

PLANNING COMMISSION
NOVEMBER 9, 2004 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Sherrard opened with roll call at 7:04 p.m.

Chairman Sherrard appointed Munn to vote for Gibson

II. PUBLIC HEARINGS

1. Brown Subdivision, MacDonald Court (2 lots)

Chairman Sherrard opened the public hearing at 7:05 p.m.

Secretary Steinfeld read the Notice of Public Hearing.

Michael Scanlon of DiCesare-Bentley Engineers, representing the applicant, Timothy Brown, presented the proposed subdivision. Scanlon stated that the plans are consistent with CAM. He presented a letter from DOT regarding the encroachment permit. Mr. Scanlon stated that a notation would be added to the plan stating that the contractor will maintain access to Campbell Road during construction. Scanlon responded to the Town Attorney's question regarding the right to pass and right to repair Campbell Road. He stated that the land that Campbell Road is on was part of a larger parcel owned by Ms. Kathryn Haley the original subdivider. He presented a handwritten copy of part of the original deed located in volume 27, page 420.

Scanlon questioned the need for a waiver of 5.4 (1) Issuance of Permits as recommended by staff. General discussion followed. Scanlon submitted a request for a waiver of 5.4 (1).

Staff reviewed all outstanding issues including the request for waivers for Sections 4.7 (1) a), provision of sidewalks and Section 4.8 (1), underground utilities. Additional issues raised by staff include the question of the extent of the paving planned on Campbell Road.

Pritchard asked what road construction requirements should be met so that Campbell Road could be accepted as a Town road. Staff responded that one of the requirements is the road has to be a width of 15 feet and also that the residents of Campbell Road would need to petition the Town to have it accepted. Staff does not recommend this action. Pritchard asked if a cul-de-sac would be required. Staff stated that the Department of Public Works might require some form of cul-de-sac or turn among other items.

Roper asked what condition Campbell Road would be in when construction is complete. Mr. Scanlon responded that they are not proposing to improve Campbell Road in its entirety, only install a sanitary sewer line, repave the apron and pave the re-graded portion of the road. They have no intention to bring the road to town road standards. The work they are doing will improve Campbell Road.

General discussion followed regarding the staff recommendation that Campbell Road be paved ten feet wide from Route 215 to the rear property line of the proposed new lot.

Steinford expressed concern regarding access on Campbell Road for emergency vehicles. Staff responded that the Fire Marshall has sent back his comments and states he can access back lot from Macdonald Court.

Munn asked staff if access would be permitted to all residents off of Campbell Road during construction. Staff stated that there would be a notation on plans stating this as a condition.

Ms. Joan Oat, of Campbell Road, asked if Campbell Road was a right-of-way or unaccepted Town road. Staff explained that it was platted on maps etc., but it was never accepted as a Town road.

Mr. Scanlon responded that all roads are rights-of-way, but not all rights-of-way are roads. Ms. Oat has maintained Campbell Road because she may have been the only resident using it. Now that there is another resident, maintenance of this road should be shared.

MOTION: To close the public hearing for the Brown Subdivision, MacDonald Court (2 lots).

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

2. East Farm Subdivision, 500 Noank Road (6 lots) (CAM)

Secretary Steinford read the Notice of Public Hearing.

Arthur Hayward, of Hayward Engineers, presented for the applicants. Mr. Hayward informed the commission that the Inland Wetlands Commission has this subdivision on its agenda for November 17, 2004. John and Amy Hainline are the owners of both parcels of land. The wetlands are a mix of fresh and tidal water on property. The applicant is not proposing to fill any of the wetlands. The utilities will all be underground to serve these proposed homes. Inland Wetlands regulations require a 50 foot buffer from wetlands, and that is met on this proposed subdivision. Water lines will have to be connected and installed underground to reach lots. He showed the access to the open space, which is reduced from the required 50'. Lots 3 and 4 would have to grant an easement to the Town for access. A waiver of the 50 feet required to access open space has been submitted. There is a sidewalk along Noank Road. The applicant will replace the sidewalk and cape cod curbing. He stated that the proposed house location on Lot 5 would have to be adjusted to remove it from the wetland buffer.

Staff stated they received the revised plans the day of the meeting and therefore were not able to review and comment.

Munn asked if internal sidewalks would be built. Mr. Hayward stated they would not as they would require filling wetlands.

Kane asked if signs would be installed to show public access to the open space. Mr. Hayward stated there wasn't any parking, but commission and/or staff certainly could require it.

Steinford asked if open space would be conveyed to Town. Staff stated that it should be dedicated to Town as per the Subdivision Regulations.

Roper asked if maybe a non-maintenance bench could be put down near the wetlands and if a trail was possible. Mr. Hayward stated that it was actually almost impassable due to briars and wet soils.

Chairman Sherrard asked staff if this has a CAM application attached to it. Staff stated there was a CAM and it was advertised.

MOTION: To continue the public hearing for the East Farm Subdivision, 500 Noank Road (6 lots) to December 14, 2004.

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

3. Hickey Subdivision, 268 Briar Hill Road (5 lots)

Staff stated they withdrew their application.

III. APPROVAL OF THE MINUTES OF October 26, 2004

MOTION: To approve the minutes of the October 26, 2004, Planning Commission meeting with the following modifications:

1. Page 1, under ROLL CALL, change line under Chairman Sherrard opened with roll call to read "Five members were established so a quorum was met".
2. Page 2, bottom of page, move line "Kane joined Planning Commission meeting at 7:55 p.m. to Page 1, under "Five members were...".
3. Page 4, 2nd paragraph, change "mere stones" to "merestones".
4. Page 4, last paragraph, change "Roper reported" to "Chairman Sherrard reported".
5. Page 5, under SUBDIVISIONS, 6th paragraph, delete "of" after 10%.
6. Page 7, 1st paragraph after #5, insert "the" before "commission" in 2nd line.
7. Page 7, 1st paragraph after #5, insert "the" before "commission" in 3rd line.
8. Page 7, next to last paragraph, change "Pequot Road" to "Pequot Avenue".
9. Page 9, 1st paragraph, change "Task Force" to "Task Group".
10. Page 9, 3rd paragraph, delete "SCCOG" and change "Transportation Investment Committee" to "Transportation Vestment I395 Area Advisement Committee".

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

IV. PUBLIC COMMUNICATIONS

Staff stated that there are two applicants here tonight who would like to be included on the agenda; The Ledges - East, on Drozdyck Drive, requesting a

preliminary review and informal direction, and Randall's Wharf on 17 Water Street, for approval of a CAM application.

MOTION: To add The Ledges-East and Randall's Wharf CAM application to the agenda under site plans for consideration by the Planning Commission.

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

V. SUBDIVISIONS

1. Brown Subdivision, MacDonald Court/Campbell Road (2 lots).

MOTION: To approve a waiver of Section 5.4(1) to permit issuance of a building permit prior to completion of public improvements provided all improvements are completed prior to issuance of the Certificate of Occupancy for Lot 2. The commission notes that this meets 1.10 of the Subdivision Regulations.

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

MOTION: To approve, for the Brown Subdivision, a waiver of section 4.8 (1) to allow the overhead utility connection to the existing single family home to remain for the following reasons:

1. Home was built prior to Subdivision Regulations
2. The request meets the requirements of section 1.10 of the Subdivision Regulations

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

MOTION: To approve the Brown subdivision, 49 MacDonald Court with the following modifications:

1. Campbell Rd. will be paved to a width of no less than 15 feet or the width of road disturbance, whichever is more, from its intersection with Elm St (Rt. 215) to the western property line of the Brown property and detail for the pavement shall be included on the plan.
2. A note shall be placed on the plan guaranteeing access over Campbell Road for adjacent property owners at all times during the construction process.
3. Technical items raised by staff shall be addressed.

The Commission notes that Campbell Road is not a Town accepted road and that there are no sidewalks along MacDonald Court. Therefore, there are no frontage or off-site sidewalks required for this subdivision.

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

MOTION: To approve the CAM application for 49 MacDonald Court for the Brown Subdivision because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts with the following modifications:

1. That portion of Campbell rd that exceeds 10% grade shall be maintained to the standard in the plan.

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

2. East Farm Subdivision, 500 Noank Road (6 lots).

To be continued to the next Planning Commission meeting on December 14.

3. Hickey Subdivision, 268 Briar Hill Road (5 lots).

Applicant has withdrawn application.

4. Candy Lane Subdivision, Bonnie Circle/Pamela Avenue

Staff reviewed two options for open space configuration with the Planning Commission. The Commission discussed requiring the 100' buffer area to remain wooded.

Steinford expressed concern about the possible liability for the Town of Groton if the applicant constructs curbing across the driveway to 180 Pamela Avenue. General discussion followed about alternatives to the proposed subdivision layout.

Chairman Sherrard suspended the regular order of business to consider agenda item VII 3, Update to POCD – Schedule a Planning Commission Special Meeting.

MOTION: To schedule a Special Meeting of the Planning Commission for Thursday, November 18, 2004 at a time and place to be determined.

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

MOTION: To table the proposed Candy Lane Subdivision, corner of Pamela Avenue and Bonnie Circle until the Special Meeting of the Planning Commission to be held November 18, 2004.

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

5. Mount Kineo Subdivision, Route 1 (4 lots) – Schedule a public hearing.

MOTION: To schedule a public hearing for the next regularly scheduled Planning Commission meeting on December 14, 2004.

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

6. Boulder Heights Subdivision, Colver Avenue – modification.

Attorney O'Brien presented for the applicant. He stated that this is a request to modify the original subdivision approval regarding a bond requirement spelled out in General Note # 10 on plan.

Attorney O'Brien stated that the Planning Commission approved the resubdivision plan in March 2004. The connector road to Drozdyk Drive was included in the resubdivision plan. Due to financing requirements the applicant is requesting that

a portion of the public improvement bond be allowed to be posted prior to site plan approval instead of prior to filing.

Staff agrees that deferring this bond is an acceptable modification.

MOTION: To approve a modification to the Boulder Heights Resubdivision plan to revise general note 10 to read “A public improvement bond that includes the costs of modification of the Colver Avenue cul-de-sac including drainage and sidewalk, and installation of lot monumentation shall be posted with the Planning Department prior to the recording of plans in land records.”

The Planning Commission notes that it will require a performance bond to ensure the completion of the driveway connection from Colver Avenue to the property to the east, including the bridge and associated sidewalks, drainage, excavation and grading prior to the filing of the site plan in the land records of the Town Clerk

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

VI. SITE PLANS

1. Randall’s Wharf, 17 Water Street

Todd Brady, one of the owners of Randall’s Wharf at 17 Water Street, presented the CAM application. An Administrative Site Plan and a CAM application were submitted. This project involves moving a dumpster and associated enclosure from a location on property owned by Randall’s Wharf across a parking lot to land owned by the Mystic Art Center. The dumpster move improves the appearance of the residential area and makes the dumpster more accessible for the garbage removal company.

Pritchard asked if the lease for this property is long term. Mr. Brady stated that they have worked out an arrangement with the Mystic Art Center where they can swap parking spaces if this becomes an issue. Roper asked if recyclables are addressed. Mr. Brady stated that they are included in the enclosure. Mr. Brady stated he already has approval from the Historic Commission.

MOTION: To approve the CAM application Mystic Art Association/Randall’s Wharf, 17 Water Street, Mystic because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts and causes no unacceptable adverse impacts.

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

2. The Ledges – East, Drozdyck Drive – Preliminary Proposed Site Plan

Hank Steinford excused himself from the meeting.

Gary Craig and Jim Psacki of Groton Multifamily LLC oriented the commission and submitted a preliminary proposed plot plan. The preliminary plan proposed three complexes of buildings that contain some buildings that lie outside 110-degree radius from the center of the complex.

Staff reviewed the project history with the Commission and the regulation that requires all buildings fall within 110-degree radius. The intent of the regulation is to limit construction of large barracks type buildings from being constructed.

Chairman Sherrard asked that the 110' radius be shown on the plans when this plan is formally presented to the commission. Staff explained that this is a courtyard concept with a pool in the center. Staff felt there should be some breaks in the building rather than have it be closed off and fort-like. Staff liked the fact that it provided underground parking. These buildings will be four stories with one story underground parking. There are mature tree plantings on two sides of this proposed development.

Chairman Sherrard asked what is the elevation of this proposed complex. Mr. Craig stated the base of the new building would be at the same level the land is now. Chairman Sherrard asked how many units are proposed. Craig stated there are 113 units.

Roper stated his concern with the mass and length of the fronts of the buildings along Rock Hill Road.

Chairman Sherrard said that the commission wants to understand the standard of a radius of 110 feet and why it was set at that standard in the '80s.

Roper asked if the roofs of the buildings were in line or staggered and Mr. Psacki replied they are staggered.

Chairman Sherrard asked that this item be included on the agenda for December 14, 2004 for additional review and that the staff research the regulation and Commission members visit the site.

VII. OLD BUSINESS

Steinfeld rejoined the meeting.

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

The Commission had no comment.

2. 2005 Planning Commission Meeting Schedule

Chairman Sherrard noted that the November meeting date in 2005 is technically an Election Day. The commission would like it moved to the 15th.

MOTION: To change the date of the November 2005 meeting on the 2005 Planning Commission Meeting Schedule from November 8th to November 15th.

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

VIII. NEW BUSINESS

1. Report of Commission

Steinfeld, Roper, Gibson attended World Planning Day at the Planning Department. The Chairman Meeting has not been rescheduled.

2. ZBA Referrals for December 8, 2004 Public Hearings.

The Commission had no comment.

3. New Applications:

- a. Neal Subdivision, 119 New London Road (3 lots)

IX. REPORT OF CHAIRMAN

No report of Chairman

X. REPORT OF STAFF

Staff suggested to Stonington that they review the DOT budget for the Multi-Modal study. In doing so, Stonington has discovered they have a budget of \$50,000 and the study has been resurrected.

The Streetscape project right-of-way agreement is signed. Staff will start negotiation of rights of way and begin the final review of the streetscape plan.

Staff worked on a regulation for “fees in lieu of open space” for Groton City and will be bringing a similar regulation amendment to the Town Planning Commission to consider as well.

Staff thanked the Commission for their support for World Town Planning Day and informed the Commission that more events would be planned for 2005.

Roper stated the subcommittee established to discuss public hearing procedures had met and would report to the Commission at the next meeting.

XI. ADJOURNMENT

Motion to adjourn at 10:45 p.m. made by Steinfeld, seconded by Roper so voted unanimously.

Respectfully submitted,

Margil Steinfeld