plan for Coastal Petroleum Corporation, 2414-2440 Gold Star Highway with the following modifications:

1. The menu board and wall signage for the drive-through restaurant shall be properly shown and dimensioned on the plans and shall meet all Zoning Requirements.
2. All Fire Marshal requirements for tank locations shall be met.
3. Upgrade the Erosion and Sediment Control Plan to specify that a pre-construction meeting shall be required prior to any site disturbance.
4. The buffer or other temporary measures to mitigate impacts to Deerfield residents shall be established along the east property line during the early stages of site construction with the exact timing to be established and approved by the Director of Planning and Development at the pre-construction meeting.
5. The lighting details and lighting plan shall be consistent and average foot-candles on the site shall not be greater than 3.1, excluding the gas pump canopy.
6. Parking calculations shall be consistent on the plans and in the shared parking analysis.
7. Technical items by staff shall be addressed.

The planning commission notes that it has authorized the reduction in parking requirements; the rear landscape area is sufficient as exists and inclusion of the screening fence meets the intent of the buffering regulations; and the consideration of the addition of internal sidewalks will be recorded as a technical item.

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

3. Odd Fellows of CT, 235 Lestertown Road

Clint Brown, of DiCesare Bentley Engineers, explained the addition of a Nursing Home wing. The proposal is for a 15,000 square foot building addition to the existing 120 bed nursing facility. The addition will add a therapy room, courtyard, new ambulance entrance and provide additional rooms to allow more single bedrooms for existing residents. The building already holds the appropriate licensing for 120 beds. No additional beds are proposed. The addition will be to the east side of the site almost in the exact center of the 42+ acre parcel of land owned by the Odd Fellows. There is enough parking because the bed count has not changed. The applicant has asked for waivers for storage facilities and laundry facilities. There is already a laundry facility in the main building. Storage area in each room meets the health department's requirements of 4 square feet of floor space in each room and 24 square feet in each facility. The applicant is asking for a waiver of balconies as they have provided a courtyard.

Roper asked for clarification of common areas and if they were on both floors. Mr. Brown stated that both floors had common areas.

MOTION: To approve a site plan for Odd Fellows of CT, 235 Lestertown Road with the following modifications:

1. All technical items shall be addressed.

The Planning Commission notes that this approval constitutes a reduction of the requirements of Section 6.7-6.A for long term dead storage, Section 6.7-6 B for private balconies or patios 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.

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

MOTION: To approve the CAM application for 235 Lestertown Road for construction of an addition to the nursing home facility, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts to coastal resources.

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

4. The Ledges, 11 Ledgewood Drive – modification.

Steinfeld excused himself from discussion of this application and left the room. Chairman Sherrard appointed Kane in Steinfeld's absence.

Mr. Psaki presented the modifications of the site plan to the Commission. The original site plan for 339 apartment units was approved in December 2000. He explained that the surplus rock and material generated from the cut and fill operations on The Ledges project will be used, on-site, as fill on the northwest corner of the Groton Multifamily and the northeast corner of the Groton Community (The Ledges) site. This fill will allow for the construction of a new 19 space surface parking lot for overflow parking at The Ledges. He stated the new impervious square footage is .22 acres.

Debbie Baker, Cherenzia & Associates Engineering of Westerly, Rhode Island, explained the storm drainage infrastructure and explained how the project now takes into consideration, staff review items concerning sidewalks, lighting, grading, and parking lot design.

Roper inquired as to why the applicant needs 19 more permanent spaces. Ms. Baker responded that the one-bedroom apartments usually have a couple living there and they typically have two cars. Marketing indicates a demand for more parking spaces than were required.

Chairman Sherrard asked where the connection might go if Boulder Heights were constructed. The applicant showed the Commission on a map in their handouts.

MOTION: To approve a site plan modification for Groton Community, LLC's The Ledges with the following modifications:

1. The landscape plan shall include grass and shrubs planted in the parking lot island.
2. The technical requirements of the City of Groton Department of Utilities shall be met.
3. All technical items raised by staff shall be addressed.

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

Steinford rejoined the Planning Commission meeting.

5. LBI, Inc., 973 North Road

Pat Lafayette, an engineer with Development Solutions, LLC, acted as the applicant's agent and made a presentation of the proposed modification. He expressed that the proposed changes are driven by the tenants. Mr. Lafayette explained that the guardrails are being changed from timbered to metal and they are moving plantings to the back of the parking area. He proposed replanting the areas in front of the buildings with Junipers, as they stay green all year round. He also adjusted the location of several parking spaces on site. The modifications include the addition of building mounted lighting as opposed to only post mounted lighting. Applicant would move sign up to the property line and install infiltrators for drainage. The underground utilities have been moved further north so that they would be closer to the building. Mr. Lafayette stated the applicant would add a loading dock at the north end of the building as the tenant expressed a need for a dock to facilitate his operation. There is expanded paving so that trucks can back in. The proposed modification also shows 3 relocated parking spaces to the south of the site. The applicant had to clear beyond the original clearing limits, so the applicant has created a restoration plan and would like to plant white pines and a bond has been posted to that effect. The traffic direction around the building has also been reversed. The Fire Marshall has endorsed the change.

Roper asked if there were any dumpsters and a place for recyclables. Mr. Lafayette responded that there were and the modification proposes adding a dumpster enclosure.

MOTION: To approve a site plan modification for LBI Inc., 973 North Road, (Development Solutions, Applicant, Peter Legnos, Owner) with the following modifications:

1. Add five arborvitae around the north and west side of the dumpster, planted five feet on center, to effectively screen the dumpster enclosure area.
2. All technical items shall be addressed.

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

VII. OLD BUSINESS

1. Zoning Board of Appeals Referral for October 13, 2004 Public Hearing.
The Commission had no comment.
2. Inland Wetland Agency Referral for October 27, 2004 Public Hearing

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

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 –

Roper reported that the Mystic Corporate Task Group is meeting next Monday at the Chamber of Commerce.

Chairman Sherrard, Munn, Steinfeld, and staff attended The Smart Growth Seminar with staff.

2. Referral from Town of Stonington – Site Plan Application for October 15, 2004.

The Commission had no comment.

3. 2005 Planning Commission Meeting Schedule

The referral was tabled until the next Planning Commission meeting.

4. Update to Conservation and Development Plan – tabled to next meeting.
5. Open Space Funding – tabled to next meeting.

IX. REPORT OF CHAIRMAN - None

X. REPORT OF STAFF –

Staff noted concerns with Stonington's consideration to cancel the Mystic Multi-Modal Transportation Study.

There will be a continued Public Hearing on the Senior Housing Amendments and it is expected they will be adopted at the next meeting of the Zoning Commission. GOSA requested certification or an appeal of Mystic Estates Subdivision court decision.

XI. ADJOURNMENT

Motion to adjourn at 11:30 p.m. made by Munn, seconded by Steinfeld, so voted unanimously.

Respectfully submitted,

Margil Steinfeld