

AGENDA
GROTON ZONING COMMISSION
OCTOBER 4, 2017 – 6:30 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

I. ROLL CALL

II. PUBLIC HEARINGS

1. Zoning Map Amendment ZCH17-02, 1 Bank Street, Mystic, PIN 261918305972, RS-8 Zone. Proposal is to change the zoning district of 1 Bank Street from RS-8 Zone to WDD Zone. Review is per Section 8.2 of the Zoning Regulations. (Patrick Roche & Kim Brault, Applicants) – Continued*
2. Special Permit #355, 3 Neptune Drive, PIN 260705282445, R-12 Zone. Proposal is to place approximately 8,000 cubic yards of fine-grained marine sands on property of the Mumford Cove Association at the community park and beach. Review is per Sections 7.1-10 and 8.3 of the Zoning Regulations. (Keith Neilson/Docko Inc., Engineer) (Mumford Cove Association, Owner & Applicant) (CAM)*

III. CONSIDERATION OF PUBLIC HEARINGS

1. ZCH17-02, 1 Bank Street, Mystic (Patrick Roche & Kim Brault, Applicants)
2. SPEC355, 3 Neptune Drive (Mumford Cove Association, Owner & Applicant)

IV. PUBLIC COMMUNICATIONS

V. APPROVAL OF MINUTES

1. September 6, 2017*

VI. OLD BUSINESS

1. Zoning Regulations Rewrite Project

VII. NEW BUSINESS

1. Report of Commission
2. Receipt of New Applications

VIII. REPORT OF CHAIRPERSON

IX. REPORT OF STAFF

X. ADJOURNMENT

* ENCLOSED

Special Meeting: October 18, 2017
Next Regular Meeting: November 1, 2017

MEMORANDUM

TO: Town of Groton Zoning Commission
FROM: Diane Glemboski, Planner II *DG*
DATE: September 26, 2017
SUBJECT: ZCH17-02 (1 Bank Street, Mystic)

The Zoning Map Amendment (ZCH17-02) public hearing for changing the zoning district at 1 Bank Street from RS-8 to WDD was continued to the October 4, 2017 Zoning Commission meeting. The Zoning Commission asked for an opinion from the Town Attorney as to if the proposal represented spot zoning. This opinion dated September 16, 2017 is attached.


A Protest of Proposed Amendment petition based on Section 8.2-8 of the Zoning Regulations was submitted at the public hearing. This petition has been checked by OPDS staff and found to meet the 20% requirement of Section 8.2-8. Based on the petition, the Zoning Map Amendment ZCH17-02 application will need approval of two-thirds of the entire membership of the Zoning Commission or four (4) affirmative votes.

ZCH17-02

Memorandum

Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, P.C.

ATTORNEY-CLIENT PRIVILEGED CONFIDENTIAL

To: Diane Glemboski (via email)
From: Michael P. Carey 
Cc: Eileen C. Duggan (via email)
Date: September 16, 2017
Subject: Request for Opinion re: 1 Bank Street Zoning Map Amendment Application

Through you, the Zoning Commission asked for an opinion by this office whether granting the zoning boundary amendment requested for a parcel at 1 Bank Street would constitute “spot zoning.” In my view, this is not the type of question as to which a lawyer should or can give a zoning commission an unequivocal, legally binding answer. In the last analysis, the issue calls for an exercise of judgment by the Commission as to whether a given set of facts meets the test the courts apply when they are faced with spot zoning claims. What a lawyer can do, however, is to restate that test and explain how it has been applied in other cases.

The leading treatise on Connecticut land use law states the two-part test the courts apply to “spot zoning” claims: Does the zone change involve only a small area of land, and is it inconsistent with the “comprehensive plan” of zoning adopted to meet the needs of the community as a whole. *9A Fuller, Connecticut Practice Series, Land Use Law and Practice* (Fourth Edition) (2015), §§ 2:2 and 4:8. Unfortunately, even though the courts have applied the concept in countless cases over many decades, there is no statutory or other absolutely fixed definition of the term “comprehensive plan.” Nevertheless, the term is generally understood to mean a general plan to control and direct the use and development of land in a town or a large part of it by dividing it into districts according to present and potential uses of the land. *9A Fuller, id.*, § 2:2. The comprehensive plan is thus the “scheme” of the zoning regulations and the zoning map adopted pursuant to them or, in my words, sort of the distilled essence of the goals and objectives of the zoning regulations as a whole. *Id.* The POCD is not the comprehensive plan. *Id.* As a side note, Fuller states that any zoning regulation or boundary amendment must be reasonably related to the authority granted a zoning commission by General Statutes § 8-2 and in accordance with the comprehensive plan. *Id.* In his view, any boundary change that meets this test, regardless of the size of the parcel involved, is valid, and the notion of “spot zoning” is essentially “obsolete.” *Id.*, at 4:8.

But the Commission has been given a copy of a 2008 decision by the Connecticut Appellate Court, *Gaida v. Planning and Zoning Commission of Town of Shelton*, 108 Conn. App. 19, cert. denied 289 Conn. 923 (2008), that declared a boundary line amendment to be spot zoning and thus invalid, and there are more recent superior court cases in which the claim continues to be made. So there appears to be some life to the concept yet.

In my view, though, the facts of *Gaida* are quite different than the facts presented by the 1 Bank Street application, and pretty much compelled the court to invalidate the boundary amendment there, but not because the parcel was small. Its size had little to nothing to do with the decision. The flaw was that the change was not shown to be consistent with the comprehensive plan and in fact was found by the Court to be contrary to it.

The boundary change in *Gaida* was made on the application of the zoning commission. The property owner opposed it. It seems evident that the commission sought the change largely to eliminate a zoning enforcement dispute between its ZEO and the property owner that arose in part because the zone boundary line ran down the middle of Gaida's property and did not match the property boundaries. The commission claimed that it had changed the boundary to bring the zoning map in line with the zoning scheme for the area. But the court found that the facts belied that claim. It noted that among other things there were many other similarly situated parcels of land in the immediate vicinity of Gaida's, and even more on other parts of the zoning map, where property and zone boundaries did not match, but the commission had not changed any of them, and there was no evidence that it intended to. It added that leaving the zone boundary on Gaida's property as it had been would have been consistent with the mixed use zoning scheme in the area, and that changing this piece did not advance that zoning scheme.

The court found the "vice of spot zoning" to lie in the fact that it singles out a small parcel of land for special treatment in a way that does not further the comprehensive plan. Note that in *Gaida* the commission singled out Gaida's small parcel to harm and not benefit it, but the concept applies either way. Perhaps most directly related to the 1 Bank Street application, the *Gaida* court declared that while not every extension of an existing district is, "ipso facto," a compliance with the comprehensive plan and consequently not spot zoning, the "ultimate test" is whether upon the facts and circumstances placed before a zoning commission in a particular case the extension is, primarily, an orderly development of an existing district which serves a public need in a reasonable way, or whether it is an attempt to accommodate an individual property owner, or in the *Gaida* case, applicant.

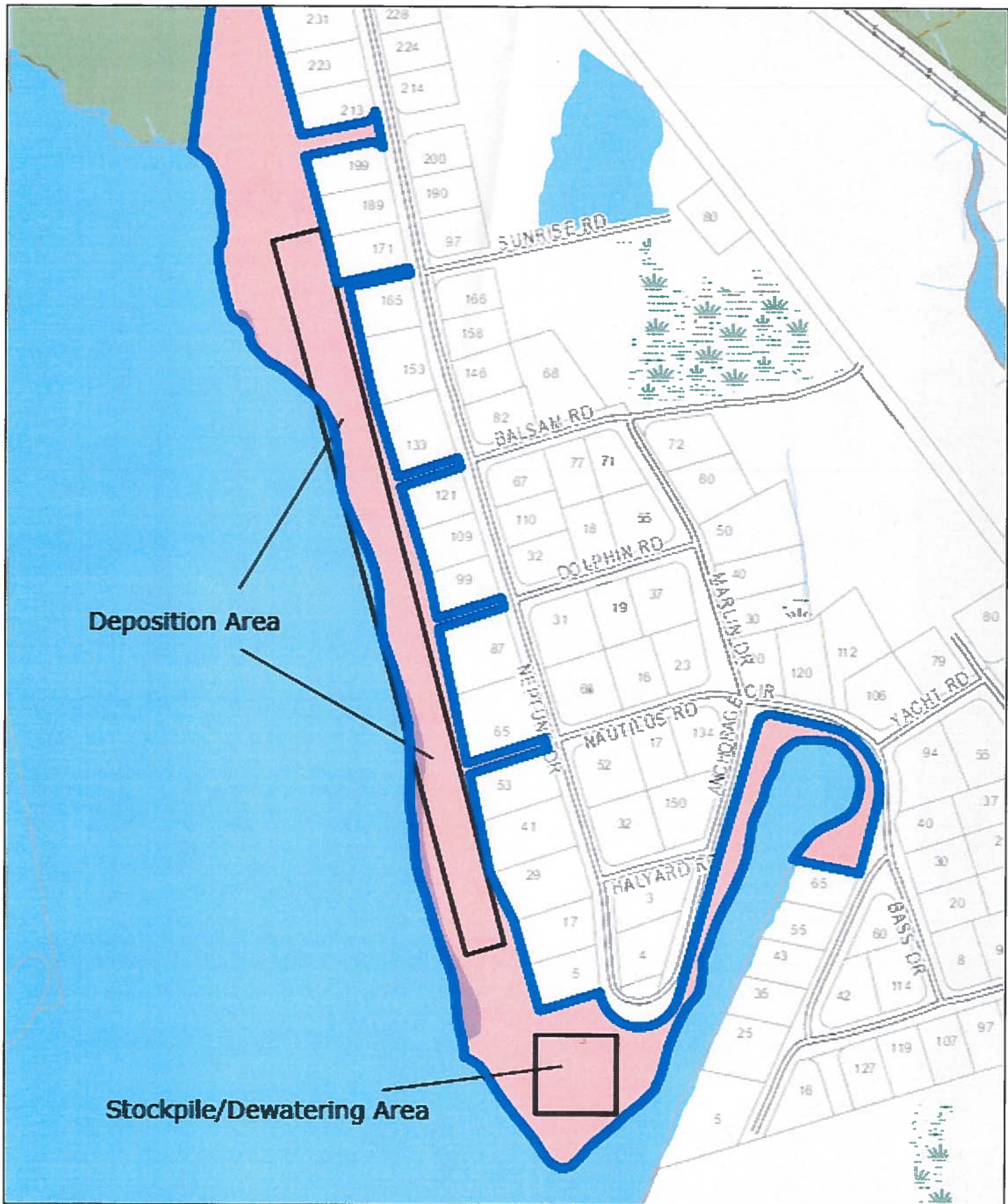
Based on the materials you have given me, the 1 Bank Street application does not appear to suffer from any of the flaws that prompted the Appellate Court to declare the boundary change in *Gaida* to be impermissible "spot zoning." While the parcel is small, it appears that a very strong case can be made that changing its zoning designation will be consistent with the comprehensive plan. However this is a call that the Commission must make after its review of the record of the public hearing and the application of its knowledge of the aims and objectives of the comprehensive plan to the facts.

LAND USE/DEVELOPMENT ISSUES ANALYSIS:

- The dewatering area and the deposition area will be surrounded by all sides by construction fencing. A berm and hay bales will surround the temporary dewatering area. All erosion controls are to be installed and maintained throughout the course of the project. Any disturbed areas shall be seeded and restored after completion of the project.
- All vegetation areas in the area of deposition shall be fenced to limit disturbance.
- The application also includes a Coastal Area Management (CAM) permit. The coastal resources associated with this project include shorelands (park dewatering area), tidal wetlands, and beaches and dunes. The associated coastal use policies include boating, recreation, and dredging and navigation. The project includes the beneficial reuse of sandy dredged marine sediments for beach sand replenishment and is consistent with coastal use and resource policies. The sands are being placed above the high tide line so as to limit the potential for dispersal by tide and waves.
- There are two potential access points proposed for the beach area at Bramble and Balsam. These access areas will be fenced and any curbs and catch basins will be protected.

ATTACH ANY RECOMMENDED ACTION, INCLUDING MODIFICATIONS AND/OR CONDITIONS AND TECHNICAL ITEMS.

Staff will have a recommendation at the close of the public hearing.



Deposition Area

Stockpile/Dewatering Area

Town of Groton 3 NEPTUNE DR



Disclaimer
 This plan and map were prepared by the Surveyor based on an aerial photograph of 2017. The parcel and property lines shown on this map have been compiled from aerial data, maps, and other sources of information on the Town of Groton. The user of this map is to be advised that the user assumes all responsibility for the use of this map and the user assumes no liability for the information contained in this map.
THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY
 No warranty is made by the Town of Groton as to the accuracy of the information shown on this map.
 Vertical Datum
 No. 16 Area Mean Vertical Datum of 1988 (NAVD83)



Date: 9/27/2017 **SPEC 355**

TOWN OF GROTON
LAND USE APPLICATION
PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE REQUIRED APPLICATION(S):

SUBDIVISION OR RESUBDIVISION	_____	COASTAL SITE PLAN REVIEW	<u> X </u>
SITE PLAN	_____	SPECIAL PERMIT	_____
ADMINISTRATIVE SITE PLAN	_____	ZONE CHANGE	_____
INLAND WETLANDS PERMIT	_____	REGULATION AMENDMENT	_____
INLAND WETLANDS PERMIT OR NON-REGULATED ACTIVITY	_____	VARIANCE/APEAL	_____
		APPROVAL OF LOCATION	_____

PROJECT DESCRIPTION: Off-load 8,000 (+/-)CY of fine-grained marine sands on the property of the Mumford Cove Association at the Community Park Beach. After de-watering, the sands will be transported to, placed on, and graded at the designated disposal area on the beach north of the park at the northerly end.

PROJECT NAME: Maintenance Dredging and Beach Sand Replenishment

STREET ADDRESS OF PROPERTY: Mumford Cove Park Beach, Neptune Dr., Groton, CT

IF ADDRESS NOT AVAILABLE, LOCATION: Adjacent to and north of the dock facility.

PARCEL IDENTIFICATION NUMBER: 260705-28-2445 ACREAGE: 16.3 ZONING: R-12

CORRESPONDENCE WILL BE SENT TO PRIMARY APPLICANT AS CHECKED BELOW:

NAMES, ADDRESSES & TELEPHONE NUMBERS

APPLICANT: Mumford Cove Association C/o Dave Cote, 78 Colony Road, Groton, CT 06340

TELEPHONE: (860) 514-7886 FAX: _____

APPLICANT'S AGENT (IF ANY): Keith B. Neilson, Docko, Inc., P.O. Box 421, Mystic, CT 06355

TELEPHONE: (860) 572-8939 FAX: (860) 572-7569

OWNER/TRUSTEE: _____

TELEPHONE: _____ FAX: _____

ENGINEER/SURVEY OR / ARCHITECT: Keith B. Neilson, Docko, Inc., P.O. Box 421, Mystic, CT 06355

TELEPHONE: (860) 572-8939 FAX: (860) 572-7569

- Note: 1) TO BE ACCEPTED BY THE PLANNING DIVISION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.
- 2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.
- 3) I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE OFFICE OF PLANNING AND DEVELOPMENT SERVICES AS DESCRIBED IN PART THREE OF THIS APPLICATION.

David M. Cote, Member MCA
SIGNATURE OF APPLICANT
OR APPLICANT'S AGENT

9/4/17
DATE

Arthur J. Shaw
SIGNATURE OF RECORD OWNER
DATE 9/4/2017

DAVID M. COTE
PRINTED NAME OF APPLICANT

I HEREBY, CERTIFY THAT I AM THE OWNER OF THE PROPERTY STATED ABOVE.

Arthur J. Shaw
PRINTED NAME OF RECORD OWNER
President MCA Board

FOR OFFICE USE ONLY:
FEE RECEIVED: \$105.00 9/5/17
WORK TYPE: KEY

PROJECT # Combined PLANNER: _____

RECEIVED
SEP - 5 2017
PLANNING DEPARTMENT
TOWN OF GROTON, CT
4/07
SPFC355

TOWN OF GROTON
LAND USE APPLICATION – SITE PLAN

PART TWO
(Attach to Part One)

SITE DATA TABLE

	Required/Allowed	Provided
Lot Area (sq. ft. and ac.)	N/A	400.000SE
Lot Width	N/A	200 FT varies
Area of Site (sq. ft. and ac.)	N/A	100.000
Front Setback	N/A	N/A
Rear Setback	N/A	100FT to CJL
Side Setback N/E	N/A	100FT to TWL
Side Setback S/W	N/A	N/A
Building Area	N/A	N/A
Floor Area	N/A	N/A
Building Height	N/A	N/A
Building Coverage (%)	N/A	N/A
Total Lot Coverage (including impervious surfaces) (sq. ft. and %)	N/A	N/A
Existing Impervious Surface (sq. ft.)	1,000	1,000 SF
Change in Impervious Surface (+/- sq. ft.)	N/A	0
Area of Outdoor Sales	N/A	
Area of Open Space/Recreation	N/A	100.000
Area of Interior Landscaping	Existing	No Change
Parking (# of spaces)	N/A	N/A
Truck Loading Area	N/A	N/A
Area of Signs By Type	N/A	N/A

IS PROPERTY WITHIN THE CAM BOUNDARY? YES NO
IF YES, A COASTAL SITE PLAN APPLICATION MAY BE REQUIRED.

ARE THERE REGULATED WETLANDS? YES NO
A WETLAND APPLICATION HAS BEEN SUBMITTED OR PERMIT OBTAINED? YES NO

WATER: ON SITE WELL OR PUBLIC WASTE: ON SITE SEPTIC OR PUBLIC SEWER

COMPLETE ATTACHED CHECKLIST

SPEC 355

6/02
SEP - 5 2017

PLANNING DEPT

MINUTES
TOWN OF GROTON
ZONING COMMISSION
SEPTEMBER 6, 2017 – 6:30 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Hudecek, Marquardt, Smith, Sutherland
Alternate members present: Edgerton, Archer
Absent: Sayer
Staff present: Glemboski, Jones, Gilot

Chairperson Sutherland called the meeting to order at 6:30 p.m. and seated Archer for Sayer.

II. PUBLIC HEARINGS

1. Zoning Map Amendment ZCH17-02, 1 Bank Street, Mystic, PIN 261918305972, RS-8 Zone. Proposal is to change the zoning district of 1 Bank Street from RS-8 Zone to WDD Zone. Review is per Section 8.2 of the Zoning Regulations. (Patrick Roche & Kim Brault, Applicants)

Chairperson Sutherland read the legal notice.

Attorney Theodore Harris, 51 Main Street, Niantic, represented the applicants. He submitted three exhibits to the record: pictures, overlay, and mailings. Mr. Harris detailed the location of the property and the existing zones. This site would be an extension of the existing WDD zone.

Mr. Harris reviewed the agency referrals:

- Planning Commission – no comment
- Economic Development Commission – referral in support of the application
- Southeastern Connecticut Council of Governments - no adverse inter-municipal impact
- State of Connecticut Dept. of Energy and Environmental Protection - no conflicts

Mr. Harris also reviewed the application's consistency with the POCD, which recommends potential expansion of the WDD district, and compatibility with the existing tourist and commercial uses. The zone change does not address the change of use of the property. A special permit would be required for a use change.

Kim Brault, 1 Bank Street, a co-applicant, addressed the concerns of the neighborhood. She detailed the location of the property on the corner of Bank and West Main Street, and surrounding ledge faces John Kelly's park, Chelsea Groton Bank, Mystic Pizza and the Bank of America parking lot. She discussed the history of the house, built as a two-family house accessed from West Main Street until it was rebuilt after a fire in the 80's, when the access was changed to Bank Street.

Mr. Harris addressed the physical characteristics of the site; a ledge wall separates and isolates the property from the residential neighborhood. The applicants plan to live there but intend to eventually change it to a commercial use.

Staff discussed the existing allowed uses in the RS-8 district. Staff noted most of the uses would not be allowed due to due restrictions of the site, such as size. In the WDD zone, a special permit would be required for a change of use and the commission would make a determination on uses that are compatible with the WDD.

Staff reviewed the application, explained the attachments and maps, and comments from other agencies:

- Southeastern Connecticut Council of Governments
- State of Connecticut Department of Energy and Environmental Protection
- Planning Commission
- Economic Development Commission.

Staff distributed to commissioners a letter received into the office today from the owner of 21 Bank Street. The minutes of the Traffic Authority public meeting of May 12, 2016 were also distributed to the Commission. That meeting addressed the parking issues on Bank Street. As a result, "No Parking" signs were put up so there is parking on one side only of Bank Street. Staff reviewed a map with contour lines depicting the elevation of the site in relation to the residential neighborhood.

The Chair asked if it made sense to change the zone of individual parcels, or address the whole area. Staff said they are reviewing an expansion of the WDD, and it may be addressed with the zoning regulation rewrite.

The Chair asked for comments from the public.

John Moore, 15 Bank Street and owner of 0 Bank Street, presented a survey of his property and spoke against the application.

Diana Phaneuf, 8 Bank Street, had concerns with the owners because they do not live at the property full-time, the future use of the property, traffic on Bank Street, garbage and noise. She submitted a "protest of proposed amendment" petition.

David Squires, 22 Bank Street, spoke against the application. He said he was opposed to starting the transfer of a residential property to commercial. He submitted a GIS map of the neighborhood to the Commission. He discussed the location of the applicant's property. He said the ledge does not isolate the property. He discussed the objectives of the WDD zone from the zoning regulations, which addresses the zone providing service to the residents, encroachment of commercial onto residential district; and quoted from a case from the City of Shelton regarding spot zoning. He also noted the property card had the name of Angela, who is not an applicant.

Michael Morrissey, 23 Bank Street, spoke against the application due to traffic.

Bob Sampson, 6 Bank Street, spoke in favor of the application. He said he was not against it, and trusted the town to make the right choice.

Jennifer Sampson, 6 Bank Street, said she is not against this first step.

Leo Roche, 27 Pearl Street, spoke in favor of the application.

Anna Troiano, 148 High Street, spoke against the application.

Kim Brault, an applicant, said the property is used as a vacation rental. She presented photos of views from their property. She said they do not have any residential street parking as a result of the changes the Traffic Authority made. She also noted that Angela, who is listed on the property card, is Patrick Roche's late wife.

Patrick Roche, 1 Bank Street, spoke about the isolation of the site.

Attorney Harris addressed the criteria of the WDD, the node shown in the POCD, and said the zone change promotes the goals of the POCD. The physical characteristics make it ideal for the zone change, and it is not spot zoning. He also submitted a Hamden court case regarding spot zoning.

Diana Phaneuf, Bank Street, spoke again about the traffic on Bank Street, large trucks serving Mystic Pizza and fire and rescue vehicles going to Mystic Academy.

Smith asked if a town attorney opinion was required for the spot zoning issue. Staff said they hadn't reviewed the court cases presented tonight. The commission concurred that they would like the opinion of the Town Attorney before they closed the public hearing.

Staff said they also would need to check the protest document, so they recommended continuing the public hearing.

MOTION: To continue the public hearing to the next regular meeting on October 4, 2017.

Motion made by Smith, seconded by Archer, so voted unanimously.

2. Special Permit #354, 21 West Main Street, Mystic, PIN 261918401886, WDD Zone. Proposal is for outdoor seating at an existing restaurant. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. (Mystic Restaurant Group, Inc., Applicant)

Chairperson Sutherland read the legal notice.

Jeffrey Low, 141 Broadway, Norwich, of Chinigo, Leone and Maurzo LLP, represented the applicant, Mystic Restaurant Group.

Mr. Low submitted a GIS map of the subject property and proof of mailings to the Commission. He said the applicant had requested to allow outdoor seating at the existing restaurant. This is not a new use but a request for accessory sidewalk seating. A lease approval was granted by the State Department of Transportation. The request was reviewed by Ledge Light Health District and the Fire Marshal, and there were no concerns. An application was submitted to the Liquor Control Commission. Ropes and stanchions or some other method must be used to separate the seating area from the walkway. The sidewalk bump-out in that location allows more walking space on the sidewalk. There are two outside speakers which have been there for about ten years, and there have been no concerns with the noise. Staff recommended turning off the music and removing the seating at 10 pm. The applicant would like to be able to serve customers after that time. The six seats shown outside would be additional to the inside seating. Parking requirements are met by the existing use. There would be no outside noise projection of any inside entertainment. It was noted that Chapter One and Mystic Pizza also have outside speakers.

The Chairperson asked about the narrowing of the sidewalk with the installed bench and receptacle from the streetscape project, and allowing tables in the right-of-way. Staff said the state granted the lease, and they have conditions that will minimize impact to pedestrian traffic.

Mr. Low reviewed the amount of encroachment with the stanchions, the width of the sidewalk, distance to the bench, seasonality of the use, the property lines and the location of the tables as close to the façade as possible.

Staff said time limits may want to be considered, as well as requiring the restaurant doors and windows to remain closed after 10 pm., out of respect to the residents.

The Chair asked for comments from the public.

Rod Desmarais, 81 High Street, owner of Drawbridge Ice Cream and Drawbridge 24 Deli, spoke in favor of the application, and in favor of outdoor seating in downtown Mystic. He said that business owners need clarity regarding the definition and enforcement of outdoor seating in downtown Mystic.

Dan Van Kruiningen, 35 Shewville Road owner of Chapter One Restaurant, Mystic, said he also had obtained a lease from the state to put outside seating in front of his restaurant. The town's code enforcement officer made him remove the outside tables because he needed a special permit. He said he is in favor of outside seating in downtown Mystic, but frustrated with the process.

Jeffrey Low, spoke about the lease and explained to the state that the special permit would be required by town before tables can be put out.

Dan Van Kruiningen, Chapter One, said he asked the town for a legal definition of temporary, but has not received a response from the town.

The public hearing was closed at 8:13 pm.

III. CONSIDERATION OF PUBLIC HEARINGS

1. ZCH17-02, 1 Bank Street, Mystic (Patrick Roche & Kim Brault, Applicants)

The public hearing was continued to October 4, 2017.

2. Special Permit #354, 21 West Main Street, Mystic (Mystic Restaurant Group, Inc., Applicant)

MOTION: To approve Special Permit #354, 21 West Main Street, Ancient Mariner, to add outdoor seating with the following conditions and findings:

Conditions:

1. The outdoor seating area shall be closed by 10:00 pm each evening.
2. Any outside music, including speakers, shall be turned off by 10:00 pm each evening and all restaurant doors and windows shall remain

closed after 10:00 pm to not allow excess noise and indoor music to emanate onto the street.

Findings and Reasons for Approval:

The Commission finds that this application complies with the objectives of Section 6.3 of the Zoning Regulations in that it will enhance the unique qualities of Mystic and is in keeping with the goals of the Plan of Conservation and Development.

The Commission also finds that this application complies with the special permit objectives in Section 8.3-8 of the Zoning Regulations in that it does not alter the essential characteristics of the Mystic area, does not cause traffic congestion or safety conflicts, does not conflict with the purposes of these regulations, and will not have a potential environmental impact on adjacent water bodies, including Long Island Sound.

Motion made by Marquardt, seconded by Hudecek.

Motion to amend Condition #1 to:

“The outdoor seating area shall be closed for service by 10:00 pm each evening.”

Amended motion made by Marquardt, seconded by Smith. Amended motion passed unanimously.

The commission asked staff to clarify the outdoor seating section when they are working on the zoning regulations rewrite.

IV. PUBLIC COMMUNICATIONS - None

V. APPROVAL OF THE MINUTES

1. August 2, 2017

MOTION: To approve the August 2, 2017 minutes as written.

Motion made by Smith, seconded by Archer. Motion passed 3-0-2 (2 abstentions- Marquardt, Hudecek).

VII. OLD BUSINESS

1. Zoning Regulations Rewrite Project

The project was discussed under Commission Priorities in New Business.

VIII. NEW BUSINESS

1. Commission Priorities – Discussion

Chairperson Sutherland said time is of the essence with regard to the regulation rewrite. Staff said the commission will be abolished on January 1, 2019, with a three month notification period prior to that date. Staff has reserved the room for the third Wednesday of each month for special meetings to review regulations, if necessary.

Staff said the Town Council and new Town Manager made it very clear they want to see progress. Staff has been working on the draft they received from Horsley Witten. They will try to target a few interim higher-impact amendments, such as the mixed used regulations for downtown centers, and have one hearing for those sections. Staff hopes that they will have something ready for the commission by the next meeting. They have been working on the consolidation of zones, consistency of setbacks and lot coverage, and are now working on the use tables, conditional or special permit requirements, for the October meeting. The commission asked staff to approach the Planning Commission for representatives to attend the Zoning Commission's special meetings to keep up with the progress of the regulations.

Smith asked about the Nautilus Memorial Design District (NMDD). He recommended eliminating the district, and staff noted they are currently reviewing the area.

Staff distributed copies of the 2016 Plan of Conservation and Development to the commissioners.

2. Report of Commission - None
3. Receipt of New Applications
 - a. SPEC355 - Mumford Cove Beach Association Sand Replenishment, 3 Neptune Drive (CAM)

A public hearing was scheduled for October 4, 2017. Hudecek stated he would not be at that meeting.

IX. REPORT OF CHAIRPERSON - None

X. REPORT OF STAFF

Staff introduced new staff, Kara Hovland, replacing Robin Silsby in the Planning Commission.

XI. ADJOURNMENT

Motion to adjourn at 8:38 p.m. made by Smith, seconded by Archer, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Debra Gilot
Executive Assistant