

AGENDA
PLANNING COMMISSION
AUGUST 9, 2016 - 7:00 P.M.
TOWN HALL ANNEX - 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

I. ROLL CALL

II. APPROVAL OF MINUTES

1. July 12, 2016*

III. PUBLIC COMMUNICATIONS

IV. SUBDIVISIONS

1. Deerfield at Mystic (SUB16-01), Deerfield Ridge Drive, Heather Glen Lane, Fox Run Lane - Open Space Marker Modifications*

V. SITE PLANS

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Referral from the Zoning Board of Appeals for a Public Hearing on August 10, 2016 - ZBA#16-11 - 2 Bradley Lane, Matthew and Laura Boggio/Owners/Applicant*
2. Referral from the Zoning Board of Appeals for a Public Hearing on August 24, 2016 - ZBA#16-12 - 5 Grove Avenue, Anne Esposito and Kenneth Soeder/Owners/Applicant*
3. Referral from the Zoning Board of Appeals for a Public Hearing on August 24, 2016 - ZBA#16-13 - 391 Long Hill Road, Kyla Adams/Owner/Applicant*
4. Referral from the City of New London for a Public Hearing on September 1, 2016 - Zone Text Amendment to Sections 520 (C-2 Zone), 614 (Parking) & 616 (Rec Space)*
5. Election of Vice-Chairman/Secretary*
6. Report of Commission
7. New Applications

VIII. REPORT OF CHAIRMAN

IX. REPORT OF STAFF

X. ADJOURNMENT

Next regular meeting: September 13, 2016

* Enclosed

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

MINUTES
PLANNING COMMISSION
JULY 12, 2016 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

Chairman Sherrard called the meeting to order at 7:01 p.m.

I. ROLL CALL

Regular members present: Sherrard, Pritchard, Kane, Munn, Steinford
Alternate members present: Fitzgerald
Absent: Tarbox, Zod
Staff present: Glemboski, Allen, Silsby

II. APPROVAL OF MINUTES

1. June 14, 2016

MOTION: To adopt the minutes of June 14, 2016, as written

Motion made by Steinford, seconded by Munn, so voted unanimously

2. June 28, 2016 Special Meeting

MOTION: To adopt the minutes of June 28, 2016, as annotated

Motion made by Pritchard, seconded by Steinford, so voted 4-0-1 (Munn)

3. June 29, 2016 Special Meeting

MOTION: To adopt the minutes of June 29, 2016, as written

Motion made by Kane, seconded by Steinford, so voted 4-0-1 (Munn)

III. PUBLIC COMMUNICATIONS

Fitzgerald thanked Matt Allen for his work on the Coastal Access Trail. He referred to walking a trail with Allen, at which it was determined that numerous signs were missing, to which Staff will be addressing.

Pritchard referred to the upcoming Committee of Chairperson's meeting scheduled for Monday, July 18, 2016.

Sherrard attended the ribbon cutting for the water taxi service in New London.

Staff requested to move Item #5 to #1 under New Business. The Planning Commission had no concerns with moving the item.

IV. SUBDIVISIONS - None

V. SITE PLANS

1. Groton Utilities Water Filtration Plan Improvements, 1268 Poquonnock Road (SIT15-04) – Request for Start of Construction Extension

Staff stated that the site plan was approved by the Planning Commission on July 14, 2015. The applicant has requested a one-year Start of Construction extension until July 14, 2017. The project is anticipated to go out to bid in late summer, with construction beginning in the fall.

MOTION: To grant a one-year extension for Start of Construction until July 14, 2017.

Motion by Munn, sec by Pritchard, so voted unanimously

VI. OLD BUSINESS - None

VII. NEW BUSINESS

1. Referral from the Zoning Board of Appeals for a Public Hearing on July 27, 2016 – ZBA#16-10 – New Central Hall/Applicant, Historic Mystic, LLC/Owner, 18-22 West Main Street

Gregg Fedus/Applicant and Peter Springsteel/Architect were present for this referral. Fedus stated the proposal is to build an accessory building for storage and a car port. The proposal includes enhancing the back alleyway and providing space for owners to drive in under cover, in a protected manner, to unload their vehicle. Architectural plans were reviewed. The request is for a 0 foot setback on the side and front, and increasing lot coverage beyond 100%. Fedus noted that trash storage will be relocated inside. Springsteel stated that Historic District Commission approval has been granted. Fedus noted that a sign will be posted pointing out the public access location versus private access location, in addition to coastal access signs.

Information was given about access for the adjacent retail uses. Staff stated that building access will be addressed when the applicant returns to the Planning Commission with a new site plan.

Staff stated that the legal notice will be changed to reflect a 0 front and side yard setback request, in addition to a CAM requirement.

Steinford expressed discontent with the many concessions the Town has allowed for this project and will not support the carport.

MOTION: That the Planning Commission has no comment

Motion made by Kane, seconded by Munn, so voted 3-0-1 (Steinford). Motion Passed.

A note will be added to a memo to the Zoning Board of Appeals that Steinford is very concerned about the numerous concessions the Town has made.

2. Referral from the Noank Fire District Zoning Commission for a Public Hearing on July 19, 2016 – Zoning Ordinance for the Noank Fire District Text Amendment

Staff reviewed the text amendment. The Planning Commission had no comment.

3. Town of Stonington Referral for a Public Hearing on August 2, 2016 – Application PZ1617RA Lattizori Development, LLC Regulation Amendment to add ZR 7.23 Greenway Development District (GDD).

Staff reviewed the application to create a floating zone. The Planning Commission had no comment.

4. Referral from the Zoning Board of Appeals for a Public Hearing on July 13, 2016 – ZBA#16-08 – Timothy Marshall/Owner, 324 Flanders Road

Staff reviewed the proposal for a 2-car garage and had no concerns. The Planning Commission had no comment.

5. Referral from the Zoning Board of Appeals for a Public Hearing on July 27, 2016 – ZBA#16-09 – James Laird/Owner, 296 Midway Oval

Mr. Laird was present for this application.

Staff reviewed the proposal to install a roof for the existing porch. Extenuating circumstances were noted.

MOTION: That the Planning Commission is in favor of this variance

Motion made by Sherrard, seconded by Kane, so voted unanimously

6. Report of Commission

Pritchard referred to and submitted an advertisement for The Spicer Mansion offering dinner to guests by invitation only, which is not allowed. He asked Staff to look into this. Staff will refer this concern to the Zoning Officer.

On behalf of member Barbara Tarbox, Sherrard questioned the status of the Grossman's Market on Noank Road. Staff noted that the Mystic Soup Company is working together with Kevin Quinn, Manager of Inspection Services, about opening a new use at the site.

Steinford inquired about Electric Boat employees continuing to park on Bridge Street on both sides of the road. Staff is working on that issue and will report back.

7. New Applications - None

VIII. REPORT OF CHAIRMAN

Sherrard stated that he will be submitting his resignation as a member of the Planning Commission, to the Town Clerk tomorrow, citing various reasons. He wished the Commission the best, noting that the Town is fortunate to have such dedicated volunteers on this Commission.

IX. REPORT OF STAFF - None

STAFF SUMMARY SHEET

PROJECT NAME/LOCATION: Deerfield at Mystic Open Space Markers/Deerfield Ridge Drive, Heather Glen Lane, Fox Run Lane	
CAM: No	
STAFF PLANNER: DGJ	SUMMARY DATE: 8-2-16
TERMINAL ACTION DATE: 9-15-16	PUBLIC HEARING CLOSED: N/A
EXISTING LAND USE/ZONING: RU-40	SITE AREA: Varies
SURROUNDING LAND USE/ZONING DISTRICT(S): <i>North:</i> Residential/RU-40 <i>South:</i> Residential/RU-40 <i>East:</i> Residential/RU-40 <i>West:</i> Residential/RU-40	
HISTORY: The Deerfield at Mystic Subdivision was approved by the Planning Commission on March 15, 1988. Over 82 acres of open space, both passive and active, was deeded to the town as part of the project. The Planning Commission required as part of the motion of approval that stone walls be built at the entrances to and property corners of all open space and recreation areas deeded to the town.	
PROJECT DESCRIPTION: The Parks and Recreation Department is responsible for maintaining the stone walls and has asked to replace the walls, as they require maintenance, with wooden fences.	
LIST AGENCIES WITH OUTSTANDING COMMENTS: [] [] []	
WAIVERS: None	
LAND USE/DEVELOPMENT ISSUES ANALYSIS:	
<ul style="list-style-type: none"> • The stone walls were not built properly and a number have crumbled. They have been repaired at considerable expense to the town. • The proposed wooded fence open space markers are similar to markers required in other approved subdivisions. 	
ATTACH ANY RECOMMENDED ACTION, INCLUDING MODIFICATIONS AND/OR CONDITIONS AND TECHNICAL ITEMS.	
<i>Staff will have a recommendation at the meeting.</i>	

*SUB16-01
DEERFIELD*



TOWN OF GROTON

PARKS AND RECREATION DEPARTMENT



MARK BERRY
DIRECTOR
MBERRY@GROTON-CT.GOV

27 SPICER AVENUE, NOANK, CONNECTICUT 06340
TELEPHONE (860) 536-5680 FAX (860) 536-5690
WWW.GROTON-CT.GOV WWW.GROTONREC.COM

July 6, 2016

Groton Planning Commission
Town Hall Annex
Fort Hill Road
Groton, CT 06340

Dear Commissioners,

As the Parks and Recreation Department is responsible for the care and upkeep of the open space boundary markers, we are requesting that the Planning Commission approve changes to modification number 7 (see attached minutes) of the Deerfield at Mystic Subdivision.

The reason for this request is the cost associated with the maintenance and upkeep of the stone walls. Many of the stone walls are in various staged of disrepair. The Town has received numerous complaints from neighbors about the condition of the stone walls.

The origin of the problem lies with the original construction of the stone walls. Many of the walls were not built using acceptable building practices. The result was that stone walls began to crumble after just a few years. Some have already been repaired and many need to be repaired. The Town has budgeted \$20,000 for the repairs to those walls in the worst shape, however this will not cover all the repairs that need to be made.

Our proposal is to allow a wooden fence (see attached photo) as an alternative to the stone walls that run parallel to abutter's property. As stone walls deteriorate we would replace them with wooden fences. Stone walls which pre-date the subdivision that serve as open space markers would be replaced with wooden fences also. The benefits to a wooden fence would be the cost savings and the replacement repair time would be significantly reduced. Abutters that object to the replacement of the stone wall would have to wait until funding was available to rebuild the stone wall.

This style of fence is currently being used within other recreational spaces in Groton. It provides a clear barrier, is aesthetically attractive, and is low maintenance and costs significantly less per foot.

Mark Berry

Director of Parks and Recreation

SUB16-01



SECRET

SUB16-01

PLANNING COMMISSION
MARCH 15, 1988 - 7:30 P.M.
LOWER LEVEL CONFERENCE ROOM

I. ROLL CALL

Present: Wood, Rossman, Wickman, Finn, vanDyke, Alternates Turner, Sherrard and Jonnsor.
Staff: Butler, Schneid, Coope

II. APPROVAL OF THE MINUTES OF March 1, 1988

MOTION: To approve the minutes of March 1, 1988 as written.

Motion made by Rossman, seconded by Wood, so voted unanimously.

III. PUBLIC COMMUNICATIONS

Commissioner Wood received a letter requesting a new public hearing for the Braebourne Subdivision. Staff noted this item is on the agenda.

All Commissioners received a letter from Eunice Sutohen regarding acquisition of open space by the Town. Staff indicated this subject would be considered under the Town Council Referral.

Commissioner vanDyke read a letter from State Representative Levin to the Mayor in support of the Groton Coalition for Open Space proposal regarding Town acquisition of open space. Discussion followed on some of the legal considerations involved in rezoning areas to open space.

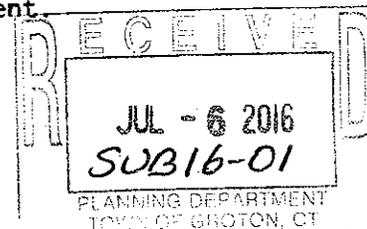
Commissioner Sherrard has spoken with officials of the Boy Scouts Indian Trails Council and feels there are many projects in Town which would be appropriate for troop, den or Eagle Scout projects. Suggestions included maintenance of cemeteries, identification of open space, and identification of flora and fauna in open space areas. Staff suggested that the Trails Council contact Town staff.

IV. SUBDIVISIONS

1. Deerfield at Mystic, Route 184/Pumpkin Hill Road (218 lots)

Staff answered questions raised by the Commission at the last meeting as follows:

- There is no SEAT service in the area of this development.
- Public Works has no means to maintain a waste oil pump out and has recommended against such a system due to a concern with concentrated spills.
- Staff reviewed the differences between Class 100 and Class 150 sewer pipe.
- The Town Attorney has indicated that the Planning Commission may prohibit fertilizers etc. with good reason, however it should consider the practicality and enforceability of such a requirement.



Staff reviewed the issue of requiring monitoring wells. He reported on conversations with the following persons:

- Bob DeSanto, an environmental consultant with DeLeuw Cather, indicated that there are no monitoring wells in place in the State of this type of development and he feels it is unrealistic to consider Deerfield an extreme threat to the aquifer. Dr. DeSanto added that one well is not a good indicator of pollution.
- Evan Glass, a representative of Geotoxi, likewise has not heard of use of monitoring wells for this type situation.
- Herb Dalton, Town Sanitarian, indicated a network of wells would be necessary and specific pollutants would have to be tested for. He noted that the Town does not have the staff to conduct such testing.
- Dave Geiler, D.E.P. Water Compliance Unit, does not suggest use of monitoring wells, but instead suggests following Best Management Practices. He does not feel wells are necessary.

Staff passed out copies of a memorandum from the Environmental Planner concerning the site aquifer and protection measures. Commission reviewed the document and discussed its conclusions at length. Finn reemphasized the need for monitoring wells to alert the Town to any pollution generated by Ledyard or this development. All other Commission members agreed with the concept presented by Mr. Finn, but felt such a requirement should be effected through a policy or regulation change rather than imposing it on an individual development.

Commission Sherrard expressed concern with the water supply to this development and stated the water study presented the previous evening was flawed. Staff noted that the 20-year Water Supply Facilities Plan had considered proposed development.

Chairperson Wood passed out a draft motion which the Commission reviewed and to which they recommended modifications. All Commissioners stated that they had thoroughly familiarized themselves with the record and were prepared to vote. Staff noted that as previously discussed, SCRPA's only comment was recommending that the Chesebrough Farm Road access onto Route 184 be abandoned when Deerfield Ridge Road is extended through to Colonel Ledyard Highway, and that a written communication to that effect had been received.

MOTION: To approve the request for waivers of the Subdivision Regulations Section 4.3(1)jjii) to allow a temporary cul-de-sac of 1,024 feet which exceeds 700 feet; and Section 4.3, Table I to allow a minimum radius of curvature of 300 feet for a collector street (Deerfield Ridge Road) rather than 500 feet.

The Commission approves these waivers because the cul-de-sac for which length is waived is designed to be temporary and should be extended in the future; and the reduction of minimum radius of curvature for the collector street will still exceed that required for an access street and in light of the location of homes, may result in lower posted speed on this road.

The Planning Commission finds that in both instances:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or have a significant adverse effect on other adjacent property;
2. The conditions upon which the request for waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if these regulations are carried out;
4. The waiver will not in any manner conflict with the provisions of the Zoning Regulations, Plan of Development, or regulations of any other Town board or commission.

Motion made by Wood, seconded by Rossman. Discussion followed on the Commission's findings as they relate to this development. Motion so voted unanimously.

MOTION: To approve the Deerfield at Mystic Subdivision, with the following modifications:

1. Deerfield Ridge Road be designed and built as a collector street, having a 60' right-of-way and 36' paved travelway. This road should be aligned as shown on "Concept E" of the submitted plans. This will require the realignment of Hunting Ridge Road, the cul-de-sac at the end of Deerfield Ridge Road, and lots in the vicinity of the extension of Deerfield Ridge Road. The open space area as shown on "Concept F" should remain the same when this road is realigned.
2. A 5-foot wide concrete sidewalk be provided along the north side of Route 184 from Pumpkin Hill Road to the property's western property corner.
3. A payment bond be provided to pay for the installation of a 4-foot wide concrete sidewalk along Pumpkin Hill Road from the intersection of Deerfield Ridge Road to Route 184. Said sidewalk will then be installed by the Town at the time Pumpkin Hill Road is reconstructed. This bond should be in an amount determined by the Public Works and Planning Departments and should be posted prior to recording the plans in Land Records. Sidewalks are not being required north of Deerfield Ridge Road because the land fronting on Pumpkin Hill Road at this location is open space all the way to the Leodyard town line.
4. A street shade tree be planted every 50 feet of road frontage (revise Note #14 on Sheet 29). The plans should note that foundation plantings will be provided for each home and a typical planting detail placed on the plan.
5. An evergreen buffer be planted along the rear of lots #37, 60, and 67 and any other lots between homes and the power line right-of-way where there are no existing trees.

SUB16-01

6. An evergreen buffer be planted around the perimeter of the dump station site. If the Department of Public Works feels a fence around the dump station is necessary, one shall be built to their specifications.
7. Stone walls be built at the entrances to and property corners of all open space and recreation areas to be deeded to the Town, excepting the tot lots, for a distance of approximately 30 feet on each side. Stone walls shall also be built behind lots #27 to 30, where the recreation area abuts the back of these lots. Stone walls be relocated and rebuilt along both sides of the frontage of the two entrances (Chesebrough Farm Road and Deerfield Ridge Road) for a distance of approximately 100 feet on each side. Stone walls in open space areas, not developed for recreation, shall remain undisturbed.
8. A portion of the stand of Big Bluestem Grass on the site be offered to the Connecticut College arboretum and if accepted, be relocated for its preservation. Documentation of this offering shall be provided to the Planning Department.
9. The boulder fields which will be disturbed and the farm dump site be documented for recording in the Town Library or other suitable archive prior to initiation of construction.
10. Prior to acceptance of the open space by the Town, the farm dump site be cleaned up in a manner acceptable to the Planning and the Parks and Recreation Departments.
11. An additional 40,000 square-foot recreation facility be provided behind lots #27-30. This playfield shall not exceed 2% finished grade and shall include equipment as required by the Parks and Recreation Department. Besides the stone walls required in modification #7 above, an evergreen buffer shall be planted between lots #27-30 and the play area. Lot #31 will be included in the open space/recreation facility dedication at this location. In addition to the playfield, a parking lot which will accommodate at least 10 cars and a basketball court will be provided at this location. The location and design of the parking lot and basketball court will meet the approval of the Planning and Parks and Recreation Departments. A bicycle rack will be provided in conjunction with this recreation area.
12. The access to the 30,000 square-foot recreation facility behind lots #32-34 be widened to 40 feet. Play equipment shall be provided at this location satisfactory to the Parks and Recreation Department.
13. Four smaller recreation facilities or tot lots be provided at lot #143 as shown (delete lot #143), and in the vicinity of lot #157, lot #7, and lot #36. The latter three tot lots shall each consist of between 2,500 and 3,000 square feet of land area. Equipment at these recreation facilities shall be provided satisfactory to the Parks and Recreation Department.
14. A minimum 4-foot-wide bituminous walk path linking Deerfield Ridge

SUB16-01

Road and Heather Glen Road be provided through the open space near the tot lot at the deleted lot #143. The location of the path shall meet the approval of the Planning Department.

- 15. The two large recreation facilities be completed and offered for acceptance by the Town prior to issuance of the 101st Certificate of Occupancy. The tot lots shall be completed during the phase in which they are located.
- 16. At no time will there be storage of contractors' equipment or material on the large lot at the corner of Route 184 and Pumpkin Hill Road.
- 17. Deeds for all lots note that the property is located within the Water Resource Protection District and is in the vicinity of and/or directly over an aquifer which is a possible future water supply. A note shall be placed on the plan requiring the developer to distribute educational information to initial purchasers of the lots regarding the sensitivity of the environment in the area. The educational material shall be approved by the Planning Department.
- 18. All technical items listed in the Planning Director's memorandum dated 3/4/88 be addressed on the final plans.

It was noted that all references to lot numbers are taken from a plan entitled "Deerfield at Mystic Subdivision, Concept F, Sheet 1 of 1" dated March 1988.

Reasons for decision are as follows:

In approving the Deerfield at Mystic Subdivision Plan with modifications as listed above, the Planning Commission finds the following:

- The proposed plans meet the purpose and requirements of Section 6.9 of the Zoning Regulations, Manufactured Home Subdivisions.
- The proposed plans have been prepared pursuant to and conform with the requirements of the Subdivision Regulations.
- The proposed plans are consistent with the recommendations contained in the Plan of Development.
- The Commission has considered all alleged unreasonable pollution, impairment, or destruction of the public trust in the air, water or other natural resources of the State, and hereby finds that no conduct authorized or approved does, or is reasonably likely to have such an effect.

Motion made by Wood, seconded by Rossman. Lengthy discussion took place on the reasons stated for the decision.

MOTION: To move the question.

Motion made by Rossman, seconded by Wickman. Motion carried 3 votes in favor (Wood, Rossman, Wickman), 2 opposed (Finn, vanDyke).

SUB16-01

Motion to approve Deerfield at Mystic with modifications carried 3 votes in favor (Wood, Rossman, Wickman), 2 opposed (Finn, vanDyke). Commissioner Finn stated that his reason for opposition was his opinion that there was not adequate discussion of the reasons for decision. Commissioner vanDyke stated his reason for opposition was that he questions the propriety of having the reasons for decision included in the motion. Commissioner Sherrard left the meeting.

2. Tall Woods Resubdivision, Route 1 (1 lot) - scheduling of public hearing

MOTION: To schedule a public hearing on the Tall Woods Resubdivision, Route 1 for April 5, 1988.

Motion made by Wood, seconded by vanDyke, so voted unanimously.

3. Braebourne Subdivision, Groton Long Point Road (57 lots) - scheduling of public hearing

MOTION: To schedule a public hearing on the Braebourne Subdivision, Groton Long Point Road for May 3, 1988.

Motion made by Wood, seconded by vanDyke, so voted unanimously.

Commission discussed the anticipated length of the meeting.

MOTION: To continue the meeting to 11:00 p.m.

Motion made by Finn, seconded by Wickman. After further discussion the motion was withdrawn.

V. SITE PLANS

1. Mystic Yachting Center, Essex Street (CAM)

Staff read a memorandum from the Conservation Commission. Carol Ralph, DiCesare-Bentley Engineers, presented a plan showing a possible configuration for boat storage and parking. Ms. Ralph also submitted two associated letters.

Discussion followed on the height of the building which is 52' including the cupola. Staff showed the Commission photos of the site and discussion followed on impact of the proposed building on water views. Staff stated that the views in the vicinity of the proposed Mystic Yachting Center are already very limited due to existing buildings and the flat topography of the land.

Attorney John O'Brien stated that the cupola is an integral part of this structure and is an attempt to improve the aesthetics. Mr. O'Brien submitted a letter requesting a 65-day extension for consideration of this application.

MOTION: To approve the 65-day extension request for Mystic Yachting Center, Essex Street.

Motion made by Wood, seconded by Rossman, so voted unanimously. Commission decided to hold a special meeting on March 29, 1988 at 7:30 p.m. and consideration of the remaining site plans was postponed to that meeting.

VI. NEW BUSINESS

MEMORANDUM

TO: Planning Commission

FROM: Zoning Board of Appeals *MSA*

DATE: August 2, 2016

SUBJECT: ZBA#16-11 - 2 Bradley Lane, Matthew & Laura
Boggio/Owners/Applicant

ZBA#16-12 - 5 Grove Avenue, Kenneth Soeder & Anne Esposito/
Owners/Applicant

ZBA#16-13 - 391 Long Hill Road, Kyla Adams Renovations/Owner/
Applicant

The Zoning Board of Appeals will conduct the public hearings described in the attached Notice of Public Hearings on August 10, 2016 and/or August 24, 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. He can be reached at 860-448-4088 or Mallen@groton-ct.gov

MA:rms

*ZBA16-11
ZBA16-12
ZBA16-13*



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

July 27, 2016

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

Please publish the following legal ad on July 29, 2016 and August 5, 2016.

TOWN OF GROTON ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING

The Zoning Board of Appeals will hold a public hearing on Wednesday, August 10, 2016 at 7:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, to hear the following:

ZBA#16-11 - 2 Bradley Lane, Matthew and Laura Boggio/Owners/Applicant, for a variance to Section 5.2 to allow a front yard setback of 28 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet for a new porch. PIN#261809176060, R-12 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 29th day of July, 2016 at Groton, CT. (On second insertion, please put "Dated this 5th day of August, 2016 at Groton, CT.")

Ed Stebbins, Chairman

Account #30384
P.O. #17000327 (NEW NUMBER)

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

Sincerely,

Deborah G. Jones
Assistant Director

DGJ:rms



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

August 3, 2016

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

Please publish the following legal ad on August 12, 2016 and August 19, 2016.

TOWN OF GROTON ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARINGS

The Zoning Board of Appeals will hold public hearings on Wednesday, August 24, 2016 at 7:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, to hear the following:

ZBA#16-12 - 5 Grove Avenue, Kenneth Soeder and Anne Esposito/Owners/Applicant, for a variance to Section 5.2 to allow a rear yard setback of 19.2 feet instead of the required 30 feet for a detached two-car garage with living space above. PIN#261914420648, RS-12 Zone.

ZBA#16-13 - 391 Long Hill Road, Kyla Adams/Owner/Applicant, for a variance to Section 5.2 to allow a side yard setback of 9 feet instead of the required 20 feet, for a 2nd floor addition to the south wing of an existing building. PIN#168920819168, OMF 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 12th day of August, 2016 at Groton, CT. (On second insertion, please put "Dated this 19th day of August, 2016 at Groton, CT.")

Ed Stebbins, Chairman

Account #30384
P.O. #17000327 (NEW NUMBER)

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

Sincerely,

Deborah G. Jones
Assistant Director

DGJ:rms



CITY OF NEW LONDON

PLANNING, ZONING WETLANDS DIVISION

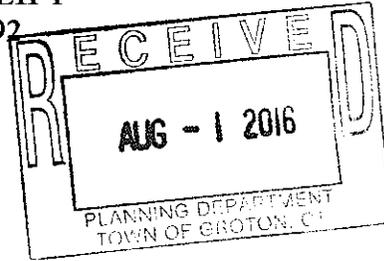
181 STATE STREET NEW LONDON, CT 06320 • PHONE (860) 437-6379 • FAX (860) 437-4467

PC
AGENDA
8/9/16

CERTIFIED MAIL/RETURN RECEIPT
ARTICLE #7011 2000 0000 9075 2192

July 27, 2016

Betsy Moukawsher – Town Clerk
Town of Groton
45 Fort Hill Road
Groton CT 06340



RECEIVED
TOWN CLERK'S OFFICE
2016 JUL 29 AM 11:08
RECORDED & INDEXED
PAGE 1
Betsy Moukawsher
TOWN CLERK, GROTON, CONN

**Re: Application by Matthew H. Greene, Esq.
Zone Text Amendment to Sections §520(C-2 Zone), §614 (Parking), & 616 (Rec Space)**

Dear Ms. Moukawsher:

Attached is an application for a Zone Text Amendment to amend the City of New London's Zoning Regulations specific to the C-2 Zone (Limited Commercial District). This proposal would add a "specially permitted" use to the C-2 Zone, "Residential Housing Developments" and would also amend the Zoning Regulations as they relate to this proposal for off-street parking & loading (Section §614) and Outdoor Recreational Space (Section §616).

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 for this application is scheduled for Thursday, September 1, 2016 at 7:00 p.m. in the City Hall Council Chambers, 181 State Street, New London, CT 06320.

I you have any questions or comments please feel free to contact me at 860-437-6381.

Sincerely,


Michelle Johnson Scovish
Assistant Planner/Zoning & Wetlands Official

Enclosure



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

181 State Street
New London CT
06320
(860) 437-6379
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-APPLICATION-
Planning & Zoning Commission-

JUL 27 2016

CITY OF NEW LONDON
OFFICE OF DEVELOPMENT & PLANNING
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)

- Zoning Regulation Amendment Zone Map Amendment
 Subdivision Regulation Amendment Other

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2. _____
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:

SEE ATTACHED

4. _____
Tax Map/Block/Lot Lot Area Zoning District

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

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TOWN OF GROTON, CT

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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 _____

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS

*New language is in bold, italics and underlined. Existing language is in plain text.

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Section 520 C-2 Limited Commercial District:

520.1 Purpose of District. To provide for limited commercial development along major arterials, allowing for appropriate integration of new residential housing development.

520.2 28). Residential Housing Development. The Planning and Zoning Commission may approve Residential Housing Development in a C-2 District according to procedures and requirements specified below. The purpose of such development is to provide residential living in proximity to public transportation, educational and employment opportunities, convenient to commercial enterprises, creating a mixed use of services, retail and residential living.

(a) Definition – Residential Housing Development shall be defined as housing for residential use that consists of individual or attached dwelling units of not less than twenty (20) units; said Residential Housing Development shall have a sub-section to include Affordable Rental Housing. Affordable Rental Housing shall be defined as housing that comprises of families and elderly of below area median household income levels that qualify for housing subsidy programs administered by the state and/or federal government.

(b) Accessory uses: The Planning and Zoning Commission may permit accessory uses within these regulations that are deemed incidental and appropriate for Residential Housing Development.

(c) Minimum Lot Size: Residential Housing Development shall be limited to parcels of land of at least three acres (3) acres or 1,500 square feet per dwelling unit, whichever is greater.

(d) Lot and Bulk Requirements:

Setbacks: Residential Housing Development shall meet the following setback requirements:

25' abutting a Residential Zone or residential properties

10' abutting non-residential use

25' abutting street line

Lot (Building) Coverage: No Residential Housing Development shall exceed 35% of the lot by buildings.

Height: No building shall exceed 40' in height.

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Open Space: The amount of open space for a Residential Housing Development, exclusive of buildings and accessory uses, shall be a minimum of 20% of the total gross area.

- (e) Recreation Space for a Residential Housing Development shall comply with Section 616 of these regulations.
- (f) Parking for Residential Housing Development shall comply with Section 614 of these regulations.
- (g) A building shall contain no more than 12 tandem dwelling units consisting of a Townhouse style unit over a one level unit, of which each shall have its own exterior entrance/exit. However, a single building may have no more than fifty (50%) per cent of the total dwelling units located in a single building provided the building contains indoor recreational/common space for the residents.
- (h) A buffer area of at least 5 feet shall be provided. Buffer shall consist of plantings, decorative fencing and/or land forms which will provide year round visual screening between the use and adjoining residential properties. Where non-residential uses are located adjacent to a new Residential Housing Development, the buffer area shall be no less than 3 feet. No buffer is required adjacent to a public park.
- (i) A Residential Housing Development that is considered Affordable Rental Housing shall provide a deed restriction, subject to the approval of the Director of Law, requiring further Planning and Zoning approval upon any change from the same.

Section 614 B. 1) Affordable Rental Units: 1 parking space per dwelling unit.

Section 616 Outdoor Recreational Space

In any residential or multi-family development exceeding 20 dwelling units, a minimum parcel of 5,000 square feet of outdoor recreational space shall be provided for the first 20 dwelling units, plus 150 square feet for each additional dwelling unit. However, the total outdoor recreation space requirement need not exceed 80,000 square feet. The required outdoor recreational space may be reduced by twenty-five (25%) per cent provided there is a public park within 2640 feet (1/2 mile) along pedestrian thoroughfares measured from property line to property line. Said open recreation space on site shall be developed and maintained by the owners, convenient to the occupants of the development and subject to the approval of the Planning and Zoning Commission.

N L REFER

LAW OFFICE OF
MATHEW H. GREENE

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NEW LONDON, CT 06320

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July 27, 2016

Barry Levine, Chairman
Planning & Zoning Commission
181 State St.
New London, CT 06320

RE: Application for Amendment to Zoning Regulations

Dear Chairman and Commission Members:

The undersigned, applicant and agent for approval of amendments to the zoning regulations, offers the following in substantiation thereof.

The application seeks to allow for new residential housing in the C-2 zone. The intent of this amendment is to be consistent with a trend in current planning in which mixed use development of commercial and residential is encouraged to create a mixed use of services, retail and residential living. The concept behind this is to integrate residents with commercial uses to allow for greater amenities for the residents within a short distance and provide benefits to the commercial enterprise. The current regulations allow for new housing in a C-1 zone, so allowing for this trend in a C-2 zone would not be inconsistent with the intent of the current regulations.

I am proposing a new section, 520.2 28) that allows for Residential Housing Development, that is defined in subsection (a) of the new regulation. Pursuant to Connecticut law that encourages affordable housing, there is a further definition for Affordable Rental Housing to allow for differentiation if needed. A fair amount of the language used for the amendments is from other areas of the current regulations.

Consistent with other area of the regulations that allow for housing developments, this amendment addresses lot and bulk requirements. Lot coverage, lot size, setbacks, open space requirement, building height, buffers, etc. are either consistent with the intent of the regulations, the C-2 zone or other areas of the regulations.

The proposed Amendment requires a minimum lot size of 3 acres. This requirement is greater than the requirement for Age Restricted Housing (2 ½ acres) and less than the 4 acres required for Cluster Developments. The requirement of 3 acres would seem consistent for appropriate use of this section for the C-2 zone.

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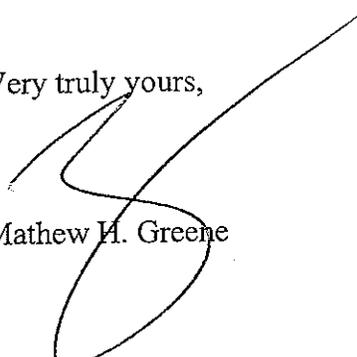
In conjunction with housing developments, other areas of the regulations such as parking and outdoor recreation space are affected. The proposed amendment seeks to amend Section 614 B. 1) to provide an additional use parking requirement for Affordable Rental housing. The request for this amendment is consistent with the intent of the current requirement for multiple family housing for the elderly of 1 space per 3 dwelling units. This proposal of 1 space per dwelling unit is also consistent with the current trend for housing that is convenient to commercial enterprises and public transportation.

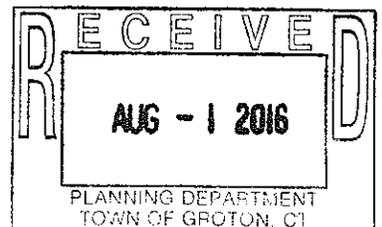
Section 616, regarding outdoor recreational space is also sought to be amended. The current regulation requires 5000 square feet for the first 20 units and an additional 150 square feet for each additional unit. The proposed amendment would allow for a reduction in that requirement similar to various sections of Child day care centers [520.2 25)], [420.3 6] that allow for a reduction in the required outdoor play space provided there is suitable outdoor play space within one half mile from the location of the day Child day care center.

The above just highlights some of the basis for the proposed amendments. There are many areas not addressed in the proposed amendments as they would be addressed pursuant to the Site Plan regulations and to list them would be duplicative, as they are not requested to be amended by this application.

I thank you for your time and consideration and should you require any additional information, please inform me of the same.

Very truly yours,


Mathew H. Greene



N. L. REFER.

Memorandum

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

To: File
From: MPC
Date: May 26, 2016
Subject: Notes from Robert's Rules of Order regarding replacement of chairman of PZC
File Nos.: 35352

1. Page 449. The presiding officer of an assembly should be chosen principally for the ability to preside. He should be well versed in parliamentary law and the rules of the organization. Any presiding officer will do well to bear in mind that no rules can take the place of tact and common sense on the part of the chairman.

2. Page 454. If the president is absent, the chair is occupied temporarily by another, as follows:

(a) A vice president.

(b) If neither the president nor any vice president is present the secretary or if the secretary is absent some other member should call the meeting to order and the assembly should immediately elect the chairman *pro tem* to preside during that session.

3. Page 458. **In case of the resignation or death of the president, the vice president automatically becomes president for the unexpired term, unless the bylaws expressly provide otherwise for filling a vacancy in the office of president.**

(a) Although in many instances the vice president will be the logical nominee for president, the society should have the freedom to make its own choice and to elect the most promising candidate at that particular time.

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2016

Volume XX, Issue 3

NOT ALL NOTICE DEFECTS HAVE ONE YEAR APPEAL PERIOD

Connecticut General Statutes Sec. 8-8(r) provides for an extended period of time to appeal a decision of a land use agency when there is a defective notice. Instead of the 15 day appeal period, an aggrieved party has up to one year to take an appeal to court. However, all notice defects do not come within the scope of this statute.

This extended appeal period only applies to those notices that the land use agency is required to provide. Thus, if the agency's regulations place the burden of providing notice on an applicant, then the extended appeal period does not apply.

In this case, the local regulations required a special permit applicant to notify abutting property owners of the hearing date for the application. This the applicant failed to do. Nearly 8 months after the application was approved, an abutter appealed the decision claiming it was timely as it was taken within one year of the decision. The Appellate Court disagreed.

Since the burden of providing this notice was on the applicant and not the commission, 8-8(r) did not apply and thus the abutter had only 15 days from the date the notice of decision was published to take its appeal to court. H-K Properties LLC v. PZC, 165 Conn. App. 488 (2016).

PROVIDING OPTIONS IN REGULATIONS NOT A VARIANCE

An owner of commercially zoned property that abutted residential property sought a special exception to construct a fast food restaurant on its property. The permit was granted, and an abutting residential property owner appealed.

This is the same property that was involved in the case MacKenzie v. Planning & Zoning Commission, 146 Conn. App. 428 (2014). In approving the application, the commission varied the landscape buffering requirements due to the location of certain wetlands on the property.

The regulations provided options for meeting the landscape buffer requirement, one of which was to not require the installation of plantings but instead allow an existing wetland area to serve as the buffer plantings. The court found this not to be an exercise of a waiver but instead a decision by the commission to apply one of several options contained in the regulations. Santarsiero v. PZC, 165 Conn. App. 761 (2016).

PROOF OF CONFISCATION NEEDED TO SHOW HARDSHIP

An owner of a parcel of commercially zoned land sought a variance to permit him to use the property as a used car lot. The property was located within a design district

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which allowed certain office and research uses but did not allow used car lots. The only evidence presented on the issue of confiscation was a report from a realtor which stated that due to the restrictions placed upon the lot by the zoning regulations, the property was undervalued and at a significant disadvantage. The property was in an undeveloped state and the owner claimed he was having difficulty selling it. The Board granted the variance, upon which an appeal to court followed.

The appellate court reaffirmed long standing principles as to when limits placed upon the use of a parcel of property by the zoning regulations amounts to practical confiscation. It is not enough to show a diminution in value or frustration in development or investment plans. Instead, it must be shown that the zoning classification of the property destroys its value and renders it unusable for any of the uses permitted. Caruso v. ZBA, 320 Conn. 315 (2016).

Note: This decision affirms a ruling of the State Appellate Court: Caruso v. ZBA, 150 Conn. App. 831 (2014).

DECISION MUST BE FINAL TO REQUIRE ZBA REVIEW

A corporate owner of a parcel of property filed an application to use the property for its motor fleet operations. In addition to an office use and parking

of cars, auto repair and maintenance would take place on the premises as well. The application was first reviewed by the town's land use administrator who determined that the proposed activity was allowed as a special use [exception]. He then placed the application on the zoning commission's agenda for a public hearing and decision. When the zoning commission approved the application, abutting property owners appealed to court.

The commission filed a motion to dismiss claiming that since the property owners did not appeal the land use administrator's decision to approve the application for the zoning commission's agenda to the zoning board of appeals, they had not exhausted all of their administrative remedies.

Connecticut courts follow the exhaustion of administrative remedies rule whereby a court will only review an appeal from an administrative agency if the party taking the appeal has exhausted or utilized the full administrative process. In this case, the commission alleged that the appealing parties had available to them the zoning board of appeals to review their claim. The court disagreed.

Only a final decision of a zoning enforcement officer needs to be appealed to the zoning board of appeals before an appeal to court is available. By final, the court stated that it is a final act with no further procedural steps needed before the order has effect. In this case, the

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initial determination by the land use administrator was just that - an initial determination. Final approval of the application required zoning commission review. Thus, no appeal to the zoning board of appeals was needed. Farrington-Posner v. ZC, 61 Conn. L. Rptr. 376 (2016).

SEC. 8-24 REVIEW NOT APPEALABLE TO COURT

A proposal to construct a solar power array on town property was referred to the planning and zoning commission for an 8-24 review. The referral was approved by the commission, after which, the town council voted to approve an agreement allowing the use of town land for this project. Certain neighbors filed a lawsuit against the town seeking an injunction of the council's action. The town filed a motion to dismiss, claiming that the only available court action was an appeal of the planning and zoning commission's decision on 8-24 review.

Citing the case Fort Trumbull v. New London, 266 Conn. 338 (2003), an appeal of a planning and zoning commission's decision on a 8-24 referral is not available as the decision is not a final act being only an advisory opinion. Thus, the lawsuit against the town could continue. Panek v. Southington, 60 Conn. L. Rptr. 824 (2015).

ANNOUNCEMENTS

Membership Dues

Notices for this year's annual membership dues were mailed March 1, 2016. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly

Workshops

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop. At the price of \$175.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed.

The Federation now has workshops for inland wetlands and watercourses commissions as well as historic district commissions. A member can schedule a workshop for one of these commissions.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principle in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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PLANNING & ZONING AGENCIES**
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790 Farmington Avenue
Farmington CT 06032



Town of Groton Zoning Commission
134 Groton Long Point Rd.
Groton, CT 06340