

PLANNING COMMISSION
APRIL 12, 2005 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Sherrard, Kane, Pritchard, Roper, Munn, and Steinford

Staff: Discordia, Glemboski, Goodrich, and Murphy

Chairman Sherrard opened with roll call at 7:05 p.m.

Chairman Sherrard appointed Munn to sit for vacancy as Commissioner Gibson resigned April 4, 2005.

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

II. PUBLIC HEARINGS

1. Great Brook Resubdivision, Gales Ferry and Daboll Road (54 lots) - continuation

Chairman Sherrard stated that since he missed the last meeting he would only be seated if one of the five commission members was absent.

Timothy Bates, from the Law Firm of Robinson and Cole, represented the applicant, the Downes-Patterson Corporation. Mr. Bates stated he sent a letter to staff requesting a 30-day continuance. He stated that there weren't any new developments as of this time and they anticipate having signed agreements to present to the Commission at the next public hearing.

Staff stated they received a revised letter from the state archaeologist. The letter was entered into the record. Staff will send it to the Commission members in the next agenda packet.

Chairman Sherrard asked if there were any public comments and there were none.

MOTION: To continue the public hearing for Great Brook Resubdivision, Gales Ferry and Daboll Road (54 lots) until the next regularly scheduled meeting on April 26, 2005

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

MOTION: To amend the agenda to move item 3. Windward Passage Subdivision, under PUBLIC HEARINGS, up to 2., before Porter Subdivision.

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

2. Windward Passage Subdivision, 20 Polaris Street and Crystal Lake Road (20 lots) (CAM)

Steinford read the legal ad for the public hearing.

Staff informed the Commission that there was an error in the application's PIN number and a corrected legal ad would need to be run. The applicant requested that the hearing be continued to April 26, 2005.

Chairman Sherrard asked if the public had any comments and there were none.

MOTION: To continue the public hearing of Windward Passage Subdivision, 20 Polaris Street and Crystal Lake Road (20 lots) (CAM) to the next regularly scheduled meeting on April 26, 2005.

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

3. Porter Subdivision, 1560 North Road, (5 lots)

Steinfeld read the legal ad for the public hearing.

Robert Porter, the owner and applicant, reviewed the proposed subdivision plans. Mr. Porter stated that a large portion of the parcel was sold to Groton Utilities to protect the watershed area. He stated the property is zoned RU-40. The parcel borders Route 117 on the west side and it is north of Route 184. There is a burial plot on the property and an existing farmhouse, barn and well. Mr. Porter is requesting a waiver for overhead utilities to the existing house and barn. Lots 1, 4, and 5 will use single driveways. Lots 2 and 3 will share a driveway. Lots 1, 4 and 5 will use public water. All lots will have septic systems, as there are no sewer lines available at this time.

Staff reviewed the conservation easement on Lot 3 with the Commission. Lots 2 and 3 will share a driveway that is proposed in the location of an existing woods path. This driveway will start at a width of 18 feet and narrow to 15 feet to preserve the wetlands buffer. Lot 1 has both an existing well and access to public water. Mr. Porter stated he did not want to abandon the well. Mr. Porter stated he would have water lines installed to all the lots so they can use public water when Groton Utilities upgrades the water pressure. Staff suggested the addition of shade trees to Lot 1. No sidewalk was proposed, as the area is not a priority area.

Staff did not recommend that 10% open space be set aside due to the sale of a portion of the property to Groton Utilities and the substantial conservation easement on Lot 3.

Kane asked how big the parcel of land for the conservation easement is. Mr. Porter stated almost 2 acres.

Steinfeld was concerned with the proposed 15-foot width of the driveway and asked if the fire marshal made any comments. Mr. Porter stated that the fire marshal was only concerned with overhanging limbs, not the width. Steinfeld asked about the surface treatment. Staff stated it will remain gravel.

Roper asked for clarification on the burial plot. Mr. Porter stated that it was the large boulder that had been identified as an unmarked grave during a state road-widening project on Route 117. Roper asked about a trail to Ledyard. Staff stated it wouldn't be possible with this plan, as the public would have to have access through private and Groton Utilities' property. Roper stated he was concerned that waivers were being automatically granted for overhead utilities to existing houses in subdivisions.

Steinfeld asked what the distance was from the back of the lots to the reservoir. Mr. Porter stated it's several thousand feet.

Chairman Sherrard inquired if Ledyard had a comment and staff stated they did not.

Mr. Porter stated he would prefer to use public water, but Groton Utilities will not be putting in a pump station for a few years so it was necessary to use wells at this time.

Staff stated that the LedgeLight Health District comments state the plan meets their requirements and the LedgeLight and Regional Planning Commission letters were read into the record.

Chairman Sherrard asked for public comments and there were none.

MOTION: To close the Porter Subdivision, 1560 North Road, (5 lots)

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

APPROVAL OF MINUTES of March 22, 2005

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

1. Page 1, under PUBLIC HEARINGS, 1st paragraph, 2nd to last sentence, replace "left-hand" with "south".
2. Page 1, under PUBLIC HEARINGS, 1st paragraph, last sentence, replace "direct" with "allow sheet flow".
3. Page 2, 6th paragraph from top of page. Delete 2nd sentence, "Pritchard stated...".
4. Page 3, last paragraph, first sentence, insert "land adjacent to the" between "the" and "reservoir".
5. Page 4, 5th paragraph from top of page, replace all "Van Zant" with "VanZandt".
6. Page 5, 2nd paragraph, insert "open space" between "on" and "the".
7. Page 5, under 3., 5th paragraph, replace "and Aquarion Water Company owns the other side of the street." With "on the subdivision side of the street."
8. Page 5, under 3., 6th paragraph, replace "Pritchard" with "Roper".
9. Page 5, under 3., insert after 7th paragraph down, "Staff noted that a CAM application was submitted."
10. Page 5, under 3., insert after 7th paragraph down, "Acting Chairman Steinford asked for any public comments and there were none."
11. Page 7, under 3., 1st motion, delete "one abstention, Munn."
12. Page 7, under 3., 2nd motion, replace "4" with "3".
13. Page 8, first sentence, replace "so voted unanimously" with "4 in favor".
14. Page 8, insert after 1st paragraph in 4., "Roper suggested that this be the last time before the Commission without any changes."
15. Page 8, 5., insert "\$" before "53,950" and "37,590".
16. Page 9, under SITE PLANS, 1., delete "moved" after Roper.
17. Page 10, insert Brookshaven Road and Colver Avenue after "intersection" in the 1st paragraph.
18. Page 10, under OLD BUSINESS, 2., insert sentence, "Roper submitted a draft motion for the Commission's consideration." After "Staff's report..." sentence.
19. Page 11, 2., insert "ZBA 05-04 – 286 Judson Avenue, Rocco Celtruda, owner/applicant." Before sentence, "The Commission..."

20. Page 11, under REPORT OF STAFF, last paragraph, replace “and rescheduled for” with “and the next regularly scheduled meeting is”.

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

IV. PUBLIC COMMUNICATIONS

Roper handed out the SCCOG newsletter.

Steinford stated that he attended the Town Council budget hearing.

Staff handed out a Technology Transfer newsletter from the Connecticut School of Engineering.

MOTION: Add an item to the agenda under OLD BUSINESS: 3. Subdivision Regulation Amendment of Section 4.9 – Schedule a Public Hearing.

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

Chairman Sherrard asked if the public had any other public communications and there were none.

V. SUBDIVISIONS

1. Great Brook Resubdivision, Gales Ferry and Daboll Road (54 lots).

The public hearing was continued until the next regularly scheduled meeting on April 26, 2005.

2. Porter Subdivision, 1560 North Road (5 lots)

Roper stated he was concerned about approving the waiver for the existing overhead utilities. General discussion followed regarding justifications for waiving underground utilities. Roper suggested that developers present a rationale for requesting a waiver to put all utilities underground.

MOTION: To approve a waiver of Section 4.5 (1) of the Subdivision Regulations to allow the use of wells on Lots 2, 3, and 4 of the Porter Subdivision for the following reasons:

1. The water pressure from the public water lines is too low to service the subdivision.
2. Dry lines are also being installed as part of the subdivision for future connection into the public water system.
3. The Department of Public Health approved a variance for the private wells for Lots 2 & 3.
4. The well for Lot 4 is existing.

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

MOTION: To approve a waiver of Section 4.8 (1) of the Subdivision Regulations to allow the overhead utility connections to the existing home and barn on Lot 4 of the Porter Subdivision to remain for the following reasons:

1. The home and barn existed 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, 2 in favor, 3 opposed.
Motion denied.

MOTION: To approve the Porter Subdivision, 1560 North Road, with the following modifications:

1. Underground utilities will be required to the existing lot for the house and barn.
2. Technical items raised by staff shall be addressed.

The Commission finds that the reduction of width in a portion of the shared driveway for Lots 2 and 3 from 18 feet to 15 feet is acceptable because it reduces the disturbance within the wetland buffer. This is shown on the plans approved by the Inland Wetlands Agency on October 27, 2004.

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

3. Windward Passage Subdivision, 20 Polaris Street and Crystal Lake Road (20 lots) (CAM)

The public hearing was continued until the next regularly scheduled meeting on April 26, 2005.

4. Woods Walk Subdivision Modification, 1101 & 1078 Pleasant Valley Road (17 lots)

Staff informed the Commission that the applicant would like to modify the previously approved 20-lot subdivision to construct duplexes on 17 lots. Staff informed the Commission that they can choose to waive a public hearing as it is not required under the Town's Subdivision Regulations. Staff stated that duplexes do comply with zoning and the increase in the number of units requires additional grading and widening of the road, which requires Planning Commission review.

Chairman Sherrard felt that since the amount of units proposed in the modification has nearly doubled the number of units previously approved, he felt there should be a public hearing. The rest of the Commission agreed.

MOTION: The Commission requires that a public hearing be held on 1101 & 1178 Pleasant Valley Road North, a modification of the approved Woods Walk Subdivision due to the perceived intensification and significant modification to the approved subdivision. The public hearing will be scheduled for May 10, 2005 at a regularly scheduled Planning Commission meeting.

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

5. Library Hill Resubdivision, 102 & 104 Library Hill (3 lots) – Schedule a Public Hearing.

MOTION: To schedule a public hearing for Library Hill Resubdivision, 102 & 104 Library Hill (3 lots) on April 26, 2005.

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

6. East Farms Subdivision, 500 Noank Road (6 lots) – Request for extension of Filing Deadline.

MOTION: To approve the request for a 90-day extension for recording plans for the East Farms Subdivision, 500 Noank Road.

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

VI. SITE PLANS

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

Steve McDonald, a registered engineer with the firm WMC Consulting Engineers presented the site plans. He reviewed a previous plan showing the location of the connector road from Colver to The Ledges along the southern edge of the property. Mr. McDonald stated they rerouted the connector road to have less impact on wetlands. Mr. McDonald stated the Fire Marshal commented he was happy about another point of egress. The whole site is 20.7 acres. 6.2 acres are protected by a conservation easement. There is an additional 2 acres for the wetlands buffer, therefore 40 percent of the site is comprised of conservation easement and wetlands buffer. Mr. McDonald reviewed the on-site storm water drainage system.

Mr. McDonald stated that the original plan had 8 buildings, now it has 6 buildings with 250 units. There are 136 - two bedrooms units, 96 one-bedroom units and 18 studio apartments. Mr. McDonald stated that 7.5 acres is impervious surface. There is 7 percent dedicated to recreation areas throughout the site One underground pump station is required to serve building 6.

Mr. McDonald explained the phasing of construction and erosion and sediment control measures. He stated that prior to Certificate of Occupancy being obtained for the first five buildings, the wetland bridge and road connection to The Ledges must be constructed.

Staff stated they just received the revised plans and phasing plans. Parking distribution is a concern and there is no visitor parking.

Staff stated the applicant has granted an extension to the next regularly scheduled meeting.

Pritchard asked staff about the percent of impervious surface and if it violates any of our regulations and staff stated it does not.

Roper inquired about providing parking underground. The applicant stated that the basement space has to be used for storage. Roper asked about bike racks. The applicant stated they would be included in the plans.

Steinford stated he was concerned about the phasing aspect and how much would be constructed in Phase I. Steinford stated that he would like the wording for the phasing plan to guarantee construction of the connection to The Ledges.

Steinford expressed concern over how much material would need to be hauled off the site. Mr. McDonald stated that the contractor selected to haul soil and rock is American Industries in Jewett City.

Chairman Sherrard asked who would maintain underground stations. Staff stated that it would be the owners. Chairman Sherrard inquired as to the height of the proposed buildings. Mr. McDonald confirmed they would be 45 feet high and 4 stories each.

Chairman Sherrard inquired if the new connector road would have a sidewalk and the applicant stated it would.

The applicant reviewed the lighting plan. All lighting will be "dark sky" lighting.

Chairman Sherrard asked for documentation for conservation easements and what can or can't be done in these easements. Staff stated that the applicant would use the standard conservation easement model.

Chairman Sherrard inquired if there might be any noise issues from I-95 and staff reported that the elevation of the site should reduce the impact of the highway noise.

Chairman Sherrard asked if there were any comments from the public.

Gary Craig, representing The Ledges, stated that it is his experience that the ledge at the proposed road connection site as proposed by the applicants is fractured in many spots. Mr. Craig stated they have just stabilized the ledge on their side and it could be a significant problem and expense to bring the road connection to The Ledges at the proposed location. Mr. Craig agreed to work with the applicant on an alternate connection location to the east.

Steinford requested that the Town Engineer take another look at the sewer capacity at Valley Road to make sure it can accommodate the new development.

MOTION: To continue Boulder Heights/Carriage Park, Colver Avenue (250 units) to the next regularly scheduled meeting on April 26, 2005.

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

2. Prestige Park, Flanders Road, Lot 1

Clint Brown, of DiCesare-Bentley Engineers, presented for the applicant. Mr. Brown stated the applicant, B&W Paving and Landscaping has purchased two lots on the west side of Flanders Road across the street from the new entrance to the Mystic Weigh subdivision. In 1990 both lots 1 and 2 received planning commission approvals and clearing and construction was started but never finished. Mr. Brown stated they have submitted new development plans for both lots and they have Inland Wetland approvals already. Lot 1 is approximately 2 acres and there is a wetland area in the rear. It will remain wooded. The applicant proposes building a one-story building for general office and equipment storage. Mr. Brown stated that according to the Town's regulation it only requires 4 parking spaces. There will be a driveway connector between the two lots.

Mr. Brown stated that the applicant is asking for a waiver of the 50-foot buffer required by regulations. The applicant would provide a 25-foot buffer and enhanced landscaping. Mr. Brown stated they couldn't accommodate a 50-foot buffer, as this

would push a new building into the wetlands area. Parking areas will be 6 to 8 feet below Flanders Road so any activity will be shielded from residential areas. Mr. Brown stated that the applicant is looking for indoor storage for their paving equipment. There is no water or sewer proposed on site. Mr. Brown stated that LedgeLight regulations don't require on site water and sewage as long as there is a facility within 500 feet. They propose sharing facilities with Lot 2, which is within 500 feet.

Mr. Brown stated they are proposing another 200 feet of sidewalk to connect from where Mystic Weigh subdivision's sidewalk stops on the east side of Flanders Road.

MOTION: To continue Prestige Park, Flanders Road, Lot 1 to the next regularly scheduled meeting on April 26, 2005.

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

3. Prestige Park, Flanders Road, Lot 2

Clinton Brown, of DiCesare-Bentley Engineers, presented for the applicant. Mr. Brown stated the lot has been cleared and there are wetlands in the rear of the lot. The applicant is proposing a 5,400 square foot building with 1,400 square feet on the first floor, which will be retail sales. Office space will occupy the space above. A green house is also proposed. Mr. Brown stated that mulch and loam would be stored in bins on site for B&W's use and for retail sale. Town regulations require 15 parking spaces and the applicant is proposing 16 parking spaces.

Mr. Brown stated the applicant is asking for a waiver for the 50-foot buffer and would enhance the landscaping. The applicant proposes filling in the gap of sidewalk on Flanders Road which will complete the front of these two lots.

Mr. Brown stated that the building height of the green house is 26 feet high and the other building will be 23 feet high and one story.

Staff stated they have just recently received comments in regards to Lots 1 and 2. Staff will need additional time to review the plan.

Kane stated he was concerned about the lack of facilities at one of the sites.

Steinfeld asked if these lots could be legally combined into one site. He was concerned that the lots could be sold separately and Lot 1 would be without running water or septic.

Roper stated he would also like to see it combined as one lot and asked about signage. Staff stated there are two freestanding signs being shown at the entrances. Mr. Brown stated they have not developed a signage plan as of yet.

Pritchard stated he is also concerned about the lack of facilities on Lot 1. He expressed concern with security issues since these lots were below Flanders Road and heavily landscaped. Staff explained the landscaping would benefit the residentially zoned areas across the street, but that he would review the situation to address the issue.

MOTION: To continue Prestige Park, Flanders Road, Lot 2 to the next regularly scheduled meeting on April 26, 2005.

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

4. King's Height Technology Center, 9-23 Kings Highway – Phasing Plan

Steve Hess, of Pfizer, presented for the applicant. Mr. Hess stated that the Commission approved this plan in October of 2004. He is requesting the site plan be modified to allow phased build out. At the time of the approval, Pfizer had funding for the automated storage facility, but was still seeking funding for the laboratory. Mr. Hess stated the automated storage facility has been constructed but the automated lab is on hold. Mr. Hess reviewed the phasing plan. Phase I includes the storage facility, frontage sidewalk and utilities. Phase II will be the laboratory and revised parking lot and landscaping. The Kings Highway sidewalk was complete.

Staff stated that all the utilities are installed and the only thing remaining is the hook-ups to the future laboratory. Pritchard asked if drainage or landscaping is affected. Staff stated that all landscaping that was disturbed will be put back. Staff stated drainage would not be adversely affected.

Chairman Sherrard asked if the applicant could come in and extend this for another 5 years and staff stated they could before 2009.

MOTION: To approve a modification to the King's Height Technology Center Site Plan to phase the building construction and site improvements as follows:

1. Phase 1 includes:
 - Construction of the Automated Storage facility
 - New water line loop from water main in Kings Highway to the buildings
 - New sewer line from sewer main in Kings Highway to the buildings
 - New frontage sidewalk along Kings Highway from the bowling alley property to the intersection of Bridge Street
2. Phase 2 includes:
 - Construction of the Automated Laboratory facility
 - Utility connections from new mains to the Automated Laboratory facility
 - Parking and landscaping reconfiguration required by the construction of the Automated Laboratory facility

The Planning Commission notes that as the public improvements and infrastructure on site will be completed in Phase 1, and all work in Phase 2 is directly related to the construction of the new building, phasing the work has no negative impact on the operations and use of the site or public health and safety.

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

VII. OLD BUSINESS

1. Discussion of public hearing procedures and guidelines.

Roper and Pritchard made minor corrections.

MOTION: To approve the guidelines as annotated tonight with implementation at our next meeting on April 26, 2005.

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

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

MOTION: The Planning Commission strongly and unanimously recommends that the Town pursue the acquisition of the Burrows/Copp property on Military Highway for the following reasons:

1. It is identified in the Plan of Conservation and Development as possible future open space.
2. It offers dramatic views of the Thames River and beyond.
3. This section of Town needs more recreation areas and open space.
4. The property could accommodate active and passive recreational opportunities.
5. It would probably cost the Town money in the long run if this land were developed as house lots.
6. The development of the property as house lots could cause traffic problems on the existing road system, which is not ideal now.

We do note the budget issues related to the purchase price and also urge that all funding sources be considered.

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

3. Subdivision Regulation Amendment of Section 4.9 – Schedule a Public Hearing.

MOTION: To amend the date of the public hearing for Subdivision Regulation Amendments to Section 4.9 on May 24, 2005.

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

VIII. NEW BUSINESS

1. Report of Commission

Steinfeld stated he would like to discuss moving the Planning Commission meetings to Thursday nights in Community Room 1. Staff stated they would add it to the agenda for the next regularly scheduled meeting.

Munn stated he attended the Economic Strategic Plan Steering Committee meeting and public meeting.

Roper stated that Oz Griebal will speak at the I-395 TIA meeting on Wednesday, April 13, 2004. 8 a.m. for the I-395 corridor and 9 a.m. for the I-95 corridor. Roper informed the Commission that the Mystic Cooperative Task Force will meet Monday, April 18, 2005 at 8 a.m. at the Chamber of Commerce.

4. Brookview Estates Subdivision, Brook Street – Acceptance of open space and parcel for pump station.

MOTION: To recommend acceptance by the Town of Groton of Brookview Estates Subdivision, one of 5,000 square feet for the purpose of locating a pump station, one of 109,800 square feet for open space purposes.

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

5. ZBA Referrals for April 13, 2005 Public Hearing.

ZBA 05-08 - 12 Plymouth Avenue South, Cynthia L. Brito, owner/applicant.

The Planning Commission had no comment.

ZBA 05-09 - 54 Boulder Court, Scott W. Wallace, owner/applicant.

The Planning Commission had no comment.

6. New Applications:

- a. Tilcon Tower, 185 South Road (CAM)
- b. 332 CLH LLC Subdivision, Heather Glen Lane (2 lots)

IX. REPORT OF CHAIRMAN

Chairman Sherrard reported that the Chairpersons meeting with the Mayor has been scheduled for April 21, 2005 at 7 p.m., but it might be cancelled.

Staff gave a brief update of the ongoing renovations to Navy Housing.

X. REPORT OF STAFF

Staff reminded the Commission of the special meeting on April 14th, 2005 with the Conservation Commission regarding the POCD conservation theme update.

XI. ADJOURNMENT

Motion to adjourn at 11:00 p.m. made by Steinfeld, seconded by Roper, so voted unanimously.

Respectfully submitted,

Margil Steinfeld