

PLANNING COMMISSION
MARCH 22, 2005 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Kane, Pritchard, Roper, Munn, and Steinfeld

Staff: Discordia, Goodrich, and Glemboski

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

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

Acting Chairman Steinfeld opened the public hearings at 7:45 p.m.

II. PUBLIC HEARINGS

1. Emerald Estates at Mystic Subdivision, Lambtown Road (7 lots)

Roper read the legal ad for the public hearing.

Peter Gardner, licensed land surveyor of Dieter and Gardner, represented the applicant. This proposal is for a 7-lot subdivision with single family homes on a short cul-de-sac in a RU-40 zone. This subdivision has already received wetland approval. The proposed subdivision of 13.16 acres has 1.7 acres of open space northwest of Lambtown Road dedicated to the Town, and a conservation easement placed on the west side of lots 1, 3, and 5. There will be on-site wells and on-site septic systems. Mr. Gardner stated they are proposing sidewalks on the left-hand side of the road up to the cul-de-sac. At the suggestion of DPW the first 300' of road will not have curbing to direct drainage of water into the open space parcel.

This proposed subdivision would have a new street, "Patrick's Court". The parcel was created from portions of two adjacent pieces of property that are 48.49 acres and 38.07 acres respectively. The area is currently wooded and vacant.

Mr. Gardner stated that there is a sidewalk waiver submitted for one side of the cul-de-sac. There is nothing shown in the POCD that depicts this area as a priority for sidewalks.

Staff explained that this subdivision is unique as it essentially acts like a dry island in the middle of significant swamp and wetlands, hence there is a significant conservation easement area proposed on the plans to serve as a protective buffer. This site will have on-site septic and wells. Staff explained that Lambtown Road has to be widened slightly at the intersection with the new cul-de-sac to meet Town Road Standards and land for that purpose is shown on the plans.

Staff stated that this project is within the Water Resource Protection District.

Munn inquired about drainage. Mr. Gardner showed how a portion of the site would discharge to the stormceptors from the center point of the cul-de-sac, as it is the highest point in the road. Munn asked what the IWA flags represent, buffer or wetlands. Mr. Gardner stated they are markers for wetlands.

Kane asked if there was any chance of flooding and Mr. Gardner stated there wasn't. Kane asked if the reconfiguration of Lot 2 to give land to an adjacent parcel owned by Glynn will impact the owners of that parcel, Gardner stated no. The lot is non-conforming and the additional land brings it more into compliance with zoning.

Roper asked if school buses will route through this subdivision and Mr. Gardner stated he didn't know. Staff stated the bus would probably pick up children at the end of the road. Roper asked about a bus shelter and staff stated that the Public Works Department doesn't want to maintain bus shelters and it also may block the sight line. Roper asked that the conservation easement area be adequately delineated so it doesn't become a dumping ground.

Lots 1 and 2 are restricted to 3 bedroom homes because of the area needed for septic systems. Roper suggested this be noted on their deeds, as the potential homeowner may not be aware they can't add bedrooms to their new homes. The applicant stated he could do this, but septic systems are improving all the time and these homeowners may be capable of adding a bedroom or two in the future.

Pritchard asked which lots would have a shared driveway. Mr. Gardner stated lots 5 and 7.

Acting Chairman Steinford asked for clarification of drainage. Mr. Gardner demonstrated on plans the drainage and also stated that this was planned out by the Department of Public Works. Acting Chairman Steinford asked if this would be a Town owned street and Mr. Gardner stated that it would be.

Roper asked if these lots would support duplexes. Pritchard stated that this is a zoning issue and the Planning Commission cannot stipulate zoning issues. Staff stated that the regulations for this zone state 30,000 square feet per dwelling unit and two lots are 80,000 square feet. Mr. Gardner stated that the plans will state these lots can't be further subdivided.

Acting Chairman Steinford asked for comments from the public and there were none.

MOTION: To close the public hearing for Emerald Estates at Mystic Subdivision, Lambtown Road (7 lots).

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

Acting Chairman Steinford called for a recess at 8:20 p.m.

The Commission reconvened at 8:25 p.m.

2. Great Brook Subdivision, Gales Ferry and Daboll Road, (54 lots) - continuation

Clint Brown, for DiCesare-Bentley Engineers at 100 Fort Hill Road, presented for the applicant. The applicant is working diligently to come to an agreement with Groton Open Space Association (GOSA) and the Seaport Community Church.

Mr. Brown noted that there were some questions on the water supply to the subdivision at the last meeting and that some of the lots would need residential booster systems. Mr. Brown handed out a pamphlet from the City of Groton to the Commission regarding water booster systems. He stated there are approximately 100 installations of

these systems in Groton. There are some on Route 117 in the Town and on Bridge Street in the City. They are owned by the occupant of the residence and not the utility company.

Mr. Brown stated that the water quality was a question along Gales Ferry Road. They took a look at files at Ledge Light Health District as to the cause, but couldn't find anything in the records to discern what the problem might have been. Mr. Brown stated that public water will be brought within 1,000 feet of the properties on Gales Ferry Road, so in the future if these homes run into another problem and need access to public water they can hook up to the public water lines.

Mr. Brown stated there were concerns with GOSA regarding grading on lots 31, 32 and 33. Mr. Brown demonstrated on the exhibit how Road "A" needs a considerable amount of grading on the front of these lots. A run-off filter bern will be placed in front of the lots to filter the run-off and not allow it to run into the road and into the drainage system.

Regarding the Gales Ferry Road sidewalk, the applicant has proposed bringing the sidewalk further down the road and tying it into the cul-de-sac. Mr. Brown stated that the extending sidewalk along Gales Ferry Road was requested by the Commission at the last meeting. Mr. Brown distributed a plan to the Commission showing sidewalks extending down Gales Ferry Road. He pointed out the considerable grading that must be done to accomplish this. Mr. Brown reminded the Commission of the considerable miles of trails on this site.

Acting Chairman Steinford asked for any public comments.

Adam Spreccace, of 182 Gales Ferry Road, submitted a copy of a letter to the Commission. Mr. Spreccace read the letter to the Commission. Mr. Spreccace asked if his water is made unfit for consumption during this development who will pay to have his home hooked up to the public water system and also will he need a booster pump and will he have to pay for this as well.

Attorney Mark Kepple, of 804 Stonington Road in Stonington, represented the intervenor, GOSA. Mr. Kepple stated that the intervenor would like this whole space to be preserved as protected open space, but they have engaged in many hours of discussion with the applicant to develop a plan while addressing vital concerns with the applicant. Mr. Kepple admitted that the developer has gone above and beyond what is required by the Town's current subdivision regulations to protect these wetlands. The intervenor has asked the developer to reduce and reconfigure the number of lots from 54 to 51. By eliminating lots 35, 44, and 45 and reconfiguring others, this will increase the buffer between wetlands and septic systems. Mr. Kepple stated that one of the main concerns of the intervenor is water quality and how can it be protected. He also suggested a homeowners association to establish a collective consciousness to promote this as an environmentally sensitive subdivision.

Mr. Kepple stated he has solicited the City of Groton as to ownership of the reservoir and Great Brook. He stated they have met with their director and members of staff to try to take this collaborative a step further. The City has taken a keen interest in owning the adjoining land as open space. Mr. Kepple stated he didn't have a viable agreement for the Commission as of yet but would have one in a few weeks.

Mr. Kepple stated that the developer has agreed to fund a testing protocol although he does not know the extent of this funding yet. The developer would potentially hire a third party to test in this protected water shed area. Mr. Kepple stated

that hopefully in a couple of weeks they can have an agreement between the parties that can be brought before the Commission to review. He thought this subdivision might set a precedent for future developments.

Sigrun Gadwa, a state licensed biologist for the intervenor, described the intervenors intent to prevent the concentration of nitrate in Great Brook and keep it above healthy levels. She described that setbacks from the wetlands are now 150 feet. Ms. Gadwa also addressed the design of the berm along several front property lines. Ms. Gadwa stated this is a good recommendation for other subdivisions that have steep front lawns. She suggested plantings and trees to absorb runoff and help stop fertilizers from draining off the lawns and how it also reduces icing on sidewalks. Ms. Gadwa is concerned with pesticides getting into Great Brook as pesticides typically can take as long as a year to break down. She stated the intervenors goal is to educate the Commission as to how far setbacks should be to protect these environmentally sensitive subdivisions.

Ms. Gadwa handed out a job description for a third party soil and water inspector and a pesticide table to the Commission. She also submitted a detail for the hillside planting berm and options for the biological control of grubs.

Priscilla Pratt, GOSA, distributed a handout to the Commission of the original site plan showing the portion proposed to be deeded to the City. Ms. Pratt mentioned the concerns in Cheshire, Connecticut with the high rate of pesticides in their drinking water and the possible connection to the higher cancer rate in children there.

Sidney Van Zant, of 3 Front St in Noank, stated she was one of the founders of GOSA in 1963. Ms. Van Zant suggested that there are very few flat, buildable parcels for development in the Town of Groton. She believes there are some tricky developments coming up in light of this. Ms. Van Zant pointed out that the Town is now hooked up to supply water to Ledyard and Montville.

David Pfisterer, representing the Seaport Community Church, stated that they have a draft agreement in place with their attorney and will have it finalized in the next few weeks.

Staff went through and updated the Commission on some of the issues. Staff handed out letters to the Commission. Staff discussed the secondary construction access for Phase II. Staff would like to stipulate that the recreation area be complete by the 27th building permit. Staff noted that the Inland Wetlands Commission conditioned the applicant to come up with a stewardship program, which is more of an educational program rather than an enforcement program. Staff stated that we do not have the regulations in place to enforce monitoring of chemicals such as fertilizers and pesticides and to note this on the subdivision plans. Staff is currently looking at the possibility of developing a set of regulations for watershed areas and development on a regional basis, but doesn't have the ability to enforce that at this point. Staff stated that the Town can not control some of the proposed new owners' behavior, but can enforce the physical aspects of this proposed development. The Town has also some ability to enforce sediment controls under the National Pollution Discharge Elimination System Phase II permit. Staff noted that the stewardship program does need to be submitted before the plans are recorded.

Staff stated that they are reviewing the draft agreements with the Town Attorney to address the issues of enforceability of any monitoring programs for the site.

Roper inquired about Farquahar Park and the open space. Staff stated that 3.5 acres was going to be open space, but the deed was never filed on the adjacent parcel.

MOTION: To continue the Great Brook Subdivision public hearing until the next regularly scheduled Planning Commission Meeting, on April 12, 2005.

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

3. High Street Subdivision, 214, 216 and 218 High Street (3 lots)

Munn recused himself from this public hearing.

Roper read the notice of public hearing. Pat Lafayette, of Development Solutions, represented the applicant. He stated this is a single family house lot on 1.42 acres zoned RS and the applicant is cutting two more lots out of the property. Mr. Lafayette reviewed the location of the new lots with the Commission. The applicant is asking for one waiver to allow the overhead utilities to the existing house to remain.

Pritchard asked about the condition of the existing sidewalk. Staff stated it would be repaired and regraded, as required.

Roper inquired if there was any open space allotted with this subdivision. Mr. Lafayette stated they haven't proposed any, as it is a small subdivision. He stated the open space would only be about 6,100 square feet and in order to access it you would have to take down part of the old stone wall, which is part of the deed. Mr. Lafayette believed it would have a negative impact to take down the stone walls. Staff stated that the Parks and Recreation department expressed no interest in open space at this site. Staff also stated that the walls were beautiful and should remain. Roper stated he would like to see a new concrete sidewalk constructed now.

Kane asked about the location of sidewalks in the area. Mr. Lafayette stated they run from the corner of Academy Lane and down. There aren't any sidewalks across the street from the property. Dave and Jean Evans, the owners of this property, confirmed there are no sidewalk across the street. Staff stated it is currently a bituminous sidewalk and Aquarion Water Company owns the other side of the street.

Pritchard questioned the location in the historic district. Staff responded that the Historic District Commission would weigh in on building plans.

Acting Chairman Steinford asked about cesspools or dry wells. Jean Evans stated that the downstairs apartment is using a cesspool. Ms. Evans stated that the main part of the house is hooked to sewer and the apartments in the existing house have been empty, as they can't be used unless hooked to the sewer lines. Ms. Evans handed out an aerial photo of the property. Mr. Lafayette stated they would crush and fill the cesspool and all properties would be hooked into sewer.

MOTION: To close the public hearing of High Street Subdivision, 214, 216 and 218 High Street (3 lots).

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

Munn reseated on Commission.

II. APPROVAL OF MINUTES of February 22, 2005 and Special Meeting of February 28, 2005

MOTION: To approve the minutes of the February 22, 2005, Planning Commission meeting with the following modifications:

1. Page 1, under PUBLIC HEARINGS, 2nd paragraph from bottom of page, remove “continuous” between “and” and “frontage”.
2. Page 3, under PUBLIC HEARINGS; 3rd paragraph from top of page, remove “and” between “B” and “on” in 2nd sentence.
3. Page 6, under APPROVAL OF MINUTES, remove “MOTION: To approve the minutes of the February 8, 2005 meeting.”.
4. Page 8, under NEW BUSINESS, 1st paragraph, change “passive” to “active”.

Motion made by Roper, seconded by Pritchard, passed 4 in favor, one abstention, Munn.

MOTION: To approve the minutes of the special meeting of February 28, 2005, Planning Commission meeting with the following modifications:

1. Page 1, under ITEMS OF BUSINESS, 1., include the date of the Capital Improvement Draft.

Motion made by Munn, seconded by Pritchard, passed 4 in favor, one abstention, Roper.

IV. PUBLIC COMMUNICATIONS

Roper stated he had a press release regarding the Economic Strategic Plan Meeting for the Commission to review.

Staff stated they received a letter from the State Traffic Commission for Stop & Shop. Staff stated the Traffic Commission would not finalize a permit until the applicant obtains an easement for the traffic signals.

Acting Chairman Steinford asked the public for any communications and there were none.

V. SUBDIVISIONS

1. Emerald Estates at Mystic Subdivision, Lambtown Road (7 lots).

MOTION: To grant the waiver of section 4.7(1) of the Subdivision Regulations regarding required sidewalk improvements for the north side of Patrick’s Court for the following reasons:

1. The request meets the requirements of Section 1.10 of the Subdivision Regulations.
2. The south side of Patrick’s Court will have sidewalks the full length of the road to provide for pedestrian movement and safety.

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

MOTION: To approve the Emerald Estates at Mystic Resubdivision, Lambtown Road (7 lots) subject to the following modifications:

1. End new sidewalk on Patrick's Court at the Lot #7 driveway apron and remove handicapped ramp.
2. Provide sightline profiles along Lambtown Road from Patrick's Court.
3. Revise the Erosion Control Plan to reflect all IWA and staff comments.
4. Technical items as raised by staff shall be addressed.

The Commission notes that the subdivision, Emerald Estates, Lambtown Road, is in conformance with the general requirements of the Water Resource protection district.

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

2. Great Brook Subdivision, Gales Ferry and Daboll Road, (54 lots)

The public hearing for Great Brook Subdivision, Gales Ferry and Daboll Road will be continued until the next regularly scheduled Planning Commission Meeting on April 12, 2005.

3. High Street Subdivision, 214, 216 and 218 High Street (3 lots)

Munn recused himself from the discussion and vote.

MOTION: To approve a waiver of 4.8(1) of the Subdivision Regulations to allow the overhead utility connection to the existing three-family home at 214 High Street to remain for the following reasons:

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

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

MOTION: To approve the High Street Subdivision, 214 High Street, with the following modifications:

1. Technical items raised by staff shall be addressed.

Motion made by Acting Chairman Steinfeld, seconded by Kane, 4 voted in favor, 1 voted against.

MOTION: To approve the CAM application for 214 High Street for the High Street Subdivision because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

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

4. Leonard Drive Subdivision, Tower Avenue (14 industrial lots) (CAM)

Staff reminded the Commission that this 14-lot industrial subdivision was previously approved by the Planning Commission on July 8, 2003, but the subdivision was never recorded. The subdivision was also previously approved on February 25, 2003, and wasn't recorded. An approval from the Inland Wetland Agency was granted on November 21, 2002 for the project and remains active. The subdivision plans remain basically the same since the previous approvals. The revisions that were made were to conform to the modification previously required by vote of the Commission.

MOTION: To grant the waiver of Section 2.3(3) of the Subdivision Regulations regarding holding a public hearing because a public hearing has already been held.

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

MOTION: To grant the waiver of section 4.7(1) of the Subdivision Regulations regarding required sidewalk improvements for the east side of Leonard Drive for the following reasons:

1. The request meets the requirements of Section 1.10 of the Subdivision Regulations.
2. The west side of Leonard Drive will have sidewalks the full length of the road to provide for pedestrian movement and safety.

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

MOTION: To approve the Leonard Drive Subdivision, Tower Avenue subject to the following modifications:

1. Relocate streetlight at 33+80 to 33+40 and add a streetlight at the very end of the cul-de-sac between lots 7 & 8.
2. Technical items as raised by staff shall be addressed.

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

MOTION: To approve the Coastal Area Management application for the Leonard Drive Subdivision, Tower Avenue, because, as modified, 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 Acting Chairman Steinfeld, seconded by Roper, so voted unanimously.

5. Deerfield at Mystic, Pumpkin Hill Road – Request for Public Improvement Bond Release, Phases I & III. 53,950 I, 37,590 III

MOTION: To approve the request for release of the Public Improvement Bond, Phases I and III.

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

6. Mystic Shores Overlook Subdivision, Prospect and Thames Street – Request for Public Improvement Bond Reduction. Reduction to \$22,000 for 10% maintenance bond.

MOTION: To approve the request for public improvement bond reduction to a 10% maintenance bond of \$22,000 for the Mystic Shores Overlook Subdivision, Prospect and Thames Street.

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

VI. SITE PLANS

1. Prestige Park, Flanders Road, Lot 1 – Request for Extension or Action Required.

Staff informed the Commission that the applicant has granted a 30-day extension to review the applications.

MOTION: To approve a 30-day extension for Prestige Park, Flanders Road, Lot 1.

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

2. Prestige Park, Flanders Road, Lot 2 – Request for Extension or Action Required.

MOTION: To approve a 30-day extension for Prestige Park, Flanders Road, Lot 2.

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

3. Boulder Heights/Carriage Park, Colver Avenue (250 units)

Mark Scheinberg, owner, reviewed the history of action on the site.

Steve McDonald, Consulting Engineers, reviewed the project. Mr. McDonald stated that all stormwater detention is underground and will achieve a zero net increase of run off on the property.

Staff informed the Commission that revised plans were just received on Friday and only two members of staff have been able to review them. Staff stated they are still waiting for other departments to comment, therefore a motion cannot be made at this meeting. The applicant has submitted a letter of extension. Staff explained that this is a mix of studio, one bedroom and two bedroom units.

Staff stated that basements were added to each of the buildings for storage and that staff will have to monitor staging and removal of ledge as to protect the wetlands.

Staff noted the walking path and recreation area and additional landscaping on the plans.

Staff stated that a school bus will not come into the development and will pick up all school children at the intersection. The Commission and staff noted that it might be up to a mile walking distance to the bus stop for some children from the furthest proposed building. Staff stated that a phasing plan would be proposed to ensure completion of the road, bridge and recreation center.

Kane suggested the applicant put up bike racks to encourage bike use to help alleviate parking problems.

General discussion followed on connecting the property with the adjacent “The Ledges” property with road and sidewalk connections. Roper suggested linking the walking path to the Recreation Center.

Pritchard asked for the impervious surface calculation for the next meeting.

VII. OLD BUSINESS

1. Discussion of public hearing procedures and guidelines.

Staff and Commission reviewed the revised procedures and guidelines. Discussion continued on distributing Public Hearing Procedures and Guidelines as a handout with the agenda.

Pritchard requested that the document be revised to remove the reference to specific names of applications, so as not to continuously have to edit the document for each public hearing.

Roper asked that “proponents” be inserted in two spots on the front page and Munn suggested that “thru the Chairman” be added to the last sentence of #5.

Roper suggested “that” be changed to “who” in the first paragraph.

Acting Chairman Steinford asked that these changes be incorporated and brought before the Commission at the next meeting so that the absent members may review the procedures as well.

2. Town Council referral of potential land acquisition of the Burrows/Copp property, Military Highway.

Staff’s report to the Town Manager was distributed.

This item was tabled to the next Planning Commission meeting.

VIII. NEW BUSINESS

1. Report of Commission

Roper stated that the Norwich State Hospital development was discussed at the Regional Planning Meeting. Roper questioned, at this meeting, if the other towns would have some input into this, as it will impact surrounding towns with traffic alone. He stated it does not appear that other towns will have input.

Munn attended the February Economic Development Strategic Planning Meeting. The next meeting will be the March 31, 2005 public meeting.

2. ZBA referral for March 23, 2005 Public Hearing.

The Commission had no comment.

IX. REPORT OF CHAIRMAN - None

X. REPORT OF STAFF

1. POCD update – Schedule joint meeting with Conservation Commission

Staff still needs to confirm a date with the Conservation Commission for sometime in April. The Planning Commission discussed a few dates. Pritchard and Munn will be gone the week of April 18th. A potential date of April 14, 2005 was discussed. Staff will confirm with the Conservation Commission and report back at the next Planning Commission meeting.

Roper brought up the Planning Commission's Special Meeting on February 28, 2005 regarding the Capital Improvement Program. He noted that he would have preferred the sidewalk on Drozdyk Drive to be moved up to 2006 instead of 2007.

The Committee of Chairpersons that was scheduled for March 24, 2005 is cancelled and rescheduled for April 21st.

XI. ADJOURNMENT

Motion to adjourn at 11:07 p.m. made by Pritchard, seconded by Kane, so voted unanimously.

Respectfully submitted,

Peter Roper