

PLANNING COMMISSION
OCTOBER 26, 2004 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Munn, Pritchard, Roper, Sherrard, Steinfeld, and Gibson
Staff: Discordia, Goodrich, Murphy

Chairman Sherrard opened with roll call at 7:05 p.m.
Commission member Kane will be an hour late, but 5 members are present so the meeting will continue.

II. PUBLIC HEARINGS

1. Brown Subdivision, MacDonald Court (2 lots)

Chairman Sherrard opened the public hearing at 7:06 p.m.

Secretary Steinfeld read the Notice of Public Hearing

Michael Scanlon of DiCesare-Bentley Engineers, representing the applicant, presented the proposed subdivision. The parcel is currently one lot containing a single-family house with frontage and access on MacDonald Court. The proposed subdivision would divide the existing lot, creating one new lot that would also have 30' of legal frontage on MacDonald Court but access and utilities from Campbell Road. Campbell Road is not a town road. The property is located in Noank, and has been approved by Noank Zoning.

Two requests for waivers were submitted; one for Section 4.7 (1) a) (providing sidewalks) and one for Section 4.8 (1) (underground utilities) specific to waiving the requirement to underground the utilities to the existing house on Lot 1. Scanlon stated there are no sidewalks on MacDonald Court or Campbell Road. He stated the partially paved and narrow unimproved condition of Campbell Road would be a problem for sidewalk installation. The applicant is not intending to improve Campbell Road to the extent of requesting it be accepted as a Town road. Mr. Scanlon stated that any work the applicant does to Campbell Road would be an improvement. The applicant intends to install underground utilities to the new lot but is requesting a waiver for placing the utilities to the existing house underground.

The new lot will be a rear lot and will tie into an existing water line on Campbell Road. New municipal sewer will be installed on Campbell Road. All utilities to the rear lot will be underground.

Staff reviewed the project with the commission. Campbell Road is listed on the "Unapproved Roads in Groton" Report dated August 1989 as an unaccepted road on the inactive road list. It is not a priority for acceptance by the Town. The applicant intends to patch Campbell Road only where it is disturbed. Staff stated the applicant would have to pave the section that is above a 10% grade. Staff has concerns over who has the right to give access to Campbell Road and who is responsible for maintaining and repairing Campbell Road. Staff reviewed the request for a waiver to install sidewalks. There are no sidewalks on MacDonald Court. Route 215 (Elm Street) is highlighted in the Trails plan as an area targeted for sidewalks, however the proposed subdivision has no frontage on Route 215. General discussion followed on the construction of sidewalks.

Mr. Scanlon addressed the issues of the staff and entered exhibits for Planning Commission review. He submitted a subdivision plan from 1890 that is on record at the Town Hall, which includes the subject property. Scanlon also submitted a copy of a deed containing a description of the 1890 subdivision plat. The third exhibit is a copy of the 1890 subdivision map with the layout of development in Noank that exists today drawn in red. He argued that the deed granted right of passage over Campbell Road.

Staff stated that there was a coastal site plan submitted with this application. General discussion followed on 5.4(1) of the Subdivision Regulations pertaining to the issuance of building permits. Staff stated building permits will not be issued until the apron and property markers are put in unless the applicant requested a waiver of this regulation. Scanlon stated that it would not be a problem to install property markers. He referred the Commission to the photo that he submitted. The intersection is in good shape and the apron that is already there is also in good shape. He stated that the regrading of Campbell Road would be done upon sewer installation. Staff stated they would need a bond for the public improvements.

Gibson asked why MacDonald Court was not used for driveway access to both lots. Mr. Scanlon reported they would have to install a driveway of over 140' between the two lots. He stated that this was impractical and a better alternative would be to create access to Campbell Road. Gibson asked if the deed gave the applicant the rights to Campbell Road. Mr. Scanlon explained that yes it did, and that the newer deeds did not extinguish this right, therefore it still exists.

Pritchard requested that staff check with the Town Attorney regarding the right-of-way and maintenance responsibilities of Campbell Road. Pritchard asked how many residents use Campbell Road for access to MacDonald Court. Mr. Scanlon stated that he believed two homes have access. Mr. Scanlon asked Ms. Oat, who owns a home accessed off of Campbell Road, and she stated there were two other residents who use Campbell Road.

Pritchard asked who would maintain Campbell Road. Scanlon replied he did not know. He presumed the people who use it would maintain it. Staff replied that the residents who access Campbell Road should get together and decide this issue and agree between them on how to maintain this road. Pritchard asked if the Fire Marshall had signed off and staff replied he had.

Roper asked staff to explain the potential of using MacDonald Court as an access point. Staff noted that although it is easier to create access to a Town approved road, the applicant does have rights to Campbell Road as their frontage lays on it. There is a process for residents to get together and upgrade this road to a Town standard. This is not a responsibility of this Commission to require.

Roper asked staff if there was a potential to link Campbell Road and MacDonald Court or if there was a potential for future development on Campbell Road. Staff stated that other vacant parcels with potential for access from Campbell have better access provided from a previous subdivision on Groton Long Point Road. Linking Campbell Road and MacDonald Court did not enhance the potential for future development. Staff reiterated that the applicant meets all the Noank zoning regulations and the Noank Zoning Official has approved this subdivision.

Kane joined Planning Commission meeting at 7:55 p.m.

Staff discussed alternatives to possibly create an access from MacDonald Court.

Steinfeld inquired if there would be improvements made to the property to allow emergency access from MacDonald Court. Staff stated the Noank Fire Marshall did not see the need for this.

Steinfeld asked about the extent of grading on Campbell Road and asked if there would be a retaining wall or grading rights required. Mr. Scanlon referred to page 2 of the subdivision plan showing all the grading changes and stated he doesn't anticipate any retaining walls as they are actually lowering the grade of this road. Steinfeld asked if either lot met minimum square footage for Noank zoning regulations or was there extra footage on lots. Mr. Scanlon pointed out that there was extra footage.

Munn stated he is in favor of a waiver of subdivision regulation 5.4(1). Munn read from subdivision regulation 4.3(1) c) i) and asked how the proposal met this regulation requiring access to a Town accepted road. Mr. Scanlon responded that they are providing frontage onto MacDonald Court, an accepted road, and access by means of Campbell Road to an accepted Town Road, Route 215. Staff responded that the regulation is not clear and staff would review it, but it doesn't appear to preclude the applicant from having vehicular access from an unaccepted street if he has interest in that paper street. Staff responded they would review pertinent sections of the subdivision regulations before next meeting.

Chairman Sherrard asked where the closest utility pole was located and Mr. Scanlon pointed this out on the plan. Chairman Sherrard asked if this road could handle oil trucks and UPS trucks, etc. Mr. Scanlon responded that anything the applicant does will be better than what is there now. Oil trucks and UPS can access the existing homes now.

Staff explained that although the Commission can require that Campbell Road be brought up to a standard, the Town does not want to take the road into the town road inventory. Staff explained that the Commission could require the driveway be widened to the Town standard for unaccepted road width of 15 feet.

Chairman Sherrard opened up the hearing to the public and asked for comments and/or questions.

Judy Oat, owner of the house at the end of Campbell Road, expressed concern with her ability to continue to access her property during construction.

Chairman Sherrard asked Ms. Oat to point out other homes accessing Campbell Road. Ms. Oat pointed out two other residents, who sometimes use Campbell Road to access their homes, but have primary access from another Town accepted road.

Joan Oat, currently residing in Judy Oat's home, was concerned about limited access to Judy Oat's house during construction. She asked if a large, old Maple on the Brown property would be removed or disturbed. Ms. Oat also expressed concern over who is responsible for this right-of-way known as Campbell Road. She submitted an email from Greg Hanover, Town Engineer that stated the Town of Groton does not have responsibilities for Campbell Road. She stated she is currently having a title search done to determine who owns the road.

Staff responded that the old right-of-ways, are inevitably the heirs of whomever did the subdivision plan to begin with. As time goes on though, several residents end up with frontage on the road and it becomes the responsibility of all the residents. Staff

stated that the extent of the liability and responsibility for Campbell Road is an issue beyond the scope of this subdivision.

Pritchard asked what the width of Campbell Road Right of Way is. Mr. Scanlon responded there are mere stones on either side and this is what was used to measure it. He stated Campbell Road is 49.5 feet.

Staff stated that they would re-advertise the public hearing to include CAM notice, review documents and deeds submitted by the applicant supporting the right to pass on Campbell Road and review access over Campbell Road during construction.

MOTION: To continue the public hearing for the Brown Subdivision, MacDonald Court (2 lots) to the next Planning Commission meeting.

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

III. APPROVAL OF THE MINUTES OF October 12, 2004

MOTION: To approve the minutes of the October 12, 2004, Planning Commission meeting with the following modifications:

1. Page 1, under PUBLIC HEARINGS, 7th line in 1st paragraph, replace “cul-de-sac” with “entrance”.
2. Page 2, 1st paragraph, insert “the” before “original”, “southern” and “southern” in the 1st and 2nd sentence.
3. Insert on page 4, under SUBDIVISIONS, after 1., “MOTION: To continue Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots) to the next meeting on October 26, 2004. Motion made by Steinfeld, seconded by Roper, so voted unanimously.”
4. Replace “Roper” with “Chairman Sherrard” on page 5, after 4., under MOTION.
5. Page 6, 5th paragraph, insert “into the eastern entrance” after “permitted”.
6. Page 7, 1st paragraph, insert “the” before “car wash”.
7. Page 7, sentence before 3., replace “Roper” with “Chairman Sherrard”.
8. Page 8, after 1., “Motion made by Chairman Sherrard” not “Roper”.
9. Page 10, under NEW BUSINESS, remove “with staff” in 2nd sentence under 1.

Motion made by Steinfeld, seconded by Gibson, passed 4 in favor, one abstention, Pritchard.

IV. PUBLIC COMMUNICATIONS

Roper submitted a flyer from the CT Trust for Historic Preservation noting a special presentation: A Field Guide to Sprawl.

Roper reported that the Committee Chairpersons meeting for October has been postponed.

V. SUBDIVISIONS

1. Brown Subdivision, MacDonald Court/Campbell Road (2 lots) continued Public Hearing to next meeting and will re-advertise legal ad to include CAM.
2. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue (15 lots).

Chairman Sherrard asked staff to present possible alternatives that would address issues regarding the amount and location of the open space and development free area that were raised by the Commission.

Staff reviewed possible layouts for the project if the development free area was imposed at 100 feet and at 75 feet on an overlay of the site plan. Lots 6, 8, 10, 12 and 14 as shown on the proposed plans would be significantly impacted.

Staff explained that the acoustical issues remain. Imposing the development free area was one alternative that would reduce the impact of the noise by eliminating the lots most effected. No other alternatives to attenuate the noise from I-95 on the proposed houses had been presented by the applicant.

Staff is also proposing that ten percent of the property be set aside for Open Space. Staff presented an alternative layout for the open space at the required 10% of on an overlay of the site plan. Staff also stated that the applicant might consider constructing a pedestrian path connecting this open space to the adjoining existing Town owned Open Space.

Roper asked that the open space be reshaped and moved farther East towards the bulb end of the cul-de-sac to allow for additional space for the proposed lots.

Steinfeld asked if the 100-foot buffer zone could be stripped of trees.

Staff responded that they would need to research whether the Commission can stipulate not to strip the buffer zone of existing vegetation. General discussion followed on who would own the buffer area. Staff stated that it could be included as part of one or more of the proposed building lots or it could be deeded to the Town of Groton.

Staff recommended that a maintenance easement for the retaining walls be required for any portion(s) of the retaining walls that lie outside the Town right-of-way.

Staff explained that the applicant has stated, on the record, that the existing driveway for 180 Pamela Avenue would be relocated by the applicant at no cost to the owner. The owner, however, is still not willing to allow the driveway to be relocated, according to the applicant. Staff stated that there is not a permit for this driveway and regulations allow the applicant to curb this entrance. Staff has not contacted the owner yet, but will talk with owner before next meeting to discuss this situation.

Chairman Sherrard asked that the staff research the issues and provide the Commission with possible actions they could discuss at the next meeting.

MOTION: To continue subdivision review for Candy Lane Subdivision, corner of Pamela Avenue and Bonnie Circle (15 lots) until the next Planning Commission meeting.

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

3. Hale Subdivision, Cowhill Road (2 lots) – modification. Applicant has withdrawn application.

VI. SITE PLANS - None

Chairman Sherrard called for a recess at 8:55 p.m.

Chairman Sherrard called the meeting to order at 9:01 p.m.

VII. OLD BUSINESS

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

The Commission had no comment.

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

Staff reviewed the potential impact of this amendment on the Town of Groton. They raised the issue of increased density and the traffic pattern generated by the accessory uses. This type of use could occur in the Groton watershed area. The proposed amendment did not include Best Management Practices for environmental protection from the golf course that could have a negative impact on the watershed. Staff explained that the amendment could effect property bordering the Town's sewer avoidance area. There also is a concern that the Town of Ledyard may need to request tying into the Town of Groton's water and sewer lines in the future.

MOTION: The Commission recommends against this regulation change for the following reasons:

1. The increase in density is incompatible with contiguous Groton zoning districts and could have a negative impact on the Groton watershed area or areas in Groton identified as sewer avoidance areas.
2. There are no Best Management Practices (BMP's) or specific environmental protection standards required in the regulations that would ensure protection of the environment. Particular concern was raised regarding the potential for negative environmental impact of golf course development in the Groton watershed area.
3. The Planning Commission feels this proposal could result in inconsistencies with the State and regional Plans of Conservation and Development.

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

3. Zoning Board of Appeals Referral for October 27, 2004 Public Hearing.

The Commission had no comment.

4. 2005 Planning Commission Meeting Schedule

Roper stated that he wanted to discuss meetings running so late. Chairman Sherrard suggested limiting Public Hearings to a specific amount of time. Steinford suggested that this would cause a backlog. Gibson asked if we could limit the time spent by applicants discussing the same issues at every meeting by asking them to summarize their comments rather than reading them in their entirety. Chairman Sherrard would like 3 or 4 commissioners to get together with a member of staff to discuss how to reduce the length of the meetings. Gibson, Pritchard and Roper volunteered for this sub-committee.

MOTION: To approve the 2005 Planning Commission Meeting Schedule and to set-up a sub-committee of Gibson, Pritchard and Roper to review the public hearing practices of Planning Commission meetings and report back by the December Planning Commission meeting.

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

Staff requested Commission to move agenda item #2 under NEW BUSINESS to be heard at this point.

MOTION: To move agenda item #2 under NEW BUSINESS to be heard at this time.

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

5. Preliminary Subdivision Plan Review, Allyn Street/Pequot Avenue (2 lots)

Mike Scanlon of DiCesare Bentley Engineers, representing the applicant, explained to commission that the original subdivision submitted was a 4-lot proposal. He submitted an aerial photograph to commission for review. Due to the discovery of substantial wetlands on the property, the new proposal is now for a 2-lot subdivision with one rear and one front lot both accessing one driveway. The existing driveway to the front lot will be moved to the other side of the property and the applicant will rebuild his garage. Mr. Scanlon explained that the reason for this preliminary review is that during the Commission meeting for the 4-lot subdivision, the Commission requested over 500 feet of sidewalk along Allyn Street. The applicant wanted to know if the Commission would still require 500 feet of sidewalk or would they consider significantly reducing that amount to no more than 150 feet.

Munn asked if anymore development was likely to occur across Allyn Street. Mr. Scanlon stated that there is no access and the tax assessor lists the lot as non-buildable.

Steinford discussed reducing the amount of sidewalk. Roper declared that he met the applicant at the meeting and may do work for him but this would not impact his review of the project. Roper would also consider reducing the length of the sidewalk. He stated he liked the proposal to combine and share the driveway.

Pritchard would like to extend the sidewalk along Allyn Street to some extent. He suggested tying the sidewalk length to the length of frontage on Pequot Road. Chairman Sherrard would like a sidewalk as well, although less than 500 ft.

Staff recommended employing the 100 foot buffer area. Staff stated that according to the regulations, 150' to 200' of sidewalk could be required. Staff stated that the proposed new driveway appears too close to the adjacent driveway. Chairman

Sherrard asked if there would be underground utilities and Mr. Scanlon stated yes there would be.

5. Site Design Award Program Update

Staff stated they have not put together a list as of yet. Staff asked the Commission if three different categories could be established. Staff stated that they would have a planner assigned to this task as soon as possible as the department has been very busy lately. Staff will have a report of progress by the Planning Commission meeting in December. Staff stated they are basing this on completely built properties, not on projects still in the design phase of development.

6. Update to POCD

Chairman Sherrard stated that the Town Planning Department now has the new census data and he would like to discuss a time frame and procedures for updating the 2002 Plan of Conservation and Development.

Staff reported that certain changes over the past few years could require an update to the Plan of Conservation and Development (POCD). Staff reported this could be done in separate stages starting with the Conservation Theme as the first element. Adjustments should be made based on changing issues. Staff suggested holding a special meeting in November to consider possible updates to the POCD. The new Sewer avoidance map needs to be incorporated into the update. Staff suggested that a public hearing could be held in January to receive public input about different elements of the plan. Staff suggested scheduling a meeting for November 16.

Roper stated he would like to see how the Plan of Conservation and Development has been implemented over the past two years. Staff stated that the implementation of recommendations in the plan is occurring and staff will provide an outline of those.

7. Open Space Funding

Chairman Sherrard reported that the Conservation Commission is proceeding with preparing an Open Space Plan. The Town Council's Environmental Committee passed an open space resolution to accomplish the Open Space Plan.

Steinford suggested that farmland be considered as one component of an open space plan. Staff stated that the Town's Environmental Planner is currently working with the Conservation Commission to make sure the Plan of Conservation and Development considers the latest open space plan recommendations. Roper suggested that the issue of the purchase of development rights be reviewed.

VIII. NEW BUSINESS

1. Report of Commission

Roper reported that the Mystic Shuttle Committee has been meeting regularly and they are in need of finding more funding resources. The committee is also looking at new routes in Noank and Stonington.

Roper reported that Stonington moved to drop the TEA-21 grant for the transportation study. Groton and the Mystic Cooperative Task Force intervened and were successful in keeping the grant.

Roper stated that the Environmental Impact Study for Routes 2, 2-A and 32 has been released. He stated that he does not believe the recommendations are in the best interest of the towns.

Roper also reported that he was recently elected as a new co-chairperson for the SCCOG Transportation Investment Committee, formed to give recommendations to the Transportation Strategy Board.

2. Referral from Town of Stonington for November 16, 2004 Public Hearing.

MOTION: To table the referral for the Town of Stonington Public Hearing until the next meeting.

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

3. New Applications:

- a. Mount Kineo Subdivision, Route 1 (4 lots)
- b. Boulder Heights Subdivision, Colver Avenue – modification
- c. Stop & Shop, 220 Route 12, Site Plan

IX. REPORT OF CHAIRMAN

Sherrard stated that he testified on behalf of the Open Space Resolution in front of the Council's Environmental Committee. He stated the Big Y opened on October 21, 2004. Steinfeld approved of the parking lot. Sherrard mentioned that the Commission typically holds the Holiday Party at the December meeting and asked that the agenda be kept light for that night.

X. REPORT OF STAFF

1. World Town Planning Day

Staff reported that November 8th is World Town Planning Day. The Planning and Development Department will be hanging up posters and serving refreshments at the Town Hall Annex for the general public. Staff reported they are in the process of trying to invite high school students to come and visit as well. The event is sponsored by the American Planning Association. A proclamation will be prepared and presented at the November 3, 2004 Council meeting recognizing the work of all planning related commissions, agencies and staff. Staff is inviting the press to visit during the day. Staff invited the commissioners to stop in on November 8th.

The State is doing a SCORP study. The State is requesting contact names from all individual Towns in Connecticut to receive periodic updates on all recreational facilities. According to the State, these will be posted on a separate web page through a link devoted to each of Connecticut's towns.

Staff requested that the commissioners read the GOSA web site, as a lot of information posted there is out of context. The Commission needs to be aware of this situation.

Staff noted that Stonington has since withdrawn that request to rescind the grant for the Transportation Study and thanked Roper for his support and the support of the Mystic Cooperative Task Force.

XI. ADJOURNMENT

Motion to adjourn at 10:21 p.m. made by Roper, seconded by Steinfeld so voted unanimously.

Respectfully submitted,

Margil Steinfeld