

AGENDA
SPECIAL MEETING
GROTON ZONING COMMISSION
FEBRUARY 17, 2016 - 6:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

II. PUBLIC COMMUNICATIONS

III. ITEMS OF BUSINESS

1. WRPD - Discussion with Horsley Witten Group*
2. Table of Permitted Uses*
3. Draft Text Amendments (MacKenzie)*

IV. ADJOURNMENT

Next Regular Meeting: March 2, 2016

MEMORANDUM

TO: Town of Groton Zoning Commission
FROM: Diane Glemboski, Planner II
DATE: February 12, 2016
SUBJECT: WRPD Regulation Update

Attached are the following informational items for the WRPD Regulation Update:

1. Draft Regulations for Section 6.12: This is a 1st draft from the consultant, Horsley Witten Group. Staff has not reviewed this document at this point.
2. Map and List of WRPD Non-Permitted/Regulated Uses: The map and list show the current non-permitted uses in the WRPD based on the Section 6.12-3 of the regulations. The map also shows the areas where sewers are currently available. Several of the listed non-permitted uses may currently be allowed in the WRPD if they are connected to public water and sewer (e.g., dental office, beauty salons, car washes, science, research or medical laboratories).

The consultant will be attending the Special Meeting on February 17th to review the proposed changes to the WRPD regulations, discuss the non-permitted uses, and receive feedback from the Commission. We will also provide larger scale maps at the meeting for review.

WRPD

The following document provides a first draft at a revised Water Resource Protection District (WRPD) in accordance with the research and numerous discussions that have occurred between the Town of Groton (Town) and Horsley Witten Group (HW). Importantly, this work occurs in the midst of other regulatory revisions we are crafting, most notably revisions to the Use Table (Section 5.1). As work on the Use Table continues to evolve, adjustments will continue with the WRPD as necessary.

Important highlights of this draft include:

- Expanded language on how an applicant may challenge the location of the boundary of the district;
- Reference to the Use Table for all allowances. The “regulated and prohibited uses” have been removed from this section of the Regulations;
- Reorganization and, in some cases, expansion of performance standards;
- Clarification of how the provisions for stormwater management and erosion control in this section mesh with other sections of the regulations;
- Addition of a new subsection under non-conforming uses that deals with “alteration” of sites that contain non-conforming uses; and
- Draft of language that can be included in the Code of Ordinances to allow for more effective regulation of the interior of buildings and the practices associated with particular operations.

6.12 WATER RESOURCE PROTECTION DISTRICT

6.12-1 Statement of Intent

Creation of this district is deemed essential to protect water supply sources in the Town and is promulgated under Public Act 85-279. As groundwaters and surface waters have been shown to be easily, and in many cases, irrevocably contaminated by many common land uses, it is imperative that all reasonable controls over land use, waste disposal, and material storage be exercised. This district is designed to protect the following existing and future water supply resources: extensive stratified drift aquifers, surface water reservoirs, and areas in which groundwater is the sole source for water supply. These protections are used in conjunction with the Town’s Code of Ordinances, Chapter 17: Water Resource Protection District (WRPD).

Commentary: Virtually identical to the existing language.

6.12-2 Establishment of District

The Water Resource Protection District is herein established as an overlay district. The boundaries of this district are those shown on the map entitled Zoning, Town of Groton, Connecticut on file with the Town Clerk and Zoning Enforcement Officer. The district includes all land over and upgradient of the water supply resources as defined by the watershed drainage boundaries.

Commentary: Virtually identical to the existing language.

6.12-3 Divided Lots and Determination of Applicability

6.12-3.1 Applicability

Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this regulation shall apply only to the portion of the lot or parcel located within the WRPD.

6.12-3.2 Separation

Where a lot is divided, applicants shall demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary in such a way that could lead to the contamination of groundwater, wetlands, or surface waters within the WRPD.

6.12-3.3 Determination of Applicability

If an applicant questions the accuracy of the WRPD boundary as presented on the Zoning Map, the applicant may petition for a determination of applicability through Site Plan Review per Section 8.4 of the Zoning Regulations. Said petition shall only apply to that portion of the WRPD boundary that lays on his/her land. Where an applicant wishes to amend the location of the WRPD boundary beyond his/her property, this shall constitute a map change pursuant to Section 8.2-2.A of these regulations.

6.12-3.4 Application

Where an applicant files for a determination of applicability related to the WRPD boundary, the burden of proof shall be upon the applicant to determine the extent to which the property is subject to the jurisdiction of the overlay district. At the request of the applicant the Town may engage a professional engineer or State of Connecticut registered Land Surveyor to determine more accurately the boundaries of the district with respect to individual parcels of land and may charge the applicant for all or part of the cost of the investigation. Unless individually waived by the Planning Commission, Site Plans used for a determination of applicability of the WRPD shall include:

A. General Information

1. Name and address of the applicant and current owner as listed on the Town's tax rolls.
2. Date, north arrow, and numerical and graphical scale on each map.
3. A written description of the proposed use or uses and type of work proposed.
4. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area and floor area ratio, parking spaces, existing and proposed impervious cover, landscaping, and open spaces as they relate to the requirements of the Zoning Regulations.

5. The property address and/or parcel identification number.
- B. Location Map – Applications shall include an accurate scale location map as depicted on the Zoning Map and shall be submitted showing the subject property and all property and streets within 1,000 feet of any part of the subject property, and the following information:
 1. All lots and lot lines.
 2. All zoning district boundaries including the WRPD.
 3. All existing streets and roads.
- C. Proposed WRPD Boundary
 1. Plan(s) shown at the extent required to demonstrate the justification for a determination of applicability.
 2. Existing and proposed WRPD boundary lines.
 3. Topography shown with two-foot contours.
 4. Arrows indicating the direction of overland flow that demonstrate the need to adjust the applicability of the WRPD on the subject site.

6.12-3.5 Concurrent Application

The applicant may choose, at his/her risk, to submit the plans for a determination of applicability along with the application for Site Plan Review for proposed development. Denial of the application for determination of applicability will result in a denial of the Site Plan Review for the development proposal without prejudice.

6.12-3.6 Zone Map Change

Where an applicant wishes to make changes to the WRPD beyond the boundaries of his/her site, a petition for a Zoning Map change shall be submitted in accordance with Section 8.2-2.A.

6.12-4 Use Regulations

6.12-4.1 Allowable Uses

Allowable uses within the WRPD are determined in the Land Use Table per Section 5.1 of these regulations.

6.12-4.2 Exempt Uses and Activities

Notwithstanding the provisions of Section 5.1 of these regulations, the following uses and activities are specifically exempt from restrictions related to the WRPD overlay district.

- A. Non-sanitary wastewater treatment facilities exclusively designed for the treatment of contaminated ground or surface water;
- B. The replacement or repair of an existing non-sanitary wastewater treatment facility that will not result in a design capacity greater than the design capacity of the existing facility;

- C. The installation of new wells, the laying of water lines, repair and replacement of pipes and appurtenances;
- D. Drainage repair, replacement, and expansion of existing drainage structures and pipe;
- E. Minor road repair and overlay including total reconstruction or expansion;
- F. Street improvements conducted by the Town of Groton;
- G. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, treatment plants, aqueducts, and tunnels; and
- H. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices.

Commentary: The exemptions above are provided just to ensure that routine maintenance by Groton Utilities or the Town does not get unnecessarily hampered by the provisions of these regulations.

6.12-5 General Performance Standards

Unless otherwise acceptable, all treatment and protection structures, facilities, and measures shall be in compliance with Best Management Practices (BMP) and Best Available Technology (BAT) guidelines consistent with Department of Energy and Environmental Protection regulations or guidelines. If any proposed treatment, measure or practice is in question, it may be referred to the Department of Energy and Environmental Protection, Department of Health Services, or other agency for review and comment. Evidence of required permits or approvals may be required.

6.12-5.1 Erosion and Sediment Control

- A. The requirements of Section 6.11 Erosion and Sediment (E&S) Control Plan shall apply to any proposed construction activity that will disturb more than 2,000 square feet.
- B. Where an applicant proposes to disturb 2,000 square feet of land or less, the applicant shall specify the manner in which E&S controls will be used during construction through Site Plan Review. The Town will approve these measures where site plans show E&S control measures located appropriately and where the selection of best management practices is consistent with the selection guidelines provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (as amended).

6.12-5.2 Stormwater Management

Stormwater management facilities shall be designed to manage site runoff to eliminate surface and groundwater pollution and, where required, control peak discharges and provide pollution treatment. The selection and design of stormwater management practices shall be consistent with the guidance provided in the 2004 Connecticut

Stormwater Quality Manual, as amended. Specifically, the selection and special design considerations for surface water drinking supplies shall apply. The following measures and restrictions apply:

A. Runoff Discharge

1. Detention ponds, basins, swales or other measures designed to treat runoff, contain pollution and/or control peak flows, and infiltrate clean water, may be required. Detention structures, when required, shall be designed such that there is no net increase in the peak rate of runoff over pre-developed conditions for the 1, 2, 5, 10, and 25-year storms.
2. The use of underground drywells or leaching trenches is not allowed for any stormwater from developed parking areas.
3. Stormwater discharges from rooftops shall not be directed to impervious surfaces. The stormwater shall discharge to the ground or to other stormwater infiltration structure(s), utilizing best management practices.
4. Following development, all stormwater should be directed to the same wetland or watercourse that received the stormwater prior to development.
5. Stormwater discharges shall terminate at least 100' from a class AA watercourse unless such termination is impractical or advantageous to water quality.

B. Water Quality Treatment

1. Stormwater discharges to wetlands or watercourses shall be treated first by a sequence of best management practices designed to remove 80% of total suspended solids from runoff generated from the first inch of rainfall.
2. Vegetated stormwater best management practices shall be integrated into the treatment sequence to the greatest extent practicable.
3. Grease, oil, and other floating liquid/solid separators shall be used where the potential of such pollution exists due to the nature of the existing or proposed use.
4. Pervious pavement, porous asphalt or other similar practices shall not be used.
5. Structures or treatment measures to settle suspended materials and evaporate volatile materials including swales, basins, and structures designed to trap oil and sediments shall be used.
6. The drainage design shall maximize overland flow of stormwater prior to discharge to stormwater basins, wetlands or watercourses. This may be accomplished by the elimination of curbing, provision of leak-offs, the use of grassed swales and/or use of other best management practices to promote stormwater renovation, reduce point discharges, and reduce the discharge of heavy metals and nutrients.
7. Where it is determined that development may result in significant water quality effects from development runoff, it shall be referred to the Department of Energy and Environmental Protection for a determination if a discharge permit is required. The Planning Commission may request the Department of Energy and

Environmental Protection to consider a discharge permit based on the nature and/or scale of a particular use.

Commentary: The stormwater standards for discharge and water quality are considerably easier to meet for new development when compared with redevelopment situations. Several jurisdictions have created different standards for redevelopment and we should discuss the desirability of that approach with the Town.

6.12-5.3 Site Design

Within the district, the following additional lot requirements shall apply except for 1 and 2 family residential lots which are excluded. Specifically for this subsection, in the instances where the underlying zone requirements are different, the more stringent shall apply.

- A. Total lot coverage, which shall include all impervious surfaces, shall not exceed 70% of total lot area.
- B. Vegetated Areas - A minimum of 20% of total lot area shall be retained in its natural state with no more than minor removal of existing trees and vegetation.
 - 1. Areas within this 20% minimum that should not be disturbed include 100-year flood plains, slopes in excess of 25 percent, valuable wildlife habitat, and buffers to wetlands and surface water bodies. An applicant may propose to disturb or remove existing vegetation where damaged or dead vegetation is present in significant quantity, or where the removal/management of invasive or otherwise harmful plant species is proposed.
 - 2. Existing natural vegetation may be retained to satisfy the landscaping and lot buffer requirements of Section 7.4 and meet the intent of the WRPD.
 - 3. On those sites where previous land disturbance has occurred, this 20% minimum may include restored land and shall be re-vegetated in keeping with the intent of this regulation.
 - 4. This 20% minimum lot area requirement may be excluded if, in the subdivision approval process, the 20% was included in addition to the 10% reserved open space or conservation area.
- C. A minimum 50-foot buffer shall be maintained between watercourses and directly adjacent stream belt wetlands and the developed land area.
 - 1. In those areas where extreme topographic or landscape irregularity exists along water resource boundaries, the buffer may be varied. In these instances, the applicant must identify specific site design measures that will mitigate impacts of a reduced buffer. Directing site drainage away from these areas through the use of grading or other structural measures is required.
 - 2. All components of on-site septic systems shall be located 50 feet from the edge of the protective buffer.

3. The required buffer may be encroached upon where pre-existing access ways or structures will remain in use.

Commentary: HW removed the language that allowed the Town to increase the buffer size at its discretion. That type of zoning language is at risk for being challenged as arbitrary.

6.12-5.4 Bulk Storage of Hazardous Materials

Bulk storage includes outdoor storage of hazardous materials in stacks, piles, containers or similar bulk packaging outside of the primary structure(s) on a property or in partially enclosed areas attached directly to a primary structure. This shall include storage in sheds, garages or other similar structures not designed for extended periods of use. For the purposes of these regulations, bulk storage includes the use of underground storage tanks. Bulk storage of any hazardous materials shall occur in accordance with the following standards:

- A. Storage of liquid materials shall be in covered and secure container(s) in an area that has a containment system. Said containment system shall be designed and operated to hold the larger of the following two volumes:
 1. 10% of the cumulative storage capacity of all containers; or
 2. 110% of the single largest container's storage capacity.
- B. Outdoor and accessory storage of solid waste, including but not limited to dumpsters or other hazardous materials, shall be performed within a structure with an impermeable cover and liner designed to prevent the generation of contaminated runoff or leachate.
- C. Underground storage of hazardous materials is not allowed. Replacement of existing underground storage tanks (USTs) with the same capacity tank will be allowed when:
 1. The tank and piping are constructed of fiberglass-reinforced plastic or steel with manufacturer applied anti-corrosive coating and cathodic protection. Both types of UST systems are installed according to manufacturer's specifications;
 2. The facility has an approved method of leak detection which includes the maintenance of all activity records for five years;
 3. All UST systems equipped with cathodic protection shall be tested within six months of installation and at least annually thereafter;
 4. Fill-pipes on tanks have means to collect spills from delivery hoses;
 5. The tanks have overfill protection, such as automatic shutoff devices which activate at 90% UST capacity and restrict flow during deliveries;
 6. Tanks and/or piping installed must be double-walled with continuous interstitial monitoring.

Commentary: HW and the Town should discuss whether this provision for underground storage tanks is better placed in the Code of Ordinances. That would allow the Town to impose its own schedule for upgrades. This is something that should be discussed with the Town's legal counsel.

6.12-5.5 Sewer Lines

Where potential exists for sewers to be used for wastes other than domestic sewerage, or where the sewer line passes through or adjacent to a sensitive resource area including a watercourse, wetland or stratified drift aquifer, the sewer line shall be constructed to a higher class standard to prevent pollution from sewer line failure. Standards shall be determined by the Public Works Department.

Commentary: HW and staff will discuss this with Public Works and see if there is a more specific standard we can provide above.

6.12-6 Nonconforming Uses

6.12-6.1 Expansion of Prohibited Uses

Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to expand subject to approval of a special permit, site plan approval of the Planning Commission or administrative site plan approval, whichever is appropriate, and the following conditions:

- A. The proposed expansion shall not exceed an increase of more than 50% of the gross floor area previously dedicated to the prohibited use.
- B. The proposed expansion shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.
- C. The applicant shall demonstrate to the Commission's satisfaction that the proposed expansion shall not in any way pose more of a threat to the existing or future water supply source than does the existing prohibited use.
- D. All other requirements contained in the general and/or specific performance standards of these regulations must be met by the proposed expansion applied for under this provision.

6.12-6.2 Relocation of Non-Permitted Uses

Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to relocate to other sites in the WRPD which have access to municipal sewer subject to approval of a special permit, site plan approval of

the Planning Commission or administrative site plan approval, whichever is appropriate, and the following conditions:

- A. The proposed relocation shall not result in an increase of more than 50% of the area previously dedicated to the prohibited use.
- B. The applicant shall demonstrate to the Commission's satisfaction that the proposed relocation shall pose less of a threat to the existing or future water supply source than does the existing prohibited use due to the new site's physical characteristics, location, and employment of best management practices.
- C. All other general and specific performance standards of these regulations must be met by the proposed relocation applied for under this provision. Once the non-permitted use is relocated, prior to the issuance of a Certificate of Occupancy at the new site, the non-permitted use at the old site shall cease. In no way shall this regulation result in the establishment of or the continued maintenance of a prohibited use at the old site.
- D. After grant of special permit and prior to approval of the site plan by the Planning Commission or staff, soils at the old site shall be tested by a state certified laboratory and test results reported to the Town and Department of Energy and Environmental Protection.

Commentary: HW would like to discuss the above language and better understand why this particular sequence of events was chosen.

- E. The old site shall be cleaned of any soil contamination found, and debris and other old underground tanks shall be removed, prior to the issuance of a Certificate of Occupancy at the new site. If the removal operation is under way but not completed at the time the use is ready to open for business at the new site, a bond may be posted for the remaining cleanup effort prior to issuance of a Certificate of Occupancy subject to Planning Commission approval.
- F. Upon recording of the special permit in Land Records, a statement shall be recorded in Land Records, indexed by the address of the old site, stating that during the time the WRPD overlays the site, the old site cannot be converted back to a prohibited use.
- G. The application shall include a statement from the owner of the property where the old use is located noting his understanding that once the use is relocated to the new site, the old site cannot be converted back to a prohibited use while overlain by the WRPD.

6.12-6.3 Alteration of Prohibited Uses

Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to alter specific site elements subject to approval of

a special permit, site plan approval of the Planning Commission or administrative site plan approval, whichever is appropriate, and the following conditions:

- A. The alteration will be performed in a manner that brings that part of the site into greater conformity with the applicable general and/or specific performance standards.
- B. The proposed alteration shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.

CODE OF ORDINANCES

Chapter 17 – WATER RESOURCE PROTECTION DISTRICT (WRPD)

Sec. 17-1. Purpose

Creation of this district is deemed essential to protect water supply sources in the Town and is promulgated under Public Act 85-279. As groundwaters and surface waters have been shown to be easily, and in many cases, irrevocably contaminated by many common land uses, it is imperative that all reasonable controls over land use, waste disposal, and material storage be exercised. This district is designed to protect the following existing and future water supply resources: extensive stratified drift aquifers, surface water reservoirs, and areas in which groundwater is the sole source for water supply. These protections are used in conjunction with the WRPD overlay district in the Zoning Regulations.

Sec. 17-2. Definitions

Commentary: The full list of definitions will be provided as this work continues. For the purposes of our first discussion with the Town, a definition of Potential Pollution Source is the only one that is necessary.

Potential Pollution Source – Any of the following land uses that may be operating in the Water Resource Protection District:

- (1) Funeral and Crematory Services with onsite embalming
- (2) Kennel or Stable, Commercial
- (3) Laundering, Dry Cleaning, and Dyeing
- (4) Motor Vehicle Repair and Service
- (5) Photo Processors and Photo Labs
- (6) Medical Clinics
- (7) Veterinary or Animal Hospital
- (8) Auto and Truck Dealers (New or Used)
- (9) Machine Service or Washing
- (10) Screen Printing/Embroidery of Clothing
- (11) Junk, Salvage, or Scrap Yard

Commentary: The list above is not exhaustive but illustrates that the definition of PPS will include every use (allowable or prohibited) that poses a risk to the water supply and will draw directly from the Use Table in the Zoning Regulations.

Sec. 17-3. Establishment

The WRPD is established in Section 6.12-2 of the Zoning Regulations and is hereby incorporated by reference.

Sec. 17-4. Authority

The building official shall administer the enforcement of the WRPD as written in this Chapter 17 of the Code of Ordinances

Sec. 17-5. Inspections

The building official or his/her designee shall from time to time, but not less than twice a year, make an inspection of each establishment in the Water Resource Protection District that fits the definition of a Potential Pollution Source (PPS) as defined in this Chapter. Such inspections shall be at a reasonable time, in a reasonable manner. It shall be unlawful for any person to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Sec. 17-6. General Standards

Standards that apply to all PPS uses.

- (1) Bulk storage of hazardous materials shall occur in areas designed to be protected from any objects that might burn, puncture, melt or otherwise damage storage containers and cause an inadvertent release of hazardous materials. Unless other acceptable methods are used, a containment area for liquid hazardous materials shall be constructed to contain the larger of: 110% of maximum storage volume of the largest container; or 10% of the total volume of all containers.
- (2) Floor surfaces shall be impermeable to stored material and have containment dikes, sumps or berms surrounding them.
- (3) Floor drains, excluding those only accepting animal waste, which discharge to the ground, septic systems, storm sewers or to any surface water body are prohibited. Floor drains may discharge to a holding tank which is periodically pumped out. Floor drains only accepting animal waste shall first discharge into a settling tank prior to release into a septic system.
- (4) Where a use poses a significant threat to water quality due to total structure loss because of fire, fire protection measures shall be required including: public water, sprinklers, chemical extinguishers, and similar measures.
- (5) Septic tank installations shall be designed with provisions for sampling at the outlet baffle.
- (6) Where rags, towels, uniforms or other linens are used on-site, collection baskets shall be provided and documentation of how these items are cleaned shall be provided.
- (7) All facilities shall maintain a Waste Disposal and Recycling Plan that clearly describes the method in which all different wastes, both hazardous and non-hazardous, are either disposed of or recycled. Where any waste is hauled off-site by a contractor, the facility shall maintain the name and contact information for that contractor.

- (8) All facilities shall maintain a Spill Prevention and Response Plan detailing the measures taken to avoid the unintentional spilling of any hazardous materials and, in the event a spill does occur, the measures that will be taken to adequately respond.

Sec. 17-7. Standards for Specific Uses

- (1) Screen printing/embroidery of clothing
 - (a) A zero discharge/closed loop system shall be employed.
 - (b) There shall be no production discharge to sanitary sewer, an on-site septic system or to groundwater/surface water.
- (2) Kennel or Stable facilities
 - (a) Dipping is prohibited.
 - (b) Outside runs shall be roofed and not allowed in flood zones.
 - (c) Swales or drains shall be required to direct stormwater away from runs.
 - (d) A list of chemicals and cleaning agents to be used shall be provided and approved.
 - (e) Pesticides, pesticide-laden disinfectants, and products containing aromatic hydrocarbons, coal tar, and organic phosphates shall not be used or stored on the site.
- (3) Car wash facilities
 - (a) Wash water shall be collected and recycled on-site.

Section 17-8. Penalties for Violation

- (1) Violation of any provision of this article shall be punishable in accordance with Section 1-7.
- (2) In addition to the provisions of Section 1-7, the Building Official may impose quarterly monitoring requirements of an on-site septic system, where applicable. Said program will continue for a full year after the first acceptable round of results and shall then terminate provided all four rounds of sampling are acceptable.
- (3) Where the malfunction of an underground storage tank is suspected, the Building Official may require the installation of groundwater monitoring wells to detect potential subsurface contamination. At least one upgradient well and two downgradient wells will be installed at depths and locations specified by the Building Official. The Building Official may impose quarterly monitoring requirements of these wells. Said program will continue for a full year after the first acceptable round of results and shall then terminate provided all four rounds of sampling are acceptable.

2/12/16

Water Resource Protection District (WRPD)

Existing Non-Permitted/Regulated Uses

Hazardous Materials

973 North Rd LBI

Wastewater Treatment

1268 Poquonnock Rd City of Groton Filtration Plant

Machine Shop / Engine Repair

471 Gold Star Highway L&L Machine
61 Welles Rd Welles Garage
135 Welles Rd Whitford Marine Services

Screen Printers

1360 Gold Star Highway Emulsion Printhouse
1425 Gold Star Highway Tees Plus (Closed)

Photo lab

150 Gold Star Highway Walmart

Fuel Station

639 Route 12 Henney Penny
551 Route 12 Mobil
338 Route 12 Hess
294 Route 12 Shell
208 Route 12 Corey's
528 Gold Star Highway Veterans Convenience Store
1270 Gold Star Highway Shell - Henny Penny
2414 Gold Star Highway Haley Brook Market

Car Wash

591 Route 12 Submarine Car Wash
2414 Gold Star Highway Haley Brook Market

LIST
NON-PERMIT.
USES

2/12/16

925 Buddington Rd Childrens Dental Associates of NLC, PC

Doctors Office

491 Gold Star Highway Gold Star Office Park / Community Health Center
220 Route 12 Physicians one (x-ray)
85 Poheganut Drive Women's Medical Care
52 Hazelnut Hill Rd Pequot Health Center

Laboratory

85 Poheganut Drive Quest Diagnostic
52 Hazelnut Hill Rd Pequot Health Center
1204 North Rd Mystic Air Quality Consultants, Inc.

Kennel

704 Gungywamp Rd Tippin Rock Pet Lodge
270 Rogers Rd Maple Ridge / Fridays Rescue Foundation

Additional Potential Prohibited Uses

Fleet/Municipal Garage

150 Welles Rd ConnDOT Highway Garage (w/ fuel station)

Tractor and lawn Mower Repair

661 Gold Star Highway New England Cycle Works

Composting Facility

130 Welles Rd Town of Groton Composting Facility

LIST
NON-PERMIT
USES

Horsley Witten Group

Sustainable Environmental Solutions

55 Dorrance Street • Suite 403 • Providence, RI 02903
401-272-1717 • horsleywitten.com



MEMORANDUM

TO: Jonathan Reiner, AICP
FROM: Nathan Kelly, AICP
DATE: February 11, 2016
RE: Progress Report for Zoning District and Use Table Amendments

The Horsley Witten Group (HW) is providing this memorandum as a summary of progress to date and a description of where important deliverables stand in terms of our thought process. Progress on updates to the Water Resources Protection District was submitted in a separate memo on February 3, 2016. The sections of this memorandum present our progress to date on consolidating zoning districts and the Use Table per the direction in the VHB Zoning and Subdivision Regulatory Audit. Once the Town is largely comfortable with the categories in the Use Table, HW will work to add new use definitions and update any existing definitions as necessary. We look forward to discussing the contents of this document and other issues at our next meetings with municipal officials.

I. CONSOLIDATING ZONING DISTRICTS

One of the issues identified in the VHB Audit and by several local officials as a high priority is looking to reduce the number of zoning districts in the community. The tables and narrative below describe ways in which this could occur and are divided into three sections: Residential; Commercial/Mixed-Use; and Industrial.

Residential

HW proposes a consolidation from 11 to seven Residential Districts (Table 1). The VHB report suggested an even greater consolidation down to six districts: three for multi-family and three for other residential. Based on an analysis of all the existing residentially zoned parcels in the Town, and a tour of the Town to see how these zoning districts actually exist on the ground, HW believes that there is a valid reason to have at least four if not five residential districts for single-family and two-family homes based on the level of density in each. Given that most of the Multifamily districts in the Town are already built out, and the potential for future demand for multifamily housing to be met in mixed-use development districts, HW believes that two districts (and possibly just one) strictly for multifamily use will be more than sufficient. The "District Descriptions" below describe the intent of each new district, and how the existing districts might fit within them.

Table 1. Proposed Consolidation of Residential Districts

Proposed Districts	Current Districts
R-8	RS-8
R-12	RS-12
	R-12
R-20	RS-20
	RU-20
RU-40	RU-40
RU-80	RU-80
RMF-1	RMF-8
RMF-2	RMF-12
	RMF-16

District Descriptions

R Districts: These are meant to accommodate one- and two-family dwellings at a scale of densities. This approach would combine the Use Table restrictions for the former R and RS Districts.

R-8: All land formerly designated RS-8 would be included. Dimensions should encourage one- and two-family dwellings that support the denser, historic residential patterns of Mystic Village. While the RS-8 district has a relatively high percentage of non-conforming lots (nearly 35%), those lots are, on average, just under 6,900 square feet (only marginally under the minimum of 8,000 square feet). Further, its conforming lots are the closest in size to the minimum lot requirement of any district. This means the RS-8 district has the tightest range of lot sizes, and what's on the ground most closely resembles what's on paper.

An alternative to this approach could be a merger of the RS-8 and WDD districts into a single, mixed-use village district, so that the Town could better manage the uses and character of the core village as a whole.

R-12: All land formerly designated R-12 and RS-12 would be included. Dimensions should encourage one- and two-family dwellings in walkable, sewered, residential neighborhoods near or adjacent to village centers, other retail and services, and major roads and transit.

R-20: All land formerly RS-20 and RU-20. Dimensions should encourage one-family dwellings in more traditional suburban settings. Open Space Subdivisions are particularly encouraged in this district. There will be a need to update the Open Space Subdivision section if this is approved.

One consequence of this merger is that former RU-20 land would fall under the “R” Districts in the Use Table, so that certain “rural” activities such as campgrounds would be restricted. If the Town desires to maintain the “rural” character of undeveloped land in the current RU-20 district, such parcels can be rezoned to RU-40 or RU-80.

Alternatively, any or all of these “rural” uses could be allowed in the R-20 districts on lots of a certain size or greater (e.g. 10 acres or more).

Also, as the average non-conforming lot in the RS-20 and RU-20 zones is approximately 14,000-15,000 sq ft, it is possible that some of the denser neighborhoods in these districts could be re-zoned to R-12. The one major consequence would be that two-family dwellings would then be allowed in parts of the former RS-20.

If the Town decides to pursue incorporating some current RS-20 and RU-20 lots in the new R-12 district, there are two most likely options: 1) Go through a formal map amendment/rezoning. This would be useful if entire neighborhoods or large contiguous chunks of neighborhoods, are found to consist of lots under 12,000 square feet. 2) Allow lots under 12,000 square feet in the new R-20 district to abide by the dimensional standards of the R-12 district, without rezoning the lots. This would be useful if lots under 12,000 square feet are scattered among conforming lots.

Finally, consider creating an open space zone for Bluff Point Coastal Reserve State Park (now zoned RS-20), the land south of the railroad tracks along Mumford Cove (now zoned FP or “Flood Plain”), and any other current or future permanently protected open space. The FP is currently only used in this one spot, and is not described anywhere in the current Zoning Regulations. The Town may also consider having two Open Space districts – one for active recreation and one for conservation/passive recreation.

RU Districts: These are meant to accommodate one-family dwellings, agriculture and related activities, and other lower-density uses. The Use Table restrictions for the RU District would apply.

RU-40 and RU-80: These two districts have a large percentage of non-conforming lots. There are two proposed ways to handle this. First, maintain these districts as-is and keep non-conforming lots non-conforming, in order to discourage further such density of development in these districts. Second, “up-zone” non-conforming lots into districts in which they will be conforming. The average non-conforming lot in the RU-40 is just over 23,000 sq ft, and some non-conforming lots could be a better fit for the R-20 District. Likewise, the average non-conforming lot in the RU-80 is just over 34,000 sq ft, and could well fit into the R-40 District instead.

Finally, the average conforming lots for the current RU-20 and RU-40 are all well over 80,000 sq ft (RU-40 is nearly 300,000 sq ft). The Town may consider “down-zoning” large, contiguous parcels in these districts to RU-80.

RMF Districts: These districts are meant to accommodate dwellings of three or more units.

RMF-1: This district will accommodate townhouses in rows of three or more, three-family houses, and other attached single-family dwellings. Such homes are generally for sale. This district would apply to areas of any current RMF district with such dwellings.

RMF-2: This district is meant to accommodate stacked apartments and condominiums, generally for rent. This district would apply to areas of any current RMF district with such dwellings, and would absorb the RMF-16 district.

For Zoning Commission to consider: Alternatively, the Town may consider having just one multifamily zoning district that would allow any type of multifamily development currently allowed in the three RMF districts. As lots currently zoned RMF are largely built out, new multifamily development is more likely to occur in mixed-use zones. A single RMF zone would allow existing multifamily properties the flexibility to redevelop over time with the types of multifamily housing most in demand.

Commercial

HW proposes a consolidation from nine Commercial Districts to five Commercial/Mixed-Use Districts (Table 2). The new districts are simpler, while still allowing for the changes in commercial district character desired in the Town’s POCD. The “District Descriptions” below describe the intent of each new district, and how the existing districts might fit within them.

Table 2. Proposed Consolidation of Commercial Districts

Proposed Districts	Current Districts
NC	OMF
	CA-12
HC	CB-15
	CB-40
MC-1/MC-2	DDD
	NMDD
WF-20	WF-20
WDD	WDD

Note: It appears that no parcels are currently zoned CA-40, so this district could be eliminated.

District Descriptions

Neighborhood Commercial (NC): This district is meant to accommodate lighter, neighborhood-serving retail in nodes/gateways that can serve as a smooth transition between commercial and residential uses. It may also include one-family dwellings, primarily to keep existing homes in conformity. Two-family and multi-family dwellings may be built to support commercial uses and serve as a buffer to neighboring residential uses. Incorporates former CA-12, and can absorb most of the current OMF. High-quality, human scale design, with an emphasis on pedestrian connections and green space will be a critical component of any development in this district, as it is meant to fill the transitional role currently played by the OMF.

Heavy Commercial (HC): This district is meant to accommodate heavier commercial uses such as auto-oriented operations, and is aligned along corridors. Residential uses should be restricted to multi-family, which may serve as a buffer/transition to neighboring residential uses. The district would incorporate former CB-15 and CB-40.

Mixed-use Center (MC): This district is meant to accommodate a mix of uses as a destination for residents across and outside the Town. The district should be pedestrian friendly, but still able to accommodate significant vehicular traffic. Residential uses should be restricted to mixed-use with ground floor retail or services. The Town can consider using this in place of the Downtown Design District, and perhaps extend the designation to the Poquonnock Bridge area or other areas currently marked as “nodes” for mixed-use development in the POCD. The Town can also consider two levels for the MC. MC-1 for denser, more flexible uses in the DDD and possibly the NMDD, and MC-2 for more prescribed, village-style density at the Poquonnock Bridge area or other mixed-use “nodes.”

WF-20: This district will be kept, but likely restricted to marine-dependent uses.

WDD: This district will likely remain much the same, but with a clearer definition/vision for the future, and specific allowances in the Use Table.

As mentioned in the earlier discussion regarding residential districts, the Town could consider merging with R-8 to develop a “Mystic Village” district.

Industrial

HW proposes a consolidation from four Industrial Districts to two Industrial Districts, plus a mixed-use overlay (Table 3). It is only through inference that anyone reading the Zoning Regulations can guess at the intended purposes of the Town’s four current industrial districts. It seems to HW that the Town’s current and future industrial needs can be met in two districts, along with a mechanism for allowing for a mix of industrial and commercial uses. The Town may also consider converting some of the existing industrially zoned land to one of the proposed Open Space districts, particularly those undeveloped parcels within the WRPD or other parcels

that have significant environmental constraints. The “District Descriptions” below describe the intent of each new district, and how the existing districts might fit within them.

Table 3. Proposed Consolidation of Industrial Districts

Proposed Districts	Current Districts
I	IA-40
LI	IP-80A
	IP-80B
	IP-80C
I-SP	

District Descriptions

Industrial/Manufacturing (I): Meant to accommodate intensive, large footprint uses that are generally incompatible with residential neighborhoods and typically benefit from more remote locations accessible to highway, rail and water access points. This district would largely consist of the former IA districts.

Analysis should be done to confirm the nature of existing uses to ensure compatibility. For example, some parcels currently zoned IA may not have good highway, rail or water access, and may be uncomfortably close to residential uses. In such cases, a designation as Light Industrial may be more appropriate.

Light Industrial (LI): Meant to accommodate the airport, and low to moderate impact uses which may benefit from proximity to mixed use residential neighborhoods and which are located adjacent to highway access points. This district would largely consist of the former IP district.

Analysis should be done to confirm the nature of existing uses to ensure compatibility. For example, some parcels currently zoned IP may have good highway, rail or water access, and may be remote from residential uses. In such cases, a designation as Industrial/Manufacturing would be more appropriate. As another example, some parcels zoned IP that fall in the WRPD or have other significant environmental constraints may be better classified as Open Space.

Industrial Mixed-Use Special Permit (I-SP): This overlay could be proposed by a developer in any industrial district. The overlay would allow not only customary research and development/light manufacturing/office/corporate and related uses but complimentary ones such as hotels, restaurants, limited retail, recreation businesses and more. Under the Special Permit, density bonuses can be offered as an incentive and more design flexibility is afforded by providing dimensional ranges. Although the current zoning regulation does allow some mixing of uses, such an approach as outlined here could serve as an incentive zoning tool to attract mixed-use industrial developments attractive to modern manufacturers and their employees.

Commentary: There are two alternative approaches to meeting the same objective that would not require the use of an overlay district.

- 1. The Town could create a third Industrial district that explicitly allows the types of mixed-use described above. One drawback to this is that it would have to be specifically demarcated on the Zoning Map.*
- 2. The Town could choose to create a new Mixed-Use Industrial use category to include in the Use Table. Such a use could be allowed in any Industrial district, and would need to be defined specifically enough to avoid any impression of being arbitrarily flexible.*

Direction and Next Steps for Consolidating Districts

HW asks that staff and commission members take time to absorb this material and consider the benefits or challenges associated with each proposal. Once the Town is largely comfortable with a set of consolidated districts, HW will write descriptions for all the new and existing districts, and definitions (or updated definitions) for any new or altered terms.

II. CONSOLIDATING USES IN THE LAND USE TABLE

HW reviewed the audit of the Town's Zoning Regulations prepared by VHB and used this as a baseline for consolidating use types in this table of permitted uses (Use Table). Attachment A shows how the uses have been consolidated or changed. Note, the full table that shows whether the use is allowed is not provided. This was done in an effort to focus only on the consolidation effort, without being distracted by the more detailed use allowances. Those provisions will be developed once the Town is reasonably comfortable with the use consolidation.

Use Consolidations

Per the suggestions of the VHB audit, many of the uses in the existing Use Table have been consolidated. The existing Use Table had approximately 220 uses, while the most recent consolidation has approximately 130, and may be reduced even further. This represents over 40% fewer listed uses. The method used to consolidate these uses included:

1. Within each use "sheet," uses were consolidated if they had identical use restrictions and could logically fall under a single heading, such as "General Services."
2. Additional uses were consolidated if they had marginal differences in use restrictions that do not provide an appreciable benefit to the Town. As an example, Charitable and Philanthropic Institutions had been allowed in all of the Districts where Professional Offices were allowed, except for the IA District. HW could see no reason why other Professional Offices would be allowed in this District, but not Charitable and Philanthropic Institutions. Consequently, these two categories were consolidated.

Once the Town is largely comfortable with a new list of consolidated uses, HW will write definitions for all of the new consolidated uses, and updated definitions as necessary for existing uses. These definitions will specifically reference any uses that were absorbed by the consolidation.

Use Deletions, Replacements and Additions

The VHB audit also recommended deleting some out-of-date uses and adding some new modern uses. HW has incorporated many, but not all, of these recommendations. There were not many changes made, as most of VHB's recommendations ended up being addressed with the consolidation described above. Some additions were made to ensure that the uses described in the WRPD were also described in the Use Table. Most changes were made to make sure use names are clear and contemporary – for example, changing “Nightclub, Disco, Cabaret” to “Nightclub or Lounge.”

Major additions include:

- Restaurant, Fast Food and Take Out
- Bar or Tavern
- Bed & Breakfast
- Animal feedlot
- Animals as accessory uses
- Artisan and Craft Workshop
- Multifamily Dwelling, Adaptive Re-Use

Question for the Zoning Commission: Would the Commission be comfortable adding a use category for Artisan and Craft Workshops, to be allowed in any industrial or commercial district so long as the use was considered by the State to be a Conditionally Exempt Small Quantity Generator of hazardous waste or less, and met all performance standards if located in the WRPD? A definition could be something to the effect of: An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted (hand tools only) artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

Question for the Zoning Commission: Allowing animals as an accessory use can be complicated and contentious, but is something the Town should consider specifying in its Zoning Regulations to avoid future confusion. This includes the keeping of horses, sheep, goats, etc. for non-farm purposes, and generally involves a limit on the number of animals, a minimum lot size requirement, and additional performance standards related to noise, waste, fencing, etc. This is something HW can look into further if the Commission desires.

Question for the Zoning Commission: According to staff, when multifamily development proposals are brought before the Town, particularly those that are proposing apartments or

condominiums in the conversion of an existing building, some are unable to meet the multifamily performance standards for density, open space, and other resident amenities, but are otherwise valuable proposals filling a local housing need and revitalizing older buildings. The Town may consider creating a new use category called "Multifamily Dwelling, Adaptive Re-Use" for such development in the Use Table that would be allowed in any Multifamily district and most commercial districts. It would allow for greater densities than the Multifamily Dwelling use, and would relax many of the residential amenity standards that are more appropriate for suburban-style apartment complexes.

The only major deletions (as opposed to consolidation) were "Executive Hotel/Motel Suite," and "Cleaning and Maintenance Services." Executive Hotel/Motel Suite is not appreciably different in use and impact from other Hotels. Cleaning and Maintenance Services is not defined in the regulations, and can likely be covered by other uses such as Repair of Machinery.

Medical Uses

The existing Use Table has two primary health care related categories: 1) Hospital or Clinic; and 2) Medical-Dental Labs and Outpatient Clinics. There are different health care related categories in the WRPD, including: 1) Dental offices and 2) Medical offices which do not perform laboratory, x-ray, or other services which result in the production of chemical wastes. For the sake of clarity, HW proposes using the terms "Health Care Facilities" and "Medical Clinic" in both the Use Table and the WRPD. The WRPD will continue to have additional performance standards for such uses.

The standard zoning definition for "Health Care Facilities" generally includes hospitals among other long-term care facilities. HW will include a new, more inclusive definition of "Health Care Facilities." The current definition of "Medical clinic" in the Definitions section will be expanded to explicitly include dental offices, and continue to emphasize the short-term (not overnight) nature of such uses.

Question for the Zoning Commission: Most uses related to medical marijuana will not fall into these two medical use categories. The cultivation of medical marijuana will fall under the use category of Commercial Farm or Nursery, while the dispensing of medical marijuana will fall under Drug Store. Some communities have been approached by people interested in establishing cannabis clinics or clubs, where medical marijuana users and prescribers can gather for treatments, informational sessions, and socializing. The Town may choose to regulate this as a "Medical clinic," or create a new use category specific to such clinics/clubs. If the Town is interested in pursuing special regulations related to medical marijuana, HW can perform further research.

Question for the Zoning Commission: How would the Commission like to handle the issue of renewable energy? Through conversation with staff, HW knows the CT State Siting Council generally oversees the placement of major alternative energy facilities. The Town manages the

placement of individual solar panels and other smaller projects. There are currently no Town restrictions on solar panels and ground mounts on private residences, and several are approved each month. The Historic Commission has even been welcoming solar on historic residences. In short, the process is currently working well, but does the Commission desire to formally set these practices down in the Zoning Regulations by establishing in which districts small-scale renewable energy (solar, wind, etc.) can be allowed as an accessory use? For example, should renewable energy generation be an allowable use in any future Open Space district(s)?

Direction and Next Steps for Consolidating Land Uses

Similar to consolidating districts, HW asks that staff and commission members take time to absorb this material and consider the benefits or challenges associated with each change.

**ATTACHMENT A – CONSOLIDATION OF USE TABLE
Groton, CT – Table of Permitted Uses – Draft Update – February 2016**

Definitions (for internal use)

After each use, there is a symbol designating the status of its definition in the document:

- D = Currently defined in the Zoning Regulations
- C = Currently defined under Conditional Uses (or definition can be derived) from performance standards
- SE = Self-explanatory (definition optional)
- ND = Not currently defined, and needs a definition

Note: The full Use Table will continue to note not only whether uses are allowed, conditionally allowed, or prohibited, but also whether they are allowed as an accessory use.

PERMITTED USES	Notes
RESIDENTIAL	
One Family Dwelling (D)	
Two Family Dwelling (D)	
Multi-Family Dwelling (D)	
Multi-Family Dwelling, Adaptive Re-Use (ND)	New use
Rooming and Boarding House (D)	
Bed and Breakfast (ND)	New use
Hotel or Motel (D)	Merged with Executive Hotel/Motel Suites. Kept all use restrictions for Hotel or Motel. Need to delete Section 7.1-28.
Mobile Home Parks (existing) (D)	
Residential Life Care Communities (D)	
Caretaker/Security Service Dwelling (C)	
Accessory Apartments (C)	
Community Residential Counseling Facility (D)	
Active Senior Housing (D)	
SIGNS	
Accessory (D)	
Non-Accessory (D)	
Non-Accessory, Temporary Event (D)	
AGRICULTURAL & RESOURCE ACTIVITIES	
Commercial Farm or Nursery (C)	
Filling and Removing Earth Products (C)	Changed from Filling or Extraction of Earth Products to be consistent with Definitions in Sec 2.
Keeping of Hens (C)	
Animal feedlots exceeding ten animals per acre (ND)	Added for consistency with addition to the WRPD prohibitions.

PERMITTED USES	Notes
CULTURAL, ENTERTAINMENT, AND RECREATION	
Art Gallery or Museum (SE)	Combined
Bar or Tavern (ND)	Inserted per suggestion of VHB audit
Campgrounds (C)	
Carnival or Fair (C)	
Club, Lodge, or Association (C)	
Commercial Recreation, Health and Fitness, Indoor (ND)	Renaming of Bowling Alley and Other Indoor Recreation to make simpler. Requires updated information on uses such as yoga and pilates studios, personal training, massage therapy, gyms, skating rinks, etc., etc. Town may consider three levels based on size: Small scale for 1,500 sq ft or less, Medium scale for 20,000 sq ft or less, Large scale for over 20,000 sq ft.
Commercial Recreation, Outdoor (ND)	Includes former Golf Course, Miniature Golf and Golf Driving Range, and Other Outdoor Commercial Recreation
Exhibition Hall (ND)	
Large-Scale Conference/Entertainment	
Library (SE)	
Movie Theater (SE)	A more common term than Motion Picture Theater
Nightclub or Lounge (ND)	Changed from Nightclub, Disco, Cabaret per VHB audit
Organized Group Camp (ND)	
Public Recreation, Indoor or Outdoor (SE)	Merging of former Public Playground, Playfield, or Park and Public Recreation Center.
Riding or Boarding Stable (ND)	
Theater (ND)	A more common term than "Legitimate Theater"
Yacht Club or Marina (ND)	
FINANCIAL, BUSINESS, AND GOVERNMENT SERVICES	
Auto, Truck ,Trailer, and Heavy Equipment Rental (ND)	

PERMITTED USES	Notes
General Services (ND)	Includes former Advertising, Collection, Consulting, Detective and Protective, Employment, Secretarial and Stenographic Services, Banking and Credit, Duplicating and Mailing, Insurance, Investment, and Real Estate Services, General Offices, Office Equipment Rental and Leasing, and Offices of Government Agencies.
Research and Testing Services (ND)	
Town of Groton Services (SE)	Suggest that all Town of Groton Services be allowed in all districts.
PERSONAL, REPAIR, AND CONSTRUCTION SERVICES	
Apparel and Shoe Repair (ND)	Includes former Shoe and Leather Goods Repair and Tailoring, Dressmaking, and Apparel Repair.
Automobile Washing Facility (C)	Changed from "Car Wash" to be consistent with title of 7.1-26
Beauty and Barber Services (ND)	Beauty salons currently prohibited in the WRPD unless sewered.
Cemetery – New (C)	
Cemetery – Existing (C)	
Contractor's and Construction Equipment and Vehicle Storage (C)	
Day Spa (D)	
Funeral and Crematory Services (ND)	
Home Occupation (D)	
Kennel or Stable, Commercial (C)	
Laundering, Dry Cleaning, and Dyeing (ND)	
Laundry and Dry Cleaning, Self-Service or Pick-Up Only (ND)	
Motor Vehicle Repair and Service, Major (ND)	Includes former Motor Vehicle Body and Paint Shop and Motor Vehicle - General Repairs.
Motor Vehicle Repair and Service, Minor (ND)	Former 'Ignition, Brake, Muffler, and Similar Limited Repair'
Photo processors and photo labs (ND)	Changed from Photographic Services to be consistent with WRPD
Repair of Machinery (ND)	

PERMITTED USES	Notes
Repair of Office Equipment and Personal and Household Items (ND)	
PROFESSIONAL, EDUCATIONAL, AND OTHER INSTITUTIONAL SERVICES	
Churches and Other Places of Religious Worship (SE)	
Day Care - Adult Day Care Facility (D)	
Child Day Care Center (D)	
Family Day Care Home (D)	
Group Day Care Home (D)	
Elementary and Secondary Schools, College or University (SE)	
Health care facility (ND)	Includes former "Hospital." A new definition will be written to accommodate a broader range of inpatient facilities.
Medical Clinics (ND)	Includes former Medical labs and outpatient clinics and Dental labs and outpatient clinics. New definition will be written to focus on outpatient nature of services.
Professional and Arts Organizations, Schools and Studios (ND)	Includes former Business, Professional, and Labor Organizations and Business, Secretarial, Music, Dance, and Art Schools or Studios.
Professional Offices (ND)	Now includes former Charitable and Philanthropic Institutions. No reason such uses shouldn't be allowed in the IA when other Professional Offices are. Need to combine 7.1-7 with 7.1-21
Scientific and Research Laboratories (ND)	
Veterinary or Animal Hospital (C)	Treating the same as a kennel, including same conditions.
RETAIL TRADE - PERSONAL	
Drive Through Facilities (C)	Will make sure definition has updated standards for fast-food, banks, and other types of drive-ins.
Drug Store (ND)	
Drug Store Pick-Up Windows/Facilities (C)	

PERMITTED USES	Notes
General Personal Retail Trade (ND)	Includes all formerly listed uses that are no longer in this table. Will be included in the new definition.
Large-Scale Destination-Oriented Commercial (D)	
Restaurant, Fast Food and Take-Out (D)	Added per VHB audit
Restaurant, Standard (D)	
RETAIL TRADE - HOUSEHOLD, BUILDING, MOTOR VEHICLES	
Auto and Truck Dealers (New or Used) (ND)	Combined
Building Retail Trade (ND)	Includes former Electrical Supplies, Heating and Plumbing Supplies, Lumber and Building Materials Yard, and Modular/Manufactured Homes Display and Sales.
Farm and Garden Supplies (ND)	
Fuel Oil Dealer (ND)	
Gasoline Station (ND)	
Household Retail Trade (ND)	Includes former Antiques, Dry Goods, Furniture Stores, General Merchandise and Department Stores, Hardware, Home Furnishings, Household Appliances, Notions and Household Supplies, Office Equipment and Supplies, Paint, Glass, and Wallpaper, Radio, Television, and Phonographic Equipment
Marine Craft and Equipment Display and Sales (ND)	
Tires, Batteries, and Accessories (ND)	
Trailer, Farm, and Heavy Equipment Sales (ND)	
WHOLESALE TRADE	
Assembly, Packaging, Warehousing and Wholesale, Indoor Only (ND)	Includes former Assembly and Packaging of Medical Products, Warehousing, and Wholesale with Indoor Storage Only.
Junk, Salvage, or Scrap Yard (C)	
Screen Printing/Embroidery of Clothing (ND)	
Wholesale with Outdoor Storage (ND)	
UTILITIES	

PERMITTED USES	Notes
Airport (SE)	
Automobile Parking (SE)	
Bus Garage and Maintenance (ND)	
Bus Passenger Station (ND)	
Commercial Broadcasting Antennae (ND)	
Electric and Telephone Stations and Substations (ND)	Includes former Electric Transformer Substation and Telephone Exchange Station.
Motor Freight Terminal (ND)	
Moving and Storage Uses (ND)	
Radio and Television Broadcasting Studios (ND)	
Railroad Freight Station (ND)	
Railroad Passenger Station (ND)	
Solid Waste Disposal Facility – Town (ND)	
Telecommunication Towers (D)	
Telecommunication Antennae and Facilities (D)	
Waste Handling/Reduction Facilities (D)	
Water and Sewer Facilities (ND)	Includes former Water Storage Tanks and Water and Sewer Pumping Stations.
Water and Sewer Treatment Plants (ND)	
INDUSTRIAL	
Apparel and Other Fabricated Textile Products (ND)	
Artisan and Craft Workshops (ND)	
Chemicals, Drugs, Plastics, and Allied Products (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition.
Fabricated Metal Products (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition.
Food and Kindred Products (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition.
Furniture and Fixtures (ND)	
Lumber and Wood Products (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition.

PERMITTED USES	Notes
Miscellaneous Industrial (ND)	Includes all former categories under Sheet 12 except for Sailmaking/Sail Loft, which is listed separately below. All these uses expanded to be allowed in IPB.
Paper, Printing, Publishing, and Allied Industries (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition. All uses expanded to any industrial zone.
Professional, Scientific, and Controlling Instruments (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition.
Sailmaking/Sail Loft (ND)	Inserted from former Sheet 12.
Stone, Clay, and Glass Products (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition. All uses expanded to any industrial zone.
Textile Mill Products (ND)	All uses formerly under this heading have been deleted, and will be included in the new definition.

MEMORANDUM

TO: Town of Groton Zoning Commission
FROM: Diane Glemboski, Planner II *DG*
DATE: February 12, 2016
SUBJECT: Zoning Regulation Update – Draft Text

The Planning Staff has reviewed the preliminary text changes with the Town Attorney and the Zoning Official for the Zoning Regulation modifications based on the *MacKenzie* decision announced by the Connecticut Appellate Court in 2013. Staff has also taken into account comments received from the Commission at your February 3, 2016 meeting.

Attached is a revised draft of the following Sections of the Regulations:

1. Downtown Development District (DDD) (Section 6.2)
 - *Modification of front and side setback requirements*
2. Waterfront Design District (WDD) (Section 6.3)
 - *Modify Parking Requirements to be more consistent with current practices*
 - *Remove ability for Planning Commission to Waive any site design standard requirements*
3. Off-Street Parking and Loading (Section 7.2)
 - *Modify Section 7.2-5 for Leasing Space within the WDD*
4. Landscaping (Section 7.4-4)
 - *Modification to Buffer Requirements by deleting entire Section 7.4-4 and replace with below text.*
5. Sidewalks (Section 7.5)
 - *Modify Section 7.5-2 for location of frontage sidewalk*
 - *Modify Section 7.5-4 for Internal Sidewalks requirements*
 - *Modify Section 7.5-5 for clarification of options for meeting Frontage Sidewalks*
6. Drive Through Facilities (Section 7.1-36)
 - *Modify Section 7.1-36 to allow 5 stacking spaces for banks/financial institutions instead of the 10 stacking spaces now required.*
 - *Remove design standards for stacking at window and/or order board.*
 - *Remove NMDD from being a non-permitted zone for a drive-through based on previous changes made to the NMDD district (Section 6.10)*

We will review the draft text with you at the Special Meeting on February 17th. If the Commission is comfortable with the proposed changes we will create a Zoning Text Amendment Application and schedule a public hearing date for the application.

Preliminary Changes are in highlighted in yellow for each Section

Strikeout = deleted text

Bold and Underline = added text

Downtown Development District (DDD) (Section 6.2)

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

6.2 Downtown Development District

6.2-1 Purpose

The area defined as the Downtown Development District (DDD) is the central business district of Groton. It is identified as a special district unlike any other in Town because the regulations in this district are specifically intended to encourage a concentration of commercial development with special attention paid to public amenities. This district is seen as the Town center and development within the district should be of a quality and character appropriate for the business and cultural focus of Town.

Development in the DDD should attempt to meet the following goals:

- Continue to develop the downtown area as the Town's retail, office, governmental, and cultural center.
- Encourage the breakdown of large expanses of parking lots with appropriate building placement and landscaping.
- Encourage relief of traffic along Route 1 by promoting a reduction of curb cuts and an increase in the number of connections between properties.
- Promote a pleasant pedestrian environment with increased landscaping, more effective pedestrian connections between buildings, and outdoor amenities.

- Maintain a sense of the natural beauty of the Groton area through the extension of landscaping into the DDD and the preservation of natural features surrounding the downtown.

6.2-2 Permitted Uses

Uses permitted in the DDD shall be in accordance with Section 5 of these regulations.

6.2-3 Minimum Lot Area and Width

No land in the DDD shall be subdivided so that any lot shall be less in area than 40,000 sq. ft. The Planning Commission may approve the development of any lot with less area or dimensions which existed in separate ownership at the effective date of this section, and continuously thereafter, provided the Planning Commission finds that the proposed development and its site plan are compatible with the purposes of the DDD.

6.2-4 Minimum Front Yards

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

6.2-5 Minimum Side and Rear Yards

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

Each lot in the DDD shall have a side yard of not less than 10 feet unless a party wall agreement has been properly executed

and recorded which may allow for a sideyard setback from 0 to 10-feet.

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

6.2-6 Building Height

There is no height restriction on buildings in the DDD.

6.2-7 Building Coverage

There is no restriction on the maximum area that a building can cover in the DDD.

6.2-8 Parking Standards

For office uses, the requirement for parking area shall be one space for each 300 sq. ft. of gross floor area. For retail and other commercial uses, the requirement shall be one space for each 250 sq. ft. of gross floor area. Parking requirements for other allowed uses shall be as per Section 7.2-3.

6.2-9 Downtown Flexibility Standards

To allow additional flexibility within the area zoned DDD, the following standards are hereby established to be used in conjunction with the special permit procedure. The purpose of the special permit is to allow additional flexibility within the DDD so that an improved image and greater opportunity for economic growth and development is possible. In addition to the criteria listed below, all special permit uses shall be evaluated on the basis of the objectives listed in Section 8.3-8 of these regulations.

- A. The parking for a proposed development may be reduced up to 10% of the total required parking if it is found that the proposed use, location of the site, and the related facilities,

existing or proposed by the applicant, will result in the generation of pedestrian, bicycle and mass transit trips in sufficient volume to warrant the parking reduction.

- B. In addition to the parking reduction granted under item A above, a further reduction of 10% of the total required parking shall be granted for those uses which provide parking as an integral part of their structure. In order to qualify for this further reduction, a minimum of 30% of the total required parking shall be provided within the parking structure. This includes parking areas located below a building, on the rooftop, or within a parking structure attached to a building. The designs of such parking structures will be carefully reviewed by the Planning Commission to ensure that they are in keeping with the objectives of the DDD in promoting a pleasant pedestrian environment.

6.2-10

Utilities

Utilities required to serve uses permitted in the DDD shall be placed underground.

6.2-11

Auto Related Uses (New Eff: 1/2/93)

Automobile related uses are permitted in the DDD as identified in Section 5.1-3 Table of Permitted Uses. If possible, automobile access into buildings shall be positioned so as not to be visible from the public way. Evergreen screening, decorative fencing and/or a combination thereof shall be provided around the perimeter of the site so as to minimize any objectionable impacts from this type of use. No outdoor storage of automobiles, equipment, supplies, parts, etc. is allowed.

Waterfront Design District (WDD) (Section 6.3)

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

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

The purpose of this district is to allow development within the designated Waterfront Design District (WDD) which will protect and enhance the unique qualities of the Mystic area while providing a mixture of residential, commercial, and office uses that serve the needs of area residents.

6.3-2 Design Objectives

All development within the WDD must be consistent with the following objectives:

- A. The direction of development will be in keeping with the Town's Plan of Development.
- B. A viable commercial, residential, and cultural area which serves the needs of the residents of the immediate Mystic area must be maintained.
- C. In recognition of the attraction the area holds for tourists, a limited degree of commercial development should be provided to accommodate this tourist market; however, this should be secondary to the area's primary role of providing the services to its residents.
- D. To insure that high intensity and bulk uses do not encroach into the surrounding residential districts.

- E. The establishment of a coordinated pattern of land uses which allows safe access and movement of pedestrians, bicycles, and vehicles throughout the WDD is desired.
- F. Structural rehabilitation, wherever feasible, will be encouraged in order to preserve and enhance the historic and diverse qualities of the Mystic area.
- G. Architectural and site design which promote aesthetic qualities while sustaining and enhancing the unique qualities of the Mystic area will be encouraged.
- H. A circulation pattern and related facilities within the WDD, such as sidewalks, benches, and bike racks, which will give priority to pedestrian movement and bicycle travel, should be provided.
- I. The Mystic River is the most vital element within the WDD and as such must be given primary consideration in any proposed development. To this end, special consideration must be given to the area of the water and land interface; the preservation and creation of views from public and other areas to the water, and the preservation and integrity of the existing river bank. Pedestrian access to the river's edge should be encouraged from Main Street south to the railroad bridge.

6.3-3 Permitted Uses (Rev. Eff: 5/1/2015)

Any residential, office, or commercial use or mix of same which is consistent with the purpose and objectives of the WDD and which is not detrimental to the unique character of the area is permitted in the WDD. Any use to be located in a new structure or any use located in an existing structure that is an intensification of the use of that structure or site shall be subject to the approval of a special permit. Intensification of use shall be defined as any of the following:

- additional residential units,

- change in use to a restaurant with over 100 square feet of seating area,
- any expansion or change of use or structure that requires over five additional parking spaces than originally required prior to this application for a special permit,
- greater than 8 seats for outdoor dining or any outdoor seating in the State or Local rights-of-way,
- outdoor music, or
- any change or addition in the serving of alcohol.

Site plan approval by the Planning Commission or administrative site plan approval, whichever is appropriate, shall be required in accordance with Section 8.4 of these regulations.

6.3-4 Building and Development Standards

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

- G. Where the Planning Commission deems it feasible, it may approve a site plan for a use which does not have direct access from a Town approved road, provided that adequate and safe pedestrian access is provided.

H. Parking

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

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

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

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

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

Off-Street Parking and Loading (Section 7.2)

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

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

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

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

Landscaping (Section 7.4-4)

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

7.4-4 Buffer Area

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

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

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

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

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

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

Berm/Fence/Wall:

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

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

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

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

Sidewalks

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

7.5 Sidewalks

7.5-1 Applicability (Eff: 6/1/92)

Sidewalks shall be provided in accordance with this section along the road frontage of all lots for any building or use hereafter erected, enlarged, or intensified and thus requiring site plan approval, in all zones, except as noted in Section 7.5-5. The Planning Commission may require that provision be made to connect the sidewalk in front of the subject site to sidewalks in the vicinity of the site or to a point where a pedestrian may continue to safely travel beyond the subject site.

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

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

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

7.5-3

Extension of Sidewalks (Eff: 6/1/92)

The Planning Commission may require that sidewalks constructed under this section be extended for a reasonable distance to sidewalks existing along the road frontage on either side of the subject lot or to a point where a pedestrian may safely return to the road travel way at locations where no other sidewalks exist. In making such a determination, the Commission may require such extension under the following conditions:

- A. The existing Zoning and Subdivision Regulations, and existing developed conditions on abutting properties, make future development of sidewalks along these property frontage(s) unlikely, as determined by the Planning Commission.
- B. Physical conditions along the frontage of abutting property(s) are such that development of the sidewalk extension would not result in unreasonable development cost.
- C. Development of the subject site for the uses proposed, including but not necessarily limited to schools, commercial centers, multi-family developments, institutional uses or other, more intense, pedestrian generators, would result in a reasonable need to link the use with living areas, pedestrian systems, roads, recreational

areas, educational, community or shopping facilities, or other activity centers, to promote public safety and convenience. The Commission shall further take into consideration the number of existing pedestrians and the number of new pedestrians to be generated by the proposed use.

Under no circumstances shall such extension be required to exceed 200 feet. In all cases, the ends of sidewalks not connected to an existing sidewalk system shall be returned to grade at the curb or gutter line.

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

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

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

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

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

7.5-5 Options

- A. Postponement: If in the opinion of the Planning Commission frontage sidewalks do not appear to be warranted at the time due to lack of existing/anticipated development in the area and/or

resulting pedestrian traffic, the Commission may postpone the installation of the frontage sidewalk to a later date. In exercising this option, the applicant must demonstrate and the Commission must find that the postponement of installing the frontage sidewalk will not significantly endanger the health, safety and welfare of the existing or anticipated pedestrian traffic along the frontage of the property. If this option is exercised, the approved site plan shall provide all necessary information concerning the future sidewalk including, but not limited to, location, grades, elevations, and other details necessary for the future construction of said sidewalk.

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

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

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

- D. Elimination: The Commission may ~~waive~~ eliminate the requirement for frontage sidewalks altogether where the applicant demonstrates and the Commission finds that 1) there will be no significant pedestrian movement to the site and/or between the site and those adjacent to it, and/or 2) topography or other physical limitations prohibit the reasonable installation of said sidewalk.

Drive Through Facilities

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

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

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

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

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

