

AGENDA  
SPECIAL MEETING  
GROTON ZONING COMMISSION  
**THURSDAY, MARCH 29, 2018 – 6:30 P.M.**  
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 2

I. ROLL CALL

II. PUBLIC HEARING

1. Special Permit #356, 32 West Main Street, PIN 261918410043, WDD Zone. Proposal is to add outdoor seating with alcohol service and outdoor music to an existing restaurant. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. (Dan Van Kruiningen, Applicant) (Mom Jerry & Jerry, LLC, Owner)\* - Continued

III. CONSIDERATION OF PUBLIC HEARING

1. Special Permit #356, 32 West Main Street (Dan Van Kruiningen, Applicant) (Mom Jerry & Jerry, LLC, Owner)

IV. PUBLIC COMMUNICATIONS

V. APPROVAL OF MINUTES

1. February 21, 2018\*
2. March 15, 2018\*

VI. OLD BUSINESS

1. Commission Workshop - Zoning Regulations Rewrite Project\*\*

VII. NEW BUSINESS

1. Report of Commission
2. Receipt of New Applications

VIII. REPORT OF CHAIRPERSON

IX. REPORT OF STAFF

X. ADJOURNMENT

\* ENCLOSED

Next Regular Meeting: April 4, 2018  
Next Special Meeting: April 18, 2018

\*\* COMMISSION WORKSHOP – ORAL COMMENTS FROM THE PUBLIC WILL NOT BE TAKEN DURING THIS PORTION OF THE MEETING. PUBLIC COMMENTS MAY BE SUBMITTED IN WRITING AT THE WORKSHOP OR PROVIDED ORALLY TO THE COMMISSION DURING THE “PUBLIC COMMUNICATIONS” PORTION OF THIS MEETING. \*\*



# TOWN OF GROTON

## PLANNING AND DEVELOPMENT SERVICES

JONATHAN J. REINER  
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 21, 2018

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

Please publish the following legal ad on March 23, 2018:

TOWN OF GROTON  
ZONING COMMISSION  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following public hearing, which was opened on February 7, 2018, has been continued to March 29, 2018 at 6:30 p.m. in Community Room 2, Town Hall Annex, 134 Groton Long Point Road, in said Town, to consider the following:

Special Permit #356, 32 West Main Street, PIN 261918410043, WDD Zone. Proposal is to add outdoor seating with alcohol service and outdoor music to an existing restaurant.

Review is per Sections 6.3 and 8.3 of the Zoning Regulations. (Dan Van Kruiningen, Applicant)(Mom Jerry & Jerry, LLC7, Owner).

Application is on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road. Dated this 23<sup>rd</sup> day of March 2018 at Groton, Connecticut.

Susan Sutherland, Chairperson

Account #30384  
P. O. # 18000297

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

Sincerely,

Jonathan J. Reiner, AICP

Director  
JJR:dlg

**Please note: this should run as a one-column ad without bolding or additional white space**

“SUBMARINE CAPITAL OF THE WORLD”



# TOWN OF GROTON

## PLANNING AND DEVELOPMENT SERVICES

JONATHAN J. REINER  
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

January 17, 2018

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

Please publish the following legal ad on January 26, 2018 and February 2, 2018:

TOWN OF GROTON  
ZONING COMMISSION  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following public hearing will be held on February 7, 2018 at 6:30 p.m. in Community Room 2, Town Hall Annex, 134 Groton Long Point Road, in said Town, to consider the following:

Special Permit #356, 32 West Main Street, PIN 261918410043, WDD Zone. Proposal is to add outdoor seating with alcohol service and outdoor music to an existing restaurant. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. (Dan Van Kruiningen, Applicant)(Mom Jerry & Jerry, LLC, Owner).

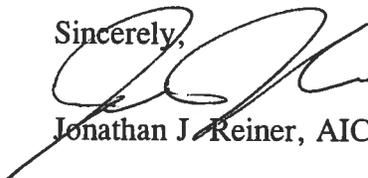
Application is on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road. Dated this 26<sup>th</sup> day of January 2018 at Groton, Connecticut. (On second insertion please put "Dated this 2<sup>nd</sup> day of February 2018 at Groton, Connecticut".)

Susan Sutherland, Chairperson

Account #30384  
P. O. # 17000327

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

Sincerely,

  
Jonathan J. Reiner, AICP

Director  
JJR:dlg

Please note: this should run as a one-column ad without bolding or additional white space

"SUBMARINE CAPITAL OF THE WORLD"



E-MAILED

1/17/18

## STAFF SUMMARY SHEET

<b>PROJECT NAME/LOCATION:</b> SPEC #356 Chapter One Outdoor seating/music 32 West Main Street	
<b>CAM:</b> Exempt	
<b>STAFF PLANNER:</b> [r2]	<b>SUMMARY DATE:</b> 2/7/18
<b>TERMINAL ACTION DATE:</b> 4/13/18	<b>PUBLIC HEARING CLOSED:</b>
<b>EXISTING LAND USE/ZONING:</b> Rest/WDD	<b>SITE AREA:</b> 0.12 AC. <b>SQ. FT.</b>
<b>SURROUNDING LAND USE/ZONING DISTRICT(S):</b>	
<b>North:</b> Office/WDD <b>South:</b> Retail/WDD <b>East:</b> Retail/WDD <b>West:</b> Retail/WDD	
<b>HISTORY:</b> The site has been a restaurant with different names and ownership over the years.	
<b>PROJECT DESCRIPTION:</b> The applicant proposes to provide outdoor music and outdoor restaurant seating with 2 tables with 2 chairs per table along the front of the restaurant on West Main Street. The proposal is to separate patrons from sidewalk traffic by the use of ropes. Tables, chairs and ropes will be removed at the conclusion of food service for the day. Alcohol will be served as typical done at the existing restaurant. Outdoor speakers will be located underneath the existing canopy.	
<b>LIST AGENCIES WITH OUTSTANDING COMMENTS:</b> Other      [   ]	
[   ]	[   ]      [   ]      [   ]
<b>WAIVERS:</b> None	
<b>LAND USE/DEVELOPMENT ISSUES ANALYSIS:</b>	
<ul style="list-style-type: none"> <li>• The applicant has received a lease permit from the CT Department of Transportation to place tables within the right-of-way (Attached). This permit has several stipulations including space requirements for maintaining pedestrian movement, removal of tables and equipment at the end of the day, and limits to the square footage allowed.</li> <li>• The CT DOT lease permit removed a third table at the west side of the property to eliminate a 'pinch point' with an existing lamp post.</li> <li>• The applicant proposes outdoor seating from 10:00 am to 10:00 pm, Spring, Summer, and Fall as weather permits. Staff recommends that outdoor music also end at 10:00 pm, and that the restaurant's doors and windows remain closed after 10:00 pm to mitigate excess noise and music emanating from the interior (outdoor speakers request included in 'Attachment A' in the application).</li> <li>• The applicant states in 'Attachment A' that outdoor music levels will not to exceed 70dBA. According to industrial noise control company IAC Acoustics, 70dBA noise level is equivalent to a vacuum cleaner or indoor living room music (60dBA is equivalent to restaurant conversation and 80dBA is equivalent to a garbage disposal).</li> <li>• The extra outdoor seating would require less than 1 parking space. With the recent zoning change to allow a 50% reduction in the required parking for the WDD, this outdoor seating would not add any additional parking requirements to the current use.</li> </ul>	

- The Planning Commission reviewed the application on January 23, 2018 and has concerns regarding the proposed outdoor speakers and music volume at the restaurant.

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

*Staff will have a recommendation at the meeting.*

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

PROJECT DESCRIPTION: Outdoor seating in the form of two (2) cafe tables, with seating for two (2) persons each, for a total of four (4) outdoor dining seats on the State-owned sidewalk immediately outside the storefront for Chapter One restaurant. Tables will be placed outside in the Spring, Summer and early Fall as weather permits, between the hours of 10 am and 10 pm.

PROJECT NAME: Seasonal Outdoor Dining

STREET ADDRESS OF PROPERTY: 32 W. Main Street, Mystic, CT 06355

IF ADDRESS NOT AVAILABLE, LOCATION: \_\_\_\_\_

PARCEL IDENTIFICATION NUMBER: 261918410043 ACREAGE: 12 ZONING: WDD

CORRESPONDENCE WILL BE SENT TO PRIMARY APPLICANT AS CHECKED BELOW:

NAMES, ADDRESSES & TELEPHONE NUMBERS

APPLICANT: Dan Van Kruiningen of 32 Shewville Road, Old Mystic, CT 06372

EMAIL: danvank33@aol.com TELEPHONE: (860) 912-1111 FAX: \_\_\_\_\_

APPLICANT'S AGENT (IF ANY): \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

OWNER/TRUSTEE: Mom Jerry & Jerry, LLC, Carol Cooper Upright, Manager, c/o Peter V. Lathouris, Attorney, The Law Offices of Peter

V. Lathouris, LLC, 1100 Summer St., Stamford, CT 06905 TELEPHONE: (203) 359-2047 FAX: (203) 359-3251

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.

SIGNATURE OF APPLICANT  
OR APPLICANT'S AGENT

DATE

Carol Upright  
SIGNATURE OF RECORD OWNER

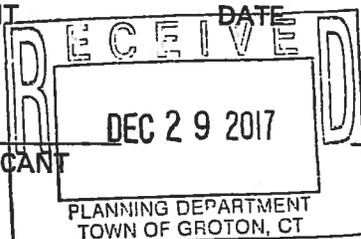
DATE

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

PRINTED NAME OF APPLICANT

PRINTED NAME OF RECORD OWNER

FOR OFFICE USE ONLY:



FEE RECEIVED: 430-

WORK TYPE: \_\_\_\_\_

PROJECT # SPEC356 PLANNER: \_\_\_\_\_

4/07

SPEC 356

DEC 29 2017

PLANNING DEPARTMENT  
TOWN OF GROTON, CT

**Attachment "A"**  
**Part Two of the Land Use Application - Special Permit Checklist**  
**Detailed Statement Describing Existing and Proposed Use and Surrounding**  
**Neighborhood**

Presently the area immediately in front of the Chapter One storefront is vacant. The area is sidewalk space, more formerly recognized as the State-owned land located at the northerly side of US route 1 (32 West Main Street), in the Town of Mystic (Groton). The sidewalk space in the aforementioned area is approximately eleven (11) feet wide.

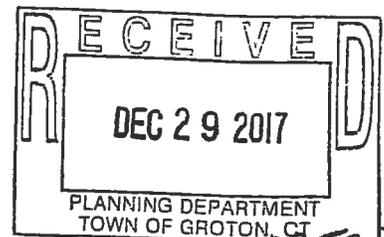
The intent of the Seasonal Outdoor Dining project is to establish two outdoor dining tables, each with two chairs, and each occupying approximately seven hundred and twenty (720) square inches immediately in front of Chapter One. Each set of tables and chairs will extend thirty (30) inches along Chapter One's storefront and protrude twenty four (24) inches into the sidewalk space. The tables will be placed seasonally, in the Spring, Summer and early Fall, as weather permits. Wait staff will provide patrons with food and non-alcoholic beverage service, between the hours of 10 a.m. and 10 p.m. Upon proper approval from the Connecticut Department of Consumer Protection, Liquor control division, wait staff will provide patrons with alcoholic beverage service, to include wine, cocktails and beer, commiserate with Chapter One's existing liquor permit between the hours of 10 a.m. and 10 p.m. Service will utilize the same dishware, glassware and utensils used inside the restaurant. Upon patrons' departure wait staff will ensure that the table(s), and immediate seven hundred and twenty (720) square inch area(s), are promptly cleared and cleaned of any debris. A staged photograph of the two tables and chairs is included with this application as Attachment "A-3"

Chapter One has submitted an application to lease from the State of Connecticut the sidewalk space in question. A copy of the Lease Application submitted to the State of Connecticut, Department of Transportation Division of Rights of Way, Property Management Section, along with the Temporary Right of Entry granted by the same pursuant to the final execution of the lease are both attached as Attachment "A-2". During the approval process for the lease, the project was amended from three tables to two tables. Pursuant to Section C of this application, the plan for the project, as modified, is attached as Attachment "A-3".

Outdoor patrons will enjoy music played on two outdoor speakers. Since Section 6.3-3 does not define at what decibel outdoor music can be played, Chapter One will rely on Section 7.1-42(l) and will play music at a reasonable volume that does not negatively impact existing residential neighbors. The music volume will not exceed 70dBA.

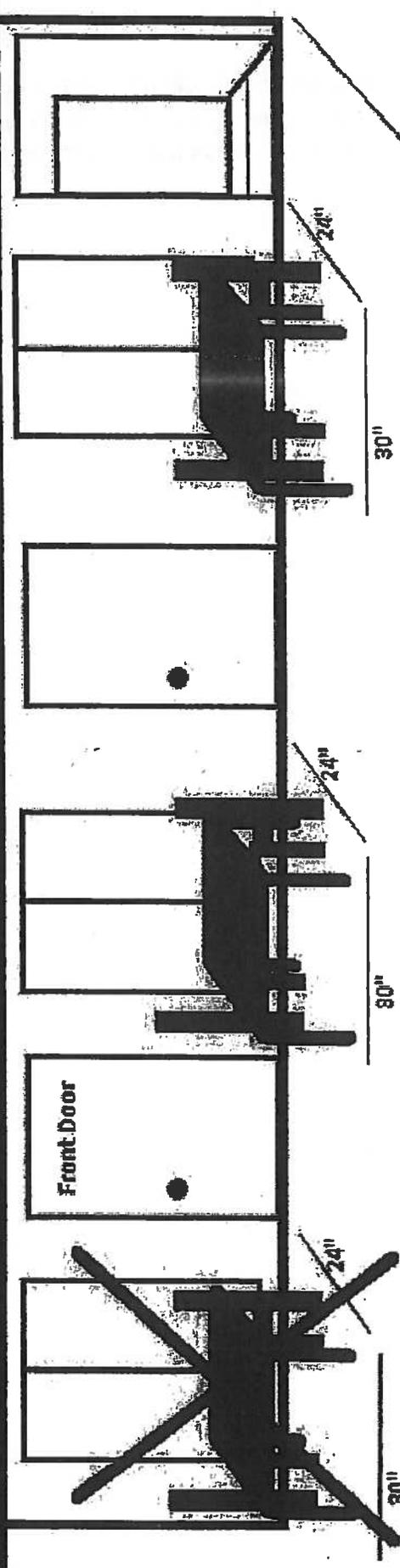
*SPEC 356*

The neighborhood is mixed use, with retail, dining and residential space attracting both locals and tourists. Outdoor dining along the West Main Street corridor is becoming common place. The Ancient Mariner, across the street from Chapter One, was recently approved for outdoor dining.



*SPEC 356*

CHAPTER  
**ONE**  
FINE FOOD & DRINK



**ROADWAY**

# Town of Groton



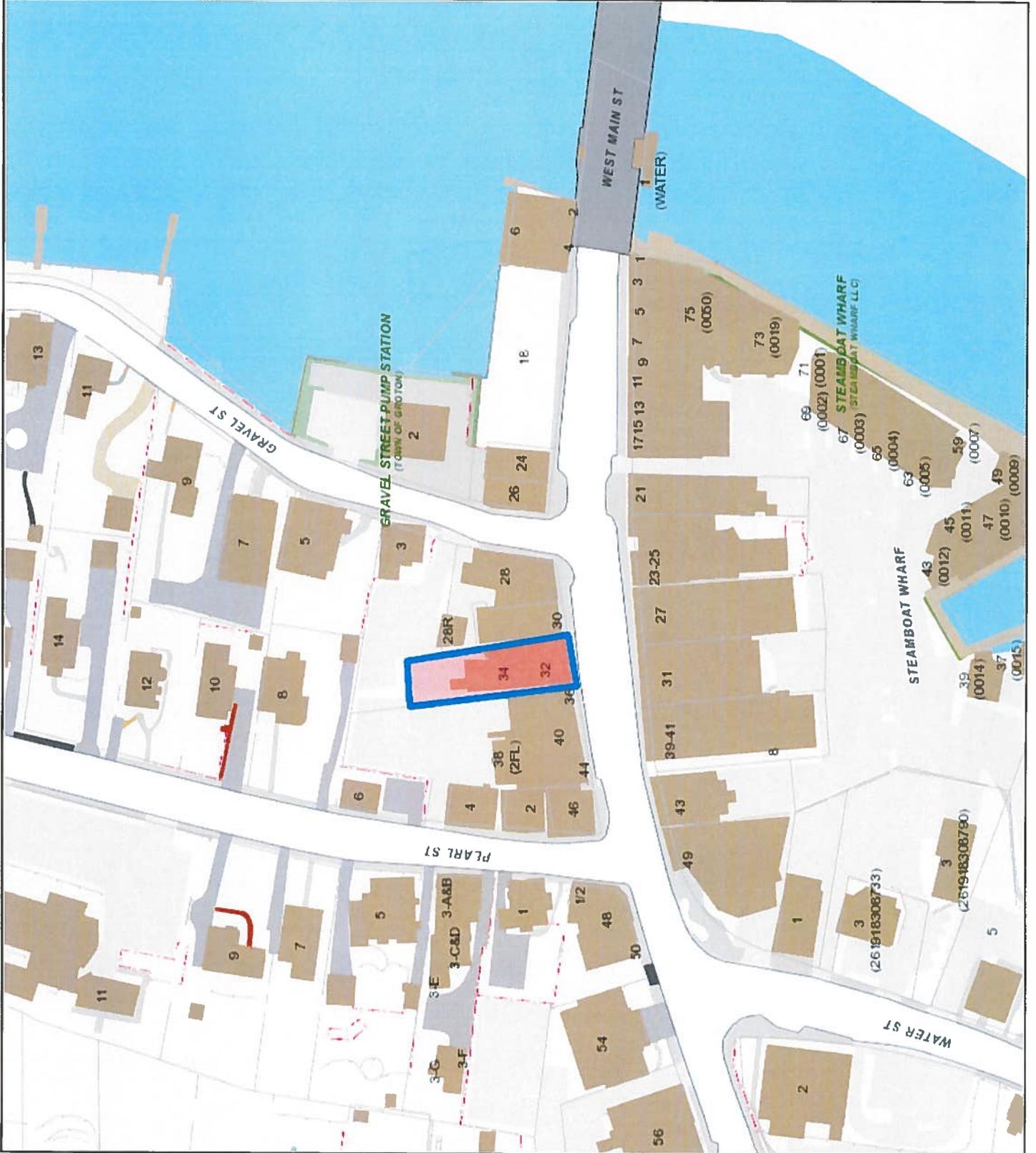
## 32 WEST MAIN ST



**Disclaimer:**  
 The planimetric and topographic information depicted on this map was compiled by The Danbar Map Company based on an aerial light performed in April 2009. The parcel and property line information is derived from the most current available recorded deeds, maps, assessor records, and other sources of information in the Town of Groton. The intent of this map is to depict a graphical representation of real property information derived from the planimetric features in the Town of Groton and is not intended to be used for legal purposes. The Town of Groton and the mapping companies assume no legal responsibility for the information contained in this file. THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.

**Horizontal Datum:**  
 Connecticut State Plane Coordinates, North American Datum of 1983 (NAD83/Feet).  
**Vertical Datum:**  
 North American Vertical Datum of 1988 (NAVD88).

Date: 2/1/2018



**Attachment "B"**  
**Part Two of the Land Use Application - Special Permit Criteria**  
**Of Section 8.3-8**

**A. Location**

The location and size of the two café tables and four café chairs are appropriate for the sidewalk space outside the Chapter One storefront, more formerly recognized as the State-owned land located at the northerly side of US route 1 (32 West Main Street), in the Town of Mystic (Groton). The sidewalk in the aforementioned area is approximately eleven (11) feet wide.

**B. Buildings**

The tables and chairs as described above, are of a type and size consistent with the area and are appropriate for the use of outdoor dining at the proposed site. Placement of the tables does not necessitate any new buildings, structures or modifications to existing buildings and structures.

**C. Neighborhood Compatibility**

The tables and chairs are compatible with the development in the district. The tables are consistent with other restaurants, to include the Ancient Mariner across the street, that have placed tables outside their storefronts for outdoor dining. The tables do not hinder or discourage the orderly development and use of other properties in the area or alter the essential characteristics of the area.

**D. Parking and Access**

The design does not impact parking and access points to and from the site, nor does it impact sidewalk foot traffic. The placement of the tables and chairs does not impact the building's entrances and exits; nor ingress and egress from the same.

**E. Streets**

The placement of the tables and chairs do not impact streets serving the proposed use area. There is space for pedestrians to pass the tables while remaining on the sidewalk, entry into the street to pass is not necessary. Traffic control systems are not impacted.

**F. Public Safety**

Each table and pair of chairs occupies seven hundred and twenty (720) square inches, protruding out twenty four (24) inches from Chapter One's storefront. Pedestrians and

emergency personnel have a minimum clearance of eight (8) feet to pass the tables and chairs safely while remaining on the sidewalk, consistent with Section 7.5-2. The placement of the tables and chairs does not impact the building's entrances and exits; nor ingress and egress from the same.

#### G. Utilities

The placement of the tables and chairs do not impact the water supply, sewage disposal, storm water management, and other utility systems, whether public or private.

#### H. Environmental Protection, Conservation, and Long Island Sound

1. The placement of the tables and chairs will not impact the area's natural systems and historic resources. 2. The design does not have an environmental impact on the Long Island Sound I. Consistent with Purpose

1. The placement of the tables and chairs do not have any detrimental effects upon the public health, safety, and welfare; see sections E and F above.

2. The placement of the tables and chairs do not conflict with the purposes of these regulations.

3. The placement of the tables and chairs further the goals, objectives, and policies of the Town's Plan of Conservation and Development, consistent with its goals of promoting community character and business development. The design is sympathetic to the community character and consistent with other outdoor dining designs in the community, and along West Main Street.

**Attachment "C"**  
**Part Two of the Land Use Application - Special Permit Criteria**  
**Of Section 7.1**

Pursuant to section 6.3-3, not Section 7.1, the placement of any outdoor tables is an intensification of use of a structure necessitating a special permit. This project does not constitute a significant intrusion as the placement of two café tables and four café chairs will not significantly impact traffic circulation, public safety, or the surrounding area.

MEMORANDUM

TO: Zoning Commission  
FROM:  Deborah G. Jones, Assistant Director  
DATE: January 29, 2018  
SUBJECT: Planning Commission Referral for February 7, 2018, Public Hearing:  
SPEC#356, 32 West Main Street, Mystic

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At its meeting on January 23, 2018, the Planning Commission reviewed the above referenced referral and made the following comment:

The Planning Commission has concerns regarding the proposed outdoor speakers and music volume at the restaurant.

DGJ:klh

SPEC 356



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546

Phone:  
(860) 594-2462

July 17, 2017

Mr. Daniel Van Kruiningen  
Member  
D K Hospitality, LLC  
32 West Main Street  
Mystic, Connecticut 06355-7546

Dear Mr. Van Kruiningen:

Subject: Temporary Right of Entry  
State Land – Mystic (Groton)  
Northerly side of US Route 1 (West Main Street)  
File No. 058-000-191

Permission is hereby granted to D K Hospitality, LLC (Second Party) by the State of Connecticut, Department of Transportation (Department), for the use of the State-owned land (Premises), located at the northerly side of US Route 1 (West Main Street), in the Town of Mystic (Groton), as shown on the enclosed map, Exhibit A. This permission for a Temporary Right of Entry (TROE) is granted subject to the following terms and conditions:

1. This TROE shall continue on a month-to-month basis commencing on August 1, 2017 until the Lease Agreement is fully executed. This TROE may be terminated at any time by either party hereto by giving the other party thirty (30) days written notice, and upon expiration of said notice period, this TROE shall be null and void and all rights granted by this TROE herein shall end.
2. The Premises shall be used solely for seasonal outdoor seating/dining. The Second Party agrees that it will at the end of each workday remove all outdoor seating and other equipment from the premises and the area restored to original condition. The Second Party agrees that the tables should be affixed or sufficiently heavy that they cannot be nudged out away from the restaurant to provide more room for the tables. The Second Party agrees that no more than the seventy-two (72) ± square feet is to be used and the remainder of the sidewalk will not be utilized in any capacity and will remain clear at all times for pedestrian traffic. This is for lease only and the Lease Agreement can be revoked if it is determined that the restriction of pedestrians is found to be unacceptable. Any other use of the Premises other than its designated use will result in immediate termination of the TROE.
3. Proposed work of any kind to be conducted on the Premises shall require a highway encroachment permit. This permit request should be directed to Mr. Jeff Wilson, of the Department's District 2 Maintenance Office, at (860) 823-3222.

4. The TROE is granted to the Second Party for a monthly rental payment to the State of Connecticut (State) in the amount of **Seventy-five Dollars (\$75.00)** per month, due and payable, in advance, beginning on the above commencement date until this TROE is terminated.

5. All payments shall be in the form of a check, money order, or other draft made payable to the "Treasurer, State of Connecticut". All payments should be mailed to the "Accounts Receivable Unit" at the above address.

6. Commencing on the effective date of this TROE and subsequent Lease Agreement and continuing until sixty (60) days following the termination of this Agreement, the Second Party shall provide or cause to be provided to the State a surety bond (the "Bond") issued by a corporate surety licensed to do business in the State of Connecticut and otherwise acceptable to the State. The Bond shall be in an amount equal to **Ten Thousand Dollars (\$10,000.00)** and in such form as is satisfactory to the State. The Bond will provide security to the State for the Second Party's obligations set forth in this TROE. The Second Party shall pay or cause the payment of all premiums for the Bond, and any lapse of the Bond during the term of this TROE will be deemed an event of default.

7. The Premises is to be occupied in its "as is" condition without any warranties or representations of any kind by the Department. During the term of this TROE, the Second Party shall be responsible for all maintenance and repairs, including snow and waste removal, and all other operating expenses related to the Premises.

8. The Second Party shall make submissions, as required, to the local planning authority for any matters that require the planning authority's review and approval, including but not limited to all environmental permits. The Second Party agrees to comply with and conform to all applicable laws of the State of Connecticut, and the ordinances and zoning regulations of the Town in which the Premises is located.

9. This TROE may be terminated at any time by either party hereto by giving the other party thirty (30) days written notice, and upon expiration of said notice period, this TROE shall be null and void and all rights granted by this TROE herein shall end.

10. The Second Party shall protect, indemnify, defend, and hold the Department and its servants, agents or employees completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines or demands arising by reason of injury or death of any person or damage to any property, including, but not limited to the Premises, and, including all reasonable costs for investigation and defense thereof (including but not limited to attorney's fees, court costs, and expert fees), of any nature whatsoever (including all environmental liabilities and consequences) arising out of or incident to this TROE and/or the use or occupancy of the Premises or the acts or omissions of the Second Party, its officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, or damage may occur, unless such injury, death, or damage is caused by the sole negligence of the Department. The Department shall give to the Second Party reasonable notice of any such claims or actions. The Second Party shall also use counsel reasonably acceptable to the Department in carrying out its obligations hereunder. The provisions of this Section shall survive the expiration or early termination of this TROE, and shall not be limited by reason of any insurance coverage arising out of or incident to this TROE and/or the use or occupancy of the Premises or the acts or omissions of the Second Party, its officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, or damage may occur, unless such injury, death, or damage is caused by the sole negligence of the Department. The Department shall give to the Second Party reasonable

notice of any such claims or actions. The Second Party shall also use counsel reasonably acceptable to the Department in carrying out its obligations hereunder. The provisions of this Section shall survive the expiration or early termination of this TROE, and shall not be limited by reason of any insurance coverage reasonably acceptable to the Department in carrying out its obligations hereunder. The provisions of this Section shall survive the expiration or early termination of this TROE, and shall not be limited by reason of any insurance coverage arising out of or incident to this TROE and/or the use or occupancy of the Premises or the acts or omissions of the Second Party, its officers, agents, employees, contractors, subcontractors, licensees, or

11. It is further understood and agreed by the parties hereto, that the Second Party shall not use the defense of Sovereign Immunity in the adjustment of claims or in the defense of any suit, including any suit between the Department and the Second Party, unless requested to do so by the Department. If this TROE is between the Department and the Municipality, the Municipality agrees that in the event of an adjustment of claims or in the defense of any suit between the Department and the Municipality, the Municipality shall not use the defense of Governmental Immunity.

12. The Second Party agrees to secure and maintain, for the duration of this TROE, the following minimum insurance coverages with the Department being named as additionally insured, at no cost to the Department. The Second Party shall provide to the Department a Certificate of Insurance, fully executed by an insurance company or companies satisfactory to the Department, for the insurance policy or policies required below, which policy or policies shall be in accordance with the terms of said Certificate of Insurance. Each insurance policy shall state that the insurance company(ies) shall agree to investigate and defend the insured against all claims for damages, even if groundless.

*Commercial General Liability Insurance, including Contractual Liability Insurance, providing for a total limit of not less than One Million Dollars (\$1,000,000) for all damages arising out of bodily injuries to or death of all persons in any one accident or occurrence, and for all damages arising out of injury to or destruction of property in any one accident or occurrence, and, subject to that limit per accident, a total (or aggregate) limit of Two Million Dollars (\$2,000,000) for all damages arising out of bodily injuries to or death of all persons in all accidents or occurrences and out of injury to or destruction of property during the policy period.*

13. This TROE shall be subject to the provisions of the enclosed "Standard Highway Lease Specifications & Covenants, Non-Governmental under \$50,000", dated August 5, 2015, (Specifications) for this Agreement only.

14. The Second Party shall leave the Premises at the end of the term of the TROE in as good or better condition as it was at the start of the TROE.

15. This TROE constitutes the entire Agreement between the parties and may not be modified or amended, except in writing and signed by both parties.

Please acknowledge your acceptance of the terms and conditions, as herein set forth, by signing below and returning the original executed TROE to this office. Also, please submit your insurance policy in accordance with Item (12) above along with the requisite payments to this office by July 24, 2017.

SPEC 356

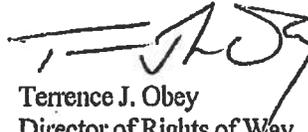
D K Hospitality, LLC  
File No. 058-000-191

-4-

July 17, 2017

Should you have any questions concerning the terms of this TROE, please contact  
Ms. Kristi-Lyn Purpura, Property Agent, at (860) 594-2407.

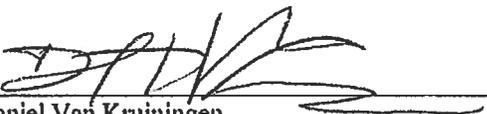
Very truly yours,



Terrence J. Obey  
Director of Rights of Way  
Bureau of Engineering and Construction

Enclosure

Accepted and Acknowledged

  
\_\_\_\_\_  
Daniel Van Kruiningen  
Member

Date:

8/7/17

SPEC 356



MINUTES  
SPECIAL MEETING  
TOWN OF GROTON  
ZONING COMMISSION  
FEBRUARY 21, 2018 – 7:00 P.M.  
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 1

I. ROLL CALL

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

Chairperson Sutherland called the meeting to order at 7:00 p.m. and seated Archer for Hudecek.

II. ITEMS OF BUSINESS

1. Commission Workshop – Zoning Regulations Rewrite Project

Staff provided a brief overview of mixed uses. After a presentation by Horsley Witten Group on mixed use, the floor will be open to the commission for questions, and then to the audience for any questions regarding the mixed use zoning.

a. Website Update [www.grotonctzoning.com](http://www.grotonctzoning.com)

Staff said the new zoning website is kept updated with meeting agendas, minutes, technical reports, presentations, etc. Any questions can be directed to staff at any time by email or phone.

b. Mixed-Use Design Introduction

Nate Kelly, Horsley Witten Group, introduced himself and Jeff Davis and provided a brief introduction of what mixed use zoning is and how it translates into zoning regulations.

Kelly gave a PowerPoint presentation on mixed uses. Examples of mixed use districts, centers, villages and buildings were demonstrated. Regulatory hazards, design standards, design guidelines, housing density, shared parking, regulating design by retrofitting conventional standards were discussed. Kelly showed how building placement, setback design, parking placement, public space, pedestrian circulation, spaces that are for pedestrians and spaces for cars are all important considerations. Illustrations of site design options and building materials were also detailed in the presentation.

Kelly asked the commission for their thoughts regarding specific items to be considered for mixed use zoning.

Residential use location: The commission concurred to not limit the location of the residential uses in these districts.

Design standards: Kelly asked the commission their feeling about traditional building styles and types, and newer development styles. The commission said they were not necessarily committed only to traditional architecture, but they would like the buildings to match together well.

Height or number of stories for buildings in the Town Center District and Poquonnock Village District: The commission thought the heights should be lower in the village district. The surrounding buildings currently are one, two, or three stories. The town center has nothing to compare to, but most likely higher would be appropriate. There is also nothing for comparison at the Route 184/Route 117 area. The commission said they would really like input from the public at this point in the discussions, rather than when there is a draft ready for a public hearing.

Sayer said that with regard to landscape standards, stone walls are important to the history of this area. She also noted that with small scale village development, sometimes a change in the texture of the roadway, either at intersections, or whole streets, can slow traffic. Kelly said roadway surfaces and sidewalk materials or treatments can be used to create "sidewalk zones".

The Chair asked for questions from the public specific to the mixed use zoning, and asked that comments be limited to five minutes.

Rosanne Kotowski, 24 Ann Avenue, asked if the mixed use zones will be as prohibitive as the existing residential zones. Staff said the new mixed use zones will not be dropped into the middle of an existing large residential area. There may be some existing single family residential properties in downtown that are incorporated into the district, but it will allow the type of development that we want to see in our town and encourage what the market is demanding.

Zell Steever, 81 Main Street, spoke in support of the mixed use zoning, and allowing maximum flexibility. He said the downtown Route 1 should be referred to as the town center, to identify a sense of place. He believes this is really about people and where people live, where they work, and recreating the older villages that already exist in Groton. He said there needs to be a diversity of residential types and ownership – rentals, condos, co-ops, privately owned individual structures. He discussed public transportation, and choosing areas with infrastructure already in place.

Kate Zod, High Meadow Lane, Mystic, said there should be opportunities for seniors to be included in mixed use areas.

Jim Furlong, 57 Fishtown Lane, Mystic, would like to see a picture of an ideal village feeling created with modern buildings with visual interest, because he cannot visualize. He hoped there would be places in the new downtown that allow lower rent businesses (such as vacuum repair). Big-box, indoor malls, and tourist-type stores would not be necessary in the downtown, and he would like to have local hobby and hardware stores back in town.

Hank Steinford, 32 Valley Road, said he lives close to the town center district and he was confused as to how the allowed uses for each area are designated. He noted that Groton now has in excess of 600 apartments within 5-10 minutes' walking

distance, and it should be considered that those residents would be contributing to the businesses in that area.

Rachel Franco, 28 Topsail Lane, said she would like to see an entertainment area, such as a green, or stage, to draw people to the area. She said she wasn't sure about the exact location of the Poquonnock Village area. Staff said they are currently working on design standards for the village and the exact boundaries have not been identified. Generally it goes from the fire house to the intersection of Routes 1 and 117, and would be considered the civic center of town with Town Hall, the former Fitch Middle School, and a fire department and schools.

Conrad Heede, 58 Mirra Drive, said the town should embrace variations with regard to the number of stories in the Poquonnock Village. Most buildings are probably two or three stories, but five or six could be considered; the same with downtown, to encourage variation. Also, pedestrian walkways are important in mixed use areas, and the commission should consider that.

Staff said they are thinking about millennials, families, aging in place, integrating different types of housing to attract all types of people. Consideration will also be given to the connectivity and walkability to the town center for the residents of the existing apartments just outside of the downtown area.

The commission took a five minute recess at 8:23 p.m. and the meeting resumed at 8:32 p.m.

c. RS-12 and R-12 Zoning District Analysis

Jeff Davis, Horsley Witten Group, addressed the commission. He provided a general background of the existing RS-8, R-12 and RS-12 districts in Groton, and discussed some suggested changes in dimensional standards (setbacks, building coverage, and lot size) for the neighborhoods that were analyzed.

The front setbacks were found to be generally non-conforming, closer to the street than current zoning allows. Building coverage was not as much of an issue; most are within the 20% coverage.

Davis suggested moving the front setback to 20 feet and keeping the rear setback at 30 feet because most are deep properties. He also suggested increasing the building coverage to 25%; 30% would eliminate virtually all non-conformities for properties under 12,000 sq. ft. These would be new standards across all the neighborhoods. Davis noted that overall Fort Hill was more conforming than some of the other neighborhoods, except the two-family or three-family homes which were all non-conforming. Staff said they would recommend that all of these neighborhoods that are a minimum of 12,000 sq. ft. should have the same standards, and the goal should be to make homes and lots less non-conforming. Davis and the commission discussed the zoning, floodplain regulations and coastal area regulations as they relate to the Fort Hill neighborhood.

Davis said that to make a significant amount of properties conforming in the RS-12 zone, you would have to reduce lot size to 10,000 or even 8,000 square feet. Staff said lot size doesn't impact the properties as much as setbacks or lot coverage for what a homeowner wants to do to improve their lot.

Sayer asked how sidewalks affect the setbacks in these neighborhoods. The topic was deferred to the next meeting.

The commission and staff briefly discussed the number and types of variances that would still be required with the recommended setback changes. The topic was deferred to the next meeting.

Motion to adjourn at 9:03 p.m. was made by Sayer seconded by Archer; so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Executive Assistant

NOT APPROVED

MINUTES  
SPECIAL MEETING  
TOWN OF GROTON  
ZONING COMMISSION  
MARCH 15, 2018 – 6:30 P.M.  
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 1

I. ROLL CALL

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

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

II. APPROVAL OF MINUTES

1. January 31, 2018

MOTION: To approve the minutes of January 31, 2018 as written.

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

2. February 7, 2018

MOTION: To approve the minutes of February 7, 2018 as written.

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

III. ITEMS OF BUSINESS

1. Commission Workshop – Zoning Regulations Rewrite Project

Staff said tonight's meeting will be to get direction from the commission with regard to the general areas or boundaries of the mixed use zones.

Jeff Davis, Horsley Witten, said Union Studio is working on design guidelines for the Poquonnock Bridge Village area, and he will provide the Commission with an update on the proposed village center.

RS-12 and R-12 Zoning District Analysis

Davis began with a PowerPoint presentation and discussion of building area and impervious coverage as they relate to dimensional standards.

The building and construction related definitions which have been edited by the Building/Zoning Official were distributed to the commission.

Davis read the definitions for impervious coverage and impervious surface, with specific examples provided. The definitions of building coverage and building area were reviewed. Examples of each were shown. Impervious coverage is not included in building coverage.

Staff explained how the previous 20 percent coverage for some residential districts prevented people from putting decks or sheds on their property. By increasing to 25 or even 30 percent for smaller lots, it eases the requirement for variances for simple property improvements. The commission also considered a higher percentage of lot coverage for lots below the minimum lot size within the zone.

Staff said they have been working with a consultant on the housing stock in Groton, and it has become clear that residents are not investing in property, so anything that can be done to help people reinvest in their property will ultimately increase the grand list.

The commission discussed lot coverage percentages for the R-12 and RS-12 zones, and concurred with the changes proposed by Horsley Witten for the R-12 and RS-12 zones (minimum lot size 12,000 sq. ft., 30% lot coverage, covered porches could encroach up to 10 ft. within the front setback).

### Mixed Use Design

Poquonnock Bridge Village Center Zone – Davis briefly reviewed the historic architecture, the location as the civic center of town with town hall, schools, library, and the park; the POCD considerations, floodplain impacts, greenway potential, and the potential that certain properties in the area could be part of a historic district or register. The commission would like to see a slideshow of the potential historic properties. Flood zones in this area need to be considered with the design of Route 1, access to the airport, and planning for future resiliency so that roadways are not inundated. The streetscape should be designed to slow traffic. The location has access to transit, a bikeway, existing recreational trails, and will serve as a gateway to the town from I-95. The design district and zoning district do not need to be concurrent.

The map of existing uses was reviewed by Davis. He would like the commission to consider where it is most appropriate to have the “town center mixed use zoning”, and where the boundaries should be. The boundaries should be property boundaries. The police have concerns with the large number of driveway cuts, bad site lines and the large number of accidents that have happened in this area over the last five years. They are working with CONNDOT on ways to reduce the speed. The properties that should be considered the “core” area within the zoning district were reviewed. The area along South Road, and the flood plain concerns were discussed. North Road is primarily residential and may be a good area to allow for R-7 or cottages.

Davis showed slides of Groton, Vermont as an example of what a mixed use town center looks like. He hoped to get the commission’s recommendations as far as building heights, etc., for the village center zoning district.

Sutherland would like to look at what the grand list is now, and what could it be. She would like the number of allowed uses in this area to be increased.

Redevelopment options of the farmland on Route 1, and the many opportunities with the waterfront view should be considered when reviewing the allowed uses.

Sayer would like to see some height, some increased density, pedestrian linkage between the senior center, library, town hall, new civic center. Staff also noted that when the Claude Chester School is vacated by the town, the building will be taken down and more play fields will be incorporated into Poquonnock Plains Park, with connections between the senior center, library and those fields. The school presents a sort of barrier to pedestrian traffic at this time. Traffic and speed on Route 117 may be more difficult to slow down.

Archer said that with regard to height, the Marriott, which is in a more isolated location, looks fine with six stories. But in the more dense area, five stories should be the absolute maximum, or you could end up dwarfing buildings that you don't want to dwarf. If someone wants to invest in that area, they wouldn't want someone to put a seven story condominium complex next door.

Sutherland said she would like to see the mixed use zone expanded further to include the Fort Hill Homes area. Staff suggested that redevelopment would most likely start on South Road, as there is already an existing mix of uses. If necessary, the residential neighborhood could be looked at in a few years.

Staff noted that Plan of Conservation and Development recommends expansion of the commercial or WDD zone on the Mystic side of Route 1, but it does not propose expansion of the commercial zone in the Fort Hill Homes area.

The general boundaries for the village district were discussed, and it was the consensus of the commission to keep the height at generally no more than forty feet.

The next meeting will be April 4<sup>th</sup>; some conditional uses will be on the agenda. Hudecek said he will not be at the April 4<sup>th</sup> meeting.

Davis and Kelly reviewed the commission's timeline for the zoning regulation rewrite. Some commissioners feel the regulation rewrite is becoming disjointed by meeting in two-hour segments. They don't see how the regulations are coming together and it was the consensus of the commission, staff and consultants that an all-day workshop might be helpful as they get further into the process.

#### Mobile Manufactured Homes

Davis said the topic of mobile manufactured homes was resolved at the last meeting.

Motion to adjourn at 8:20 p.m. was made by Sayer, seconded by Archer; so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Executive Assistant