

**Proposed Retail Development  
Killingworth Road  
Town Planner's Review and Comments**

This project entails the development of 3 existing, wooded lots just to the north of the cleared open area adjacent to the plaza containing Dino's Restaurant.

The parcel is zoned C-1 Commercial and retail is a permitted use in the zone requiring site plan approval by the Commission. All comments need to be related to specific compliance with the Zoning Regulations.

The Inland Wetlands Commission approved the proposed activities at their October meeting.

The proposed complies with the lot coverage and setback requirements in the C-1 zone.

As the plan reveals the current septic system servicing Dino's Restaurant is on one of the lots proposed for new development. The lot lines are being rearranged so that the septic system is located completely on the Dino's parcel. See existing and proposed lots in plan set.

**Development in relation to its surroundings**

As you are aware the Commission is prohibited from requiring off-site improvements. In this case the project "site" does include the parcel to the south. This opens the door to a more comprehensive review. The Commission should inquire as to the future development of the undeveloped land to the south and how development relates to the most significant feature on the property, the pond.

**Section 14 indicates**

***Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining Lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the Traffic Authority and Town Fire Marshal, or their agents, and/or 2) when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a Street.***

**Site Impacts**

The proposed project will clear cut and regrade the entire site. Make a major cut in the back and fill the southern side of the lot.

Section 14 of the regulation's states:

***to conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site;***

I have walked the site and feel there needs to more effort to preserve some of the larger trees and rebuild and use the stone wall along the street frontage.

The plan as currently designed does not comply with Section 14 D.

***D. A strip of land on the lot along and adjacent to the Street line and not less than 20 feet in width in Commercial C-1, Village, Industrial Zone I-1, Industrial Zone I-2, and Industrial Park Zone Districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) feet in height for each 40 feet of lot frontage or fraction thereof.***

Nor does it comply with:

***Any parking area accommodating 20 or more cars shall 1) be provided with interior landscaping within the paved portion of the Parking area and***

The developer needs to stake out the front property line and locate all trees within the required 20-foot landscape area that are over 6 in dbh and show same on the plans.

The new split rail fence to the south is attractive and could be extended to enhance the streetscape. I strongly recommend the developer have a landscape architect prepare a streetscape plan and revised building placement and grading to address these concerns and comply with the regulations.

Possible modifications to provide for the 20-foot front landscape area could be –

- The building could be pulled further back from the road which would allow for a better streetscape design.
- Standard regulations require parking spaces to be 18 feet with center lanes of 24 feet. The plan provides for 20-foot spaces and a 36 foot center lane. Modify to comply with standard regulations. This would eliminate 16 feet of disturbance and provide close to the 20 feet for a meaningful streetscape.

#### **Sidewalks / Pedestrian Connections**

While there are no sidewalks in the area, consideration should be given to how the proposed building, the existing plaza and future development will be connected for pedestrian access among the uses and some type of amenities at the pond.

Section 14 states:

***The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings.***

#### **Buffers between Residential Uses and Zones**

This development will have a very significant impact on the residential home to the north and on the homes to the east on Beaver Meadow Road. The homes should be located on the plan to better understand the impact.

Section 7.4 of the Commercial Zone regulations state

#### **7.4 Buffering Requirements**

***Where any lot or part thereof abuts a lot devoted to residential use without separation by a street, or where the lot is used for a contracting or construction yard, the Commission may require a buffer strip as deemed necessary. Where such a strip is required, the Commission may determine the size or width of the buffer and it shall be properly seeded with grass and/or planted with trees and shrubs to insure an adequate screening between commercial and residential uses. Plans showing the landscape work to be done, with a planting and maintenance schedule, shall be filed with and approved by the Planning and Zoning Commission before such lot or portions thereof may be used for commercial purposes. Where such a buffer strip is required by the Commission, the buffer strip shall be located on the lot devoted to the commercial use. Failure to maintain such a buffer in good condition shall constitute a violation of these regulations.***

It appears that the lot line rearrangement is taking the least amount of land as possible to squeeze in a 10,000 sq.ft. building with associated parking. This results in the parking lot being extremely close to the adjacent homes front yard and a water quality basin along the side of their house. The actual parking lot is only 6 feet from the property line. I question why they could not acquire more of existing lot 7 and shift the entire development to the south and provide more meaningful protection to the home.

The plan only provides for a line of arborvitaes along the property line. The plan indicates 6-7 inch height. I assume they intended feet. A row of six- foot high arborvitaes planted six feet on center will not provide any screening for several years. There needs to be more width in the planting area to provide for a row of staggered trees, fencing and possibly an earthen berm.

Section 7.4 leaves the size of the buffer up to the Commission. The 6- foot buffer is insufficient and I think any reasonable person would conclude the same. I believe a 20-foot wide buffer properly planted with a fence would be reasonable.

Additionally, the back yards of the Beaver Meadow houses should be buffered with extensive plantings. They are only proposing a lawn area at the back of the building. Ideally, staggered evergreens such as green spruce will be required to screen the view of the building from the homes all year round. Again, I believe fencing makes for a better neighbor and this project is abutting a residential zone in the back.

#### **Signage**

The plans do not display any proposed signage as required in the regulations.

#### **Fire Protection**

The applicant has met with the Fire Marshall and indicated the building will not be sprinklered.

Section 14 indicates in part :

***identification of source of water for fire protection, and where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for firefighting purposes;***

The Commission after consultation with the Fire Marshall and Chief should require a standpipe coming from the pond to provide water to fight a fire in the building.

### Architectural

The plans provide architectural renderings but again no proposed signage. The photometric plan indicates wall packs for lighting. I believe the one wall pack facing the house on the northern side of the building should be removed.

I know the Commission was happy about the design the required for the Dollar General on Bridge Road. Perhaps some of those elements should be incorporated into this retail building.



### **Statutory Time Lines**

The application was submitted on September 28<sup>th</sup>, 2022. The day of receipt was October 6<sup>th</sup>, 2022. A decision on a site plan must be rendered within 65 days of the day of receipt. A decision must be made by December 10<sup>th</sup>, 2022. If the Commission fails to render a decision the plan is automatically approved.

Because the applicant failed to post the sign which displayed the process I sought and received a 30-day extension which gets us to January 9<sup>th</sup>, 2022.

There is no second meeting in November and I believe the required revisions will take quite a while. The applicant needs to submit final revised plans by December 1<sup>st</sup> or I recommend you deny on December 2<sup>nd</sup>, 2022.