

MINUTES  
ZONING COMMISSION  
MAY 4, 2005 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Hudecek, Brandt, Haviland, Marcus, Shirvell and Sergeant (7:33)  
Staff: Murphy, Goodrich, Welsch, Cedio

II. PUBLIC HEARING

1. Special Permit #278, Pleasant Valley Road, Gungywamp Road and Route 12, NMDD zone. Proposal is for construction of 118 3-story townhouse condominium units in 13 building clusters. Review is per Section 6.10 and 8.3 of the Zoning Regulations. (WMC Consulting Engineers, applicant) – continuation.

The Chairman opened the continuation of the public hearing at 7:03 p.m. Hudecek appointed Shirvell to sit for Brandt, who indicated he might have to be called out of the meeting.

Alan Wengell, of WMC Engineers, reviewed the project. Wengell described the 118-unit condominium project in the Nautilus Memorial Design District proposed for 12.42 acres of land located on Gungywamp Road, North Pleasant Valley Road and Route 12. The site is comprised of 2.2 acres of wetlands, with 1.87 acres of wetlands buffer area. All construction including the walking path will remain outside the buffer area. Wengell stated the building coverage for this project is 12.65%, and impervious surface is 28% of the entire parcel, and includes the buildings, parking spaces and the sidewalks on site. Wengell reviewed the location of the recreational areas on the site. The lighthouse theme is reflected in the proposed names of the roads for the project.

Wengell noted that the application has already received wetland approval.

Wengell introduced Mr. Jim Bubaris, the traffic engineer who prepared the traffic studies for the project. Bubaris, a principal in Bubaris Traffic Associates, of Cheshire, Connecticut, reviewed the methodology and results of the study. He stated that six (6) intersections were studied: – Route 12 at Lafayette Drive and Gungywamp Road, Gungywamp Road at Pleasant Valley Road North and Arrowood Drive, Pleasant Valley Road North at South Site Drive and Greenwood Street, Pleasant Valley Road North at North Site Drive and Catalpa Road, Pleasant Valley Road North at Crystal Lake Road, Route 12 at Crystal Lake Road.

The study involved determining peak hours, and the application of a 2% growth factor to develop future estimates.

The study projects 6 ½ trips per condominium unit per day.

Haviland asked if the engineers calculated the trips for the complex across the street. Bubaris stated he didn't make those calculations, because those units were vacant at the time the study was being conducted.

Marcus asked if it was considered that the residents were mostly going to be working at the Navy base.

Bubaris responded that this project was not considered to be Naval Housing, since it is a public project.

Bubaris added that any project over 100,000 square feet of building area, or which abuts a State highway will require a certificate from the State Traffic Commission.

Bubaris explained that the study uses peak data to prepare a level of service analysis.

Bubaris reviewed the basis of his analysis at all signalized intersections.

Pleasant Valley Road at Crystal Lake Road will continue to operate at an 'A'.

Gungywamp at Lafayette will change from a 'B' to a 'C'. The intersection at Gungywamp Road and Route 12 is currently rated 'F'. This project will not change this level of services. He stated they would recommend a signal timing change at this intersection to the State. The change would improve it to a 'D'. This would be only a recommendation because it is the State's decision.

Brandt asked for a review of the estimated traffic pattern exiting the site and its impact on Route 12. Bubaris reviewed the distribution of the traffic, 50% would head south, 20% north, 30% east across Route 12. This was determined through examining existing traffic patterns.

The study examined the capacity of the streets. Chairman Hudecek asked what speed limit was used. Bubaris stated that they recorded the speed limits and that 85% of drivers were driving 45 mph. His estimate used 35 mph. He stated that even at higher speeds, the level of service would not change from 'A'.

The applicant discussed the accident history in this area. Bubaris noted that there have been 23 reported accidents at the intersection of Route 12 and Gungywamp Road in the past 3 years, and Route 12 and Crystal Lake Road intersection has documented 39 accidents over 3 years.

Sergeant questioned the increased volume at the intersection of Gungywamp and Route 12. Bubaris stated that the increase due to this development is negligible.

Staff stated that this project could serve Navy personnel, although it is not exclusively for Navy personnel. The height of the buildings proposed for this development is 36 feet.

Murphy explained that the Navy Housing privatization will result in a reduction of housing units townwide. The Plan of Conservation and Development shows that this area is appropriate for higher density development.

Betsy Gibson, Remax Property Consultant, stated that the development formerly known as Navy Housing is no longer Navy Housing; it is now public housing. Gibson added that navy personnel do not necessarily work 9-5. They have duty at various times of day. Gibson distributed copies of the homeownership program that might be available for residents of this development.

Brandt asked for staff's opinion. Staff responded they have recommended limiting the height of the building to no more than 36'. Staff reviewed their recommendations to limit building height, enhance the landscaping at the project entrance at Gungywamp Road and Route 12 and provide a pedestrian connection from the walking path to the sidewalks located on Route 12.

Chairman Hudecek asked to review the density of the project. Wengall stated That the site can support 150 units by regulation but the wetlands and site configuration restricts it to 118 units.

MOTION: To close the public hearing for Special Permit #278, Pleasant Valley Road, Gungywamp Road and Route 12.

Motion made by Haviland, seconded by Marcus, so voted unanimously.  
The Chairman closed the public hearing at 7:58 p.m.

### III. APPROVAL OF THE MINUTES OF May 4, 2005

MOTION: To approve the minutes of May 4, 2005 as written.

Motion made by Haviland, seconded by Marcus, so voted unanimously.

### IV. PUBLIC COMMUNICATIONS

Staff distributed copies of the SCCOG newsletter, the Avalonia Trails newsletter, and a letter from the State Traffic Commissioner regarding work ongoing at Stop & Shop.

### V. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #278, Pleasant Valley Road, Gungywamp Road and Route 12, NMDD zone. Proposal is for construction of 118 3-story townhouse condominium units in 13 building clusters. Review is per Section 6.10 and 8.3

of the Zoning Regulations. (WMC Consulting Engineers, applicant).

The Staff and Commission reviewed the density of the Navy Housing Project under construction. The Commission reviewed other housing projects in the NMDD, such as Up Periscope, that is approved but not built. General discussion followed regarding the cumulative effect on the area of larger housing developments.

Haviland does not consider this in harmony with the proposed units across the street. Shirvell stated he finds it in keeping with the area and density allowed by the regulations.

**MOTION:** To deny Special Permit #278, Pleasant Valley Road, because it does not meet the special permit objectives.

Motion made by Haviland, seconded by Hudecek, motion tied 2 in favor, 2 opposed (Shirvell, Marcus). The motion failed.

**MOTION:** To approve Special Permit #278, Pleasant Valley Road, because it meets the special permit objectives, with the following conditions:

- 1) Building height shall not exceed 36 feet as defined by the Zoning Regulations to harmonize with the surrounding area as the applicant proposes.
- 2) That the development provides landscaping or other amenities to enhance this site at the gateway to the Nautilus Memorial District.
- 3) Pedestrian connections from the internal walking path to Route 12 is provided to enhance the pedestrian connectivity within the NMDD.

The commission notes that the project provides an opportunity for affordable homeownership for personnel associated with the Submarine Base that doesn't exist in the immediate area, provides an architectural and site design theme to highlight the uniqueness of the district. The Commission also notes that the traffic generated from the site will not decrease the level of service classifications for the surrounding intersections.

Motion made by Shirvell, seconded by Haviland, Voted one in favor (Shirvell), three opposed (Hudecek, Haviland and Marcus). **MOTION DENIED.**

Haviland stated the reason he is opposed to this permit is this project is not in harmony with the surrounding development.

Hudecek stated he is opposed to this permit because the applicant did not take into account the development of the Navy housing, which even when privatized, will never be subject to Zoning Regulations or a traffic study.

Marcus stated the reason he is opposed to this permit is because this project is not in harmony

with the surrounding area. He is concerned with the density of the units, while acknowledging that this is allowed in this zone.

Brandt stated that the project is too dense, but if it could be scaled back, it would be in harmony with what is being considered across the street.

The Chairman referenced Section 1 of the Zoning Regulations, which states the Commission will look out for the best interests of the residents of Town. Hudacek stated that the cumulative effect of all the buildout proposed is traffic congestion.

Hudecek stated that the Planning Commission recommended against the permit because it does not meet the harmony and traffic criteria required by the special permit test nor does it comply with Sections 6.10-2.b and f. of the Zoning Regulations or NMD District of the zoning regulations.

#### VI. OLD BUSINESS

Staff discussed the proposal to amend Section 7.3 of the Zoning Regulations regarding signage. The intent of the proposed regulation amendment is to allow the larger anchor stores to have more wall signage than under the current regulations.

Staff stated there should be specific regulations regarding signs. Regulations should be supportable and fair. At the request of the Commission, staff displayed graphics showing how the new sign regulations could impact existing anchor stores.

The amended regulations would consider the number of linear feet of frontage and the square footage of the store when allowing additional signage.

The Commission suggested allowing more than 4 wall signs and putting wall signs in different categories depending on size. Staff will prepare revised language for a future meeting.

Staff will also revise the sign regulations to allow additional wall signs for smaller stores. The maximum size of the wall signs would remain the same. The revised regulations must be referred to SCCOG and adjacent towns 35 days prior to the Public Hearing. A Public Hearing on the regulation amendment could be scheduled for a meeting in July or August.

#### VII. NEW BUSINESS

Staff distributed a revised copy of page 7-29H for replacement in the zoning regulations.

#### VIII. REPORT OF CHAIRMAN

Hudecek reported that George Marcus will be leaving. Marcus is relocating to Bar Harbor, Maine. Marcus has enjoyed serving on the commission, but notes he has

questioned the following definitions over the years: neighborhood, district, harmony and neighborhood, non-conforming buildings, similar, district/neighborhood.

Marcus would like to support zoning regulations that allow small commercial areas in residential areas.

Marcus noted that zoning enforcement is an ongoing problem.

IX. REPORT OF STAFF

Staff distributed a memo regarding the recent case of Groton Open Space Association versus the Zoning Commission on the Four Winds at Mystic Special Permit.

X. ADJOURNMENT

Motion to adjourn at 8:55 p.m. made by Hudecek, seconded by Haviland, so voted unanimously.