

AGENDA
PLANNING COMMISSION
MARCH 8, 2016 - 7:00 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

II. APPROVAL OF MINUTES

1. February 9, 2016*

III. PUBLIC COMMUNICATIONS

IV. SUBDIVISIONS

1. Executive Session: *Sedensky v. Groton Planning Commission*, LND-HHD-CV-13-6057640-S. Executive Session for discussion of strategy and negotiations with respect to pending claims/pending litigation to which the Planning Commission is a party.*
2. East Farm Subdivision – Utility Installation Progress Report*

V. SITE PLANS

1. Long Meadow Landing, 45 South Road (SIT15-14)* - Action Required
2. Mystic River Ambulance, 237 Sandy Hollow Road (SIT15-18)* – Request for Extension or Action Required
3. New Central Hall, 18-22 West Main Street (SIT16-04) (CAM)*

VI. OLD BUSINESS

1. POCD Draft Themes

VII. NEW BUSINESS

1. City of New London Referral for Public Hearing on March 17, 2016 – Zone Regulation Amendment to Create Bus Stop Shelters for Publicly Operated Bus Service on Private Property*
2. City of New London Referral for Public Hearing on March 17, 2016 – Zone Regulation Amendment to Allow Special Events and Tours for Historic Property Preservation*
3. Town of Ledyard Referral for Public Hearing on March 10, 2016 – Zone Regulation Amendments to Chapters 1,2,3,4 and 5*
4. ZBA Referral for Public Hearing on March 9, 2016 - ZBA16-02, Squires Residence, 22 Bank Street*
5. Zoning Commission Referral for Public Hearing on April 6, 2016*
 - a. REGA16-01, Proposed Zoning Regulation Text Amendment to Sections 6.2 (Downtown Development District); 6.3 (Waterfront Design District); 7.1-36 (Drive-Through Facilities); 7.2-5 (Off-Street Parking and Loading); 7.4-4 (Buffer Areas) and 7.5 (Sidewalks). (Town of Groton Zoning Commission, Applicant)
6. Report of Commission
7. New Applications

VIII. REPORT OF CHAIRMAN

IX. REPORT OF STAFF

X. ADJOURNMENT

Next Meeting: March 22, 2016

* Enclosed

NOTE: NO NEW BUSINESS WILL BE CONSIDERED AFTER 10:30 P.M.

MINUTES
PLANNING COMMISSION
FEBRUARY 9, 2016 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

Chairman Sherrard called the meeting to order at 7:00 p.m.

I. ROLL CALL

Regular members present: Sherrard, Steinfeld, Pritchard, Munn
Alternate members present: Fitzgerald, Tarbox, Zod
Absent: Kane
Staff present: Jones, Glemboski, Allen, Gilot

Chairman Sherrard seated Tarbox for Kane.

II. APPROVAL OF MINUTES

1. January 26, 2016

MOTION: To adopt the minutes of January 26, 2016 as written.

Motion made by Steinfeld, seconded by Pritchard. Motion passed 4-0-1, 1 abstention (Munn).

III. PUBLIC COMMUNICATIONS - None

IV. SUBDIVISIONS

1. Watrous Subdivision (SUB15-06), 970, 980 and 990 Pleasant Valley Road North – Request for Acceptance of Public Improvements and Reduction of Bond

MOTION: To accept the public improvements of the Watrous Subdivision, 970, 980 and 990 Pleasant Valley Road North, and reduce the bond to \$2,450.

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

V. SITE PLANS

1. Craft Bakeshop, LLC Modification (SIT16-), 5 Water Street

Gregg Fedus, Fedus Engineering, 70 Essex Street, Mystic, introduced the applicant, Adam Young. Mr. Fedus explained the relocation of the propane tanks, and the requirement for 4 ft. sidewalks. The smallest propane tanks they were able to obtain were 30 inches wide, so there would only be 3 ½ ft. clearance on the sidewalk north of the building.

Staff explained the sidewalks at the site. The internal walkway on the south side of the building connects the parking to the rear entrance and around to the main front entrance. This side is four ft. wide and will serve as the main sidewalk to the entrance to the building and the street. The location of the propane tanks was approved by the Building Official and the Fire Marshal. The Commission recommended that signage be added to the site identifying the entrance from the parking lot.

MOTION: To approve Site Plan Modification (SIT16-01) for Craft Bake Shop, 5 Water Street with the following modifications:

1. Proposed propane tanks on north side of building shall allow for a 3.5 ft. wide walkway.
2. Technical items as raised by staff shall be addressed.

Motion made by Sherrard, seconded by Tarbox, so voted unanimously.

VI. OLD BUSINESS

1. Zoning Commission Referral for Public Hearing on February 3, 2016 – REGA15-02, Zoning Regulation Text Amendment to Section 5.2 in the WF-20 Zone

Staff said this referral was initially discussed by the Commission two meetings ago, and the Commission had questions. The applicant was present this evening to address those questions. Staff explained that the application had been amended. It was initially submitted from height in WF from 30 ft. to 50 ft., but has been amended.

Munn recused himself due to his association with Mystic Shipyard. The Chairman seated Zod for Munn for the referral.

Russel Sergeant, Architect, 3 Rowland Street, explained the request for the regulation amendment, to accommodate sheds that can hold larger boats for storage or repair. Mr. Sergeant discussed the height allowances and lot coverage requirements of other commercial zones in the town. The neighborhood is densely populated, and no views would be affected by the new height.

Staff said they did not see any concerns with the 50 ft. height. The Zoning Official had no concerns with changing the regulation with the measurement of height to the highest point of the roof for this specific use.

Mr. Sergeant discussed the finished floor elevation requirements with the new FEMA flood zones. Mezzanines would be required to keep solvents, mechanical systems, etc. above the flood elevation.

Staff said water dependent uses should take priority in a waterfront location. Extensive discussion ensued on the requirements for peaked vs. flat roofs, and the needs of the applicant. The Chairman had concerns with boats being brought through the neighborhood to the shipyard. Mr. Sergeant said the likelihood of boats that size coming to the site by road would be very small.

MOTION: The Planning Commission reviewed the referral from the Zoning Commission for REGA15-02 to increase the maximum building height to 50-feet in the WF-20 zoning district and has the following comment:

The Planning Commission recommends a modification of the application that allows a maximum height of 45 feet for sheds used for construction, repair, and storage of boats limited to a single floor with mezzanines as allowed by the Connecticut State Building Code.

Motion made by Zod, seconded by Tarbox, so voted unanimously.

2. POCD Draft Themes

Staff said they expect to have the infrastructure theme from the consultants very soon, and the introduction rewrite in the next couple of weeks. Staff anticipates having the entire completed document in March.

The Chairman reseated Munn.

3. Market Analysis and Regulation Audit - Update

Staff said the consultants will be presenting both the market analysis and the regulation audit to the Town Council in March.

VII. NEW BUSINESS

1. ZBA Referral for Public Hearing on February 10, 2016 – ZBA#16-01, Savings Institute Bank & Trust, 970 Poquonnock Road

Staff explained the referral to construct a new bank building in The Marketplace shopping center, in the location of the existing drive-thru kiosk. Variances were requested for the location of a drive-through in a front yard, to reduce the drive-through stacking lanes from 10 required to 6, for each of 2 stations, and a front yard setback for 55 feet instead of the required 75 feet.

The Commission had concerns with the traffic patterns from the drive-through exiting the plaza, the stacking lanes, and pedestrian safety in the parking lot.

MOTION: The Planning Commission recommends denial of ZBA#16-01, Savings Institute Bank & Trust, because of concerns with traffic flow, stacking lanes, setbacks, safety and parking.

Motion made by Sherrard, seconded by Pritchard. Motion passed unanimously.

2. Report of Commission

Tarbox expressed concerns with regard to the Spicer Mansion on Elm Street. She believed that it may now be run as more than a bed and breakfast, based on a recent article written about the business.

Staff said they had the same concerns, and a letter was written to the owners a couple of weeks ago. The owners responded that they intended to comply with all the conditions of their approvals. Staff will be sending another letter to remind them of what approvals they have for the site, and will continue to document their efforts and monitor the situation in the event that zoning enforcement should become necessary.

3. New Applications

SIT16-02 – Savings Institute Bank, 970 Poquonnock Road

SIT16-03 – Fieldcrest Water Storage Tank, 115 Oslo Street

VIII. REPORT OF CHAIRMAN

The Chairman polled the members regarding their anticipated attendance at the next few meetings.

IX. REPORT OF STAFF

Staff said the Town Enforcement Officer spoke with the owner of Fields of Fire about the lighting. The owners will be putting the lights on a timer and the lights will be shut off when not in use. The timer is on order.

Staff noted that the Director of OPDS will be meeting tomorrow with the new Executive Director of the Mystic Museum of Art, and they will be discussing the parking at the Center.

Staff reminded the Commission that the Connecticut Federation of Planning and Zoning Agencies will hold their annual dinner meeting on March 17th at the Aqua Turf and advised them to let staff know if they planned to attend. The Chairman said that Munn will be receiving a lifetime achievement award at the meeting.

X. ADJOURNMENT

Motion to adjourn was made at 8:16 p.m. by Munn, seconded by Steinfeld, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Debra Gilot
Office Assistant III

Memorandum

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

ATTORNEY WORK PRODUCT
PRIVILEGED/CONFIDENTIAL

To: Jonathan J. Reiner (via email)
Cc: Deb Jones (via email)
Diane Glemboski (via email)
From: Michael P. Carey MPC
Date: February 25, 2016
Re: February 24, 2016 Memorandum of Decision in *Sedensky, et al v. Planning Commission*

Jon:

Attached is a copy of the Memorandum of Decision issued by the court yesterday. I have not had a chance to study the decision in any detail but it appears the court sustained the appeal in part. There is no automatic right to appeal from a trial court decision in a land use appeal. A party unhappy with the decision must file a petition for certification to the Appellate Court and that court must grant it before an appeal may be filed. Unless we get an extension of time, if we elect to file a petition, we must do so on or before March 15. Until I go through the decision in detail, I will not be able to advise whether the Town should consider filing a petition.

I have not discussed this decision with counsel for the applicants, Harry Heller. They may elect to file a petition, and if they do, it may turn out that the Town need not file one of its own.

I greatly appreciate hearing any thoughts you have on the decision. Thank you for your consideration.

DOCKET NO: LND-CV-13-6057640 : SUPERIOR COURT
JOHN SEDENSKY, ET AL : LAND USE LITIGATION
DOCKET
V. : AT HARTFORD
PLANNING COMMISSION OF THE : FEBRUARY 24, 2016
TOWN OF GROTON, ET AL

MEMORANDUM OF DECISION

This is an appeal from the approval by the defendant, Planning and Commission of the Town of Groton ("Commission"), of an application for two modifications of the Mystic Glenn subdivision located on 24 Greenbriar Court and 25 Whitehall Lane in the Town of Groton ("the Property"). This case was referred to the Land Use Litigation Docket in Hartford which referred the case to the undersigned for trial. Trial took place on November 6, 2015 in Litchfield.

I. Facts

The plaintiffs are John Sedensky, Susan Sedensky, Lori Filosa, Raymond Filosa, Russell Cumming, Joyce Cumming, and David Robinson ("the plaintiffs"). The plaintiffs, John Sedensky and Susan Sedensky, own land at 20 Greenbriar Court in Groton which abuts or is within a radius of one-hundred feet of a portion of the Property. The plaintiffs, Raymond Filosa and Lori Filosa, own land at 23 Greenbriar Court in Groton which abuts or is within a radius of one-hundred feet of a portion of the Property. The plaintiffs Russell Cumming and Joyce Cumming, own land at 37 Whitehall Lane in Groton which abuts or is within a radius of one-hundred feet of a portion of the Property. The plaintiff, David Robinson, owns land at 17 Greenbriar Court in Groton which abuts or is within a radius of one hundred feet of a portion of

Mailed to all counsel + OCR 2/24/16 ab/co

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the Property.

The applicant for the modification was shown on the application as "David Regan c/o Regan Homes, LLC" ("the Applicant") and both David Regan and Regan Homes, LLC are defendants in this case . The owners of the property are shown on the application as Stephen F. Simoncini and David S. Simoncini. They, together with Susan Simoncini (collectively known as the "Owners"), intervened in this case as party defendants claiming to be the record owners of the property which is the subject of the application.

On August 16, 2013 the Applicant filed an application to the Commission with the following Project Description: "The applicant requests approval of a Modification [of a] previously granted Waiver of Section 4.3(1)(k) of the TOG Subdivision Regulations for the Mystic Glen Open Space Re-Subdivision to allow for 19 Single-Family Lots to be served by the Cul-de-Sacs known as Payer Lane and Greenbriar Court. This application also requests approval of a Lot Line Modification of a previously approved Lot known as 25 Whitehall Lane (part of the original Mystic Glen Open Space Re-Subdivision) to enlarge the Lot Area." The application was accompanied by a report from a registered professional engineer, Edward Wenke. The Town's Director of Planning and Development, Michael Murphy reviewed the application and gave a brief report to the Commission at its meeting on September 10, 2013. Mr. Murphy reported that the application would not require a public hearing because the applicant was not adding any new lots. The staff gave a brief overview of the proposed modifications and reported that the application would be on the agenda for the next meeting.

At the next meeting of the Commission on September 24, 2013 Mr. Murphy provided the Commission with a summary sheet, and the Applicants' engineer, Edward Wenke, made a

presentation. Mr. Wenke gave a history of the Mystic Glen Open Space Re-Subdivision ("Project"). The Project was approved in about 1993. At that time, and currently, § 4.3(k)(k) of the Town of Groton Subdivision Regulations ("Regulations") provided, in relevant part, that: "Dead-end Roads - Permanent dead-end roads in residential subdivisions shall be limited to serving 15 lots . . ." As part of the approval in 1993, a waiver of § 4.3(1)(k) was granted to allow for an additional two lots to be added to the 15 permitted lots served by a dead-end road which ends in two cul-de-sac roads known as Greenbrier Court and Payer Court. Although no records exist of the proceedings before the Commission in 1993, the terms of § 1.10 of the Regulations provides for a procedure for the Commission to waive compliance with the Regulations if the Commission finds that "extraordinary hardships or practical difficulties may result from compliance with the Regulations."

The intent of the application is difficult to describe in words. Therefore, the court will attach to this decision two maps which were part of the application submitted to the Commission. One of these maps is titled "Existing Conditions Plan" and the other map is titled ""Proposed Subdivision Modifications". These maps are worth 1000 words.

The first part of the application submitted to the Commission in August 2013 seeks approval of a modification of the 1993 modification to allow for an additional two lots to be served by the Greenbrier Court cul-de-sac. This will be accomplished by extending a shared driveway across an existing subdivision lot owned by the Owners. The driveway will provide access to two new lots outside the subdivision. These lots will be created by a "free split" of undeveloped land outside of the subdivision also owned by the Owners known as "Lot 1". The Applicant does not seek to add these two lots to the subdivision.

The second part of the application seeks approval of a lot line modification of a previously approved subdivision lot still owned by the Owners. The lot line modification will add property outside the subdivision (also owned by the Owners) to create a larger lot within the subdivision which can be used as a home site. This larger lot will also provide land for a shared driveway which will provide access to two additional lots outside the subdivision. These lots will be created by another "free split" of more land owned by the Owner known as "Lot 2".

On September 24, 2013 the Commission unanimously voted to approve the application without giving any reasons for their decision.

II. Aggrievement

The plaintiffs, John Sedensky, Susan Sedensky, Lori Filosa, Raymond Filosa, Russell Cumming, Joyce Cumming and David Robinson all own property which abuts or is within a radius of one hundred feet of a portion of the land involved in the decision. Therefore, they are all statutorily aggrieved by the decision of the decision. General Statutes §8 (a) and (b).

The plaintiffs also claim to be classically aggrieved by the Commission's decision. Proof of classical aggrievement encompasses a two-fold test: "First, the party claiming aggrievement must successfully demonstrate a specific, personal and legal interest in the subject matter of the decision, as distinguished from a general interest, such as is the concern of all members of the community as a whole. Second, the party claiming aggrievement must establish that this specific, personal and legal interest has been specially and injuriously affected by the decision." *Hall v. Planning Commission*, 181 Conn. 442, 444 (1980). "Aggrievement is established if there is a possibility, as distinguished from a certainty, that some legally protected interest . . . has been adversely affected." (Quotation marks omitted.) *Id.*, 445.

John Sedensky and Raymond Filosa both testified that they are very concerned about the water problems which they expect to result from the three new building lots being developed behind their properties in an area which is very wet and discharges water onto their land. The Applicant's engineer testified at the hearing about how wet and flooded this area can be in a storm. He has designed a drainage system to attempt to help deal with the water problem but stressed that no plan can eliminate the water. Because of the location of their properties, the plaintiffs demonstrated a specific, personal and legal interest in the subject matter of the decision, as distinguished from a general interest. Water concerns have been found to have an injurious affect on land, even without an engineer's report. *Id.* For this reason, John Sedensky, Susan Sedensky, Lori Filosa, and Raymond Filosa are found to be classically aggrieved as well as statutorily aggrieved.

III. Standard of Judicial Review

"It is axiomatic that a planning commission, in passing on a resubdivision application, acts in an administrative capacity and is limited to determining whether the plan complies with the applicable regulations. . . . It is equally axiomatic that the trial court, in reviewing the action of a planning commission regarding a resubdivision application, may not substitute its judgment on the facts for that of the planning commission. . . . The conclusions of the commission must stand if even one of the stated reasons is reasonably supported by the record. . . . The trial court must determine whether the commission has correctly interpreted its regulations and applied them with reasonable discretion to the facts. . . . The trial court can sustain the [plaintiffs] appeal only upon a determination that the decision of the commission was unreasonable, arbitrary or illegal In reviewing that action of the trial court, we have to decide whether it could in logic

and law reach the conclusion that the [commission] should be overruled.” *LePage Homes, Inc. v. Planning & Zoning Commission*, 74 Conn. App. 340, 348 (2002).

“The evidence, however, to support any such reason must be substantial This so-called substantial evidence rule is similar to the sufficiency of evidence standard applied in judicial review of jury verdicts, and evidence is sufficient to sustain an agency finding if it affords a substantial basis of fact from which the fact in issue can reasonably be inferred. . . . [I]t must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury.” *Pelliccione v. Planning & Zoning Commission*, 64 Conn. App. 320, 327 (2001).

IV. Discussion

A. Mootness

The first argument raised by the Owners is that the plaintiff’s appeal is moot because no Commission action was required in order to enable the two changes proposed by the Applicant. “Mootness implicates a court’s subject matter jurisdiction and , therefore, presents a question of law over which we exercise plenary review. . . . For a case to be justiciable, it is required, among other things, that there be an actual controversy between or among the parties to the dispute [T]he requirement of an actual controversy . . . is premised upon the notion that courts are called upon to determine existing controversies, and thus may not be used as a vehicle to obtain advisory judicial opinions on points of law.” *In re Pricilla A.*, 122 Conn. App. 832, 836 (2010). Because subject matter jurisdiction is implicated by the Owners’s argument, it must be decided first. Once subject matter jurisdiction is raised, the court must consider and decide the issue before proceeding further. *Schaghticoke Tribal Nation v. Harrison*, 264 Conn. 829, 839 n.6

(2003). "Mootness implicates [the] court's subject matter jurisdiction and is thus a threshold matter for [the court] to resolve." *The Episcopal Church v. Gauss*, 301 Conn. 408, 461 (2011).

Turning to the mootness argument, the Owners contend that the Commission did not have regulatory authority to require the Owners to submit an application for either a lot line modification or a waiver of the requirements of § 4.3(1)(k) of the Regulations. The lot line modification will be considered first.

1. Revision of 25 Whitehall Lane

The Owners argue that because the boundary line modification does not create any new lots, does not add any new lots to the subdivision, and is not a subdivision of Lot 2, it does not require Commission approval. Therefore, they contend there was no need for the Owners to file an application to obtain approval for something they have the right to do on their own. In opposition to this argument, the plaintiffs contend that the lot line modification resulted in the division of Lot 2 into three pieces thereby creating a subdivision which should have resulted in a public hearing and personal notice to them.

A "subdivision" is defined by General Statutes § 8-18 as: ". . .the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the commission, for the purpose, whether or immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision." There is no question that Lot 2 has maintained its independent identity and has not been divided since the adoption of subdivision Regulations. The application provides for Lot 2 to be divided into two building lots and a third part of 19,809 square feet which will be added to the rear portion of an existing subdivision lot

known as 25 Whitehall Lane to create a larger building lot. The plaintiffs argue that the division of Lot 2 into two building lots and a third “part” meets the definition of “subdivision”.

In opposition to the plaintiffs argument, the Owners focus on case law which holds that a lot line adjustment is not a subdivision. In *Goodridge v. Zoning Board of Appeals*, 80 Conn. App. 760 (2000) the Appellate Court was faced with a factual situation very similar to that presented in this case. There were two adjoining lots - “parcel one” and “parcel two” - whose separate existence predated the adoption of subdivision regulations. In 1969, after the adoption of subdivision regulations, a “slight adjustment” was made to the boundary line between the parcels to reduce the size of parcel two and to increase the size of parcel one. In 1987 the owner of parcel two divided it into two lots - “parcel A” and “parcel B” - without subdivision approval by the Planning Commission. Parcel B was sold, and in 1997 the owner applied for a zoning permit to construct a driveway. The permit was issued by the zoning enforcement officer. A neighbor appealed the granting of the permit to the zoning board of appeals which sustained the appeal on the ground that the 1969 boundary line revision was a “first cut” of the land, and that the 1987 division of “parcel two” into two separate lots was a “second cut” of the property which required subdivision approval. The owner of Parcel B appealed to the trial court which agreed with the zoning board of appeals and dismissed the appeal. The Appellate Court interpreted the definition of “subdivision” in § 8-18 so that the portion of land moved from “parcel two” in 1969 was not a “first cut” because: “. . .the land transferred from lot two to lot one was never divided from a whole parcel of land; rather it remained, at all times, as part of a larger parcel of land. Furthermore, the land never was sold separately or intended to be used for development, it simply was added to the adjacent parcel.” *Id.*, 765. The Appellate Court concluded as follows:

“After analyzing the relevant terms of the statute and taking into the account the public policy reasons underlying the statute, we conclude that the court improperly held that the revision of the boundary line between lot one and two in 1969 constituted a ‘subdivision’ under § 8-18.

Therefore, because the land transferred from lot two to lot one was not divided from the larger parcel that made up both lots, Taubert’s subsequent division in 1987 of lot two into parcels A and B did not require subdivision approval from the planning and zoning commission.” *Id.*, 766. The Appellate Court reversed the trial court and remanded the case with direction to sustain the plaintiff’s appeal.

Although the factual situation in *Goodridge* is slightly different than the situation here, the Owners have cited the court to a Superior Court case which interprets *Goodridge* to apply to a factual situation which is identical to that presented in this case. In *Derham v. Brown*, Superior Court, judicial district of Hartford, Docket No. 9900594305 (July 19, 2001), the court determined that a boundary line adjustment between a subdivision lot and an adjoining lot did not constitute a division of a parcel into “parts or lots” as those words are used in § 8-18. The court quotes from *Goodridge* and seemingly rejects the notion that lot line adjustments are not subdivisions only if the adjustment can be described as “minor”. The court emphasizes that two lots existed prior to the boundary line revision and only two lots existed after the revision.

In opposition to the Owners’ argument, the plaintiffs cite as authority the case of *Lombardo v. Planning and Zoning Commission*, 43 Conn. Supp. 508, *aff’d* 38 Conn. App. 812 (1995). The plaintiffs are correct that *Lombardo* stands for the proposition that a planning commission has no authority to approve the division of a tract of land into three building lots without subdivision approval even if the division is bifurcated into two simultaneous steps. *Id.*,

517. However, this case does not apply to a factual situation such as that presented here: the division of a parcel into two building lots and a third part which is added to an adjoining building lot.

A closer factual situation is contained in the plaintiff's citation of *Balf v. Zoning Board of Appeals of Manchester*, Superior Court, judicial district of Hartford, Docket No. 030827804 (March 13, 2006). There, the plaintiff originally owned a parcel of 7.55 acres. In 1989 it sold .83 acres to an adjoining property owner, Gay, who had built a building which encroached on this piece. This purchase fixed the encroachment problem and also gave Gay land to expand the building and still comply with zoning regulations. In 2003 the plaintiff agreed to sell 3.95 acres to another neighbor, Tilcon. The plaintiff was planning to lease this land back to build a concrete plant. The plaintiff applied for a building permit which caused the zoning enforcement officer to decide that the two conveyances in 1989 and in 2003 constituted a division of the plaintiff's land into three pieces which required subdivision approval. The plaintiff appealed this decision to the zoning board of appeals which denied the plaintiff's appeal. The plaintiff appealed to the Superior Court which agreed that a subdivision had been created and dismissed the plaintiff's appeal. The court distinguished *Goodridge* by finding that the 1989 sale of .83 acres to Gay was not a "minor conveyance of a tiny strip of land to achieve a boundary line adjustment. But in this case plaintiff conveyed .83 acres to Gay for \$35,000. This not only solved the encroachment problem, but enabled Gay to enlarge his premises by constructing a 30 x 110 addition to his building." The court distinguished *Derham* by noting that, unlike the factual situation in *Derham*, the plaintiff's 1989 conveyance to Gay was "not adjusting the boundary line of two lots owned by a single landowner."

In attempting to apply the teaching of *Goodridge*, *Derham* and *Balf*, the court must begin by noting that the facts here are very similar to *Derham* in that the proposed boundary adjustment is between lots which are both owned by the Owners. Also, no new lot is created by the adjustment. These factors weigh in favor of a finding that the boundary line revision with 25 Whitehall Lane is not a first division of Lot 2 within the meaning of § 8-18.

On the other hand, the plaintiffs argue that the addition of 19,809 square feet (.4547 acres) to the approved lot at 25 Whitehall Lane is difficult to describe as a minor lot line adjustment. It more than doubles the size of 25 Whitehall Lane to 37,920 square feet. It provides room for the construction of a shared driveway which permits access to Lot 2 and its division into two building lots. This shared driveway will service three homes and will run between two existing homes. It completely changes the location of the house to be built on 25 Whitehall Lane so that it will now be built directly to the rear of the house on subdivision lot 15. These factors weigh in favor of a finding that the boundary line revision is a first division of Lot 2.

In attempting to resolve this issue, the courts reads *Goodridge* to create an exception from the definition of “subdivision” for “minor lot line adjustments”. Whether an adjustment is “minor” must be decided on a case-by-case basis. There are no bright lines that have been established and the decision is factual in nature. The Commission decided that no resubdivision application was required; this would have required a finding that the removal of 19,809 square feet from Lot 2 and the addition of this land to 25 Whitehall Lane is a “minor lot line adjustment” and is not the first division of Lot 2 for purposes of § 18-8. Although this point is hotly contested, there is substantial evidence from which the Commission could have drawn this

conclusion.

It must be remembered that the Commission has the authority to determine whether the division of any land constitutes a subdivision or resubdivision. § 8-26¹. Although the court might think otherwise, the court may not substitute its judgment on the facts for that of the commission. The court can sustain the appeal only if it determines that the commission's decision was unreasonable, arbitrary or illegal. In this case, the court will defer to the determination of the Commission that the removal of 19,809 square feet from Lot 2 to be added to 25 Whitehall Lane is a "minor lot line adjustment" even though the commission would have been justified in finding otherwise. This determination lies within the Commission's reasonable exercise of its discretion.

If the lot line adjustment is not a subdivision of Lot 2, there is no reason why the Owners needed to obtain the approval of the Commission. The increase in the area of 25 Whitehall Lane is not a resubdivision of the Property. General Statutes § 8-18 defines a resubdivision as: "A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot." The proposed increase in area of 25 Whitehall Lane does not affect any street layout, does not affect any area reserved for public use, and does not diminish the size of any subdivision lot. Therefore, it is not a resubdivision.

Because the planned division of Lot 2 is not a subdivision, and the addition of land to 25 Whitehall Lane is not a resubdivision, the Owners did not need the Commission's approval to

¹General Statutes sec. 8-26 provides, in relevant part: "The commission shall have the authority to determine whether the existing division of any land constitutes a subdivision of or resubdivision under the provisions of this chapter . . ."

take these actions. Therefore, the appeal regarding the division of Lot 2 and the modification of 25 Whitehall Lane is moot. For this reason, the appeal is dismissed as to the revision of 25 Whitehall Lane.

2. Waiver of § 4.3(1)(k)

The plaintiffs' primary argument regarding the § 4.3(1)(K) waiver is that a petition for a waiver may only be submitted "at the time when the subdivision is filed." The Regulations § 1.10 (3) provides: "Procedures - A petition for any such waiver shall be submitted in writing by the subdivider at the time when the subdivision plan is filed for the consideration of the Planning Commission." The court will first address the Owners's argument that no waiver was necessary and, thus, the appeal is moot.

In support of their mootness argument the Owners contend that, as owners of Lot 1 which adjoins their property at 24 Greenbriar Court, they have an absolute right to gain access to the Greenbriar Court cul-de-sac. To support this argument the Owners cite a well-known article in the Connecticut Bar Journal² and the case of *Luf v. Southbury*, 188 Conn. 336, 341 (1982)³ for the proposition that as part of their bundle of private ownership rights they have the right to gain access to adjoining public roads. They also cite *Buttermilk Farms, LLC v. Planning and Zoning Commission*, 292 Conn. 317 (2009) for the proposition that municipal planning commissions do

²E. Sostman and J. Anderson, "The Highway and the Right of Way," 61 Connecticut Bar Journal Volume 299, 316 (1987).

³"Instead of creating a fee, the taking of the highway creates two easements: the public easement of travel, that permits the general traveling public to pass over the highway at will, and the private easement of access, that permits landowners who abut the highway to have access to the highway and to the connecting system of public roads." *Luf v. Southbury*, 188 Conn. 336, 341 (1982).

not have regulatory authority over land exterior to the land to be subdivided. Thus, they argue that they do not need permission to gain access to Greenbriar Court cul-de-sac for the “free split” of Lot 2 into two lots because these lots will not become part of the Mystic Glenn subdivision.

The plaintiffs argue that *Luf* and *Buttermilk Farms* is irrelevant to the issue of whether the town may limit the number of homes built on a dead-end road. The court agrees with the plaintiffs. *Luf* merely reaffirms prior law that an abutter to a public highway has the right to gain access to the highway. But, the holding in *Luf* does not help the Owners’ case because the lot which abuts the Greenbriar Court cul-de-sac is 24 Greenbriar Court, not Lot 1. 24 Greenbriar Court has access to the cul-de-sac and then to the connecting system of the public roads. It was included as one of the seventeen lots which have been approved as building lots within the Mystic Glenn subdivision. It is true that 24 Greenbriar Court and Lot 1 are adjoining lots which are owned by the same people. But these lots have separate identities which the Owners have been careful to maintain. Lot 1 would not merge with 24 Greenbriar Court absent an intent on the part of the Owners to merge them. “Contiguous land all owned by the same proprietor does not necessarily constitute a single lot. The plaintiff concedes that whether a merger of contiguous parcels of land has occurred depends on the intention of the owner and that such an issue is factual.” (Citations omitted. Internal quotation marks omitted.) *Carbone v. Vigliotti*, 222 Conn. 216, 227 (1992). The Owners have emphasized that Lot 1 is a separate lot which pre-dates the adoption of the Regulations and that they have no intent of merging it with 24 Greenbriar Court. Since Lot 1 does not abut the cul-de sac the Owners have no right to access to the cul-de-sac.

Nor is *Buttermilk Farms* helpful to the Owners’ claim that the issue is moot. *Buttermilk Farms* involved whether the planning commission could require a subdivider to make off-site

improvements as a condition of approval of the subdivision. The Supreme Court decided that the commission's authority under the health and safety provision of General Statutes § 8-25 did not include the right to adopt regulations requiring off-site improvements to existing roads. *Id.*, 74, note 11. That is not the issue in this case. The issue here is whether the Commission has any right to prevent the addition of lots to a dead-end street in violation of the express terms of the Regulations. This is not a moot issue.

B. §1.10 (3) of the Regulations

The next issue to be considered is whether the Commission has the right to grant waivers of the Regulations without a subdivision or resubdivision application. The plaintiff points to the language of § 1.10 (3) which provides that a petition for any waiver of the Regulations shall be submitted in writing by the subdivider at the time when the subdivision plan⁴ is filed with the Commission. It is clear that this happened at the time of the previous resubdivision in 1993 when the Commission waived the requirements of § 4.3(1)(k) of the Regulation to permit seventeen lots to be served by Payer Lane and Greenbriar Court rather than the fifteen provided for in that section. Now, the Owners seek to add two more lots without applying for a resubdivision.

The Owners seek to overcome the clear language of § 1.10 (3) by arguing that there are strong public policy reasons to permit the modification of the terms of the previous subdivision approval and to permit a waiver as a modification. The Owners claim that modifications are necessary to address unforeseen changes in circumstances occurring subsequent to the initial

⁴This language also applies to a resubdivision application because General Statutes Sec. 8-18 defines "subdivision" to include "resubdivision".

approval. But, this argument has little or no application to the facts in this case because the Owners have a clear path to address any changes in circumstance. Here, the Owners propose to add two new lots to the dead-end road system serving this subdivision. But the Owners have made the conscious choice not to add these two lots to the subdivision. The reason for this seems obvious: if the two new lots were added to the Subdivision it would constitute a resubdivision which would require a public hearing. The plaintiffs want a public hearing so that they can express their concerns about overburdening this dead-end road.

“Generally, it is the function of a zoning board . . . to decide within prescribed limits and consistent with the exercise of [its] legal discretion, whether a particular section of the zoning regulations applies to a given situation and the manner in which it does apply. [In turn] [t]he . . . court ha[s] to decide whether the board correctly interpreted the section [of the regulations] and applied it with reasonable discretion to the facts. . . . In applying the law to the facts of a particular case, the board is endowed with . . . liberal discretion, and its action is subject to review . . . only to determine whether it was unreasonable, arbitrary or illegal. . . . Moreover, the plaintiffs bear the burden of establishing that the board acted improperly. . . . Ordinarily, the court affords deference to the construction of a statute applied by the administrative agency empowered by law to carry out the statute’s purposes. . . . [A]n agency’s factual and discretionary determinations are to be accorded considerable weight. . . . Cases that present pure questions of law, however, invoke a broader standard of review than is ordinarily involved in deciding whether, in light of the evidence, the agency has acted unreasonably, arbitrarily, illegally or in abuse of its discretion. . . . Furthermore, when [an] agency’s determination of a question of law has not previously been subject to judicial scrutiny . . . the agency is not entitled to special

deference. . . . [I]t is for the courts, and not administrative agencies, to expound and apply governing principles of law. . . . These principles apply equally to regulations as well as to statutes.” (Citations omitted. Internal quotation marks omitted.) *Kraiza v. Planning & Zoning Commission*, 304 Conn. 447, 452-53 (2012).

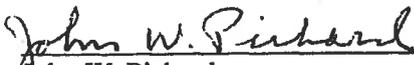
The terms of § 1.10 provide, in relevant part: “(1) General - Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from compliance with these regulations, it may approve waivers to these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulation . . . (3) Procedures - A petition for any such waiver shall be submitted in writing by the subdivider at the time when the subdivision plan is filed for the consideration of the Planning Commission.”

The interpretation of § 1.10 is a pure question of law. There is no evidence that § 1.10 has been previously subject to judicial scrutiny. Therefore, the Commission’s interpretation of §1.10 is not entitled to special deference. The interpretation of a regulation is governed by the same principles that apply to the construction of statutes. General Statutes sec. 1-2z provides: “The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extra textual evidence of the meaning of the statute shall not be considered.”

The text of § 1.10 is plain and unambiguous: “A petition for any such waiver shall be submitted in writing by the subdivider **at the time when the subdivision plan is filed** for the consideration of the Planning Commission.” (Emphasis added). Requiring that the Owners

consideration of the Planning Commission.” (Emphasis added). Requiring that the Owners submit a resubdivision application together with the waiver petition would not yield absurd or unworkable results. Just the opposite is true. It would permit the owners of neighboring property to have notice and an opportunity to be heard on an important change to a subdivision to which they belong. There is no provision in the Regulations to submit a waiver petition as part of a modification application alone. For this reason, the Commission exceeded its authority by granting the waiver petition without requiring the Owners to file a resubdivision application to include the two new lots within the Mystic Glenn subdivision. The plaintiff’s appeal is sustained as to the waiver of § 4.3(1)(k).

BY THE COURT,



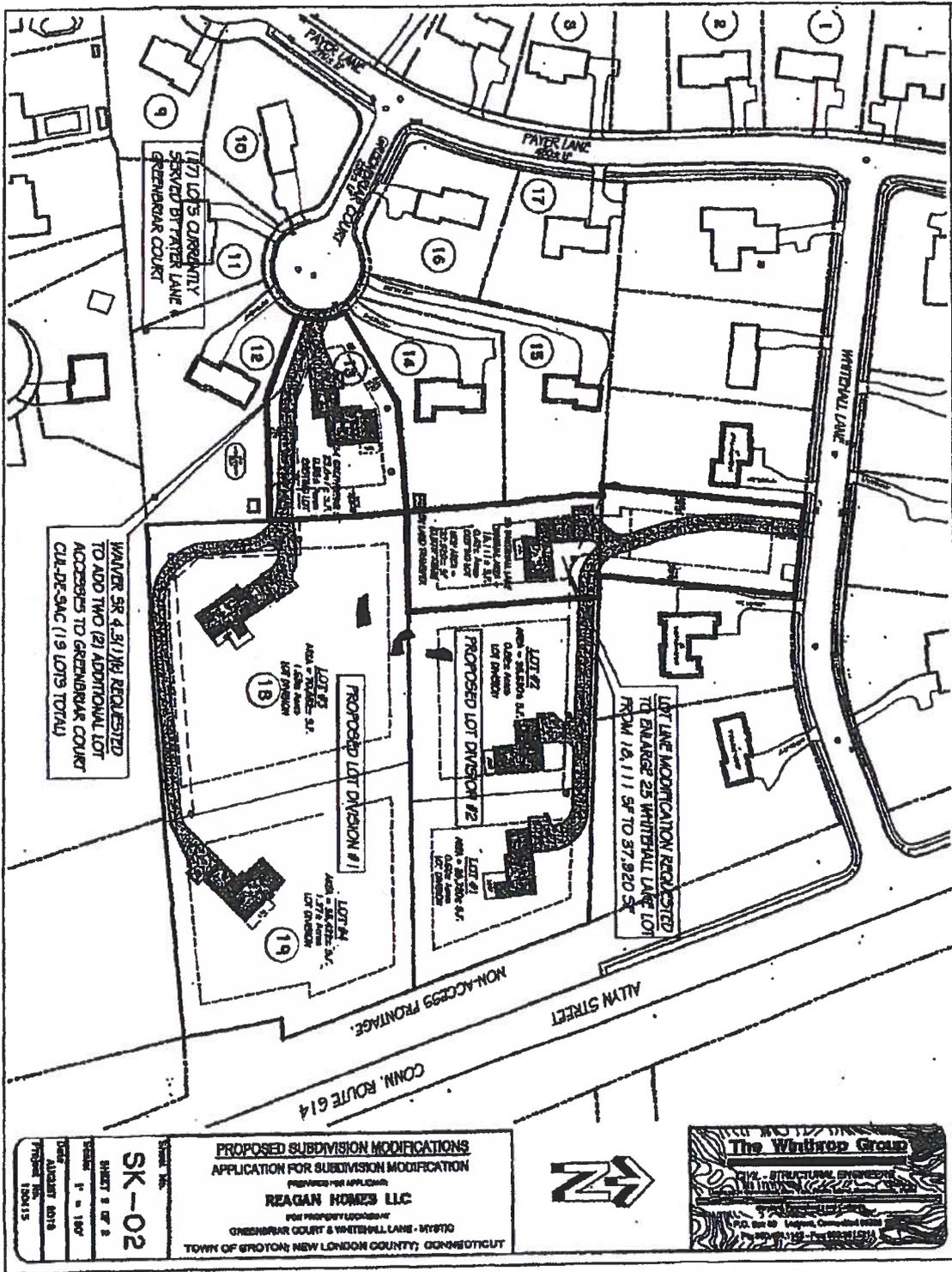
John W. Pickard

"Attachment A"



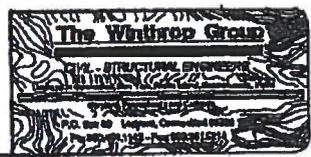
SEDEWSKI

"Attachment B"



SK-02
SHEET 2 OF 2
DATE: 11/15/15
PROJECT: ALBERT 2015

PROPOSED SUBDIVISION MODIFICATIONS
APPLICATION FOR SUBDIVISION MODIFICATION
PREPARED FOR APPLICANT:
REAGAN HOMES LLC
FOR PROPERTY LOCATED AT:
GREENBRIAR COURT & WATERHILL LANE - MYSTIC
TOWN OF BRITTON, NEW LONDON COUNTY, CONNECTICUT



sedensky

Progress Report for East Farm infrastructure for 492, 496, 500 & 504 Noank RD Mystic CT.

Over the past few months everything has been completed necessary to initiate the installation of the Sewer, water, electric, phone, culvert replacement, required wetlands permit, contractor selection and all other associated details. Since the December 2015 Planning Commission meeting an application for a Wetlands permit to replace the degraded stone culvert that runs under the existing drive from an upper pond to a lower pond was applied for and receive after 3-meetings and 1-site visit. Stadia Engineering was retained for this permit as construction drawings were required for the Culvert replacement, see attached plan. The permit is dated February 11th 2016 Permit No. 16-01. Based on this new plan New Venture requested site work quotes from three site contractors and has awarded the work to Lombardi Gravel & Excavation, LLC. See attached quote.

An initial job meeting will be held with: Deb Jones of the Town of Groton, Lombardi Excavation and Michael Franklin of New Venture, on Friday March 4th 9:00 AM to discuss the job conditions, schedule and any special conditions. Based on the discussions the work will now commence immediately and is estimated to be substantially complete by May 1st 2016

If there are any further questions I can be reached at 860-460-8144



1/4/2018

Mr. Michael Franklin
Coldwell Banker
132 Boston Post Road
East Lyme, CT 06333

18 Sachatello Industrial Drive
Oakdale, CT 06370
(860) 443-9200
FAX (860) 443-9300
www.lombardille.com
NHCC# 1071

RE: East Farms Subdivision- Quote for Utilities Install, Rt 215 Noank Road, Mystic, CT

	Base Bid	Additional
1 Mobilization		
2 Clear & Grub- Remove Brush, Trees & Stump where Utilities & Road will be located	Included in Base Bid	N/A
3 Erosion Control & Construction Entrance		
4 Drainage 56" RCP 30" Pipe Flair End Fix Head Wall	Included in Base Bid	N/A
5 Water Main 6" Ductile 420 Hydrant & Valve 4 Taps - 1" tap water service Service to Property line	Included in Base Bid	N/A
5A 8/6" Tap - Sleeve - Valve	--	TBD by Others + 10% *
6 Sewer Line Force Main to Manhole Manhole & connection to existing manhole laterals to lot lines x 4	Included in Base Bid	N/A
6A Sewer Line Gravity Fed to manhole-- manhole to existing manhole laterals to lot lines x 4	N/A	7500
7 Electrical/Telephone/Cable Conduits (4-4" Total) 400 LF (1600 LF Total) Transformer Pad Manhole Line Stubbed 10" inside Property Line for 4 Houses	Included in Base Bid	N/A
8 Road- 2 feet x 15 feet x 600 feet 3 1/2" Process Gravel Compacted Topped 3/4" Stone or 1 1/2" Stone (Owner's Choice) Loam & Seed Edges	Included in Base Bid	N/A
9 Permits-- Not Included	--	TBD by others + 10% *
10 Meter Pits-- Not Included	--	--
11 Grinder Pumps and Footing Drains-- Not Included	--	--
12 Site Line Improvements (Noank Rd) & Removal of Silt Fence	--	By Others *
13 Ledge (Trench Rock Blasters Invoice + 10%) Plus Excavator/Operator @ \$150/hr + Trucks @ \$85/hr ea.	--	TBD *
14 Rebuild Dam, Remove pine trees, Remove Muck Inside Pond Improve Site Line, Noank Road	N/A	15000

\$125,000 plus tax

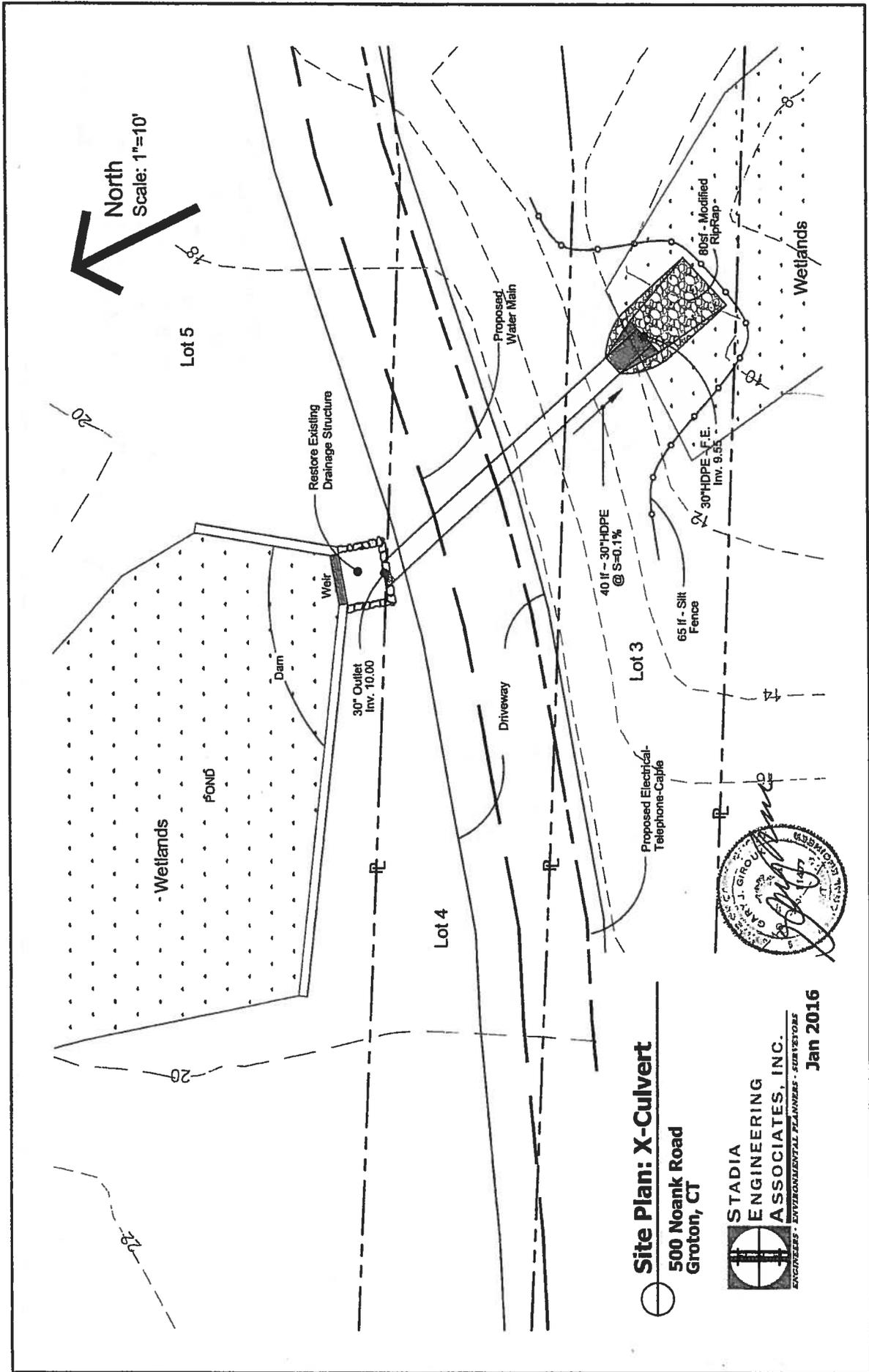
* Additional charges will include a 10% markup

Payment Terms
25% Down upon Execution of Contract
25% Upon 50% Completion
Balance Due on Last Day of Job

Acceptance:

Owner

Date



Site Plan: X-Culvert

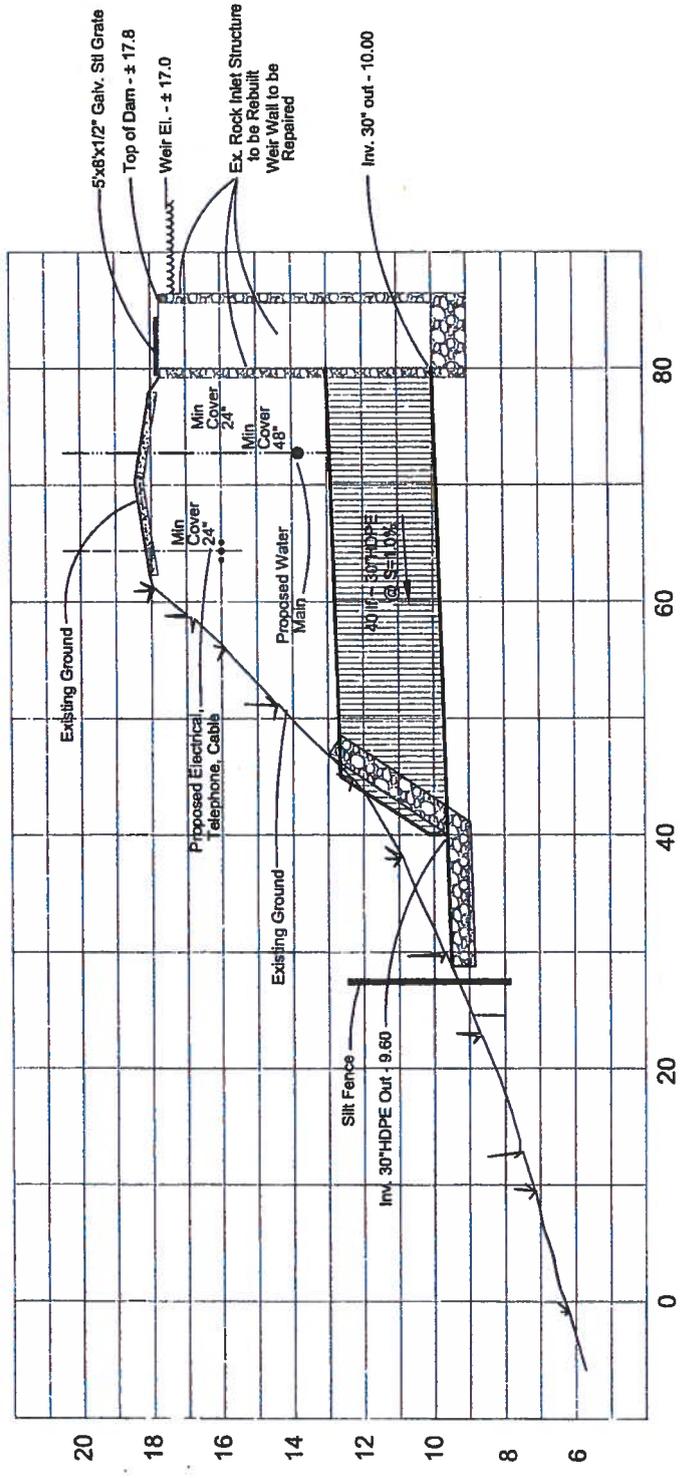
500 Noank Road
Groton, CT



**STADIA
ENGINEERING
ASSOCIATES, INC.**
ENGINEERS - ENVIRONMENTAL PLANNERS - SURVEYORS

Jan 2016





Section: X-Culvert
500 Noank Road
Groton, CT

STADIA ENGINEERING ASSOCIATES, INC.
 ENGINEERS - ENVIRONMENTAL PLANNERS - SURVEYORS

Jan 2016



STAFF SUMMARY SHEET

PROJECT NAME/LOCATION: Long Meadow Landing Modification, 45 South Road (SIT15-14)	
CAM: Exempt	
STAFF PLANNER: DJG	SUMMARY DATE: 3/2/16
TERMINAL ACTION DATE: 3/19/16	PUBLIC HEARING CLOSED: N?A
EXISTING LAND USE/ZONING: multi family/RMF	SITE AREA: 11.01 AC. SQ. FT.
SURROUNDING LAND USE/ZONING DISTRICT(S):	
North: CCMT/CA	South: vac/IA East: res/RMF West: Nursing home/CA
HISTORY: The site currently includes 156 existing apartment units in 6 three story buildings constructed in 1971. A IWA Permit and a Site Plan (X09#8) were approved in 2009 for a new three story, 22 unit building adjacent to Route 1. An Administrative Site Plan was approved in June 2015 to raise the finished floor of the proposed building by 1-foot.	
PROJECT DESCRIPTION: The application is to raise the proposed building to a finished floor (FF) of 11.4' to address the FEMA 100- year flood elevation. Also proposed is the removal of several sections of walkways around Buildings # 43, 45, 47, and 53. The applicant proposes to restore the area where the walkways are removed with additional mulch, trees, shrubs and lawn.	
LIST AGENCIES WITH OUTSTANDING COMMENTS: [] [] [] [] [] []	
WAIVERS:	
LAND USE/DEVELOPMENT ISSUES ANALYSIS:	
<ul style="list-style-type: none"> • The bituminous walkways surrounding all buildings on the site were approved as part of the original site plan in 1970. They currently connect buildings to adjacent parking areas, the onsite laundry facilities, and recreational facilities. Section 7.5-4 (Internal Sidewalks) of the current Zoning Regulations states that "this internal system of sidewalks should also function to serve people from on-site parking lots to the main entrances of any building or any other point of onsite pedestrian destination". Staff believes the proposed removal of the sidewalks will reduce the safety of the onsite pedestrians. • The raising of the FF to 11.4' for the proposed building does not have any significant impact on the approved site plan. 	
ATTACH ANY RECOMMENDED ACTION, INCLUDING MODIFICATIONS AND/OR CONDITIONS AND TECHNICAL ITEMS.	
<i>Staff will have a recommendation at the meeting.</i>	

(SIT15-14)
LONG MEADOW
LANDING

STAFF SUMMARY SHEET

PROJECT NAME/LOCATION: Mystic River Ambulance Addition, 237 Sandy Hollow Road SIT15-18	
CAM: No	
STAFF PLANNER: MTA	SUMMARY DATE: 3/3/16
TERMINAL ACTION DATE: 3/17/16	PUBLIC HEARING CLOSED: N/A
EXISTING LAND USE/ZONING: Ambulance/RS-20	SITE AREA: AC. 3.35 SQ. FT.
SURROUNDING LAND USE/ZONING DISTRICT(S):	
<i>North:</i> Vacant/RS-20 <i>South:</i> Residential/RS-20 <i>East:</i> Daycare/RS-20 <i>West:</i> Residential/RS-20	
HISTORY: A wetland permit and site plan approval for a new ambulance building were granted in 1991. At that time it was noted that sidewalks along Sandy Hollow Road and Allyn Street were not shown as a high priority in the Plan of Conservation and Development and thus were not required. The building was constructed in 1992. A cellular communications tower, as approved by the Connecticut Siting Council, is also located on the site.	
PROJECT DESCRIPTION: The applicant proposes to construct a 756 square foot addition on the east side of the existing building to accommodate a larger meeting room and one additional bedroom.	
LIST AGENCIES WITH OUTSTANDING COMMENTS: [] [] []	
WAIVERS: Section 7.5-2, Frontage Sidewalks	
LAND USE/DEVELOPMENT ISSUES ANALYSIS: Both the Plan of Conservation and Development and the Bicycle, Pedestrian and Trail Master Plan recommend sidewalks along Allyn Street. Neither recommend sidewalks along Sandy Hollow Road. The applicant has requested a waiver of the frontage sidewalk requirement for Sandy Hollow Road and has asked to postpone the construction of the Allyn Street sidewalk subject to a sidewalk agreement. The ambulance facility is served by an on-site well and septic system. The applicant has contacted the Department of Health regarding the need for a Certificate of Convenience and Necessity for the well and has been told that a certificate is not required. Staff expects to have this determination in writing before the meeting and the Commission must have it before making a decision.	
ATTACH ANY RECOMMENDED ACTION, INCLUDING MODIFICATIONS AND/OR CONDITIONS AND TECHNICAL ITEMS. <i>Staff will have a recommendation at the meeting.</i>	

SIT15-18
 MYSTIC RIVER
 AMBUL.

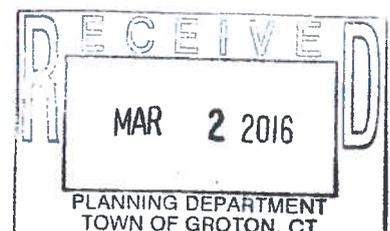
REQUEST FOR SIDEWALK WAIVER

SITE PLAN MODIFICATION FOR ADDITION to
for MYSTIC RIVER AMBULANCE ASSOC.
237 SANDY HOLLOW RD., MYSTIC, CT

MYSTIC RIVER AMBULANCE is proposing a small addition to an existing facility that fits within existing established site improvements and doesn't generate any additional pedestrian traffic and is unlikely to in the near future. For sidewalks to continue to the north along Allyn Street, the Interstate 95 bridge would have to be modified and the roadway further north is surrounded by embankments that would prove very difficult to install sidewalks. The frontage along Sandy Hollow Road is unlikely to require sidewalks under present zoning density.

PROPOSAL:

1. Full waiver of sidewalks along Sandy Hollow Road
2. Postponement of installation of sidewalks on Allyn Street until Commission determines that local conditions have changed to require sidewalks. Agreement to be filed in the land records.

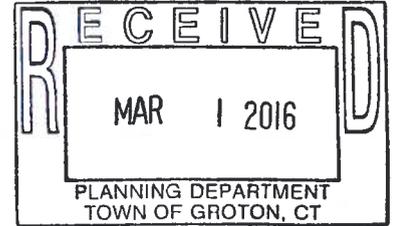


51715-18

STAFF SUMMARY SHEET

PROJECT NAME/LOCATION: New Central Hall / 18-22 W Main St (SIT16-04)	
CAM: Yes	
STAFF PLANNER: DJG	SUMMARY DATE: 3/3/16
TERMINAL ACTION DATE: 4/14/16	PUBLIC HEARING CLOSED: n/a
EXISTING LAND USE/ZONING: vac/WDD	SITE AREA: 0.49 AC. SQ. FT.
SURROUNDING LAND USE/ZONING DISTRICT(S):	
North: Pump St-River/ South: Com/WDD East: Com/WDD West: Com/WDD WDD	
HISTORY:	
<p>In March 2000, a fire destroyed the existing building at 18-22 W. Main St. On August 23, 2000, the ZBA approved a variance to allow the reconstruction of a non-conforming structure and to allow the new construction of a residential structure to have its lowest floor below the base flood level (elevation 7.8). The ZC approved a Special Permit # 242 and CAM in September 2000 for a retail/residential building, waterfront walkway and site improvements (1st floor retail, 2nd & 3rd floor as 12 residential units). PC approved the site plan (Alllyn/Bohlander) with CAM in June 2001. PC then approved a site plan (Paragon) with CAM in March 2004 for a retail/residential building (1st floor retail, 2nd & 3rd floor as 7 residential units).</p> <p>In August 2006, a new Special Permit #289 with CAM was approved for a mixed use 4-story building with 6 retail stores, and 16 residential units, coastal public access and other pedestrian access linkages related to site improvements and accessory parking. On March 27, 2007, the PC approved a site plan (Historic Mystic, LLC) and CAM to correspond with Special Permit # 289. On July 8, 2008, the PC approved a site plan (Historic Mystic, LLC) and CAM and modified the plan from 16 to 12 residential units. A Special Permit #324 was approved by the ZC on January 4, 2012 to modify the parking program and allow for the use of additional spaces at the 36 W Main St (Tift Building) for the residential units at 18-22 W Main St. On October 9, 2012, the Planning Commission approved a site plan and CAM to modify parking based on SP #324, and include an underground propane tank at 2 Gravel Street.</p>	
PROJECT DESCRIPTION:	
<p>The application is to modify some of the construction notes on the approved plan to incorporate final staging and construction management plan for Phase I of the project.</p> <p>A supplement to the previously approved CAM site plan has been submitted for changes to the construction of the platform for Phase I.</p>	
LIST AGENCIES WITH OUTSTANDING COMMENTS:	
[]	[]
[]	[]
WAIVERS: None	

*CENTRAL HALL
SIT16-04*



E **FEDUS ENGINEERING, LLC** **CIVIL ENGINEERS**

70 Essex Street, Unit 2C, Mystic, CT 06355 ■ Phone: 860-536-7390 ■ Fax: 860-536-1644

CONSTRUCTION MANAGEMENT PLAN – REVISIONS FEBRUARY 29, 2016

Pages 3, 4, and 5 added

New Central Hall Building

8 - 22 West Main Street

Mystic, CT

1. **General:** The key to the construction of the New Central Hall building is access. In order to facilitate the construction of the foundation up to the concrete deck several points of access will be necessary. The three access points shall be the Mystic River, Gravel Street and West Main Street. The main access point and where the majority of the construction will take place is from Gravel Street. A temporary trestle shall be constructed within the footprint of the proposed building utilizing a combination of Hercules pipe piles, helical piles, structural steel, and steel and wood plates. The trestle will allow equipment to access the entire footprint of the proposed building and minimize barge work and work from West Main Street.

The Mystic River will allow access to the site at certain tide conditions with a barge and smaller support crafts. Barge and/or support craft shall not be allowed to rest on the substrate and contractor shall closely monitor tide cycles in order to avoid substrate disturbance.

West Main Street shall be utilized on an as needed basis to assist in the construction of the project. A chain link safety fence shall be installed along the south side of the parking spaces and encompass the four parking spaces and sidewalk. Two way traffic shall be maintained throughout the project. Pedestrian detour signs shall be placed at either end of the fencing directing pedestrian traffic across the street. The detour will line up with the existing pedestrian crosswalks. The fenced area serves two purposes: 1. Safety – the public will not be allowed adjacent to the work site; 2. Access – the contractor will have access to the site with mobile equipment on an as needed basis to assist. Protection of the sidewalk, curbing and roadway shall be wood and/or steel plating. If there is damage to the sidewalk, curbing and/or roadway the Owner shall be responsible for repairs upon completion of the project.

The pump station parking lot shall be utilized for storage of equipment and materials for staging. The site will be secured with safety fencing. Equipment at this location will assist the barge by shuttling materials, demolition, and equipment to and from the barge. Tides will be monitored to keep barges and support craft off of the substrate.

2. **Sedimentation and Erosion Controls:** A pre-construction meeting shall be held per the approved plans prior to any disturbance of the site. Sedimentation and erosion controls will include the installation of a turbidity curtain in construction areas over water and silt fence in areas above the mean high water line. Siltation control to be maintained until final construction features for the foundation have been completed. The approved sedimentation and erosion control plan shall be

SIT16-04

followed. An exception to the approved plan is that the majority of the demolition and the foundation work shall be performed from the temporary trestle. The barges and support craft will assist the crew working from the trestle. Additionally, a support crew and equipment, as needed, shall be utilized on the sidewalk of West Main Street.

3. Existing Timber Platform: The demolition of the existing elevated timber platform shall be removed section by section with debris carted to dumpsters located on site and on barges. The majority of the demolition will take place concurrently with the construction of the temporary trestle.
4. Existing Timber Piles: Existing timber piles will be cutoff down to existing grade. Cut piles will be removed and disposed of from the site. A small quantity of existing timber piles which are presently located in proposed pile locations will be pulled using pile driving equipment and removed from the site.
5. New Hercules High Capacity Pipe Piles: The building will be supported on concrete pile caps/ grade beams and concrete filled Hercules High Capacity Pipe Piles. The piles will be driven to the required load capacity using an excavator with a hydraulic helical drive head to develop required torque. It is anticipated the Hercules high capacity pipe piles will be driven to a depth of 45 to 65 feet below grade. All piles shall be driven from trestle-based equipment and the barge will assist as needed at favorable tides.

The Hercules High Capacity Pipe Piles eliminate the traditional hammering and vibration associated with pile driving. This type of pile will minimize disturbance to surrounding structures and soils. Noise associated with traditional pile driving will also be minimized.

6. Concrete Pile Caps: Form work for the concrete pile caps will be supported on temporary steel form work supports welded to the pipe piles in areas over water. Concrete pile caps in the western portion of the site located above the mean high water line will use existing soils at grade for form work support. The concrete filled pipe piles will be embedded into the bottom of the cast in-place concrete pile cap/grade beams to provide pile head fixity.
7. Wood Deck Piles: The deck around the building shall be supported by wood piles. The wood piles shall be installed with a vibratory hammer and shall be installed both from the trestle and from the barge (favorable tides). The wood piles shall be proofed to required load capacity with a pile hammer as approved by the structural engineer. The framing for the timber deck walkway shall be from the concrete building platform and low draft working platforms.
8. New Main Floor Concrete Platform: The main floor platform will consist of precast hollow-core planking supported on cast-in-place concrete pile caps/ grade beams. A reinforced concrete topping slab will be placed by pump truck over the hollow core concrete plank and pile cap locations.
9. Flood-proofing: Flood-proofing membrane shall be installed on first floor framing.
10. New Building Superstructure: Framing and balance of building construction shall be from the platform and timber deck walkway. Specific detailing regarding building construction shall be supplied to staff prior to start of building framing.

SIT16-04

E **FEDUS ENGINEERING, LLC** **CIVIL ENGINEERS**

70 Essex Street, Unit 2C, Mystic, CT 06355 ■ Phone: 860-536-7390 ■ Fax: 860-536-1644

Phase I – Construction of Foundation Including Concrete Deck (Does not include building construction)

Additional Information in Response to February 23, 2016 Staff Review:

Planning Comments

(1) Specific Changes to Approved Site Plan

1. Sheet 2 of 12 – Note 55 – Construction Management Plan coupled with this document shall address items noted.
2. Sheet 2 of 12 – Note 56 – Additional information shall be provided in this document regarding deliveries.
3. Sheet 2 of 12 – Erosion and Sediment Control Notes for 2 Gravel Street have been added to the Site Plan Set and Modifications are in bold or notes are crossed out as applicable.
4. Sheet 6 of 12 – Piling Plan and Public Access Deck has been modified to include spanning 22' gap on north side of the building giving pedestrians straight access to stairs and ramp located at 2 Gravel Street.
5. Sheet 12 of 12 – New Pedestrian Coastal Access Easement to be modified to incorporate 17' +/- gap to 2 Gravel Street. This shall only be modified if approved by CT DEEP and Planning Commission.

(2)

- a. Staging Area – The staging area on Gravel Street shall be fenced off as shown on the site plan with a gate at the entrance and a gate on the south side for direct access to the site from behind the pump station. The erosion and sediment control plan shall be followed and has been incorporated into the plan set for the site plan modification application. Gravel Street shall be utilized for access between the site on West Main and the staging area. Also, during favorable tide cycles the staging area shall be accessed by barge and crane from the Mystic River for moving equipment, materials, dumpsters, etc. back and forth from the site.
- b. Materials shall be delivered and staged at the Staging Area on Gravel Street. If materials cannot be delivered to this site they shall be brought in by barge and delivered directly to the job site or to the staging area via crane during favorable tide conditions. Materials may be delivered directly to the job site via Gravel Street. Any deliveries to the job site from West Main Street shall be the exception and every attempt shall be made to avoid deliveries on West Main Street.
- c. Safety fencing shall be installed per the site plan and supplemented with orange construction barrels as suggested by Public Works. Additional “Sidewalk Closed” signs shall be installed at either end of the site. As work progresses, safety fencing will be adjusted to give back parking spaces along Main Street when deemed safe by the Town Engineer, the Project Engineer, the

SIT 16-04

- Owner and the Contractor. The sidewalk will remain closed for the duration of Phase I. A new plan shall be brought forth for Phase II which will encompass the construction of the building.
- d. Storage of Materials/Off-Loading of Materials – Storage and off-loading of materials shall be accomplished within the Staging Area. Gravel Street will remain open at all times and if necessary traffic control shall be utilized during off-loading of materials. Barges shall be utilized to off-load material directly to and from the site and the Staging Area during favorable tides.
 - e. Erosion and Sediment Control Plan and Monitoring – Approved notes for 2 Gravel Street and 18 West Main Street have been added to the plan set and modified in bold and deleted (crossed out) as necessary. The point of contact for E & S Monitoring shall be Gregg Fedus, PE, (203) 410-6097.
 - f. Installation and Monitoring of Required Boom and/or Turbidity Curtain – Shall follow approved plans
 - g. Clean-up Requirements – Shall follow approved plans
 - h. Spill Prevention Plan – See revised attached Spill Prevention Plan addressing comments from Planning, Public Works, and Fire Marshal
 - i. Other Items/Restrictions- Access to 24 and 26 Main Street shall be maintained – all other notes on approved site plan shall be followed with the exception of the items as noted above.
 - j. Propane Tank is not being constructed as part of Phase I.
 - k. Normal Hours of Construction – Monday – Friday – 7:30 AM to 4:30 PM, Saturday 7:30 AM to 1:00 PM. Work may be performed outside of the stated hours if necessary to finish a task or prepare for a scheduled task.
 - l. Parking of Employees – Staging Area(s)
 - m. Construction Notes – see #3-10 from narrative as supplemented herein.

(3) Spill Prevention Plan

- Refueling shall take place landward of the CJL off trestle or within the staging area. The surface will be gravel or asphalt. The personnel re-fueling the equipment shall be trained per DOT and Federal requirements as necessary. Grading will be such that there will be back-pitch away from the Mystic River.
- The re-fueling truck is equipped with a Spill Containment Kit and there shall be a Spill Containment Kit on-site.
- Welding and torch/cutting supplies shall be stored per all applicable local, state and federal codes. All tanks shall be secured to prevent floatation in case of flooding conditions. Hydraulic oil utilized in all equipment is synthetic mineral based oil, bio-degradable with no petroleum products. Our storage and use of these materials are open to inspection by the Fire Marshal's office at any time and we will work with their office to provide a safe and environmentally secure site.

(4) CAM Application – see attached

(5) New COP shall be provided upon receipt.

Public Works Comments – February 23, 2016

1. We have revised our safety fencing plan to allow access around the entire pump station.
2. As discussed, the current plan is to close off the four parking spaces on West Main Street and re-open them as the progress of the project allows.
3. The sidewalk shall be closed for the duration of Phase I for safety reasons. The proximity of the construction to the edge of the sidewalk does not allow for safe passage along the sidewalk. A

SIT16-04

new plan during construction of the building shall be presented during phase II. We have shown "Sidewalk Closed" signs on the revised site plan.

4. We have revised the pile plan and some of the trestle supports will be utilized as permanent piles.
5. We have gone to a "Hercules" Steel Pipe Pile which is a large helical pile. This eliminates the need for the sheet piling as we do not have the vibration and the pile driving associated with traditional steel pipe piles.
6. We have provided details for the construction safety fence on sheet 2 of 2 of the plan set.
7. We agree to a site condition inspection of the pump station parking lot prior to any use.
8. If Town Council action is required we would request to be on their next available agenda.
9. We believe we have posted the necessary insurance documentation, but if not we shall provide the necessary insurance certificate.
10. We will supply Estoppel Certificate as required by the lease.

Temporary Trestle Construction

A temporary trestle shall be constructed as shown on the site plan submitted with this application. The trestle is meant to limit the amount of construction access to West Main Street and the Mystic River. The majority of the demolition, pile installation, concrete work, and deck work will be accomplished from the trestle. Barges and work boats will assist from the Mystic River (at favorable tides) and work along West Main Street will be limited to the protected sidewalk behind the security/safety fencing.

The trestle will start above the coastal jurisdiction line which will be delineated by large concrete blocks (see site plan). The access driveway shall be stabilized with crushed stone and gravel to accommodate heavy equipment. From the concrete blocks "Hercules" piles shall be driven to support an elevated steel constructed trestle. Pile locations shall line up where possible with permanent pile locations and shall be supplemented as necessary for adequate structural support for the trestle. Demolition of the old deck and pile system shall proceed as the trestle is constructed to the east. Where possible dumpsters shall be loaded on the access driveway and removed via Gravel Street. Additional dumpsters will be removed on barges located within the Mystic River and shuttled to the Staging Area or taken off-site for removal.

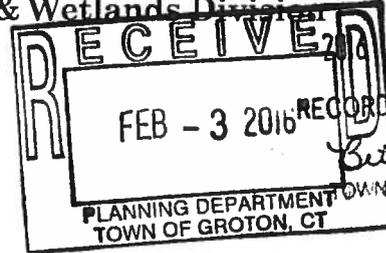
Upon completion of demolition, the installation of the permanent "Hercules" pile system shall proceed starting from the eastern limits of the site and proceeding to the west. As the project proceeds from east to west the trestle will be dismantled as necessary for the installation of piles, concrete pile caps and grade beams, and the concrete hollow core deck.

51716-04



CITY OF NEW LONDON
CONNECTICUT
OFFICE OF DEVELOPMENT & PLANNING
Planning, Zoning, & Wetlands Division

111 Union Street
New London CT 06320
RECEIVED
TOWN CLERK'S OFFICE
(860) 437-6379
(860) 437-4467 FAX



JAN 29 AM 10:25

RECORDED VOL. PAGE

CERTIFIED 7011 2000 0000 9075 2420

January 28, 2016

Ms. Betsy Moukawsher
Town Clerk
Town of Groton
45 Fort Hill Road
Groton, CT 06340

**Re: Application of New London Planning and Zoning Commission
Zone Regulation Amendment
Public Hearing- Planning & Zoning Commission – March 17, 2016**

Dear: Ms. Moukawsher:

We are currently in receipt of an application for a Zone Regulation Amendment application submitted by the New London Planning and Zoning Commission to modify Section 605 (Supplementary Lot, Yard, Height and Building Regulations) to create a new section ("J") which would allow bus stop shelters for publically operated bus service on private property.

Per the Connecticut General Statutes, I am referring said application to the Town of Groton for any questions or comments you may have.

The public hearing is scheduled for Thursday, March 17, 2016 at 7:00 p.m. in the City Hall Council Chambers, 181 State Street, New London, CT 06320.

If you have any questions or comments please feel free to contact Harry Smith, City Planner or myself at 437-6379.

Sincerely,

Shelly Briscoe

Shelly Briscoe
Land Use Assistant

Enclosure

*N.L. Ref.
BUS SHELTER*



CITY OF NEW LONDON

OFFICE OF DEVELOPMENT & PLANNING

PLANNING • ZONING • WETLANDS DIVISION

181 State Street New London, CT 06320 • Phone (860) 437-6379 • Fax (860) 437-4467

2011 JAN 29 AM 10:25

RECORDED VOL. PAGE

Applications and all supporting materials (**18 COPIES/SETS OF EACH PLUS THE ORIGINAL**) shall be submitted to the Office of Development and Planning at least eighteen (18) days prior to a regularly scheduled meeting in order to be received at that meeting.

Please be advised that this application will not be considered complete unless all of the information required on this form and outlined in the Zoning Regulations is submitted. The Commission will reject the proposal if the application and/or plans are incomplete.

1. For the following activity: (Check the Applicable Type of Application)

- Zone Text Amendment
- Zone Map Amendment

2. N/A

Street Address of Proposed Activity

3. Briefly describe the proposed activity or the purpose of application:

To modify section 605 (Supplementary Lot, Yard, Height and Building Regulations) to create a new section ("J") which would allow bus stop shelters for publically operated bus service on private property – SEE ATTACHMENT A.

4. <u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Tax Map/Block/Lot	Lot Area	Zoning District

<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Building Gross Floor Area (GFA)	Area of Building for Proposed Use	

5. Is the property located within 500 feet of the City Line?
_____ YES _____ NO _____ X _____ NA

6. Has the appropriate Inland Wetland Application been submitted?
_____ YES _____ NO _____ X _____ NA

7. Is any portion of the site within the Coastal Area Management Boundary?
_____ X _____ YES _____ NO

8. Is any portion of the site within a Flood Hazard Area? (May Be Verified with City's Building Official)
_____ YES _____ NO _____ X _____ NA

N.L. REF
BUS SHELTER.

9. Has any previous application been filed with the Planning & Zoning Commission/City Council in connection with these premises?

_____ YES

_____ **X** _____ NO

TYPE OF APPLICATION	DATE OF APPLICATION

10. Attach a letter addressed to the Planning and Zoning Commission that thoroughly describes the following:

- The nature of the business
- Products or Services to be offered
- Number of Employees
- Hours/Days of Operation
- Internal Changes to Building
- External Changes to Building
- Noise, vibrations, air pollution, glare/heat, electromagnetic radiation, dangerous materials/hazardous wastes
- Any other relevant information or impact, positive or negative, to the neighborhood.

11. The following information should also be included:

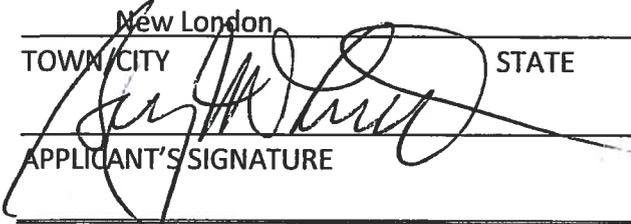
- Location map (500' scale)
- Floor plan (entrances/exits, windows, shelving, partitions, stairs, bathrooms, storage, hallways, usage of each area, and any other relevant information.
- Plot plan – in place of A-2 survey and a Site Development Plan if waiver granted (dimensions of lot, dimensions of proposed structures, adjacent streets/side walks, other existing uses, external lighting, landscaping, dimensions of existing structures, distances from structures to property lines, portion of building to be used, parking areas/spaces (minimum 8 ½' x 18') for customers/employees, curb cuts, any other relevant information)
- Façade/Elevation Drawings
- Other _____

*N.L. REF.
 BUS SHELTER.*

The undersigned hereby acknowledges that this application and statements submitted herewith are true to the best of his/her knowledge and conform to the Zoning Regulations of the City of New London and that approval of the plan is contingent upon compliance with all requirements of said regulations. The undersigned hereby authorizes the New London Planning & Zoning Commission and its agents, the right to enter upon the subject property for the purpose of inspection and enforcement of the Zoning and Subdivision Regulations. ALL NAMES MUST BE PRINTED AND SIGNED.

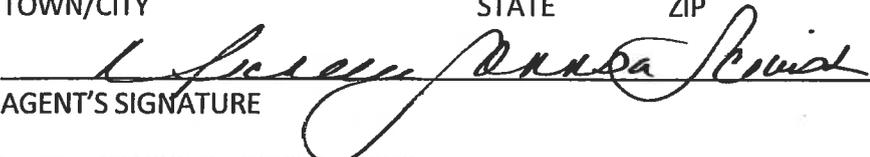
Barry M. Levine – Chairman of the New London Planning & Zoning Commission

APPLICANT (PRINT)(If a Corporation – Please Print Name of Member Representing Corporation)

181 State Street	860.437.6379	N/A
ADDRESS	PHONE NUMBER	FAX NUMBER
New London	CT	06320
TOWN/CITY	STATE	ZIP
		EMAIL
APPLICANT'S SIGNATURE		DATE

Michelle Johnson Scovish – Zoning & Wetlands Enforcement Officer

AGENT (PRINT)

181 State Street	860.437.6379	N/A
ADDRESS	PHONE NUMBER	FAX NUMBER
New London	CT	06320
TOWN/CITY	STATE	ZIP
		EMAIL
AGENT'S SIGNATURE		DATE
		01.25.2016

N.L. REF
 BUS SHELT

→ DR ATF ←

ATTACHMENT A
Planning & Zoning Commission
March 3, 2015 Regular Meeting
Proposed Zone Text Amendment

Article VI.
Supplementary Regulations

This Article includes provisions that are applicable to all or substantial portions of the City.

Section 605 Supplementary Lot, Yard, Height and Building Regulations

The following general regulations relating to lots, yards, visibility at intersections, height limits and dwellings are applicable to all zoning districts unless otherwise specified and are to be applied in addition to the specific requirements of the applicable zoning district.

Text/Section to Be Added to the Zoning Regulations

- J. **Bus Stop Shelters** – *Bus stop shelters shall be permitted on private property at a bus stop utilized by a public transportation provider in any nonresidential zoning district in accordance with the following:*
- (1) *Bus stop shelters may be no larger than 5 x 14 (70 square feet) and no greater than twelve (12) feet in height measured from grade to the top of the structure.*
 - (2) *An administrative zoning permit from the Zoning Enforcement Officer is required for this structure and must be signed by the property owner. Bus stop shelters are exempt from setback requirements and may be located in a front yard when their principal purpose is to provide a shelter for a publically operated bus service.*
 - (3) *The bus stop shelters are permitted one (1) two faced (non-illuminated) sign which shall be no greater than 15 square feet in size.*
 - (4) *Bus stop shelters shall be designed, constructed and maintained in a manner so that it is in harmony with and appropriate in appearance to the surrounding structures.*



CITY OF NEW LONDON
CONNECTICUT
OFFICE OF DEVELOPMENT & PLANNING
Planning, Zoning, & Wetlands Division

111 Union Street
New London CT 06320
(860) 437-6379
(860) 437-4467 FAX

CERTIFIED 7011 2000 0000 9075 2277

February 5, 2016

Ms. Betsy Moukawsher
Town Clerk
Town of Groton
45 Fort Hill Road
Groton, CT 06340

RECEIVED
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2016 FEB - 8 AM 11:08
PAGE
Betsy Moukawsher
Town Clerk
TOWN OF GROTON, CONNECTICUT

Re: **Application of the New London Maritime Society
Zone Regulation Amendment
Public Hearing- Planning & Zoning Commission – March 17, 2016**

Dear: Ms. Moukawsher:

We are currently in receipt of an application for a Zone Regulation Amendment application submitted by the New London Maritime Society to modify Sections 400.3 (Uses allowed by Special Permit in the R1-R1A Zones), and Section 614 (Off Street Parking & Loading) 614 B (1) (Number of Required Parking and Loading Spaces), 614 C (1) (Design, Layout and Location), 614 C (8) (Parking Spaces).

Per the Connecticut General Statutes, I am referring said application to the Town of Groton for any questions or comments you may have.

The public hearing is scheduled for Thursday, March 17, 2016 at 7:00 p.m. in the City Hall Council Chambers, 181 State Street, New London, CT 06320.

If you have any questions or comments please feel free to contact Harry Smith, City Planner or myself at 437-6379.

Sincerely,

Shelly Briscoe

Shelly Briscoe
Land Use Assistant

Enclosure

**N.L. REF.
HISTORIC**

JOHN P. CASEY

88 Howard Street, Suite C-1
New London, CT 06320
Main (860) 275-8200
Fax (860) 275-8299
jcasey@rc.com
Direct (860) 275-8359

Also admitted in Rhode Island

RECEIVED

FEB 04 2016

**CITY OF NEW LONDON
OFFICE OF DEVELOPMENT & PLANNING**

February 1, 2016

Barry M. Levine, Chair
Planning and Zoning Commission
City of New London
City Hall, 2nd Floor
181 State Street
New London, CT

Re: **Zoning Regulation Amendment Application of
New London Maritime Society, Inc.**

Dear Chairman Levine and Members of the Commission:

On behalf of our client, New London Maritime Society, Inc., ("NLMS") I submit the enclosed application for Zoning Regulation amendments that would allow, by special permit, a new use in the R-1 and R-1A zoning districts, Events and Tours for Historic Property Preservation. The proposed amendments outline conditions under which such a use could be permitted. This application would also amend the sign regulations to include a "Historic Property" as a type of use allowed certain signs. The application would also amend certain parking regulation standards, in recognition of the site constraints and existing conditions that exist for a Historic Property subject to special permit approval, to allow parking in a driveway without benefit of access to an approved garage or carport, and to allow tandem parking where site conditions prevent compliance with Section 614.C(8)(a). Finally, where a Historic Property subject to Special Permit approval is served by an existing curb cut and parking is limited to the site driveway, the proposed amendments would allow backing out of a driveway.

Note that this application is limited to amending the Zoning Regulations and is not submitted in conjunction with any application for approval of property owned by NLMS.

This application is being submitted to establish a permitting process for NLMS to use and preserve its historic Lighthouse, as a condition for settling litigation over its use of the Lighthouse.

14480312-v1

Robinson+Cole

Barry M. Levine, Chair
Planning and Zoning Commission
February 1, 2016
Page 2

We look forward to the opportunity to present this application to you. We respectfully request your consideration at the earliest possible date that conforms to the statutory requirements for a zoning regulation amendment.

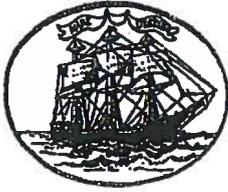
Sincerely,


John P. Casey

Enclosure

Copy to: Susan Tamulevich, Director, New London Maritime Society, Inc.

N.L. REF
HISTORIC



**CITY OF NEW LONDON
CONNECTICUT
OFFICE OF DEVELOPMENT & PLANNING
Planning, Zoning, & Wetlands Division**

181 State Street
New London CT
06320
(860) 437-6379
(860) 437-4467 FAX

**-APPLICATION-
Planning & Zoning Commission-**

APPLICATION #

Applications and all supporting materials **(18 COPIES/SETS OF EACH PLUS THE ORIGINAL)** shall be submitted to the Office of Development and Planning at least eighteen (18) days prior to a regularly scheduled meeting in order to be received at that meeting.

Please be advised that this application will not be considered complete unless all of the information required on this form and in the regulations are submitted. The Commission will reject the proposal if the application or plans are incomplete.

1. For the following activity: (Check the Applicable Type of Application)

- | | |
|-----------------------------------------------------------------|---------------------------------------------|
| <input checked="" type="checkbox"/> Zoning Regulation Amendment | <input type="checkbox"/> Zone Map Amendment |
| <input type="checkbox"/> Subdivision Regulation Amendment | <input type="checkbox"/> Other |

2. N/A

Street Address(es) of Proposed Zone Map Change (ZONE MAP AMENDMENT ONLY)

3. Briefly describe the proposed Zone Map, Zone Regulation Amendment or Subdivision Regulation Amendment:

Amend: Section 400.3 R-1 and R-1A Special Permit Uses; Table 2 Residential Zone Sign

Matrix; Section 614.B(1) Off-street Parking Standards; and Section 614.C, Design Layout and Location [of Parking], Subsections (1) and (8).

4.

<u>Tax Map/Block/Lot</u>	<u>Lot Area</u>	<u>Zoning District</u>
--------------------------	-----------------	------------------------

5. Is the property located within 500 feet of the City Line?

 YES NO

6. Has the appropriate Inland Wetland Application been submitted?

 YES NO NA

7. Is any portion of the site within the Coastal Area Management Boundary?

 YES NO

8. Is any portion of the site within a Flood Hazard Area?
 YES NO

9. Has any previous application been filed with the Planning & Zoning Commission/City Council in connection with these premises?
 YES NO

TYPE OF APPLICATION	DATE OF APPLICATION

10. Attach a letter addressed to the Planning and Zoning Commission that thoroughly describes the following:

- The purpose of the Zone Map and/or Regulation Amendment Noise, vibrations, air pollution, glare/heat, electromagnetic radiation, dangerous materials/hazardous wastes
- Any other relevant information or impact, positive or negative, to the neighborhood .

11. The following information should also be included:

- Location map (500' scale)
- Plot plan – in place of A-2 survey and a Site Development Plan if waiver granted (dimensions of lot, adjacent streets/side walks, other existing uses, and or any other relevant information)
- Façade/Elevation Drawings
- Other _____

The undersigned hereby acknowledges that this application and statements submitted herewith are true to the best of his/her knowledge and conform to the Zoning Regulations of the City of New London and that approval of the plan is contingent upon compliance with all requirements of said regulations. The undersigned hereby authorizes the New London Planning & Zoning Commission and its agents, the right to enter upon the subject property for the purpose of inspection and enforcement of the Zoning and Subdivision Regulations. **ALL NAMES MUST BE PRINTED AND SIGNED.**

New London Maritime Society, Inc.

APPLICANT (PRINT)/(If a Corporation – Please Print Name of Member Representing Corporation)

150 Bank Street
 ADDRESS
 860-447-2501
 PHONE NUMBER
 860-447-8086
 FAX NUMBER
 New London CT 06320
 TOWN/CITY STATE ZIP
 nlmartimedirector@gmail.com
 EMAIL

APPLICANT'S SIGNATURE
 Susan Tamulevich, Director
 DATE

John P. Casey, Attorney for Applicant, Robinson & Cole LLP
 AGENT (PRINT)

88 Howard Street, Suite C-1
 ADDRESS
 860-275-8359
 PHONE NUMBER
 860-275-8299
 FAX NUMBER
 New London CT 06320
 TOWN/CITY STATE ZIP
 jcasey@rc.com
 EMAIL

John P Casey
 AGENT'S SIGNATURE
 DATE

New London Maritime Society, Inc.

PROPERTY OWNER (PRINT) *GEORGE A. SPRECKLE, MD, JR. PRESIDENT, NLMS.*
 Upon penalty of perjury, I represent by this signature that I have the consent, authority and agreement of all other owners of the involved properties to submit this application.

150 Bank Street
 ADDRESS
 860-447-2501
 PHONE NUMBER
 860-447-8086
 FAX NUMBER
 New London CT 06320
 TOWN/CITY STATE ZIP
 nlmartimedirector@gmail.com
 EMAIL

Susan Tamulevich, Director
 PROPERTY OWNERS SIGNATURE
 2/3/16
 DATE

George A. Spreckle, MD, Jr.
 PROPERTY OWNERS SIGNATURE
 2/3/16
 DATE

Upon penalty of perjury, I represent by this signature that I have the consent, authority and agreement of all other owners of the involved properties to submit this application.

P:\PZC\ApplicationForms\PZC_Application(modified).DOC

**New London Maritime Society
New London Harbor Lighthouse
Proposed Amendments
To the
Zoning Regulations of the City of New London**

Amendment to Special Permit Uses, R-1 and R-1A Zoning Districts

400.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation. ...

ADD:

- 13) Events and Tours for Historic Property Preservation, subject to the following requirements:
- (a) A Historic Property is a property listed on the National Register of Historic Places or otherwise recognized for its historic significance by the sources cited in Section 830.H, Historic Structure.
 - (b) The events and tours permitted shall be for the principal purpose of preserving the Historic Property and using it to promote cultural and historic education and appreciation of New London's heritage.
 - (c) Modifications of the Historic Property that would cause it to be removed from the National Register will void the Special Permit approval.
 - (d) Public visitation in the form of tours offered to the general public and special fundraising events shall be permitted subject to the following:
 - (1) Public visitation shall only occur as specified in a visitation schedule submitted by the applicant as part of the Special Permit application.
 - (2) The schedule shall include the total number of visitors allowed per day and per year, the days and hours during which tours may be offered, and the maximum size of any single tour group.
 - (3) The Special Permit application shall include a description of the maximum number of fundraising events per year and the maximum number of attendees at any one event.
 - (4) The Special Permit application shall include a description of the means by which visitors will gain access to the Historic Property, including arrangements for assembling tour groups and providing for vehicular, pedestrian and water access, as applicable.

*N.L. REF
HISTORIC*

- (5) Public visitation is generally limited to daylight hours (i.e. between sunrise and sunset). Any exceptions to these hours are to be outlined in the application statement.
- (e) **Parking:** Parking shall be provided as required by Section 614 of these regulations. For Historic Properties that propose access by water as part of the visitation plan, but do not propose that the Historic Property serve as the embarkation or debarkation location, no additional parking requirements are necessary.
- (f) **Signs:** All signs shall be located on the site development plan, and shall be described as to area, dimensions, height, materials, and purpose. All signs must be in conformance with the signage regulations for the underlying zone and are subject to the approval of the Planning and Zoning Commission. In all residential zones, signage shall be in conformance with Section 615, table 2.
- (g) **Evaluation Objectives:** In addition to the Special Permit objectives of Section 810 B of these regulations, in considering an application submitted pursuant to this section, the Planning and Zoning Commission shall require, when a Historic Property abuts residential uses, that the applicant minimize impacts on such abutting properties from foot and vehicular traffic and noise and visual impact associated with proposed Historic Property Preservation Events and Tours.

**TABLE 2
RESIDENTIAL ZONE SIGN MATRIX**

ADD UNDERLINED LANGUAGE:

USE	WALL	FREESTANDING			HANGING
	Max Area	Setback	Max Area	Height	Max. Area
<u>Historic Property</u>	<u>10 sf</u>	<u>5 ft</u>	<u>16 sf</u>	<u>8 feet</u>	<u>8 sf</u>

Section 614 Off-Street Parking and Loading

B. Number of Required Parking and Loading Spaces.

1) Parking and loading spaces shall be provided in all zones in sufficient number to accommodate the motor vehicles of all occupants, employees, customers and any others normally visiting the premises for each new, expanded or change in use in accordance with the following schedule: ...

ADD UNDERLINED LANGUAGE:

Use	Minimum Spaces Parking Required	Minimum Loading Spaces Required
Public library, gallery, <u>Historic Property</u> , or museum	1 200 sq. ft. of <u>gross floor area</u> accessible to public	None

C. Design, Layout and Location

1) Parking Setbacks

a) In an R-1, R-1A, R-2, R-3, R-4, or NB District, parking in the front yard shall be restricted to parking within a driveway that shall not be wider than twenty (20) feet for that portion that passes through the front yard. Any combination of driveways, turnaround areas and vehicle maneuvering areas shall not exceed an area of twenty-five (25) percent of the total area of the front yard. Under no circumstance shall parking be allowed in front of the dwelling unless that parking area is the accessway to an approved parking space, garage or carport. No turnaround area or vehicle maneuvering area shall be more than twelve (12) feet wide. These standards allow parking in a driveway serving a Historic Property in the R-1 and R-1A districts, subject to a special permit under Section 400.3(13), without the benefit of access to an approved garage or carport.

8) Parking Spaces

a) Each required space, exclusive of drives and aisles, shall be not less than eighteen (18) feet long nor less than eight and one half (8 ½) feet wide, and shall be served by an aisle between rows of parking spaces as designated in the attached Figure “Minimum Parking Area Dimensions”, except that, where more than one space is provided for any dwelling unit, such spaces may be located in tandem to the required number of parking spaces for that dwelling unit after approval by the New London Planning & Zoning Commission. (Amended 05/02/02)

b) The PZC may, at its discretion and by issuance of a Special Permit allow parking spaces sizes that vary from the standard parking space requirements in facilities where the predominant use is to be non-transient low turnover parking significant number of the daily users park for more than three (3) hours at a time such as multi-family residences, office buildings and industrial facilities. Non-transient parking spaces may be eight and one-quarter (8 ¼) feet wide and sixteen (16) feet long. (Amended 05/02/02)

c) Where site conditions of a Historic Property subject to a Special Permit approval under Section 400.3(13) prevent compliance with Section 614.C(8)(a), and three or fewer parking spaces are required, tandem parking is permitted.

4) Curb Cuts, Ingress and Egress

e) No parking area shall be so designed or constructed as to force a vehicle to back out directly into a public street, provided that this prohibition shall not apply to off-street parking areas for one and two family dwellings. ...

h) The prohibition of Section 614.C(4)(e) regarding backing out of a driveway shall not apply where a Historic Property subject to a Special Permit approval under Section 400.3(13) is served by an existing curb cut and parking is limited to the site driveway due to site conditions.



TOWN OF LEDYARD, CONNECTICUT

Zoning Official's Office

741 Colonel Ledyard Highway, Ledyard, CT 06349-1551
Phone: (860) 464-3216 FAX (860) 464-0098
zoning.official@ledyardct.org

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2016 FEB 29 AM 11:00

RECORDED PAGE
February 24, 2016
Betsy Moukawsher
TOWN CLERK, GROTON, CONN

PC
PC 1
3/8/16

Betsy Moukawsher, Town Clerk
Groton Town Hall
45 Fort Hill Road
Groton, CT 06340

**RE: Pending Application # 4354 for Modifications to the Ledyard Zoning Regulations
Public Hearing Scheduled: 7 P.M. March 10, 2016
Town Hall Annex, 741 Colonel Ledyard Highway, Ledyard, CT**

Dear Ms. Moukawsher,

As to comply with Connecticut General Statutes Section 8-7d (f), please accept this notice of the above-referenced application. Some of these proposed modifications affect properties within 500 feet of the Ledyard / Groton boundary line.

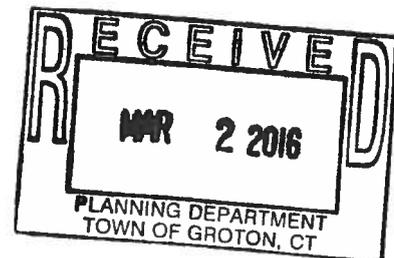
Please find enclosed a copy of the subject application and pass it along to the proper authorities for their review and comment. At the Public Hearing on this application, a representative may appear and address any concerns the Town may have. Letters submitted prior to the hearing will read into the record.

If anyone would like to discuss this matter in greater detail, please have them contact me at Town Hall.

Very truly yours,



Joseph M. Larkin
Zoning & Wetlands Official



LEDYARD
REF.

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2016 FEB 29 AM 12:00

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**LEGAL NOTICE
LEDYARD PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

Betsy M. Kawsher
TOWN CLERK, GROTON, CONN

The Ledyard Planning & Zoning Commission will conduct public hearings at 7:00 P.M., Thursday, March 10, 2016 in Council Chambers, Town Hall Annex, 741 Colonel Ledyard Highway on the following applications:

Subdivision Ap# 539, 6 Ledyard Lane. 3 Lot Re-subdivision (8-30g), Applicant: Mark C. Coen, R-20

Application #4354 Proposed Zoning Regulation Change including: Amendments to Chapters 1, 2, 3, 4 and 5; Bulk Table and Usage Table. Elimination of R80 and RM40 zones. Elimination of Village Districts; Combines LCVD 1 & 2 Zones, Designates LCDD, Designates LCVD 3 as LCTD and MFVD as MFDD. Combines GFDD 1 and 2, Combines RCCD 1 and 2

Application #4357 Proposed Zoning Regulation Change: Amend Attachment A- Make "Recreational Facility, Outdoor" Permitted by Special Permit in the LCVD 1,2,3 Zones

Copies of the application are available for inspection in the Land Use Office, Ledyard Town Hall, 741 Colonel Ledyard Highway, Ledyard, CT.

FOR THE COMMISSION,
Mike Cherry, Chairman

**LEDYARD
REF**

TOWN OF LEDYARD
APPLICATION FOR PLANNING & ZONING COMMISSION REVIEW

Application No. 4354
Receipt Date 1/15/2016
CAM Exempt? Y N

RECEIVED

JAN 15 2016

Date Submitted 01/15/2016

Location of Work (street address) LEDYARD, CT LAND USE DEPARTMENT Zoning District ALL

Is this property within 500 feet of another town? YES CAM Zone? Y N

Existing Use City of Middletown Tax Assessor's Map No. _____

• Please refer to the Zoning Regulations for assistance with application details.

Applicant/Agent Ledyard Planning and Zoning Commission * Signature [Signature]
Address CHAIR, LEDYARD PZC, 741 Colonel Ledyard Hwy, Ledyard, CT Telephone 860-464-3266

Owner (if different) _____

Address of Owner _____ Telephone _____

Proposal:*

- Site Plan
- Sign Permit
- Regulation Change+
- Zone Change+
- Gravel Permit
- Fill Permit
- Flood Hazard Permit.
- CAM Permit
- Special Permit+
- Other: Modification to Ledyard Zoning Regulations. See attached

Details CHAPTERS 1,3,4, AND 5; BULK TABLE AND USAGE TABLES. Eliminates R⁸⁰ and RM40 zones. Eliminates Village districts
COMBINES LCVD1&2, DESIGNATES LCDD, DESIGNATES LCVD3 AS LCTD & MFVD AS MFDD.combines GFDD1/2 and RCCD1/2. Various

Special Exceptions:#+

- Bed & Breakfast Operation
- Country Inn
- Temporary Saw Mill
- Apartment/Condominium
- Mobile Home Village
- Child Day Care Center
- Home Husbandry**
- Two-family Dwelling
- Contractor Home Occupation
- Commercial Vehicle/
Contractor Equipment
Storage

+Public Hearing Required

*Does the deed for this property contain restrictions on the proposed activity? _____

**Does the deed for this property contain restrictions on the keeping of animals? _____

Start Date: 01/15/2016 Completion Date: _____ or Reapplication Date: _____ Expiration Date: _____

List previous zoning application numbers: NONE

Approved by _____ Date _____

Denied by _____ Date _____

FEE: N.A. + \$60.00 State Fee = _____ DATE PAID _____ RECEIPT # _____ 7/1/13

LEDYARD
REF

AREA AND BULK SCHEDULE

HEIGHTS/AREAS/SETBACKS WIDTHS/FRONTAGES/SIZES	R	R	R	R	R	LCDD	LCTD	MFDD	GFDD	RCCD	I	CM	NC	CIP
	20	40	60	60k	60									
Minimum lot area (square feet)	20k	40k	60k	60k	60	see guidelines	20k	20k	25k	200k	200k	40k	40k	40k
Minimum lot frontage (feet)	50	75	100	100	100	see guidelines	None	None	75	100	100	100	100	50
Minimum lot width (feet)	100	150	200	200	200	see guidelines	None	None	75	500	500	100	100	100
Maximum lot coverage (%)	30	25	20	20	20	85	80	80	80	80	80	80	80	80
Minimum side yard (feet)	12	16	20	20	20	see guidelines	12	12	12	50	30	12	12	12
Minimum combined side yards (feet)	30	36	60	60	60	see guidelines	24	24	24	100	60	24	24	50
Minimum rear yard (feet)	20	30	30	30	30	see guidelines	20	20	20	50	30	20	20	35
Bldg setback from centerline-st hwy	≥75	≥75	≥75	≥75	≥75	see guidelines	≥75	≥30	see guidelines	≥75	≥75	≥75	≥75	≥75
Bldg setback from center line-Town rds	≥50	≥50	≥50	≥50	≥50	see guidelines	≥50	≥30	see guidelines	≥50	≥50	≥50	≥50	≥50
Interior lots - Bldg setback from front lot line	≥50	≥50	≥50	≥50	≥50	≥50	≥50	≥30	≥50	≥50	≥20	≥50	≥50	≥20
Interior lots - Minimum frontage (feet)	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Interior lots - Minimum lot area (square feet)	30k	60k	90k	90k	90k	see guidelines	20k	30k	40k	200k	200k	40k	40k	40k

SECTION 1.0: AUTHORITY, PURPOSE, ADOPTION, RETROACTIVITY, & SEVERABILITY

1.1 Authority

- A. These regulations are enacted pursuant to the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958 as amended.

1.2 Purpose

- A. The purpose of these regulations is to promote the health, safety and general welfare of the community; to conserve the value of property and encourage the most appropriate use of land throughout the Town; to lessen congestion in the streets; to avoid undue concentration of population; to secure safety from fire; to facilitate adequate provision for transportation, water, sewage, schools, parks, recreation and other public requirements; to provide for the Public Health, comfort and general welfare in living and working conditions and to regulate and restrict the location and time of operation of trades and industries and the location of buildings/structures for specific uses; to regulate and limit the height and bulk of buildings/structures hereafter erected; to regulate and determine the area of yards, courts and other Non-Developed Land for building hereafter erected in the Town of Ledyard; to conserve and improve the physical appearance of the Town.

1.3 Adoption

- A. These regulations are adopted in accordance with the provisions for notice and public hearing set forth in §8-3, Connecticut General Statutes, Revision of 1958, as amended.

1.4 Retroactivity

- A. Nothing herein contained shall require any change to approved site plans, or to the construction or designated use of a building for which a building permit has been issued and construction shall have commenced, based upon regulations in effect prior to the effective date of these regulations (or any amendment thereto) if the development work is completed according to such plans within the period of time specified by CGS §8-3(i) & CGS §8-3(j). "Work" for purposes of this subsection, means all physical improvements required by the approved plan. The Commission can grant extensions as provided by law.

1.5 Severability

- A. If any part of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, is declared invalid and/or unenforceable for any reason, such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, which shall remain in full force and effect.

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Ledyard
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SECTION 3.0: ESTABLISHMENT OF DISTRICTS

3.1 Zoning Districts

R-20	High Density Residential District	20,000 sq. ft. min.
R-40	Medium Density Residential District	40,000 sq. ft. min.
R-60	Low Density Residential District	60,000 sq. ft. min.
LCDD	Ledyard Center Design District	(See §4.4 & Design Guidelines)
LCTD	Ledyard Center Transition District	20,000 sq. ft. min. (See Design Guidelines)
MFDD	Multi Family Village District	20,000 sq. ft. min. (See Design Guidelines)
GFDD	Gales Ferry Design District	25,000 sq. ft. min. (See Design Guidelines)
RCCD	Resort Commercial Cluster District	200,000 sq. ft. min.
I	Industrial District	200,000 sq. ft. min.
CM	Commercial Marine	40,000 sq. ft. min.
NC	Neighborhood Commercial	40,000 sq. ft. min.
CIP	Commercial Industrial Park	40,000 sq. ft. min.

3.2 Zoning Map

- A. The boundaries of said districts shall be shown on a map entitled: "Zoning Map of the Town of Ledyard" which is on file in the Office of the Town Clerk of Ledyard. Such maps and any duly adopted revisions thereto, with the explanatory matter thereon, are a part of these regulations as if set forth herein.

3.3 Zoning District Boundaries

- A. The District boundary lines are intended generally to follow the center line of streets, and similar rights-of-way, rivers, lot lines, or town boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated. In case of uncertainty as to the true location of a District boundary line in a particular instance, the Commission shall make the determination from the official records.

Handwritten notes:
01/13/2016
2016

3.4 Uses by District

A. The Schedule of Permitted Uses establishes the permitted uses for each District:

- (1) Any use marked "P" is a permitted use by-right, subject to these regulations, and is approved by the Zoning Official.
- (2) Any use marked "P(CR)" is a permitted use by-right, subject to these regulations, that requires a site plan review.
- (3) Any use marked "S" is a permitted use by special permit, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. A public hearing, site plan review, and approval by the Commission are required for "(S)" applications.
- (4) Any use not listed or otherwise permitted in a District is prohibited

SCHEDULE OF PERMITTED USES

P	Use by right - Zoning permit issued by Zoning Official
P(CR)	Use by right - Site Plan Review and Commission Approval Required
S	Use by special permit – Public hearing, site plan review, and Commission approval required
Blank	Use not permitted in the district
Note: Commission reserves right to conduct a public hearing on any application	
R-20	High density residential districts
R-40	Medium density residential districts
R-60	Low density residential districts
LCDD	Ledyard Center Design District (Design Guidelines apply)
LCTD	Ledyard Center Transition District (Design Guidelines apply)
MFDD	Multi-Family Design District (Design Guidelines apply)
GFDD	Gales Ferry Design District (Design Guidelines apply)
RCCD	Resort Commercial Cluster District
I	Industrial districts
CM	Coastal Marine districts
NC	Neighborhood Commercial districts
CIP	Commercial Industrial Park districts

NOTE Upon request, the Commission will determine if a proposed use that is omitted in the Use Table is equivalent to a listed permitted use. For example, is a proposed "computer leasing and repair" business equivalent to the listed "retail sales" use or the listed "equipment sales & repair" use? The Commission will take into account traffic, parking, signage, water, sewer, safety, and other characteristics of the proposed use in making its determination. The proposed use will be required to conform with the regulations applicable to the equivalent listed use. The applicant may choose to submit new regulations if his proposed use is not equivalent to a listed use.

SCHEDULE OF PERMITTED USES

USE	R 20	R 40	R 60
Accessory apartment	P	P	P
Accessory structures	P	P	P
Adult day care center	P(CR)	P(CR)	P(CR)
Age restricted housing	P	P	P
Antenna & antenna towers	P(CR)	P(CR)	P(CR)
Assisted Living for Seniors	S	S	S
Bed and Breakfast	P(CR)	P(CR)	P(CR)
Campground			S
Cemetery	P	P	P
Child day care center	S	S	S
Civic buildings	P	P	P
Construction trailer – temporary	P	P	P
Country inn	P(CR)	P(CR)	P(CR)
Dwelling, mobile manufactured home	P	P	P
Dwelling, multiple family (apts, condos)	S	S	S
Dwelling, single family	P	P	P
Dwelling, two family (duplex)	P	P	P
Educational institution –PUBLIC AND OR PRIVATE	P(CR)	P(CR)	P(CR)
Excavation Operations - Major (≥300 cu yds)	S	S	S
Excavation Operations - Minor (<300 cy yds)	P	P	P
Family day care home	P(CR)	P(CR)	P(CR)
Farm & farming	P	P	P
Farm stand (Accessory Use to farm)	P	P	P
Group Day Care Home	P(CR)	P(CR)	P(CR)
Home husbandry (accessory use)	S	S	S
Home occupation (accessory use)	P	P	P
Nursing home & residential care home	S	S	S
Parks and playgrounds	P	P	P
Public and private utility installations	P	P	P
Rooming & boarding (accessory use)	P	P	P
Sawmill – Temporary	P	P	P
Solar energy systems (Accessory Use))	P	P	P
Telephone exchange	P	P	P
Transformer substation (accessory use)	P	P	P
Wind energy system (accessory use)	P(CR)	P(CR)	P(CR)

SCHEDULE OF PERMITTED USES

USE	LCDD	LCTD	MFDD	GFDD	RCCD
Accessory apartment		P		P	
Accessory structures	P	P	P	P	P
Adult day care center	S	S	S	S	
Age restricted housing	S	S	S	S	
Alcoholic liquor	P	P		P	P
Amusement parks, water parks					S
Antenna & antenna towers	S	S		S	S
Assisted Living for Seniors	S	S		S	
Bed and Breakfast	P	P		P	P
Boat docks, slips, piers, wharves & bldgs					P
Boat rental, sales, storage, supplies				S	P
Business Center	S	S		S	
Campground					S
Car wash	P(CR)	P(CR)		P(CR)	P(CR)
Child day care center	S	S		S	S
Civic buildings	P(CR)	P(CR)		P(CR)	P(CR)
Clubs	S	S		S	
Community center	S	S	S	S	
Conference center	P	P		P	P
Construction trailer – temporary	P	P	P	P	P
Convenience store	P	P		P	P
Country inn	S	S	S	S	S
Dwelling, multiple family (apts, condos)		S	S	S	S
Dwelling, single family (3)		P			
Dwelling, two family (duplex)		P			
Educational institution - PUBLIC AND OR PRIVATE	P(CR)	P(CR)		P(CR)	P(CR)
Equipment sales & repair	S			S	
Excavation Operations - Major (≥300 cu yds)	S	S	S	S	S
Excavation Operations - Minor (<300 cy yds)	P	P	P	P	P
Family day care home		P(CR)		P(CR)	
Family entertainment center	S	S		S	S
Farm & farming (>3 ACRES)	P	P	P	P	P
Farm stand (Access. Use to farm)	P	P	P	P	P
Field & Court sports, pools, spas, Golf courses, Mini-Golf					S
Financial institution	P	P		P	P
Funeral homes & undertaking	S			S	
Gas station	S	S		S	S
Group day care home	P(CR)	P(CR)		P(CR)	
Home occupation (accessory use)		P		P	
Hotel	S	S		S	S
Laundromat	S	S			

SCHEDULE OF PERMITTED USES

USE	LCDD	LCTD	MFDD	GFDD	RCCD
Medical and dental clinic / Hospital	S	S		S	S
Mixed (office/retail dn, residential up)	P	P		P	
Motel	S	S		S	S
Motor vehicle body repair & painting	S	S		S	
Motor vehicle dealership (includes repair)	P(CR)	P(CR)		P(CR)	
Motor Vehicle service & rentals	P(CR)			P(CR)	P(CR)
Museums, art gallery, cultural institution	P	P		P	P
Nurseries, including retail & wholesale	S			S	S
Nursing home & residential care home	S	S		S	
Offices	P	P		P	P
Outdoor storage & sales	S			S	
Parking structures	S	S		S	S
Parks and playgrounds	P	P	P	P	P
Personal service establishments	P(CR)	P(CR)		P(CR)	P(CR)
Power equipment & utility trailer sales	P(CR)	P(CR)		P(CR)	
Pub & tavern	S	S		S	S
Recreation facility, indoor	S	S		S	S
Recreation facility, outdoor				S	S
Religious use	P	P		P	P
Repair shops (radio, tv, shoes, cmptr, etc)	P	P		P	
Research & Testing - inside	P	P		P	
Resort facility					S
Restaurant, including fast food	S	S		S	S
Retail sales	P	P		P	P
Riding stable					S
Rooming & boarding (accessory use)		P		P	
RV Sales, Service, & Accessories	S			S	
Sawmill – Temporary	P	P	P	P	P
Shopping center	S	S		S	S
Solar energy systems	P	P	P	P	P
Telephone exchange	P	P		P	P
Theater, indoor (including multiplex)/Outdoor	S	S		S	S
utility installations	P	P	P	P	P
Vehicle dispatching and repair	S	S		S	S
Veterinary office & clinic	P	P		P	P

SCHEDULE OF PERMITTED USES

USE	I	CM	NC	CIP
Accessory structures	P	P	P	P
Alcoholic liquor		P	P	
Antenna & antenna towers (32)	S			S
Auto service & auto rentals (w/fuel sales)				P(CR)
Boat construction and repair	P	P		P
Boat docks, slips, piers, wharves & bldgs	P	P		
Boat rental, sales, storage, supplies	P	P		P
Car wash			P(CR)	P(CR)
Child day care center			S	S
Comm. fishing/lobstering/shellfishing	P(CR)	P(CR)		
Communication systems	P			P
Community center				P(CR)
Construction trailer – temporary	P	P	P	P
Convenience store		P	P	P
Country inn		S	S	
Educational institution – private				
Equipment sales & repair	P(CR)			P(CR)
Excavation Operations - Major (≥300 cu yds)	S	S	S	S
Excavation Operations - Minor (<300 cy yds)	P	P	P	P
Family entertainment center		P(CR)	P(CR)	P(CR)
Farm & farming (> 3 ACRES)	P	P	P	P
Farm stand (Access. Use to farm)	P	P	P	P
Financial institution			P	P
Fishing gear rental		P		
Funeral homes & undertaking				P(CR)
Gas station			P(CR)	P(CR)
Hospital and clinic			P(CR)	P(CR)
Industrial park	S			
Kennel	S			
Laundromat	P(CR)	P(CR)	P(CR)	P(CR)
Light industrial	P(CR)	P(CR)		P(CR)
Lumberyard/building sales yard	P(CR)			P(CR)
Manufacturing, maintenance	P(CR)			P(CR)
Medical and dental clinic				P(CR)
Mixed (office/retail dn, residential up)		P(CR)	P(CR)	
Motor vehicle body repair & painting	P(CR)			P(CR)
Motor vehicle dealership (includes repair)				P(CR)
Nurseries, including retail & wholesale	P(CR)			P(CR)
Offices				P(CR)
Outdoor storage & sales				P(CR)
Parking structures -	P(CR)	P(CR)	P(CR)	P(CR)

SCHEDULE OF PERMITTED USES

USE	I	CM	NC	CIP
Personal service establishments			P(CR)	P(CR)
Power equipment & utility trailer sales	p			P
utility installations	P	P	P	P
Recreation facility, indoor	P			P
Recycling center	P			P
Research & Testing	P(CR)			P(CR)
Restaurant,		S	S	
Retail sales	P	P	P	P
RV Sales, Service, & Accessories	P			P
Sawmill	P			
Sawmill – Temporary	P	P	P	P
Self storage w/truck rental accessory use	P			P
Solar Energy Systems	P	P	P	P
Storage	P			P
Telephone exchange	P	P	P	P
Vehicle dispatching and repair	P			P
Veterinary office & clinic - indoor				P
Warehouse	P			
Wind energy system (accessory use)	P(CR)	P(CR)	P(CR)	P(CR)

SECTION 4.0: ZONING DISTRICT REGULATIONS

4.1 High Density Residential District (R-20)

- A. Purpose: To maintain existing higher density residential character and provide opportunities for compatible residential development and other civic uses.

4.2 Medium Density Residential District (R-40)

- A. Purpose: To maintain existing medium density residential development and provide opportunities for compatible residential development and other civic uses.

4.3 Low Density Residential District (R-60)

- A. Purpose: To maintain the existing low-density residential development and provide opportunities for compatible residential development and other civic uses that reflect the rural character and natural resources of the Town

4.4 Ledyard Center Design District (LCDD)

- A. Purpose: To encourage the development of a New England Village Center, identifiable as the center of the community, through the concentration of commercial businesses along a main street.
- B. Strict architectural syntax is required. See "Design Guidelines" (§II).
- C. Changes in Use shall be in conformance with §14.1.
- D. There are no minimum lot sizes or widths.
- E. Ten (10) foot sidewalks are required.
- F. Uses are limited to commercial, or mixed use commercial with optional one or two bedroom apartments if they are not on the ground floor. This district also permits multi-family dwellings on up to 75% of the lot, or of the building usage, if the balance of the lot or building usage is developed as a commercial use, or an equivalent area of a different parcel in the LCDD is developed commercially.
- G. Most new structures shall be built to the sidewalk. See "Design Guidelines" (§II).
- H. All proposed development, or substantial rehabilitation, may be reviewed by an Architectural Review Board (ARB) to determine compliance with the Design Guidelines for the Ledyard Center Design Districts. The ARB will make recommendations to the Commission within 35 days of receipt of an application concerning compliance with the Design Guidelines.

4.5 Ledyard Center Transition District (LCTD)

- A. Purpose: To encourage transition between the developed New England village center, identifiable by Mixed Uses, and the surrounding residential areas. The LCTD district is the immediate area abutting the LCDD area to the west.
- B. Strict architectural syntax is required. See "Design Guidelines" (§II).
- C. Changes in Use shall be in conformance with §14.1.
- D. The minimum lot size is 20,000 square feet
- E. Five (5) foot sidewalks are required.
- F. Uses may be commercial, or mixed commercial with optional one or two bedroom apartments if not on the ground floor.

-
- G. Structures require a minimum of a 30-foot setback from the center of the roadway, and other conventional bulk requirements.
 - H. This district permits multi-family (apartments) and condominiums of up to 75% of the lot, or of the building usage, if the remaining balance of the lot or building usage is developed as a commercial use, or an equivalent area of a different parcel in the LCDD or LCTD is developed commercially.
 - I. This district permits single-family dwellings on interior lots.
 - J. This district permits standalone two bedroom apartments (multi-family structures) and condominiums.
 - K. This district permits standalone commercial structures. (See "Schedule of Permitted Uses").
 - L. All proposed development, or substantial rehabilitation, may be reviewed by the Architectural Review Board (ARB) to determine compliance with the Design Guidelines for the Ledyard Center Districts. The ARB shall make recommendations to the Commission within 35 days of receipt of an application on whether or not a proposal is compliant with the Design Guidelines.

4.6 Multi-Family Village District (MFVD)

- A. Purpose: To encourage development of a pedestrian-friendly village environment in Ledyard Center. This District is intended to accommodate only high-density residential development.
- B. Strict architectural syntax is required. See "Design Guidelines" (§II).
- C. 10% Recreational space is required.
- D. The minimum lot size is 20,000 square feet
- E. The density shall not exceed one (1) dwelling unit per 7,500 square feet of lot area.
- F. Five (5) foot sidewalks are required.
- G. Structures do not have to be built to the sidewalk, or within a certain distance of the sidewalk.
- H. Structures require a minimum of a 30-foot setback from the center of the roadway, and other conventional bulk requirements.
- I. This district only permits multi-family, condominiums, cooperatives, and townhouses.
- J. There is no limit on the number of bedrooms per dwelling unit.
- K. All proposed development, or substantial rehabilitation, may be reviewed by the Architectural Review Board (ARB) to determine compliance with the Design Guidelines for the Ledyard Center Districts. The ARB shall make recommendations to the Commission within 35 days of receipt of an application on whether or not a proposal is compliant with the Design Guidelines.

4.7 Gales Ferry Design District (GFDD)

- A. The purpose of the Gales Ferry Design District is to encourage pedestrian-friendly commercial development of unified design and scale to create a higher density in Gales Ferry Village. These regulations are intended to attract and encourage family activities. In addition, the District is intended to:
 - (1) Encourage a blend of low intensity commercial, civic, and residential architectures and land uses.
 - (2) Encourage cohesive architectural and site design.

-
- (3) Establish a coordinated pattern of land development which insures safe access and movement of pedestrians and vehicles, and which minimizes curb cuts and maximizes connections to adjacent properties.
 - (4) Encourage placement of primary structures closer to the street; to increase business exposure; to minimize sign clutter by reducing the need for redundant signs; to reduce traffic speeds; to discourage widening of streets and highways; and to discourage development with dominant front parking lots.
- B. Proposed development, or substantial rehabilitation, may be reviewed by the Architectural Review Board (ARB) to determine compliance with the Design Guidelines. The ARB shall make recommendations to the Commission within 35 days of receipt of an application on whether or not a proposal is compliant with the Design Guidelines.
 - C. Strict architectural syntax is encouraged. See "Design Guidelines" (§III).
 - D. Changes in Use shall be in conformance with §14.1.
 - E. Multiple uses may be combined on a single lot or within a single structure, provided that all standards for each individual use are met.

4.8 Resort Commercial Cluster District (RCCD)

- A. Purpose: To encourage development of commercial recreational uses and commercial tourism-oriented uses while maintaining the character of the surrounding area. In addition, the RCCD District is intended to:
 - (1) Cluster new commercial buildings and parking areas on the most developable land within the District while retaining significant contiguous land areas in a natural or landscaped condition.
 - (2) Assure that the design of new structures, parking, access ways and landscaping is compatible with the natural features and topography of the area.
 - (3) Limit and control access for new development from public roads so that traffic safety is maintained and a sense of the rural landscape is retained and enhanced.
 - (4) Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact. Such development is inconsistent with the maintenance of a rural appearance and maximum traffic safety.
 - (5) Protect surface and groundwater resources through the careful control of sewage disposal systems and storm water runoff. Require best management practices available for all land uses located in close proximity to aquifer recharge areas.
- B. Maximum building height shall be the height permitted by the Connecticut Building Code for the use and type of building construction, subject to approval by the Fire Marshal.
- C. Traffic management.
 - (1) Primary access to development shall be from Route 2 and or Pequot Trail (off Route 214)..
 - (2) Access will be reviewed based on the following:
 - (a) Design of access;
 - (b) Any proposed or necessary traffic controls;

-
- (c) Physical features of the site;
 - (d) Existing traffic conditions; and
 - (e) Any nearby pending development.

4.9 Industrial District (I)

- A. Purpose: To encourage the adoption, continuation and expansion of manufacturing, research, and industrial uses consistent with the rural character and natural resource constraints of Ledyard.
- B. Maximum building height shall be the height permitted by the Connecticut Building Code for the use and type of building construction, subject to approval by the Fire Marshal if greater than 35'. However, structures shall be of such height and so located and screened to minimize off-site visual impact.
- C. Permitted uses may be conducted outside of a building upon approval of the Commission (by special permit). However, storage and/or warehousing shall be within a building.
- D. Permitted accessory uses include, but are not limited to, cafeteria-style food service within a building for employees of the principal use; recreational facilities for employees; and child day care facilities for children of employees.
- E. To the extent possible, existing trees, vegetation and unique site features such as stonewalls, ledge faces, kettle holes, and boulder trains shall be retained and protected.
- F. Any disturbed area of a lot which is not used for the location of buildings, structures, accessory uses, parking, loading and storage areas, or similar purposes, shall be landscaped and maintained in such a manner as to minimize storm water runoff.
- G. Perimeter vegetative buffering and/or screening are required to maintain the rural appearance of Ledyard and to protect the values of nearby properties. Buffers and screening shall be installed to reduce excessive heat, glare, and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the excessive runoff of storm water and erosion of soil.
 - (1) A perimeter buffer area is required along and within the boundaries of a lot abutting a town road or state highway or abutting any lot within a residential district.
 - (2) The minimum width of the perimeter buffer, if required, shall be one hundred (100) feet. The buffer area shall be free of any structures and parking areas, and shall be maintained in a natural or landscaped state, except for fencing as may be approved by the Commission.
 - (3) The retention of existing topography and vegetation in the buffer areas is preferable to regrading and new plantings. The Commission may determine if existing conditions will satisfy the purposes of buffering and screening.
 - (4) If natural site conditions are not adequate to meet the purposes of the buffer requirement, the Commission may require a screening fence, earthen berm, and/or evergreen and deciduous plants of such type, height, spacing, and arrangement that will effectively screen the activity on the lot from the adjacent public road and/or residential area.
- H. The Commission will consider the design of access, proposed or necessary traffic controls, physical features of the access site, and proposed construction designs peripheral to access and related to traffic control, existing traffic conditions, and any nearby pending development.

-
- I. Use of the property which can reasonably be expected to generate a large volume of traffic may be required by the Commission to provide for entrances to and exit from the property by way of an adjacent and less traveled public highway or frontage road in lieu of direct access from and to a major or more heavily traveled public highway.
 - J. Vehicle entrances shall be a minimum of 30 feet wide, unless a wider entrance(s) is/are approved by the Commission for safety. The entrances shall be clearly defined. The total number of entrances that can safely be accommodated along the road will be a consideration for approval or disapproval of the site plan. When possible, each development shall be limited to one access point per property. However, separate access may be approved for employee vehicles and truck traffic, where appropriate. Where significant truck traffic is anticipated, the Commission may require the construction of a separate truck turning lane at the site entrance.
 - K. The Commission may deny an application if the proposed access to a public highway is deemed to create a hazardous condition or when the expected traffic to be generated from the proposed use considered cumulatively with exiting traffic conditions is deemed to cause or worsen hazardous conditions so as to imperil public safety.
 - L. Parking or loading shall not be located in the perimeter buffer.
 - M. Parking and loading areas shall be screened from the public roadway and from adjacent residential properties.
 - N. Driveways, parking and loading areas shall be paved of bituminous concrete or other similar material. Entrances shall be clearly defined by a six (6) inch curb of bituminous concrete. However, the Commission may approve exemptions for employee parking; storage of vehicles provided such vehicles are not junked or wrecked; and low flow traffic areas. The exempted areas may be constructed of processed stone with suitable, positively drained, well-graded sub-base gravel.
 - O. Lighting: Outdoor illumination, including area lighting and floodlighting, shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare, and disability veiling glare, and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment
 - P. Historical and Archaeological Sites: When a site or portion of a site has been identified by the State Historic Preservation Officer, or the State Archaeologist, as historically significant, the applicant shall identify on the plans the nature and location of the resource, and shall indicate what measures are being taken to protect such resource.

4.10 Commercial Marine District (CM)

- A. Purpose: To provide for the appropriate development of waterfront properties and to allow for maximum utilization of water-dependent and water-related uses.
- B. Accessory uses include, but are not limited to, a residence of an owner of a permitted use, an office for a permitted use, dockside facilities such as fuel and ice sales, restrooms, and laundry facilities for overnight boaters in a marina.

4.11 Neighborhood Commercial District (NC)

- A. Purpose: To encourage development of small local businesses that will serve the daily commercial needs of the surrounding residential neighborhoods.

4.12 Commercial Industrial District (CIP)

- A. Purpose: To allow for a mix of commercial and industrial uses which are mutually compatible and which will augment the economic tax base of the Town and the region.
- B. To the extent possible, existing trees, vegetation and unique site features such as stonewalls, ledge faces, kettle holes, and boulder trains shall be retained and protected.
- C. Any disturbed area of a lot or property which is not used for the location of buildings, structures, accessory uses, parking, loading and storage areas, or similar purposes, shall be landscaped and maintained in such a manner as to minimize storm water runoff.
- D. The Commission will consider the design of access, proposed or necessary traffic controls, physical features of the access site, and proposed construction designs peripheral to access and related to traffic control, existing traffic conditions, and any nearby pending development.
- E. Vehicle entrances shall be a minimum of 30 feet wide. The Commission may approve wider entrances for safety. The entrance shall be clearly defined. The total number of entrances that can safely be accommodated along the same road will be a consideration for approval or disapproval of the site plan. When possible, each development shall be limited to one access point per property. However, separate access may be approved for employee vehicles and truck traffic, where appropriate. Where significant truck traffic is anticipated, the Commission may require the construction of a separate truck turning lane at the site entrance.
- F. The Commission may deny an application if the proposed access to a public highway is deemed to create a hazardous condition or when the expected traffic to be generated from the proposed use considered cumulatively with exiting traffic conditions is deemed to cause or worsen hazardous conditions so as imperil public safety.
- G. Driveways, parking and loading areas shall be paved of bituminous concrete or other similar material. Entrances shall be clearly defined by a six (6) inch curb of bituminous concrete.
- H. Lighting: Outdoor illumination, including area lighting and floodlighting, shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare, and disability veiling glare, and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment and value of nearby property and upon the appearance of the community.
- I. Historical and Archaeological Sites: When a site or portion of a site has been identified by the State Historic Preservation Officer, or the State Archaeologist, as historically significant, the applicant shall identify on the plans the nature and location of the resource, and shall indicate what measures are being taken to protect such resource.
- J. Storage and warehousing shall be within a building.
- K. The manufacture, fabrication, processing, compounding, treatment, assembly, maintenance, repair, or packaging of goods or products is permitted provided that all subject operations are conducted within a building or structure designed for such operations and that such operations are not dangerous, obnoxious, or offensive for reasons of noise, odor, dust, smoke, vibrations, glare, refuse, water carried waste, fire, explosion, or toxic fumes.
- L. Open storage is permitted if the material to be stored is confined solely to inventory and equipment held in connection with industrial or commercial operations. With the exception of necessary access ways, a buffer strip shall be provided for areas within the lot used for open storage which are not otherwise effectively screened from any highway and/or neighboring structures (including parking

areas). The screening shall be a minimum of thirty (30) feet wide and shall be appropriately landscaped to effectively screen such use from public roads and adjacent structures (including parking areas) and/or any interior access drive.

SECTION 5.0: CONSERVATION & OPEN SPACE SUBDIVISION DEVELOPMENTS

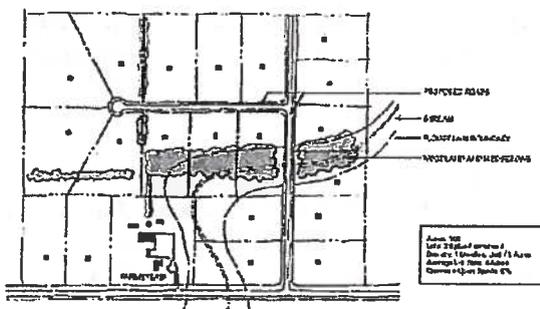
5.1 Conservation Subdivision Developments

A. Applicability

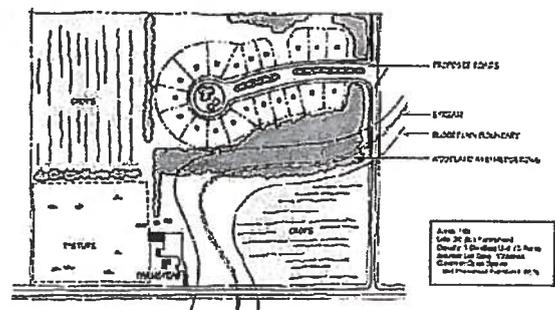
This Section is to provide flexibility in clustering of residential units on areas of a project site best suited for development and to protect the remaining land as open space. The creation of open space is accomplished by permitting flexibility in the minimum lot size normally required in specific zones for residential development. The creation of a Conservation Subdivision is intended to:

- (1) Protect natural streams, water supplies and watershed areas;
- (2) Maintain and enhance the conservation of wildlife, natural, agricultural, or scenic resources;
- (3) Promote conservation of soils, wetlands, and other significant natural features and landmarks;
- (4) Enhance the value to the public of abutting or neighboring parks and unfragmented forests; wildlife preserves, nature reservations or sanctuaries, or other open spaces;
- (5) Enhance public recreation opportunities;
- (6) Preserve historic sites;
- (7) Promote orderly efficient development; and
- (8) Limit the extent of impervious surfaces and control runoff.

Conventional Subdivision



Conservation Subdivision



Source:

http://www.sewrpc.org/ca/conservationsubdivisions/pdfs/conservation_subdivision_design_process.pdf

f

B. Constraints

Conservation Subdivision Developments are permitted in R-40 and R-60 Districts, subject to the Subdivision Regulations, and the following conditions and exceptions:

- (1) A public or community water system, and/or a public or community sewerage system, is required for a Conservation Subdivision Development in an R-40 District.

- (2) A Conservation Subdivision Development utilizing a community water system shall not be approved unless the applicant obtains one (1) of the following:
 - (a) A Certificate of Public Convenience and Necessity is issued pursuant to Sections 8-25a and 16-262m of the Connecticut General Statutes; or
 - (b) A Water Main Extension Agreement executed by the public water company designated to serve the Conservation Subdivision Development.

C. Density and Bulk Requirements

- (1) Overall residential density. A residential conservation development shall not contain a total number of dwelling units which exceeds the number which could be permitted if the land were subdivided into conventional lots conforming to the minimum lot size and density requirements applicable to the district or districts in which such land is located and conforming to all applicable requirements of these zoning regulations.
- (2) Bulk requirements. In order to encourage and enable a conservation subdivision of desirable and imaginative design and to maintain flexibility, specific controls of the bulk and lot coverage of permitted uses and public facilities are not contained in this section. Instead, it is required that the conservation subdivision be developed according to a comprehensive final plan for the overall development, which shall conform to the requirements of this chapter.
- (3) Open space and Number of Lots.
 - (a) Each conservation development shall result in the preservation of at least 40% of the gross land area for parks, recreation, public trails, conservation, agricultural, or other open space purposes. The maximum number of lots in a conservation subdivision shall be determined by dividing the gross area by 40,000 sq. ft. for R40 districts or 60,000 sq.ft.for R60 districts. The result shall be the maximum number of lots in a conservation subdivision provided the Lots comply with the subdivision regulations and the public health code. The maximum number of lots is not an entitlement or right but a density Bonus that will be a function of the unique characteristics and buildability of each site..
 - (b) The open space shall have access, shape, dimensions, character, location, and topography suitable for the purpose intended. In determining which land is to be preserved as open space, the natural and scenic qualities of the site shall be taken into consideration, as well as the ecological significance of the site and its utility as open space.
 - (c) The open space shall be shown on the plat map and shall be labeled in a manner to indicate that such land is not to be platted for building lots and is permanently reserved for open space into perpetuity.
 - (d) The applicant shall submit sketch layouts for both conventional subdivision and conservation subdivisions to determine the number of conventional lots, which could be permitted if the land were subdivided in accordance with all applicable regulations of the Zoning Regulations and Subdivision Regulations.

5.2 Open Space Subdivision Developments

A. Applicability

Open space subdivisions containing single-family residential dwellings only, are a use allowed in all residential zoning districts, subject to approval of an Open Space Subdivision by the Planning & Zoning

Commission pursuant to section 4.9 of the Subdivision Regulations of the Town of Ledyard.

B. Water system requirements

(1) An open-space subdivision utilizing a community water system shall not be approved unless one of the approvals noted in Subsections (a) or (b) below is obtained by the applicant:

(a) A certificate of public convenience and necessity has been issued pursuant to Sections 8-25a and 16-262m of the Connecticut General Statutes; or

(b) A written water main extension agreement has been approved by the public water company possessing the exclusive service area to serve the area in which the open space subdivision is proposed;

(2) Any improved, above ground, area belonging to or to be conveyed to a water company in conjunction with the development of an open space subdivision shall not be considered open space for purposes of satisfying the minimum open space dedication requirement for an open space subdivision.

C. Number of Lots – Policy – The number of lots in an open space subdivision shall be determined based upon:

(1) The ability of the parcel being subdivided to achieve a minimum dedication of sixty (60%) percent of the parcel as permanently dedicated open space and thereafter complying with the minimum requirements of the Connecticut Public Health Code,

(2) A minimum lot area shall be based on the ability of the proposed lot to support a single-family residence; and, if applicable, on-site well and septic system in compliance with the Connecticut Public Health Code rather than upon any minimum geometric requirement, and

(3) The lot density limits in Section 5.2-D of these Regulations.

D. Number of Lots – Calculations – The maximum number of lots in an open space subdivision shall be determined utilizing the following (Fractional lots shall be rounded down.):

(1) If the property being subdivided will be developed with on-site sewerage disposal systems and on-site wells - divide the gross parcel area of the parcel being subdivided by the minimum lot area for the underlying zoning district.

By way of example, if the parcel being subdivided contains 40 acres and is located in an R-60 Zoning District, the gross lot area is 1,742,400 square feet divided by the 60,000 square foot minimum lot area for the underlying zoning district yielding a maximum of 29 lots.

- (2) If the property being subdivided will be developed utilizing either a public water supply or municipal sewers - divide the gross parcel area of the parcel being subdivided by the minimum lot area for the underlying zoning district and multiply by a factor of 1.15.

By way of example, if the parcel being subdivided contains 40 acres and is located in an R-60 Zoning District, the gross lot area is 1,742,400 square feet divided by the 60,000 square foot minimum lot area for the underlying zoning district yielding 29 lots multiplied by a factor of 1.15, yielding a maximum of 33 lots.

- (3) If the property being subdivided will be developed utilizing both a public water supply and municipal sewers - divide the gross parcel area of the parcel being subdivided by the minimum lot area for the underlying zoning district and multiply by a factor of 1.5.

By way of example, if the parcel being subdivided contains 40 acres and is located in an R-60 Zoning District, the gross lot area is 1,742,400 square feet divided by the 60,000 square foot minimum lot area for the underlying zoning district yielding 29 lots multiplied by a factor of 1.5 yielding a maximum of 43 lots.

E. Bulk Requirements

- | | |
|-----------------------------------------------|---------------------------------------------------------------------------------|
| (1) Minimum parcel area prior to subdivision: | 40 acres |
| (2) Minimum side yard distance: | 10 feet |
| (3) Minimum both side yards (combined): | 25 feet |
| (4) Minimum lot rear yard distance: | 30 feet |
| (5) Minimum front yard setback: | 50 feet from centerline of road or 30 feet from lot line, whichever is greater. |
| (6) Maximum building height: | 35 feet |
| (7) Minimum lot area: | Not Applicable |

MEMORANDUM

TO: Planning Commission
FROM:  Zoning Board of Appeals
DATE: February 18, 2016
SUBJECT: ZBA #16-02 - 22 Bank Street

The Zoning Board of Appeals will conduct the public hearing described in the attached Notice of Public Hearing on March 9, 2016.

If you have any comments or questions, please refer them to Matthew Allen, Planner I in the Office of Planning and Development, before the date of the public hearing.

MA:dlg

ZBA#16-02



TOWN OF GROTON

PLANNING AND DEVELOPMENT SERVICES

DEBORAH G. JONES
ASSISTANT DIRECTOR
DJONES@GROTON-CT.GOV

134 GROTON LONG POINT ROAD, GROTON, CONNECTICUT 06340
TELEPHONE (860) 446-5970 FAX (860) 448-4094
WWW.GROTON-CT.GOV

February 22, 2016
(REVISED)

VIA EMAIL
The Day
Attention: Legal Advertising
P.O. Box 1231
New London, Connecticut 06320

Please publish the following legal ad on February 26, 2016 and March 4, 2016.

TOWN OF GROTON ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING

The Zoning Board of Appeals will hold a public hearing on Wednesday, March 9, 2016 at 7:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, to hear the following:

ZBA#16-02 — 22 Bank Street, Peter J. Springsteel Architect LLC/Applicant, Lisa & David Squires/Owner, Peter J. Springsteel Architect LLC/Architect, for a variance to Section 5.2 to allow 17 ft. instead of the required 25 ft. for a front yard setback. PIN#261918316527, RS-8 Zone.

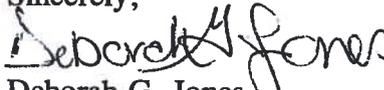
Applications are on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road, Groton, CT. Dated this 26th day of February, 2016 at Groton, CT. (On second insertion, please put "Dated this 4th day of March, 2016 at Groton, CT.")

Ed Stebbins, Chairman

Account #30384
P.O. #16000391

PLEASE DO NOT BOLD PRINT. If you have any questions, please do not hesitate to contact me.

Sincerely,


Deborah G. Jones
Assistant Director

DGJ:lg

MEMORANDUM

TO: Planning Commission

FROM: Jonathan J. Reiner, Director of Planning and Development 

DATE: March 2, 2016

SUBJECT: Referral for April 6, 2016 Public Hearing
REGA 16-01 (Town of Groton Zoning Commission, Applicant)

In accordance with Connecticut General Statute (CGS) Section 8-3a(b), please be advised that the Town of Groton Zoning Commission will be considering the following item at a public hearing on Wednesday, April 6, 2016 at 6:30 p.m. in the Town Hall Annex Community Room 2, 134 Groton Long Point Road.

REGA16-01, Proposed Zoning Regulation Text Amendment to Sections 6.2 (Downtown Development District); 6.3 (Waterfront Design District); 7.1-36 (Drive Through Facilities); 7.2-5 (Off-Street Parking and Loading); 7.4-4 (Buffer Areas) and 7.5 (Sidewalks). (Town of Groton Zoning Commission, Applicant)

Please see the attached for additional information. If you have any questions or comments, please refer them to Diane Glemboski, Planner II before the date of the public hearing.

JJR:lp

Attachment(s)

REGA16-01



TOWN OF GROTON

PLANNING AND DEVELOPMENT SERVICES

JONATHAN J. REINER, AICP
DIRECTOR
JREINER@GROTON-CT.GOV

134 GROTON LONG POINT ROAD, GROTON, CONNECTICUT 06340
TELEPHONE (860) 446-5970 FAX (860) 448-4094
WWW.GROTON-CT.GOV

March 1, 2016

VIA EMAIL
Attention: Legal Ads
The Day
P.O. Box 1231
New London, Connecticut 06320

Please publish the following legal ad on March 25 and April 1, 2016:

TOWN OF GROTON ZONING COMMISSION NOTICE OF PUBLIC HEARING

Notice is hereby given that the following public hearing will be held on April 6, 2016 at 6:30 p.m. in Community Room 2, Town Hall Annex, 134 Groton Long Point Road, in said Town, to consider the following:

REGA16-01, Proposed Zoning Regulation Text Amendment to Sections 6.2 (Downtown Development District); 6.3 (Waterfront Design District); 7.1-36 (Drive Through Facilities); 7.2-5 (Off-Street Parking and Loading); 7.4-4 (Buffer Areas) and 7.5 (Sidewalks). (Town of Groton Zoning Commission, Applicant)

Application is on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road. Dated this 25th day of March 2016 at Groton, Connecticut. (On second insertion please put "Dated this 1st day of April 2016 at Groton, Connecticut".)

Susan Sutherland, Chairperson

Account #30384
P. O. #16000391

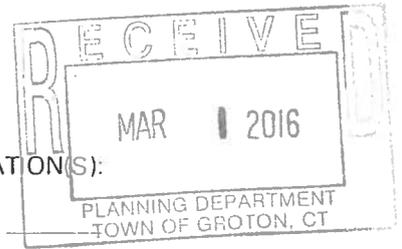
Please do not bold. If you have any questions, please do not hesitate to contact me at 860-446-5970.

Sincerely,

Deborah G. Jones
Assistant Director

DGJ:dlg
email 3/1/16

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

PROJECT DESCRIPTION: Proposed zone text amendment to Section 6.2 (Downtown Development District), Section 6.3 (Waterfront Design District), Section 7.1-36 (Drive Through Facilities); Section 7.2-5 (Off-Street Parking and Loading), Section 7.4-4 (Buffer Areas Section 7.5 (Sidewalks))

PROJECT NAME: REGA16-01

STREET ADDRESS OF PROPERTY: N/A

IF ADDRESS NOT AVAILABLE, LOCATION: Town-wide

PARCEL IDENTIFICATION NUMBER: N/A ACREAGE: N/A ZONING: N/A

CORRESPONDENCE WILL BE SENT TO PRIMARY APPLICANT AS CHECKED BELOW:

NAMES, ADDRESSES & TELEPHONE NUMBERS

APPLICANT: Town of Groton Zoning Commission, 45 Fort Hill Road, Groton, CT 06340
Susan Sutherland, Chairperson TELEPHONE 860-446-5970 FAX: 448-4094

APPLICANT'S AGENT (IF ANY): _____
TELEPHONE: _____ FAX: _____

OWNER/TRUSTEE: _____
TELEPHONE: _____ FAX: _____

ENGINEER/SURVEY OR / ARCHITECT: _____
TELEPHONE: _____ FAX: _____

- 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.

Susan Sutherland
SIGNATURE OF APPLICANT
OR APPLICANT'S AGENT

3/1/16
DATE

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

Susan Sutherland
PRINTED NAME OF APPLICANT

PRINTED NAME OF RECORD OWNER

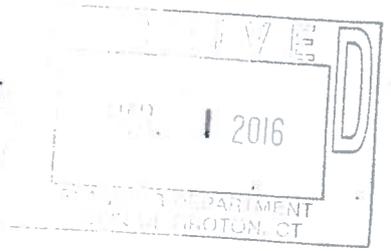
FOR OFFICE USE ONLY:

FEE RECEIVED: N/C WORK TYPE: _____ PROJECT # REGA16-01 PLANNER: _____

4/07
REGA16-01

TOWN OF GROTON
LAND USE APPLICATION – REGULATION AMENDMENT

PART TWO
(Attach To Part One)



REGULATIONS PROPOSED FOR AMENDMENT:

ZONING x SUBDIVISION _____ INLAND WETLANDS _____

PROPOSED AMENDMENT(S) (Section, title, and text):

- Section 6.2 (Downtown Development District)
- Section 6.3 (Waterfront Design District)
- Section 7.1-36 (Drive Through Facilities)
- Section 7.2-5 (Off-street Parking and Loading)
- Section 7.4-4 (Buffer Areas)
- Section 7.5 (Sidewalks)

REASONS FOR EACH AMENDMENT REQUEST:

 Land use regulation update for various sections of the zoning regulations based on
 MacKenzie Decision announced by the CT Appellate Court in 2013.

GROTON PLAN OF CONSERVATION AND DEVELOPMENT

CONSISTENCY CHECKLIST



PROPONENT

Office of Planning & Development Services
and Town of Groton Zoning Commission

PROPOSAL

Text amendments to Sections:

6.2 (Downtown Development District)

6.3 (Waterfront Design District)

7.1-36 (Drive Through Facilities), 7.2-5 (Off-street Parking & Loading)
7.4-4 (Buffer Areas), Section 7.5 (Sidewalks)

COMMUNITY PARTICIPATION

- The proposed public action is proposed by or supported by the responsible agency as identified in the implementation tables.
- The proposed private activity is supported by other community groups and/or agencies.
- The proposed activity has been the subject of a public hearing.

PENDING

These amendments will be subject to a public hearing
process for community involvement.

SPECIFIC CONSISTENCY

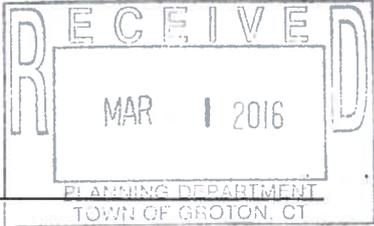
- The proposed public action addresses a specific recommendation in the Plan, either a task or a strategy.

-Encourage appropriate economic development

-Guide commercial development back to desired nodes.

-Economic reinvestment in existing business areas

REGA16-01



GENERAL CONSISTENCY

Yes	N/A	No
X		
	X	
X		
	X	
X		
	X	
X		
	X	
X		
	X	
	X	
	X	
	X	
X		

- Does the Proposal Protect Natural Resources?**

- Does the Proposal Preserve Open Space?**

- Does the Proposal Protect Coastal Resources?**

- Does the Proposal Protect Historic Resources?**

- Does the Proposal Promote Community Character?**

- Does the Proposal Enhance Community Pride And Spirit?**

- Does the Proposal Enhance Physical Structure?**

- Does the Proposal Encourage Appropriate Residential Development?**

- Does the Proposal Encourage Appropriate Business Development?**

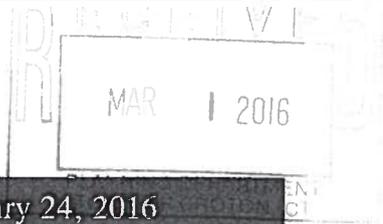
- Does the Proposal Diversify Transportation Options?**

- Does the Proposal Address Community Facility Needs?**

- Does the Proposal Enhance Infrastructure?**

- Does the Proposal Enhance Government Structure?**

- Does the Proposal Help Implement the Plan of Conservation and Development?**



Preliminary Changes are in highlighted for each Section

Strikeout = deleted text

Bold and Underline = added text

Downtown Development District (DDD) (Section 6.2-4 and 6.2-5)

- **Modification of front and side setback requirements**

6.2 Downtown Development District

6.2-4 Minimum Front Yards

~~Each lot in the DDD shall have a front yard not less than 20 feet in depth. except along Route 1 where the setback requirement is 75 feet. The setback along Route 1 can be reduced to no less than 30 feet if the Planning Commission finds that a lesser dimension can best carry out the objectives of the DDD.~~

6.2-5 Minimum Side and Rear Yards

~~Each lot in the DDD shall have side and a rear yards of not less than 30 feet in width or depth. provided that the Planning Commission may approve a site plan with a side or rear yard with a lesser dimension where it finds that the site plans of two adjacent lots can best carry out the objectives of the DDD by placing buildings in closer proximity than otherwise permitted.~~

Each lot in the DDD shall have a side yard of not less than 10 feet unless a party wall agreement has been properly executed and recorded which may allow for a sideyard setback from 0 to 10-feet.

~~No two buildings on such adjacent lots shall be less than 20 feet apart except where they are immediately adjacent to each other, with adjacent walls of masonry construction or where they are built to a common party wall of masonry construction.~~

Waterfront Design District (WDD) (Section 6.3-4 Building and Development Standards)

- *Modify Parking Requirements to be more consistent with current practices*
- *Remove ability for Planning Commission to Waive any site design standard requirements*

6.3 Waterfront Design District (Rev. Eff: 5/1/15)

6.3-4 Building and Development Standards

- A. The maximum height of any structure within the WDD shall not exceed 25 feet except for every 10% reduction of allowed coverage, an additional 5 feet of height will be permitted up to a maximum of 40 feet.
- B. In no case shall new construction at the foundation line be located less than 25 feet from the Mystic River at mean water level elevation.
- C. In no case shall new construction be located within 10 feet of any property line unless a party line agreement has been properly executed and recorded.
- D. In no case shall building coverage exceed 65% of the lot area.
- E. Multi-family residential units shall be limited to efficiency and one or two bedrooms, and density of new multi-family housing shall be one unit per 4,000 sq. ft. of land area.
- F. A Certificate of Appropriateness shall be obtained as required by the Historic District Commission regulations prior to the start of construction and issuance of a building permit.
- G. Where the Planning Commission deems it feasible, it may approve a site plan for a use which does not have direct access from a Town approved road, provided that adequate and safe pedestrian access is provided.

G. Parking

- a. Parking space requirements for a use in the WDD shall be 50% of the requirements of Section 7.2-3.
- b. A commercial use may substitute the continuous participation in a parking validation program for 100 % of the parking space requirements provided:
 - The commercial use provides signage at all times that clearly demonstrates participation in the parking validation program in the front window or entrance, on any menu for a restaurant, at any register, and at any outdoor seating area.
 - Annual proof of participation in the validation program shall be provided to the Office of Planning and Development each January for the previous year.
- c. Parking may be provided offsite in accordance with Section 7.2-5.

There shall be an ongoing obligation for a use to maintain the required number of spaces or participation in a validation program, as set forth in this Section. Any diminishment of the number of parking spaces or not participating in a parking validation program shall require review by the Office of Planning and Development Services and/or the appropriate commission.

~~The Planning Commission may waive any of the requirements of off-street parking where it is demonstrated that existing parking facilities are available and adequate only in accordance with the provisions of Section 7.2-5 and may waive any of the site design standard requirements of the Waterfront Design District for any use where such waiver would be consistent with the intent of these regulations.~~

- I. Any lot created in a Waterfront Design District zone after the effective date of this paragraph shall conform to the requirements of an RS-8 zone as listed in Section 5.2 except as noted above.

- J. Any applicant for a special permit shall demonstrate how the proposed site plan achieves the objective of provision of pedestrian access to the riverfront and preserves visual access where feasible and appropriate.

Off-Street Parking and Loading (Section 7.2-5)

- ***Modify Section 7.2-5 for Leasing Space within the WDD***

7.2-5 Location of Required and/or Additional Parking Facilities (Eff: 5/1/99)

Required and/or additional parking facilities shall be located on the same lot as the building or other use which they serve except as follows:

- A. Because the WDD is important to the Town's economy, provides a local service and employment base, and because its physical integrity and historic and architectural character must be protected, and further because it is desirable to utilize existing buildings as fully and as effectively as possible, and because land area for parking within the WDD zone is very limited, required parking for uses within the WDD zone may be provided on sites other than the sites which they serve provided that:
1. Said spaces are within 500 feet walking distance of the lot or use which they serve and are within the WDD.
 2. Such spaces shall preferably be in same ownership as the use which they serve. However, evidence of a lease of such spaces and a minimum term of ~~10 years~~ **1 year, with automatic annual renewals**, shall be acceptable. Such lease shall be recorded in the Land Records of ~~submitted to~~ **submitted to the Town prior to the filing of the site plan in the Land Records and copies of annual renewals shall also be provided to the Office of Planning and Development Services.** Further, the obligation to maintain the required number of spaces as set forth in Section 7.2-2 is not diminished by the leasing option permitted under this section. **Any termination of a lease and/or diminishment of the number of parking spaces shall require review by the Office of Planning and Development Services and/or the appropriate commission.**

Landscaping (Section 7.4-4)

- *Modification to Buffer Requirements by deleting entire Section 7.4-4 and replace with below text.*

7.4-4 Buffer Area

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along and within all boundaries of a lot abutting or directly across a local street from any lot in a residential district. Such buffer area shall comply with at least one of the following minimum standards (A, B or C) and details shall be provided to support the option chosen. The Planning Commission shall have the ability to make the ultimate determination on which option will be used.

- A. Buffer Width and Landscape Planting: Provide both the minimum width and landscape plantings.

Width: The minimum width of buffer areas shall be as follows:

- Conditional uses in or abutting any residential district - 25 feet
- All commercial districts abutting a residential district - 15 feet
- All Industrial districts abutting a residential district - 30 feet

Landscape Plantings: At a minimum, the planting shall consist of evergreen trees 6 feet in height planted at intervals of 10 feet on center. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

- B. Berm/ Fence/Wall and Landscape Planting: Provide both a berm/fence/wall and landscape plantings.

Berm/Fence/Wall:

A 6 to 8 foot high earthen berm or solid and opaque wall or fence at a location, height, design, and materials approved by the Planning Commission.

Landscape Plantings: Landscaping, including trees and shrubs, shall be provided to enhance and soften the area of the berm, fence or wall.

- C. Natural Vegetation: This option may be used where the existing landscaping/vegetated area provides adequate buffering between the two properties and meets the following:

Natural Vegetation: The existing vegetation includes a healthy stand of trees that will be maintained and the width of the existing vegetation is a minimum of 1.5 times the required buffer width in A above.

Sidewalks

- *Modify Section 7.5-2 for location of sidewalk*
- *Modify Section 7.5-4 for Internal Sidewalks requirements*
- *Modify Section 7.5-5 for clarification of options for meeting Frontage Sidewalks*

7.5 Sidewalks

7.5-2 Frontage Sidewalks (Eff: 6/1/92)

Sidewalks as required by this section shall be constructed at minimum, along the entire road frontage of a site, shall be 5 feet in width along arterial and collector roads and 4 feet in width along local roads, concrete, and provide for handicapped access at curb cuts and road intersections, unless otherwise stipulated or modified by the Planning Commission. Nothing in this section shall be deemed to restrict the Planning Commission from requiring wider sidewalks considered necessary in conjunction with development of particular sites such as schools, commercial centers, multi-family developments, institutional uses, and other, more intense, pedestrian generators. Where a road is slated for reconstruction, the Commission may allow temporary sidewalks built to a lesser standard.

The Town of Groton Road and Drainage Standards shall be used to design public sidewalks along Town roads and the appropriate Connecticut Department of Transportation Design Manual shall be used for public sidewalks along State roads. ~~Sidewalks shall be located 1 foot off of the property line or 8 feet off the gutter line, the exact location to be determined at the time of application. Where a location of a public sidewalk of 8 feet off the gutter line is required, and this location falls outside of the road right-of-way onto private property, the applicant may exercise one of two options. The applicant may choose to deed property to the Town increasing the width of the right-of-way, or the applicant may grant an easement to the Town allowing the public to pass and~~

repass over the portion of the sidewalk located on private property. ~~In either case noted above, at the time of site plan application, setbacks will be measured from the original property line.~~

7.5-4 Internal Sidewalks (Eff: 6/1/92)

The Planning Commission may require public sidewalks along a site's frontage shall be to connected to the buildings and/or land uses on the site by a system of internal sidewalks in any of the following circumstances:

- on newly developed sites
- on redeveloped sites that can reasonably accommodate an internal sidewalk network without major impacts to the parking lot design.
- on sites where there will be pedestrian activity from the frontage sidewalk based on the proposed onsite use.

This internal system of sidewalks should also function to serve people walking from on-site parking lots to the main entrances of any building or any other point of on-site pedestrian destination. In addition, the Planning Commission may require internal sidewalks to connect to adjacent properties where there is evidence that significant cross-movement of pedestrians will occur.

Internal sidewalks shall be constructed of concrete, unless otherwise approved by the Planning Commission, and shall be a minimum of 4 feet wide. In cases where parking abuts the internal sidewalk, the walk shall be 6 feet wide.

7.5-5 Options

- A. Postponement: If in the opinion of the Planning Commission frontage sidewalks do not appear to be warranted at the time due to lack of existing/anticipated development in the area and/or resulting pedestrian traffic, the Commission may postpone the installation of the frontage sidewalk to a later date. In exercising this option, the applicant must demonstrate and the Commission must find that the postponement of installing the frontage sidewalk will not significantly endanger the health, safety and welfare of the existing or anticipated pedestrian traffic along the

frontage of the property. If this option is exercised, the approved site plan shall provide all necessary information concerning the future sidewalk including, but not limited to, location, grades, elevations, and other details necessary for the future construction of said sidewalk.

In addition, prior to filing the approved site plan on which this option is exercised, the developer and Commission shall enter into a written, binding agreement indicating that sidewalks will be installed at a later date which 1) has been determined at the time of approval, or 2) will be determined at a future date when conditions change (i.e. additional development or pedestrian activity in the area, Town-initiated sidewalk extensions, etc.). This agreement shall be filed in Land Records.

B. Substitution: ~~Where a new road system is being constructed as a result of a commercial, industrial/office, or multi-family development, The Planning Commission may allow an alternative to frontage sidewalks, such as a bike path or running/walking trail or a different location. This option is intended to provide an alternative to frontage sidewalks in these developments which are self-contained, and/or where internal sidewalks connecting one property to another would better serve the walking public the following circumstances:~~

- * where the existing structures, vegetation, wetlands or topography make it impractical to provide the concrete sidewalk, or
- * where an alternative design or location will better serve the non-vehicular transportation network in the area, or
- * where a system of internal sidewalks connecting one property to another would better serve the walking public.

D. Elimination: The Commission may ~~waive~~ eliminate the requirement for frontage sidewalks altogether where the applicant demonstrates and the Commission finds that 1) there will be no significant pedestrian movement to the site and/or between the site and those adjacent to it, and/or 2)

topography or other physical limitations prohibit the reasonable installation of said sidewalk.

Drive Through Facilities

- ***Modify Section 7.1-36 to allow 5 stacking spaces for banks/financial institutions instead of the 10 stacking spaces now required.***
- ***Remove design standards for stacking at window and/or order board.***
- ***Remove NMDD from being a non-permitted zone for a drive-through based on previous changes made to the NMDD district (Section 6.10)***

7.1-36 Drive Through Facilities (New Eff: 11/1/92)

Drive through facilities are permitted accessory uses on lots equal to or greater than 20,000 square feet in any non-residential zone, except OMF and NMDD, in which the principal use is permitted, subject to the following conditions:

- A. Drive through facilities, including required stacking lanes, shall be located in the rear or side yards only.
- B. Drive through facilities shall not generate the need for an additional driveway curb cut.
- C. **Restaurants:** A minimum of 10 stacking spaces shall be provided on site for each drive through station, including the vehicle being serviced. ~~Where an order board and pickup window are involved, a minimum of 5 stacking spaces shall be provided before both the window and the board for a total of 10, including the vehicle being serviced.~~
Banks/Financial Institutions: A minimum of 5 stacking spaces shall be provided on site for each drive through station, including the vehicle being serviced.
Drug Store Pick - Up Windows/Facilities: See Section 7.1-44
- D. Stacking lanes shall be a minimum of 10 feet wide and each space shown shall be 20 feet long.
- E. Stacking lanes shall be separate from internal aisles which allow traffic to circulate through the site without entering the drive through facility.

- F. Stacking lanes shall provide one additional storage space after each station for exiting vehicles; said space shall be separate from other circulation aisles and shall be at least 50 feet from the curb line of the street to which it will exit.
- G. Stacking lanes shall be designed and located so as to minimize traffic congestion and to promote pedestrian safety through the use of pavement markings, signs, and designated walkways.



TOWN OF GROTON

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February 12, 2016

Brian P. Gates
Gates Realty Holdings LLC
116 Cove Road
Stonington, Connecticut 06378

Dear Mr. Gates:

Subject: Spicer Mansion, 15 Elm Street, Mystic

The Office of Planning and Development Services and the Groton Planning Commission are aware of the enclosed February 4, 2016 Mystic River Press article entitled "Ocean House helps turn eyesore into destination". We are concerned that a number of amenities or services described in the article are not allowed on site under Special Permit #228 or the September 8, 2015 site plan approval. You and I had spoken about the allowed uses on this property after you received my January 19, 2016 letter and I believe that you understood the restrictions placed on this property by the Zoning and Planning Commissions. However, the Ocean House may not be aware of these restrictions and I am sending a copy of this letter to their Director of Communications.

I want to be very clear as to what is allowed on site and what will need additional review and approval before you ask for a Certificate of Site Plan Compliance and a Certificate of Occupancy. As you are aware, this property was converted from one non-conforming use, an apartment building, to another non-conforming use, a hotel/motel, by special permit and site plan approvals. The conversion was approved, in part, because the Zoning Commission found, as per Section 8.6-3 of the Zoning Regulations, that "automobile trip generation and parking generation will result in a less intense use of the building" and "the proposal does not increase the intensity of the use on site".

If accurate, the amenities and services described in the Mystic River Press article will generate more traffic, require more parking and would be considered an intensification of the approved use. In particular, the following services are not allowed under current approvals:

1. "Private Fine Dining" – The Mystic River Press describes a 40-seat restaurant in three dining rooms which will be open for dinner to hotel guests from any of the four Ocean House properties or by invitation only. The Planning Commission required that any amenities provided on site are for Spicer Mansion guests only as part of the project's site plan approval. The approved 10-space parking lot serves the hotel/motel and staff. A restaurant open to anyone other than the guests staying at the Spicer Mansion will require additional parking in accordance with Section 7.2-3 of the Zoning Regulations. The restaurant as described and the associated parking requires a variance of Section 8.6-3 from the Zoning Board of Appeals and

site plan approval from the Planning Commission, at a minimum. A Certificate of Appropriateness from the Historic District Commission may also be required.

2. "Speakeasy" - This use presents the same regulatory issues as the "Private Fine Dining" if open to anyone other than guests staying at the Spicer Mansion.
3. "The Mansion's Widow's Walk" - The Mystic River Press describes this fourth level of the house as being used by "intimate, private dinner gatherings" The floor plans submitted to the Planning Commission as part of your site plan application did not designate a use for this area. It cannot be used for dining by anyone other than guests at the Spicer Mansion without the approvals outlined in item 1 above.
4. "Year-Round Conservatory with floor to ceiling windows" - This conservatory appears to be an addition to the existing building. Any enlargement, extension or alteration of this non-conforming use requires a variance of Section 8.6-2 as well as approvals from the Planning and Historic District Commissions. This area cannot be used for dining by anyone other than guests at the Spicer Mansion without the approvals outlined in item 1 above.

I would be happy to meet with you or representatives of the Ocean House to discuss these issues. Please call me at 860.446.5972 if you would like to set up a meeting.

Sincerely,



Deborah G. Jones
Assistant Director of Planning & Development

DGJ:dlg

Enclosure

cc: Candice Traskos, Ocean House Director of Communications
Jonathan Reiner, Director of Planning and Development
Kevin Quinn, Manager of Inspection Services
Diane Glemboski
Planning Commission
Zoning Commission
Rusty Sergeant

Archives

THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

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Ocean House helps turn Mystic eyesore into destination hotel

Author(s): BROOKE CONSTANCE WHITE **Date:** January 30, 2016

Section: A: Main

Spicer Mansion, set to open in May, restored to Gilded Age splendor.

MYSTIC - **Spicer Mansion** has been given new life as a high-end luxury hotel under the guidance and direction of Ocean House Management LLC, and is slated to open on May 4.

The renovated 12,000-squarefoot building, which had fallen into disrepair more than 40 years ago, includes five bedrooms and three suites, three salons for entertaining, a private fine-dining restaurant and a speakeasy. Ocean House Group Director of Communications Candice Traskos and co-owner Tomas Gates said they are hoping to make it the premier luxury hotel for visitors to Mystic and Stonington.

"We want to keep the history alive while turning it into the jewel of Mystic," Traskos said. "Mystic is already a destination, but we want to add to that and make **Spicer Mansion** a destination as well."

During the work to restore the **mansion**, the Gates family, which owns the property, made sure to keep and reclaim the original plaster moldings, ornately painted ceilings and trim, wooden parquet floors and carved mahogany railings and doors. Many of the intricate, hand-painted ceilings and walls, which were hidden under

See Hotel / Page A5

From Page A1

wallpaper and drop ceilings, were uncovered by the construction crew during the restoration work.

They've also kept the pineapple-shaped lights, windows and designs that Capt. Elihu **Spicer**, whom the hotel is named after, put up as a sign of welcome to the guests he brought into the **mansion** when he owned the property in the mid-19th century.

These original architectural details add to the allure of the hotel and hark back to the Gilded Age, Traskos said.

The **mansion**, which is brimming with history, was built in 1853 and purchased by **Spicer**, who used it as a summer home for his family.

Having been born in Noank, **Spicer** was a wellknown local sea captain and benefactor who also paid for the construction of the Mystic- Noank Library, which is directly across the street from the **mansion**.

The home remained in the **Spicer** family for 70 years before it was sold numerous times. During the Great Depression, the building was split into eight apartments for a number of years before it was eventually abandoned and nearly condemned in the 1970s. Since then, the property had various owners before the Gates family, of Stonington, purchased it in 2013.

Once the restoration work is complete, the interior design of the hotel will reflect **Spicer's** connection to Mystic and the community's rich maritime history.

Each of the five hotel rooms are named after vessels that Captain **Spicer** either captained or owned: Luzerne, Magellan, Samuel Willets, Hound and Empress.

The hotel's restaurant, which will be called The Restaurant at **Spicer Mansion**, will be open for dinner to hotel guests from any of the four Ocean House properties or by invitation only.

"It's going to be a fine-dining, white-glove experience," Traskos said. "There will be one seating in our three dining rooms for the six-course dinner every night, and the tables will be set with Italian hemstitch linens and Baccarat crystal."

Once completed, the restaurant will have three dining rooms and will include a year-round conservatory with floor-to-ceiling windows.

The **mansion's** widow's walk on the fourth level of the house looks out onto the Mystic River and downtown area, and will be used by the intimate, private dinner gatherings.

Located in the **mansion's** cellar, the Room No. 9 Speakeasy will include a cigar lounge and bar area separate from the restaurant. The building's foundation, which was made of Westerly granite, is visible and will remain uncovered to add to the historical feeling of the bar, Gates said. Along with velvet and leather furniture, Traskos said they will be bringing in a vintage upright piano to complement the speakeasy's copper ceilings, original handmade brick floors and overall charm.

bwhite@thewesterlysun.com

The elaborate decorative ceilings, above, in the **Spicer Mansion**, have been preserved and restored, as has the stairway, right, and the elaborately-carved wainscoating and fireplace surrounds, below. | Harold Hanka/The Westerly Sun

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