

AGENDA  
GROTON ZONING COMMISSION  
MAY 4, 2016 – 6:30 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

II. PUBLIC HEARINGS

1. Special Permit #346, 0 Route 12, PIN 178018417370, NMDD Zone. Proposal is for the construction of 147 multi-family residential units in the Nautilus Memorial Design District. Review is per Section 6.10-3 and 8.3 of the Zoning Regulations. (Lighthouse Point LLC, Owner; A.R. Building Company, Inc., Applicant)\*
2. Special Permit #347, 24 West Main Street, PIN 261918412001, WDD Zone. Proposal is to convert 2300 square feet of retail to a restaurant with up to 400 square feet of seating area. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. (State & Elizabeth Lawrence, Owner; Cheryl Robdau, Applicant)\*

III. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #346, 0 Route 12 (A.R. Building Company, Inc., Applicant)
2. Special Permit #347, 24 West Main Street, Mystic (Cheryl Robdau, Applicant)

IV. PUBLIC COMMUNICATIONS

V. APPROVAL OF THE MINUTES

1. March 30, 2016 Special Meeting\*
2. April 6, 2016\*
3. April 11, 2016 Special Meeting\*

VI. OLD BUSINESS

1. Zoning Regulations Update – WRPD Discussion\*\*

VII. NEW BUSINESS

1. Report of Commission
2. Receipt of New Applications

VIII. REPORT OF CHAIRPERSON

IX. REPORT OF STAFF

1. Meeting schedule

X. ADJOURNMENT

\* Enclosed

\*\* Bring your notebooks and spreadsheet (from 3/2/16 meeting)

Next Special Meeting: May 23, 2016  
Next Regular Meeting: June 1, 2016



# TOWN OF GROTON

## PLANNING AND DEVELOPMENT SERVICES

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

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

April 12, 2016

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

Please publish the following legal ad on April 22, 2016 and April 29, 2016:

TOWN OF GROTON  
ZONING COMMISSION  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following public hearing will be held on May 4, 2016 at 6:30 p.m. in Community Room 2, Town Hall Annex, 134 Groton Long Point Road, in said Town, to consider the following:

Special Permit #346, 0 Route 12, PIN 178018417370, NMDD Zone. Proposal is for the construction of 147 multi-family residential units in the Nautilus Memorial Design District. Review is per Section 6.10-3 of the Zoning Regulations. (Lighthouse Point LLC, Owner; A.R. Building Company, Inc., Applicant)

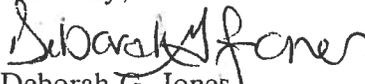
Application is on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road. Dated this 22<sup>nd</sup> day of April 2016 at Groton, Connecticut. (On second insertion please put "Dated this 29<sup>th</sup> day of April 2016 at Groton, Connecticut".)

Susan Sutherland, Chairperson

Account #30384  
P. O. #16000391

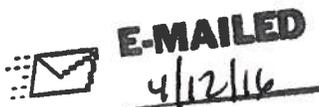
If you have any questions, please do not hesitate to contact me at 446-5970.

Sincerely,

  
Deborah G. Jones  
Assistant Director

JJR:dlg

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



"SUBMARINE CAPITAL OF THE WORLD"

SPEC 346



**TOWN OF GROTON  
LAND USE APPLICATION  
PART ONE**

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

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

PROJECT DESCRIPTION: Construction of 147-unit multi-family project with associated parking and recreation areas.

PROJECT NAME: Residential Development North Pleasant Valley Road GROTON MULTI-FAMILY  
 STREET ADDRESS OF PROPERTY: Not assigned. North Pleasant Valley Road APARTMENTS  
 Address in GIS: 0 Route 12

IF ADDRESS NOT AVAILABLE, LOCATION: Connecticut Route 12

PARCEL IDENTIFICATION NUMBER: 178018417370 ACREAGE: 12.4 ZONING: NMDD

CORRESPONDENCE WILL BE SENT TO PRIMARY APPLICANT AS CHECKED BELOW:

NAMES, ADDRESSES & TELEPHONE NUMBERS

APPLICANT: A.R. Building Company, Inc. ADDRESS: 310 Seven Fields Boulevard, Suite 350, Seven Fields, PA  
 EMAIL: jasonk@arbuilding.com TELEPHONE: (724) 741-2307 FAX: N/A 16046

APPLICANT'S AGENT (IF ANY): William R. Sweeney, Esq. ADDRESS: TCORS, P.C., PO Box 58, New London, CT  
 EMAIL: wrsweeney@tcors.com TELEPHONE: (860) 447-0335 FAX: (860) 442-3469 06320

OWNER/TRUSTEE: Lighthouse Point LLC ADDRESS: P.O. Box 290589, Wethersfield, CT 06129  
 EMAIL: fleone@ltnlaw.com TELEPHONE: (860) 528-2145 FAX: (860) 282-1539

ENGINEER/SURVEY OR/ARCHITECT: Geoff P. Fitzgerald, P.E. ADDRESS: 355 Research Parkway, Meriden, CT  
 EMAIL: gfitzgerald@blcompanies.com TELEPHONE: (203) 630-1406 FAX: (203) 630-2615 06450

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

[Signature] 4/1/16  
 SIGNATURE OF APPLICANT OR APPLICANT'S AGENT DATE

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

A.R. Building Company, Inc.  
 PRINTED NAME OF APPLICANT

Lighthouse Point LLC  
 PRINTED NAME OF RECORD OWNER

FOR OFFICE USE ONLY  
 PAID  
 FEE RECEIVED: 430.00 DATE: 4/4/16 PROJECT # SPEC346 PLANNER: D. Glenboska

RECEIVED  
 10/31/14  
 APR 4 2016  
 SPEC346  
 PLANNING DEPARTMENT  
 TOWN OF GROTON, CT



**GROTON MULTIFAMILY PROJECT**

**NORTH PLEASANT VALLEY ROAD**

**A.R. BUILDING COMPANY, INC.**

**PROJECT NARRATIVES**

**CONSISTENCY WITH SPECIAL PERMIT CRITERIA PURSUANT TO SECTION 8.3-8**

A. Location

The subject site is 12.4 acres in size and located between Connecticut Route 12 and North Pleasant Valley Road. The proposed use for 147 multifamily dwelling units in three buildings, each three stories tall, is consistent with the surrounding area and the higher density housing developments located to both the west and east of the subject site and along the Connecticut Route 12 corridor.

B. Buildings

The proposed multifamily buildings are clustered on the northern end of the subject site as to preserve the southern portion of the property and provide a buffer to Connecticut Route 12. The configuration of the buildings and their scale are generally consistent with the variety of attached and detached rental housing options located in the surrounding area.

C. Neighborhood Compatibility

The design elements of the proposed buildings and various amenities are consistent with other nearby developments and utilize high-quality materials which are compatible with and tie together both older and newer housing options along the Connecticut Route 12 corridor.

D. Parking and Access

Primary access to the site is provided from North Pleasant Valley Road. A series of internal access drives connect paved parking lots located onsite and around the proposed buildings to suitably serve the proposed development. No traffic congestion or related adverse impacts are anticipated due to the close and convenient access to Connecticut Route 12.

E. Streets

No new public streets are proposed as part of this project and North Pleasant Valley Road is suitable and adequate to serve as the primary access point to the development. A new sidewalk is to be constructed along the western side of North Pleasant Valley Road running from the project to the intersection of Gungywamp Road and Connecticut Route 12. This connection will provide safe pedestrian access and connection to the greater pedestrian network along the Connecticut Route 12 corridor.

F. Public Safety

The project design has been developed to minimize potential safety risks from motor vehicles and to pedestrians and will provide safe and reliable access by emergency services necessary for a multifamily use.

G. Utilities

The subject site and proposed development is served by public water and sewer. The stormwater management system for the project includes a series of detention basins that will handle both stormwater quality and quantity concerns. The design and operation of stormwater management system will utilize best management practices to minimize potential impacts to both the natural resources and character of the site and the surrounding area.

I. Consistent with Purpose

The proposed development will not have any detrimental effects upon the public health, safety, and welfare and is consistent with both the purpose and objectives of the Nautilus Memorial Design District as well as the goals, objectives, and policies of the Plan of Conservation and Development by offering new high-quality rental apartment stock that will improve and diversify the housing opportunities within the Town of Groton.

**CONSISTENCY WITH NMDD PURPOSE PURSUANT TO SECTION 6.10-1**

The proposed development is consistent with the purpose the designated design district by providing a high-quality residential development, suitably buffered from Connecticut Route 12 and the primary entryway to the Nautilus Memorial, which meets the pressing need for new housing for residents including younger and upwardly mobile professionals who are working in defense-related industries in the surrounding area.

**CONSISTENCY WITH NMDD OBJECTIVES PURSUANT TO SECTION 6.10-2**

A. To insure the creation of a high quality tourist service area and to provide an area for those commercial and other activities that service the needs of visitors to the Nautilus Memorial and Submarine Base as well as other area attractions.

The proposed project offers new high-quality housing options within an area of the design district best suited for residential development, leaving other more appropriate areas available for tourist-related services.

B. To insure that high intensity and bulk uses do not encroach into and/or adversely impact surrounding residential districts.

The proposed development lies between existing and established residential projects and is buffered to the Connecticut Route 12 corridor by the configuration of the proposed buildings on the subject site.

C. To encourage assemblage of small parcels into larger units of land.

This objective is not applicable due to the relatively large size of the parcel and lack of adjacent undeveloped land.

D. To encourage uses and architectural and site designs which improve the existing environment of the area and highlight the uniqueness of the Nautilus Memorial and Submarine Base Museum.

The architectural articulation and high-quality materials utilized in the design of the proposed buildings complements and adds positively to the aesthetics and environmental of the surrounding district.

E. To create a viable tourist commercial, service and residential area which serves the needs of visitors to the Nautilus Memorial, personnel associated with the Submarine Base and adjacent residential areas.

The proposed project provides new residential housing stock of a superior quality to accommodate the needs of both military personnel and those employed in defense-related industries.

F. To establish a coordinated pattern of land uses which allows safe access and movement of pedestrians, bicycles and vehicles to, from and throughout the NMDD and to limit possible access to the properties from Crystal Lake Road only.

While the subject site has no access to Crystal Lake Road, the new pedestrian sidewalk to be constructed along North Pleasant Valley Road to link into the existing sidewalks and other pedestrian connections along the Connecticut Route 12 corridor.

G. To encourage architectural and site design which promotes aesthetic qualities while sustaining and enhancing the unique qualities associated with the Nautilus Memorial and the Submarine Base.

The proposed architectural design is consistent and compatible with both surrounding housing options and governmental facilities, borrowing from the best qualities of both and merging seamlessly into the fabric of the surrounding area.

H. To provide circulation patterns and related facilities within and adjacent to the NMDD such as walkways, benches, bike tracks, which will give priority to pedestrian movement and travel.

The proposed clubhouse, pool, and various passive recreation areas onsite link to the new pedestrian sidewalk along North Pleasant Valley Road and therefore connect to the greater pedestrian network in the surrounding area.

I. The Thames River is a vital element within the NMDD 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, preservation and creation of use from public and other areas to the water, and the preservation and integrity of an existing river bank. Pedestrian access to the river's edge, where possible, should be encouraged from the Nautilus Memorial and Military Highway to the Gold Star Bridge.

This objective is not applicable considering the location of the subject site, though the proposed development's linkages to the existing pedestrian network may still contribute toward the overarching goal of public access.

#### **CONSISTENCY WITH NMDD STANDARDS PURSUANT TO SECTION 6.10-4**

##### **A. Access**

Access to the proposed development is from two curb cuts on North Pleasant Valley Road. The configuration and location of the subject site necessitates this point of connection to provide for safe and reliable access which cannot be accomplished due to grade and resource issues along Connecticut Route 12.

##### **B. Access points**

The configuration and location of the subject site does not lend itself to cross-connections with other properties. The number of curb cuts has been limited to two to provide for safe and efficient traffic circulation and emergency access.

C. New Lot Bulk & Dimension Requirements

Not applicable.

D. Existing Lot Bulk & Dimension Requirements

The proposed development meets or exceeds the minimum bulk and dimension requirements for multifamily residential projects located in the Nautilus Memorial Design District which requires conformance with the RMF-12 standards and Section 6.7-6.

**CONSISTENCY WITH MULTIFAMILY CRITERIA PURSUANT TO SECTION 6.7-6**

A. Multi-family dwellings without individual basements will be provided with individual dead storage areas of at least 100 square feet per dwelling unit, and indoor laundry facilities, both of which will be accessible from within the building without the need to go outdoors.

Each unit has been provided 100 square feet of dead storage and laundry facilities within their respective buildings.

B. All dwelling units shall have at least one balcony or patio, which shall afford relative privacy by architectural articulation or in the case of patios, by fencing and planting. The minimum size of these areas is 30 square feet.

Each unit has been provided a balcony or patio of the required size.

C. No exterior wall shall extend more than 100 feet on the same architectural plane. Articulation of entry ways, balconies, roofs, window areas and exterior walls, architectural forms, materials and textures are encouraged. In the case of townhouse units, this architectural plane should not extend more than 50 feet and articulation of individual units is encouraged.

Architectural articulation of the facades of the proposed buildings has been provided to address the 100 foot cap.

D. Required front, side and rear yard shall be applied to a residential building or group of residential buildings. On newly created roads for internal traffic circulation, all residential buildings shall be set back at least 20 feet from the edge of pavement. All accessory structures, attached or detached, i.e., sheds, carports, garages, patios, fences and pools, shall be set back at least 10 feet from the edge of pavement.

The required setbacks from buildings to both public streets and internal access drives has been provided.

E. The minimum distance between residential buildings on the same site shall be at least 35 feet. The minimum distance between any attached or detached accessory structures shall be at least 10 feet. The minimum distance between any residential building and any detached accessory structure shall be at least 10 feet. For buildings over 40 feet in height, these distances shall be increased one foot for each foot of additional building height.

The required separation distances between buildings has been provided.

F. No building footprint (including overhang) shall exceed the bounds of an imaginary circle with a radius of 110 feet.

The configuration of building footprints within the 110 foot radius circle has been provided and is demonstrated in the attached architectural materials.

G. The developer shall provide a total recreation area of not less than 7% of the total lot area or 5000 square feet, whichever is greater. The recreation area shall be centrally located and shall be graded, provided with topsoil, seeded with perennial grass and suitable recreation equipment and facilities shall be installed.

An area in excess of 7% of the subject site has been provided and designated as recreation areas, including a clubhouse, outdoor pool, deck, picnic areas with tables, and improved lawn surfaces with outdoor fitness stations and set aside areas for other passive recreational uses.

H. No parking space shall be permitted within 5 feet of any building or internal road. The area between the parking space and the building or internal road shall be appropriately landscaped.

The separation distances from buildings to parking spaces has been provided as well as the required landscaping in these areas.

I. Public sewer and water systems must be available and used. Multi-family dwellings must be connected to systems before a certificate of occupancy can be issued.

The proposed development will be served by public water and sewer services.

J. Utilities shall be placed underground. Television antennas shall be limited to the community type and not more than a single T.V. antenna shall be provided for each building.

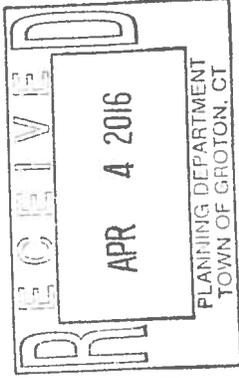
All utilities will be installed underground as required.

K. Outdoor clothes drying areas and rubbish areas shall be fenced and screened from view from all streets by planting of dense shrubbery or a screen type fence.

No outdoor clothes drying areas are proposed and all rubbish areas are to be screened from view with fencing and landscaping.

L. During site plan review, pursuant to Section 8.4-1 of these regulations, the Planning Commission may authorize a reduction in the requirements of Section 6.7-6.

No reduction is requested at this time.



# Groton Multi-Family Apartments

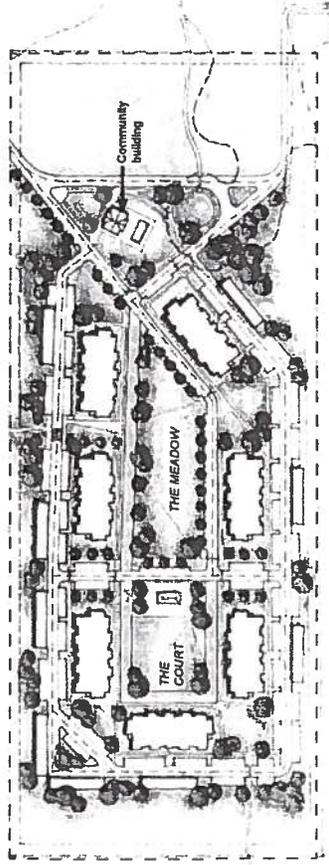
Zoning Commission Meeting  
**April 01, 2016 Submission**

<p><b>DEVELOPER</b>  A.R. Building Company  310 Seven Fields Boulevard  Seven Fields, PA 16046</p>	<p><b>PRESIDENT</b>  Dan Mancosh</p>	<p><b>ARCHITECTURE + URBAN DESIGN</b>  Rothschild Doyno Collaborative  2847 Penn Avenue  Pittsburgh, PA 15222</p>	<p><b>CIVIL ENGINEERING</b>  BL Companies  355 Research Parkway  Meriden, CT 06450</p>	<p><b>ATTORNEY</b>  Tobin, Carberry, O'Malley, Riley, Selinger, P.C  43 Broad Street, P.O. Box 58  New London, Connecticut 06320</p>
<p><b>DIRECTOR, LAND DEVELOPMENT</b>  Jason Kambitsis, AICP  (724) 741-2307  jasonk@arbuilding.com  www.arbuilding.com</p>	<p><b>SENIOR VP OF CONSTRUCTION</b>  John Thompson</p>	<p><b>PRINCIPAL</b>  Geoff Campbell, AIA, LEED AP  (412) 224-6500  geoffc@rdcollab.com  www.rdcollab.com</p>	<p><b>SENIOR ENGINEER</b>  Geoff Fitzgerald, PE  (203) 630-1406  bmaurer@blcompanies.com  www.blcompanies.com</p>	<p><b>ATTORNEY</b>  William R. Sweeney, Esq.  (860) 447-0335  wrsweeney@tcors.com  www.tcors.com</p>

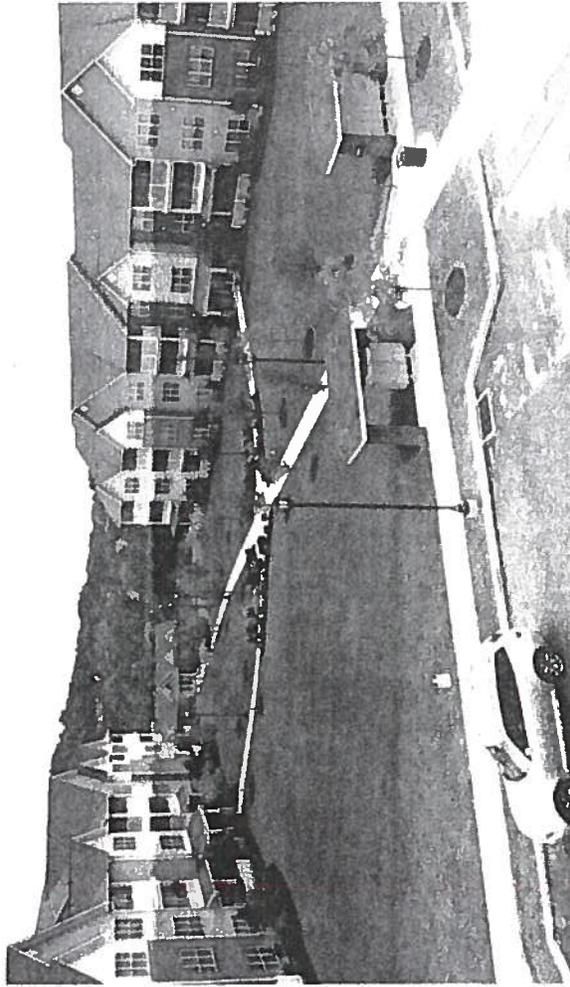
SPEC346

# A.R. BUILDING COMPANY [www.arbuilding.com](http://www.arbuilding.com)

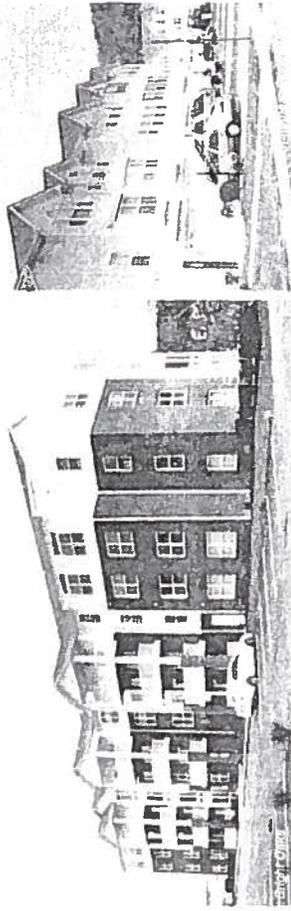
A.R. Building Company, established in 1968 in Pittsburgh, owns and manages over 8,000 units nationally. The company acts as Developer, General Contractor, and Owner in maintaining apartments, townhouses, and patio homes across roughly 40 communities.



**HERITAGE PRESERVE** (Above) a 282- unit garden apartment community located in Hilliard, OH. Design focused on the creation of a natural open space in fit within a rural site.



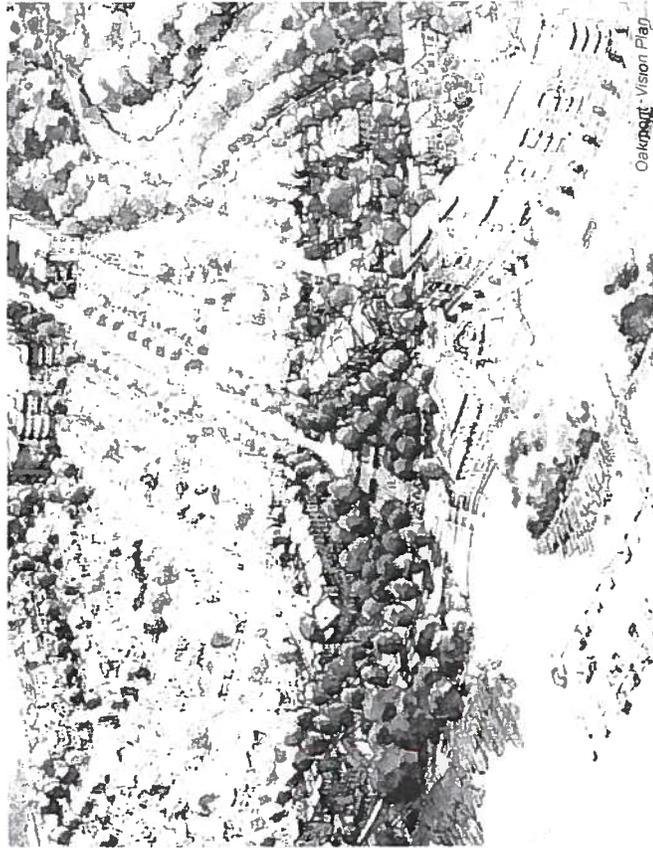
**CHATHAM COMMONS** an 128- Unit garden apartment community located in suburban Cranberry, PA. Site design focused on creating a large central common area in a landlocked site with traditional neighborhood zoning.



**MULTIFAMILY HOUSING** ranges from townhomes with integrated parking to four story elevated apartment buildings

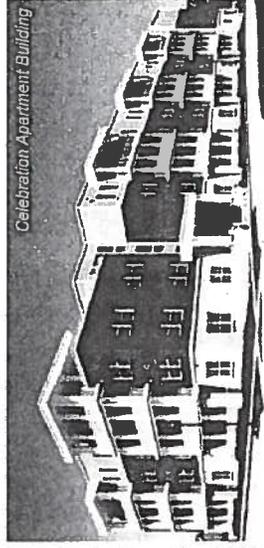
# ROTHSCHILD DOYNO COLLABORATIVE

We are an architecture and urban design firm committed to a collaborative process with our clients that increases the value of the built environment through meaningful design solutions



Oakmont Vision Plan

THE RIVERS EDGE OF OAKMONT a 28-acre mixed-use project which reconciles a triangular riverfront site with an articulate "form-based" zoning code. A variety of building types relate to their specific locations within the neighborhood and emphasize distinctions of view, orientation, and connection to amenities.



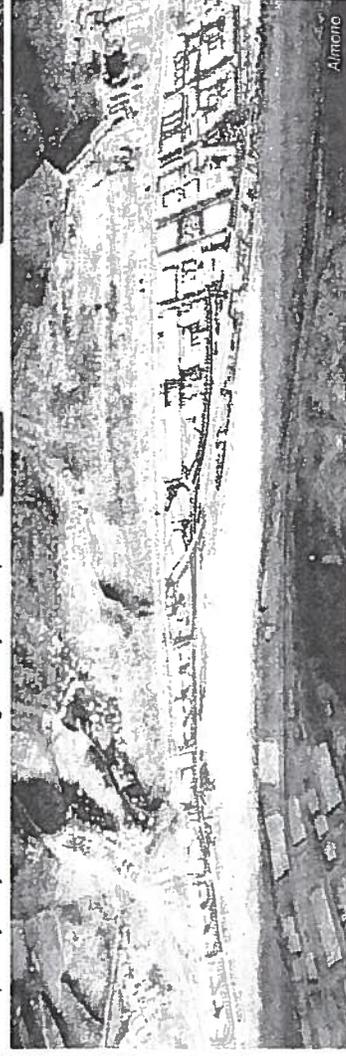
Celebration Apartment Building

CELEBRATION APARTMENT BUILDING at Rivers Edge of Oakmont

SUMMERSET APARTMENTS 216 units located on a brownfield site in Pittsburgh. The three-story apartments are at the primary entry to an affluent single family development



SummerSet Apartments



Almono

ALMONO a 178-acre mixed use land development located on the last large undeveloped brownfield site in Pittsburgh. The vision for the project focused on sustainability and connecting the development to the recovering neighborhood adjacent to the site.

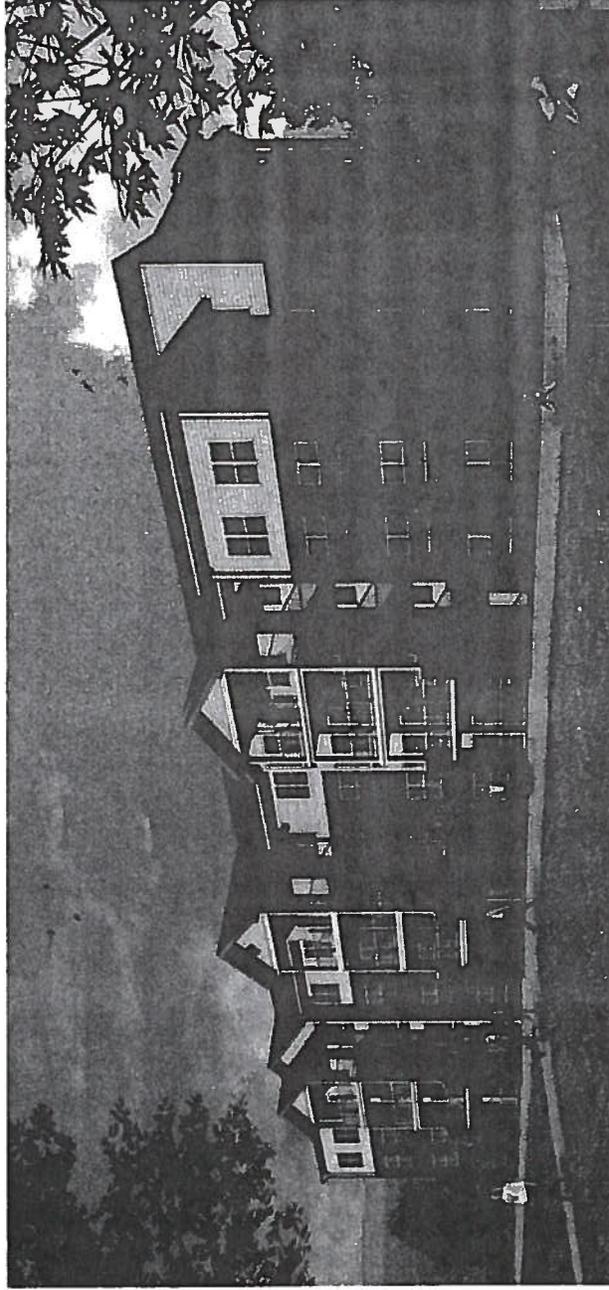
# PRECEDENT BUILDING

EXAMPLE OF PRECEDENT BUILDING UNDER CONSTRUCTION IN CUMBERLAND, RI

## HIGHLAND HILLS

AR BUILDING PRECEDENT UNDER CONSTRUCTION IN CUMBERLAND, RI

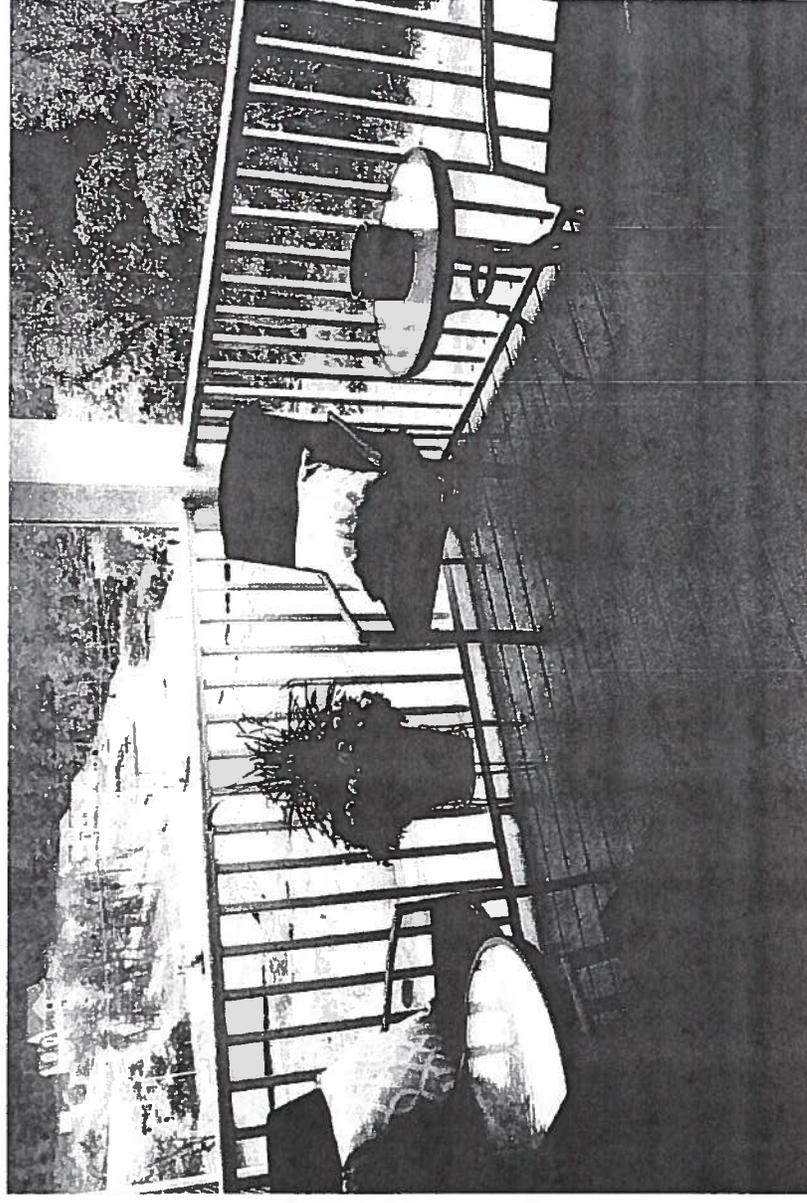
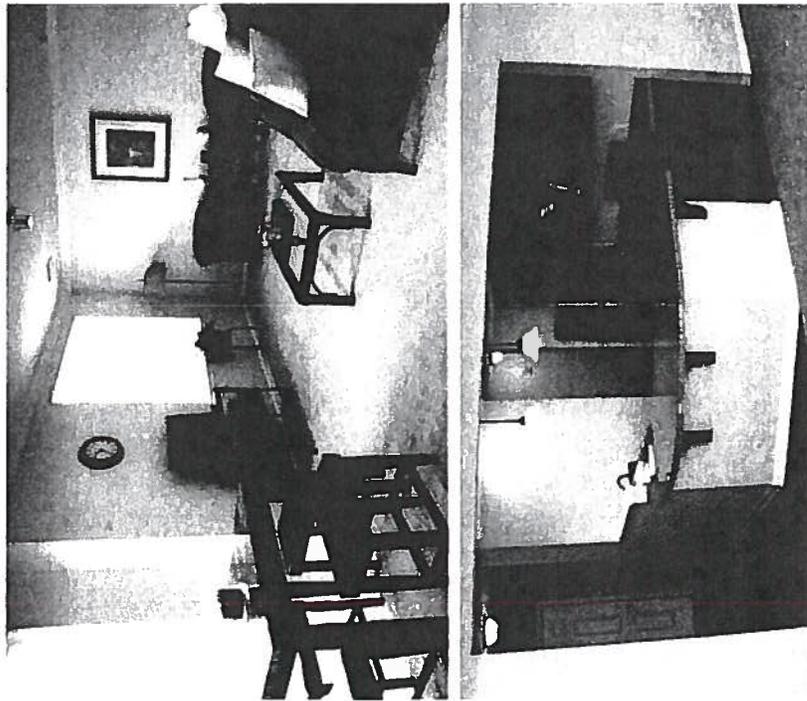
Large windows at Living room spaces  
6' deep porches at every possible unit  
Materials are designed to be as durable as possible for maintenance



AR Building GROTON Zoning Commission Submission

# BRIGHT OAKS

AR BUILDING PRECEDENT (NORTH FAYETTE, PA)



Interior view from corner unit (top image); view into kitchen (image above); and exterior view from deck (right image)

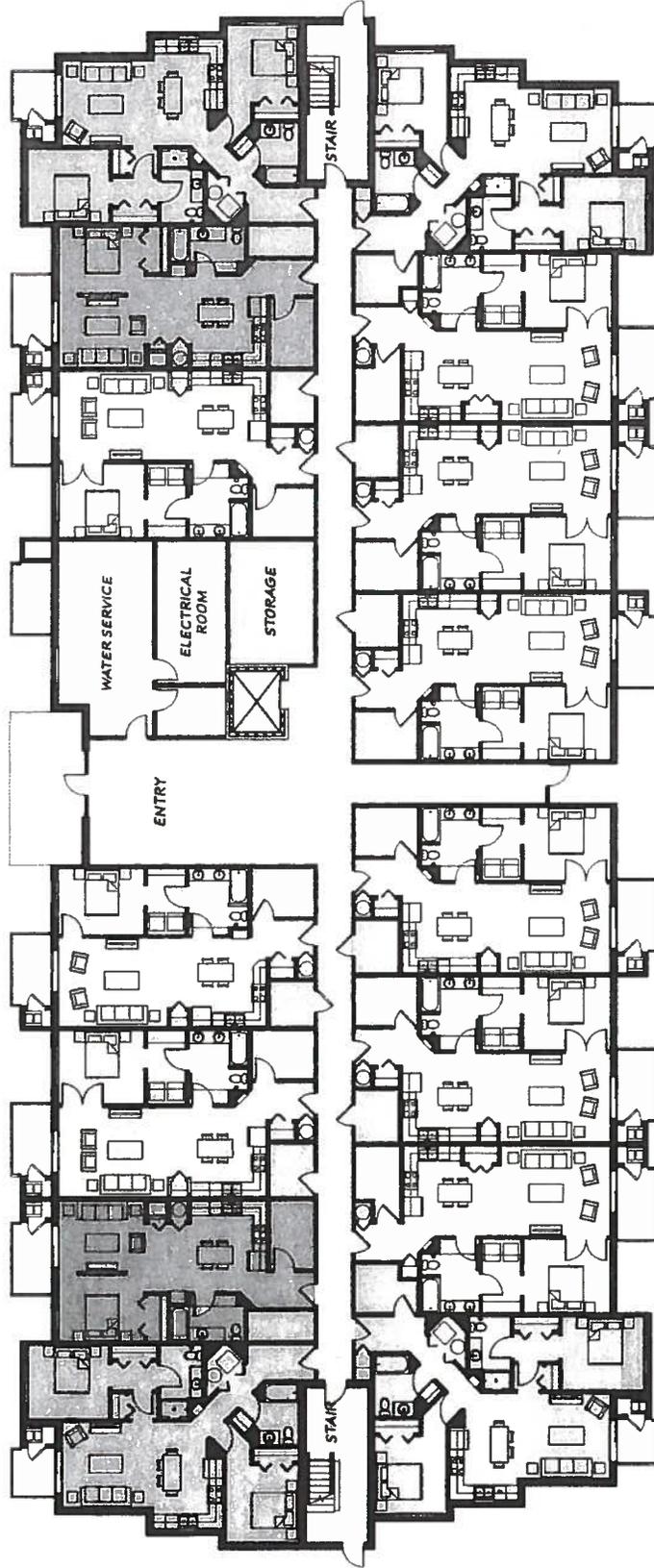
04-01-16 © Rothschild Doyno Collaborative

SPEC 346

AR Building GROTON Zoning Commission Submission

# FLOOR PLANS GROUND FLOOR BUILDING PLAN

FRONT ELEVATION



REAR ELEVATION

	First	Second	Third	Average Size
Studio Unit	2	2	2	650 nsf
One Bedroom Unit	1	11	11	638 - 765 nsf
Two Bedroom Unit	4	4	4	1140 - 1514 nsf
<b>Total</b>	<b>15</b>	<b>17</b>	<b>17</b>	<b>419 Units</b>

GROUND FLOOR PLAN  
Scale 1" = 20'-0"

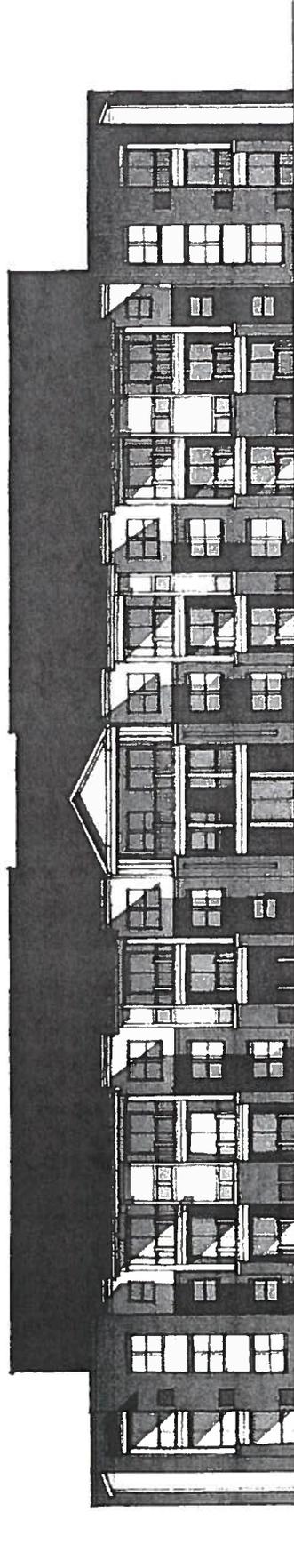
04.1.16 © Rothschild Doyno Collaborative

SPEC 346

AR Building GROTON Zoning Commission Submission

# PROPOSED ELEVATIONS

FRONT ELEVATION

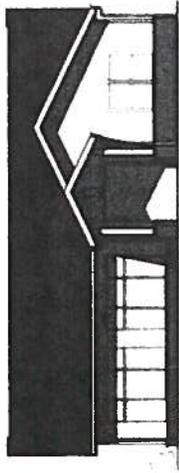


ROOF  
21'-0"  
THIRD  
19'-4"  
SECOND  
9'-8"  
GRADE

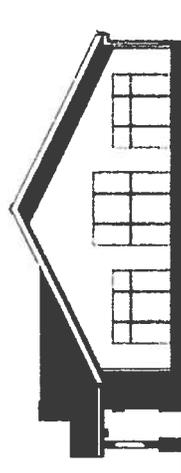
FRONT ELEVATION  
Scale: 1" = 20'-0"

# CLUBHOUSE PRECEDENT

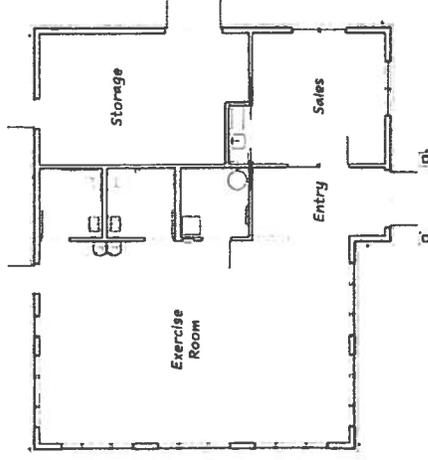
## FLOOR PLAN AND ELEVATIONS



ENTRY ELEVATION



EXERCISE ROOM SIDE ELEVATION



FLOOR PLAN



MEMORANDUM

TO: Zoning Commission  
FROM:  Deborah G. Jones, Assistant Director of Planning and Development  
DATE: April 27, 2016  
SUBJECT: Planning Commission Referral regarding Special Permit #346,  
Lighthouse Point LLC/Owner, 0 Route 12

---

At its meeting on April 26, 2016, the Planning Commission reviewed the referral listed below and made the following comment:

*Zoning Commission Referral for May 4, 2016 Public Hearing regarding Special Permit #346, Lighthouse Point LLC/Owner, 0 Route 12*

The Planning Commission expressed concerns about traffic cuing problems on Gungywamp Road, Route 12 and North Pleasant Valley Road due to the short distance on Gungywamp Road between intersections.

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

DGJ:rms

*SPEC346*



# TOWN OF GROTON

## PLANNING AND DEVELOPMENT SERVICES

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

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

April 22, 2016

### VIA EMAIL

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

Please publish the following legal ad on April 23, 2016 and April 29, 2016:

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Susan Sutherland, Chairperson

Account #30384  
P. O. #16000391

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

Sincerely,

Deborah G. Jones  
Assistant Director

DGJ:dlg

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

"SUBMARINE CAPITAL OF THE WORLD"



**E-MAILED**

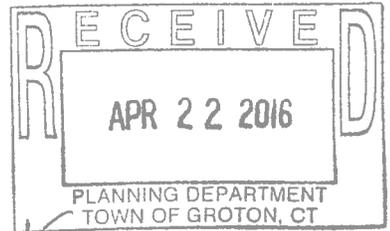
4/22/16

DH

SPEC347



TOWN OF GROTON  
LAND USE APPLICATION  
PART ONE



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

- |  |                                |
|--|--------------------------------|
| SUBDIVISION OR RESUBDIVISION _____                     | COASTAL SITE PLAN REVIEW _____ |
| SITE PLAN _____  | SPECIAL PERMIT _____           |
| ADMINISTRATIVE SITE PLAN _____                         | ZONE CHANGE _____              |
| INLAND WETLANDS PERMIT _____                           | REGULATION AMENDMENT _____     |
| INLAND WETLANDS PERMIT OR NON-REGULATED ACTIVITY _____ | VARIANCE/APPEAL _____          |
|  | APPROVAL OF LOCATION _____     |

PROJECT DESCRIPTION: Convert existing retail space at 24 West Main Street, Mystic to deli food service space

PROJECT NAME: 24 WEST MAIN Drawbridge AT 24  
STREET ADDRESS OF PROPERTY: 24 W. Main St. Mystic CT 06355

IF ADDRESS NOT AVAILABLE, LOCATION: \_\_\_\_\_  
PARCEL IDENTIFICATION NUMBER: 261918412001 ACREAGE: .03 AC ZONING: WDD

CORRESPONDENCE WILL BE SENT TO PRIMARY APPLICANT AS CHECKED BELOW:

NAMES, ADDRESSES & TELEPHONE NUMBERS

APPLICANT: Cheryl Robdaw ADDRESS: 81 High St, Mystic CT 06355  
EMAIL: Car 5678 @ snet.net TELEPHONE: 800 2357117 FAX: \_\_\_\_\_

APPLICANT'S AGENT (IF ANY): ROD Desmarais ADDRESS: 81 High St, Mystic CT 06355  
EMAIL: r.desmarais @ snet.net TELEPHONE: 800 303 5925 FAX: \_\_\_\_\_

OWNER/TRUSTEE: <sup>LAWRENCE</sup> STATE LAURENCE ADDRESS: 18 QUARRY PATH, STAMFORD CT 06378  
EMAIL: state.laurence @ cladm.com TELEPHONE: 860-941-8125 FAX: \_\_\_\_\_

ENGINEER/SURVEY OR/ARCHITECT: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
EMAIL: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

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

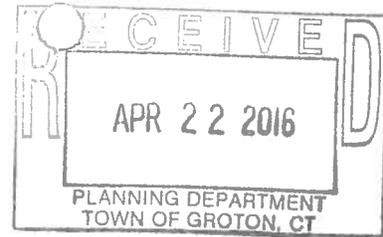
[Signature] 4/15/16  
SIGNATURE OF APPLICANT OR APPLICANT'S AGENT DATE

ROD DESMARAIS  
PRINTED NAME OF APPLICANT

[Signature] 4/15/16  
SIGNATURE OF RECORD OWNER DATE

STATE R. LAURENCE  
PRINTED NAME OF RECORD OWNER

**COASTAL SITE PLAN REVIEW**



**Description of Project:**

Change of use from retail to food service. The most current use of the premises was a woman's clothing store. Applicant wishes to convert the premises into a sandwich/ deli shop. The downstairs portion of the premises will contain a small commercial kitchen, a unisex handicap bathroom, a service counter and some seating for customers. The second story accessed by internal existing stairwell will provide additional seating, a unisex restroom and storage area as shown on accompanying plan.

**Identification and Description of Coastal Resource:**

Coastal Resources on and about the site include Developed Shorefront, Coastal Flood Hazard Area, Estuarine Embayment, Shorelands and Shellfish Concentration Area. The Developed Shorefront designation extends along both shores of the Mystic River, north and south of U.S. Route 1 and corresponds to the more intensely developed portions of Downtown Mystic. The site and adjacent area are identified as Flood Zone A8 on FIRM Maps: the existing building is built upon a stone foundation. The entire Mystic River and Harbor in the immediate area is classified as Estuarine Embayment. The area north of U.S. Route 1 to the vicinity of Mystic Seaport Museum is classified as Shellfish Concentration Area (Hard Clam). The balance of Downtown Mystic is designated as Shorelands.

**Identification and Description of Significant Natural Features:**

The building site is approximately 1307 square feet in area. It is not waterfront property and none of it is below mean water. There is no evidence of any significant natural resources at this location.

**Identification and Description of Significant Historical Features:**

The building is located in the Mystic Historic District and enjoys a long history as part of the Mystic fabric. The building is considered a significant historical and cultural feature within the area.

**Coastal Policies-Applicable Coastal Land and Water Resources and Use Policies:**

Reference Guide to Coastal Policies and Definitions

Resource Policy General Resource: Policies 1-4

1. To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 447, 473, 474, 474a, and 477.

SPEC 347

### Consistency with Coastal Policies

General Resource- Policy is to improve and enhance coastal resources in accordance with applicable statutory policies. None of the policies will be violated and no unmitigated adverse impacts will remain.

Coastal Hazard Areas- Policy is to insure that development proceeds to minimize hazards to life and property. The expansion of the ice cream shop will not present hazards to life and property.

Developed Shorefront- Policy is to promote use of existing developed shorefront areas for marine related uses and other water dependent commercial, industrial and recreational uses. Given the history, character and setting of the site, marine or commercial/industrial uses would not be appropriate.

Shellfish Concentration Areas- Given the nature of the area and the scope of the project, no adverse impact on shellfish concentration area is anticipated.

Coastal Waters and Estuarine Embayment- Policy is to control and eliminate pollution within coastal waters. Since the building is not on a waterfront lot, and all changes to the building are interior renovations, no adverse impact is anticipated.

Shorelands- The policy is to regulate shoreland use and development in a manner that minimizes adverse impacts on adjacent coastal systems and resources. The project will not result in any adverse impacts on these coastal attributes. It will also comply with local plans and regulations for the area in which it is located.

General Development- Policy is to insure that development of land and water resources in coastal areas proceeds in a manner that is consistent with resource capabilities without significant disruption to the natural environment or sound economic growth. The project will not result in any adverse impacts on coastal resources or the natural environment; therefore, it is consistent with this policy.

Water Dependent Uses- Policies are to give high priority and preference to water dependent uses and facilities and to manage uses, through regulatory programs, to achieve this priority and preference in shorefront areas. The project site is not waterfront property and not particularly well suited for marine, commercial or industrial uses.

Ports and Harbors- Policy is to promote development of existing ports by giving priority and preference to water dependent uses and to disallow uses which unreasonably congest navigation channels or unreasonably preclude boating support facilities. This project will have no adverse impact on the harbor or its ability to accommodate these activities in other locations.

Coastal Structures and Fillings- The project results in the expansion of a business that has been operating within coastal waters for twenty five years. There is no indication that the existence of this business has resulted in adverse impacts on coastal resources, circulation and sedimentation patterns, water quality or flooding and erosion. The project will not require any fill and is considerate of riparian rights of adjacent landowners. Therefore, the project is considered consistent with this policy.

Coastal Recreation and Access- The implementation of this policy is vested with state and federal authorities.

Cultural Resources- Policy is to require protection of cultural and historical resources and when necessary require reasonable mitigation in the event of adverse impact on historical resources.

The project is anticipated to have a very positive effect on the area and no adverse impacts have been identified.

#### Potential Impacts on Coastal Resources

Coastal resources on and adjacent to the site include Developed Shorefront, Coastal Flood Hazard Area, Estuarine Embayment Shorelands and Shellfish Concentration Area. The project is expected to have a beneficial effect on coastal resources and no negative effect.

#### Mitigated Measures-Impacts on coastal resources

Since no adverse impacts on coastal resources are anticipated, no mitigative measures are required or proposed.

#### Potential Impacts on Future Water Dependent Uses

There are no anticipated potential negative impacts on future water dependent uses.

#### Mitigated Measures- Impact on Future Water Dependent Uses

Since no adverse impacts on future water dependent uses are anticipated, no mitigated measures are required or proposed.

#### Remaining Adverse Impacts

There are no remaining adverse impacts that need to be mitigated.

Meeting criteria of Town of Groton Zoning Regulation 8.3-8

**Harmony with Development:**

This proposal is located in the heart of Downtown Mystic. The application requests a change of use in a building that was built in 1870 from retail sales to food service. It has been a significant historic building and active part of the Historic Downtown community for many years. It has been in harmony with the appropriate and orderly development of the WDD for many years. With the exception of the construction of a handicap ramp at the rear of the building, all the renovation of this application is to the interior of the building and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

**Traffic Circulation:**

The location of this property is in the established core of Historic Downtown Mystic. This location supports the pedestrian and vehicular traffic association with this tourist district. The change of use will accommodate those already in this district shopping and looking for a place to eat. The new use will be open during those times other business in the area are open. Therefore the pedestrian and vehicular traffic to and from the use and assembly of persons in connection therewith will not have a negative impact on any environmental and natural resource areas on or adjacent to the site or within the neighborhood.

**Impact on the Environment:**

All work associated with this project is to the interior of the building with the exception of a handicap ramp aside the rear exterior exit door. Consequently the layout and development of this project will not have a negative impact on any environmental and natural resource areas on or adjacent to the site or within the neighborhood.

**Summary:**

The nature of this application is consistent with the nature of the Historic Downtown Mystic community in all respects.

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**Parking Calculation for parking under Zoning Regulations 7.2-3 F and 7.2-3 J**

Existing Use: 7.2-3-F.

Retail Store, 1 space per 200 s.f. of floor area for commercial building under 20,000 s.f.

Existing use has 2300 s.f. of retail space requiring 12 parking spaces

Proposed Use: 7.2-3-J

Restaurant, 3 spaces for every 100 s.f. of seating area with a minimum of 5 spaces.

Proposed use has 400 s.f. of seating area requiring 12 parking spaces.

No change to number of parking spaces required under 7.2-3.

SPEC 347

MINUTES  
SPECIAL MEETING  
TOWN OF GROTON  
ZONING COMMISSION  
MARCH 30, 2016 – 5:30 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairperson Sutherland called the meeting to order at 5:30 p.m. and seated Smith as a voting member.

II. PUBLIC COMMUNICATIONS

Jim Furlong, 57 Fishtown Lane, Mystic, said there should be harmony between the Inland Wetland regulations on buffers with waterways and the zoning language proposed, in favor of protection of the water. He recited excerpts from the wetland regulations, POCD, and proposed regulations.

III. ITEMS OF BUSINESS

1. Consolidation of Zones

Staff provided an overview for the discussion tonight.

Nate Kelly, Horsley Witten Group, provided background and an update on their progress on the WRPD, consolidation of zoning districts and the use table.

Discussion ensued on the following topics:

R-12 zone- permitting one and two family dwellings, acreage that would be required for two family, distribution of potential non-conformities and how to identify if any concentrated area would be affected, effects of changing the density of certain properties in the WRPD.

RMF zone- permitting apartments rather than condominiums, the location of mixed uses, and diversifying housing to allow a modest increase in density. Discussion of RMF-1 and RMF-2, whether numbers are needed, and what they represent. Density should be listed within the text of the RMF zone. There is no table of uses with proposed zones yet.

The Commission concurred that there are too many zones. The developers also agree that it is too confusing, and needs to be simplified. The Commission discussed the locations of the similar zones, such as R-20 and RS-20, and how they may overlap. They would like to know the exact properties that are going to be affected. Design elements can help with the form, staff said. The commission suggested they needed to

see an overlay with what is actually developable. Staff said there is a buildout plan in the draft POCD.

The Commission spent considerable time visually reviewing the existing zoning map, locating the various districts, developable land, etc.

The town has limited good industrial land – need to be careful to not turn industrial into commercial, but some commercial uses should be allowed in the industrial. The town has a lot of commercial land as well as undeveloped industrial. Many companies want to expand, but there is no stock of built properties. Those companies want to move into a developed property to continue their business, and will leave in order to find already developed property. The town doesn't want to lose good industrial land that has water and sewer.

The commissioners discussed combining some of the residential zones. Design standards, intensity, affordable housing, entire neighborhoods of fourplexes, mixed neighborhoods, and walkable communities were discussed. Many of the zones that would be changed may already be mostly developed. A lot of Groton's undeveloped land has constraints. They discussed encouraging redevelopment toward Route 1 rather than going further out. The commission reviewed the inclusion of duplexes in the residential zones, the effect on schools, and controlling the amount of land area for those. Staff suggested going back to certain neighborhoods to see if they could handle the increase; maybe not all of the zones would be able to add duplexes. Staff said they may want to consider increasing the size of accessory apartments which is currently limited to 600 sq. ft.

Discussion of commercial, specifically Gold Star Highway, which has a lot of manufacturing and car dealers, and many of those uses are in WRPD.

Industrial – current zones are IP-80 A, B, C, IA-40. The commission discussed making the industrial zones just "I", and a special permit mixed use industrial that might allow commercial in the industrial zone; or list in the use table as conditional. Manufacturing and light manufacturing was discussed.

## 2. Table of Permitted Uses

The commission discussed writing a definition of intent of use into the table, eliminating archaic uses, and differences between certain uses such as dispensary and pharmacy. Bees and animals (pets, livestock, display, wild, etc.) need to be addressed. Definitions, setbacks, manure management, health regulations, and acreage with regard to animals will need to be considered and should be addressed.

At the next meeting the commission will address the remaining questions in the gray boxes in Horsley Witten's memo. Open space districts and alternative energy regulations still need to be discussed as well.

Homework for next session:

WRPD – Finish the table, but not at the next regular meeting. The commission suggested providing updates of the use table including the changes they've recommended so far (combine zones, get rid of x's, light overlays of color, definitions).

Definitions – The commission needs to decide which definitions will be included, any edits to the proposed text and matching the definitions to the use table. The commission asked if any definitions were deleted; Mr. Kelly said he would check. The commission discussed including diagrams associated with certain definitions, such as building height.

The commissioners felt it was becoming confusing to work on the WRPD, definitions, use table and district consolidation at the same time. Mr. Kelly assured them that it will all come together once the zone consolidation is finished and the body gets reorganized.

3. WRPD – No discussion
4. Definitions – No discussion

#### IV. ADJOURNMENT

Motion to adjourn at 7:38 p.m. made by Smith, seconded by Sayer, so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Office Assistant III

MINUTES  
TOWN OF GROTON  
ZONING COMMISSION  
APRIL 6, 2016 – 6:30 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Marquardt, Sutherland, Hudecek, Sayer  
Alternate members present: Smith  
Absent:  
Staff present: Glemboski, Jones, Town Attorney Carey, Gilot

Chairperson Sutherland called the meeting to order at 6:30 p.m. and seated Smith as a voting member.

Motion to move “Public Communications” to next on the agenda was made by Smith, seconded by Hudecek. Motion passed unanimously.

II. PUBLIC COMMUNICATIONS

Thomas Potter, 154 Walker Hill Road provided a letter to the Commission dated April 6, 2016 and discussed a letter he received from the Zoning Official and the minutes of the February 3, 2016 meeting.

Chairperson Sutherland asked Mr. Potter if there was anything new that was not already covered in his correspondence. Mr. Potter said that he had not received an adequate response from the Zoning Official. The Chairperson stated that in accordance with Section 8.7 of the Connecticut General Statutes, Mr. Potter should file an appeal with the Zoning Board of Appeals.

III. PUBLIC HEARING

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

Vice Chairperson Hudecek read the legal notice.

Staff distributed “Exhibit A”, a copy of the proposed changes with some slight modifications as recommended by various agencies and the Town Attorney.

Staff explained the history of the MacKenzie case and its effects on the Town’s regulations. The Planning and Zoning Commissions are no longer allowed to waive zoning regulations.

Staff addressed each of the proposed changes for each section.

Section 6.2 – Downtown Development District (DDD) - front, side and rear yard setbacks. Propose to reduce the front yard setback to 20 feet in depth, rear yard

setback to a minimum of 30 feet in depth, and side yard to a minimum of 10 feet in width except with a party wall agreement.

Section 6.3 – Waterfront Design District (WDD) – Building and development standards-parking. The proposal is to modify the parking requirements in the WDD to be more consistent with current practices and to remove the current ability of the Planning Commission to waive any site design standard requirements of the WDD. The 5/8ths rule, or 63% parking requirement and the ability to waive parking has become the current parking policy for the WDD. The proposal is to reduce the parking requirements of the WDD to 50% of the current requirements of Section 7.2-3 and codify the ability of the Planning Commission to allow a commercial use to substitute the continued participation in a parking validation program for 100% of the requirement parking. Parking could still be met for the use by providing offsite leased parking in accordance with Section 7.2-5 but terms of the lease have been modified.

Proof of participation in a validation program was discussed. The validation program at the Mystic Museum of Art was explained. Staff said the commission can continue the hearing for this section of the proposed amendment, or remove this section from the approval if they have any concerns. Staff also advised the commission not to close the public hearing if they needed to ask for additional information.

Section 7.2-5 – Location of offsite parking in WDD – The lease terms changed from a ten year term to one year with annual renewals provided to OPDS.

Section 7.4-4 – Buffer requirements – the entire section would be replaced with the new proposed buffer area text. Staff said the Planning Commission can no longer change the buffer requirements as the text is currently written, so the proposed regulation will offer three options: minimum buffer width, berm/fence/wall with landscape plantings, or natural vegetation. The Planning Commission has the final decision as to which option will be used.

Section 7.5 – Frontage Sidewalks - Staff said the Town Engineer asked for some clarification of the proposed language. The easement language has been modified to allow the Town to maintain and replace the portion of a sidewalk if the public sidewalk falls outside of the right-of-way onto private property.

Internal sidewalks – The language was updated so that the Planning Commission may require internal sidewalks public in specific circumstances listed in the text.

Section 7.1-36 – Drive Through Facilities – Ten stacking spaces are currently required for each drive-through lane; this is too many for financial institutions, so that is reduced to five spaces. Drug stores are three, and fast food restaurants are ten.

Staff said any of these regulations may be rewritten by the Zoning Commission during the entire regulation rewrite project over the next several years.

Staff said the proposed regulation amendments were consistent with the 2002 POCD and the draft 2016 POCD.

The Department of Public Works provided comments, which were incorporated into the modified regulations in Exhibit A.

Staff said that reasonable consideration is provided in accordance with CGS 8-2.

The following referrals were read into the record:

The Planning Commission's favorable referral

The Southeastern CT Council of Governments found no inter-municipal impacts of the proposed regulations.

The DEEP Office of Long Island Sound Programs supported the reduction of parking in the WDD, and encouraged water dependent uses in the waterfront district.

The CT Department of Public Health had no comment

Paige Bronk, Economic and Community Develop Manager's provided favorable comments

Town Attorney Carey determined that the proposal was legally satisfactory.

The Chairperson asked for comments from the public for or against the proposed amendments.

George King, 150 Liberty Church Road, Exeter, Rhode Island, Director of the Mystic Museum of Art, spoke about the proposed parking changes and the potential effect on the Museum's income from the parking. The Mystic Museum of Art nets about \$60,000 annually from their parking lot. Six businesses lease 171 spaces and six other businesses in downtown Mystic participate in the validation program. The Museum uses the five-eighths rule for leased spaces. There are 110 spaces on the Museum property; 171 are leased, and validation is additional to those leased spaces. No more leases are available and their parking expansion is on hold.

Jay Fisher, Accubranh, East Hartford, CT, spoke in favor of the minimum front yards in the DDD and the reduced stacking requirements for financial institutions.

Rod Desmarais, 81 High Street, owner of Drawbridge Ice Cream, stated that he is concerned about the waivers which are no longer allowed by the Planning Commission and how that would affect projects such as the Central Hall.

Todd Brady, 17 Water Street, owner of Factory Square, and a Board member of the Mystic Museum of Art, spoke on the need to rewrite the zoning regulations. The Town needs smart development to build the tax base. He spoke about the requirement of providing more parking than is necessary and the cost of that parking, the Museum's reliance on the parking income, and the future required parking needs.

George King, 150 Liberty Church Road, Exeter, Rhode Island, Director of Mystic Museum of Art, asked if any businesses have been denied because parking was not available.

With regard to parking in the WDD, the commission said their intention was to have the regulations make sense with regard to MacKenzie, but this was not the end of improving the zoning code for the entire municipality. They questioned how the town

ensures that leases are in place. Staff said the new regulation will require merchants to annually report their parking arrangements to the town and advertise with signage. Sayer asked if the 50% might actually create an increase in required parking in some instances. Staff said they are proposing 50% at this time, but the commission can always change or lower that amount during the rewrite. This would not affect existing businesses; only modifications or new businesses going forward would be affected.

The public hearing was closed at 8:02 pm.

#### IV. CONSIDERATION OF PUBLIC HEARING

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

MOTION: The Town of Groton Zoning Commission hereby modifies and adopts zoning regulation text amendment application #REGA16-01 for Sections 6.2 (Downtown Development District); Section 6.3 (Waterfront Design District); Section 7.2-5 (Off-Street Parking and Loading - Location of Required and/or Additional Parking Facilities); 7.1-36 (Drive Through Facilities); 7.4-4 (Buffer Areas) and 7.5 (Sidewalks) pursuant to the following findings and reasons for approval:

1. These amendments are consistent with the Town's 2002 Plan of Conservation and Development with particular regard to promoting and enhancing existing nodes, simplifying business procedures, promoting good design, and evaluating current zones and development standards to determine if districts, uses, setbacks and other requirements are appropriate.
2. The Commission notes that this action includes adoption of "Exhibit A" with modified language for Sections 6.2-4, 6.2-5, 6.3-4, 7.2-5, 7.1-36, 7.4-4 and 7.5. The text modifications in Exhibit A clarify items raised by the various reviewing departments and agencies and the Town Attorney during the course of the application process and were discussed with the Zoning Commission and determined to be justifiable during the course of the public hearing.
3. These amendments are consistent with the Town's Municipal Coastal Program with particular regard for protecting coastal resources, protecting water quality, and carefully managing coastal development.
4. These amendments are made in accordance with a comprehensive plan and provide for reasonable consideration of the environment and Long Island Sound in accordance with the provisions of CGS 8-2.

The effective date of this amendment shall be May 16, 2016

Motion made by Marquardt, seconded by Smith. Motion passed unanimously.

#### V. APPROVAL OF THE MINUTES

MOTION: To approve the minutes of the regular meeting of February 17, 2016 as written.

Motion made by Hudecek, seconded by Sayer. Motion passed unanimously.

MOTION: To approve the minutes of the special meeting of March 2, 2016 as written.

Motion made by Sayer, seconded by Smith. Motion passed unanimously.

## VI. OLD BUSINESS

### 1. Zoning Regulation Update

Staff said that on April 11<sup>th</sup>, the commission will continue discussing the questions in the gray boxes on the Horsley Witten memo dated 2/11/16.

## VII. NEW BUSINESS

### 1. Fieldcrest Water Storage Tank, 115 Oslo Street – Determination for Height Modification per Section 4.4

Chair Sutherland recused herself from the discussion and appointed Hudecek as Acting Chair.

John McClellan, Tighe Bond, Westfield Mass, represented the applicant, Aquarion Water. Aquarion is seeking a height modification for a new water tower at the Northeast Academy School on Oslo Street. Mr. McClellan provided a history of the existing water tank on Nantucket Drive. The water pressure for the fire suppression system at the Northeast Academy is insufficient, so they either had to rehabilitate the existing tank or build a new one. They are proposing to build another tank and needed it to be in the appropriate topographic range and proximity to the school to provide appropriate flow volume for fire suppression. The alternative is to demo and reconstruct in the same place, which would not provide enough pressure for the fire suppression, and would require about a year to complete.

The current tank has a capacity of 150,000 gallons; 213,000 gallons are required for the fire suppression system, and the new proposed tank would hold 250,000 gallons. The fire suppression system requires 1,700 gallons per minute for 2 hours. A neighborhood meeting was hosted by Aquarion; most of the abutters were in agreement. It is still under determination by the FAA if a beacon would be required on the tower. The height from the ground to the top of the tower (including antenna) would be 134 feet, the same as the existing tower, physically the same height above sea level. It would be located on the elementary school property. There would be a new access road for the utilities from Ann Avenue to the tank. Staff said the location, antennas, etc.; come under the purview of the Planning Commission. The Zoning Commission approves the height request. Staff asked about the antennas; they are asking for 10 feet more than the actual tank height. The antenna on the new tank will be the same as the antenna on the existing tank. The lease between Aquarion and the Town has been primarily dealt with through the school board.

MOTION: To approve a height limit of 134-feet, per Section 4.4 of the Zoning Regulations, for a new Fieldcrest Water Storage Tank at 115 Oslo Street based on the following:

1. The Zoning Commission has determined that the tank will be erected to a reasonable and necessary height for the proposed use and location.
2. The Zoning Commission has determined that there is a need for the water storage tank in this location.

Motion made by Smith, seconded by Sayer. Motion passed unanimously.

Sutherland returned to the meeting and was reseated as Chairperson.

2. Report of Commission – No report.
3. Receipt of New Applications

SPEC #346, a special permit application for Groton Multi-Family Apartments, Route 12 and Pleasant Valley Road North was received. The commission set a public hearing date of May 4, 2016.

#### VIII. EXECUTIVE SESSION

1. *Whittle v. Zoning Commission*, KNL-CV-12-6012917-S: Executive session to discuss pending litigation

MOTION: To enter into executive session at 8:40 p.m. to discuss the legal case of *Whittle v. Zoning Commission*, KNL-CV-12-6012917-S and *Turner v. Zoning Commission*, KNL-CV12-6012917-S.

Motion made by Sayer, seconded by Hudecek. Motion passed unanimously.

Attorney Carey, Deborah Jones, and Zoning Commission members Hudecek, Marquardt, Sayer, Sutherland and Smith were invited to be in attendance for the executive session.

MOTION: To end the executive session at 9:23 p.m.

Motion made by Smith, seconded by Sayer. Motion passed unanimously.

#### IX. REPORT OF CHAIRPERSON - None

#### X. REPORT OF STAFF - None

#### XI. ADJOURNMENT

Motion to adjourn at 9:25 p.m. made by Smith, seconded by Sayer, so voted unanimously.

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Susan Marquardt, Secretary

Zoning Commission

April 6, 2016

Page 7

Zoning Commission

Prepared by Debra Gilot  
Office Assistant III

MINUTES  
SPECIAL MEETING  
TOWN OF GROTON  
ZONING COMMISSION  
APRIL 11, 2016 – 5:30 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Sutherland, Sayer, Hudecek, Marquardt  
Alternate members present: Smith (5:33 pm)  
Absent:  
Staff present: Jones, Quinn, Town Attorney Carey, Gilot

Chairperson Sutherland called the meeting to order at 5:30 p.m. and seated Smith as a voting member.

II. EXECUTIVE SESSION

1. *Whittle v. Zoning Commission*, KNL-CV-12-6012917-S and *Turner v. Zoning Commission*, KNL-CV12-6012917-S: Executive session to discuss pending litigation.

MOTION: To enter into executive session at 5:31 p.m. to discuss the legal case of *Whittle v. Zoning Commission*, KNL-CV-12-6012917-S and *Turner v. Zoning Commission*, KNL-CV12-6012917-S.

Motion made by Hudecek, seconded by Sayer. Motion passed unanimously.

Attorney Carey, Deborah Jones, Kevin Quinn and Zoning Commission members Hudecek, Marquardt, Sayer, Sutherland and Smith were invited to be in attendance for the executive session.

MOTION: To end the executive session at 6:10 p.m.

Motion made by Hudecek, seconded by Sayer. Motion passed unanimously.

III. PUBLIC COMMUNICATIONS

Attorney Carey explained the original Special Permit #321 granted to Whittle Earth Products Facility, various appeals filed, and the revised proposed modifications and conditions as a result of a stipulated agreement with the Zoning Board of Appeals. Mr. Carey explained that the noise limits were changed to the Connecticut regulations. References to specific volume amounts to be imported or excavated have been removed. The special permit must be renewed ever two years, and would require evidence that the intensity of use remain consistent with the neighborhood. Intensity of use indicated in the permit would be not more than 115,000 cubic yards of material stockpiled on site at any one time. Attorney Carey asked the Whittle representatives how much material is on site right now.

Attorney Jeffrey Londregan, representing the Whittles, said there are less than 115,000 cubic yards on site at this time.

Carey said they must be below 115,000 cubic yards before the special permit is recorded.

Attorney Carey continued review.

- If the Whittles sell the Turner property, remediation of that property must be completed before the sale is final.
- The access road near the Waitkus property can only be used for access to the utilities by Eversource.
- An earthen berm and trees will be installed near the sand sifter to provide visual screening from the Waitkus property.
- The hours of operation were detailed. If the property is accessed by a governmental agency or public utility for emergency use, the Whittles will advise the Office of Planning and Development the next business day.
- A spill contingency plan will be in place, and there will not be a fueling station on site.
- Agricultural restrictions will be granted to the town or its designee and recorded in the land records.

The Whittles requested that the restrictions lift if earth products are no longer processed on the property. Attorney Londregan said that the Whittles would like the conservation restrictions to stay with the Town rather than a designee. In the event that future generations do not want to farm the land, the family can request that the restrictions be lifted if the operation is abandoned, or parcels can be exchanged.

Attorney Carey presented modified language which stated that all terms are subject to reconsideration by request.

Attorney Londregan asked the Commission to consider expanding the Saturday hours to 8 am to 4 pm, based on their competitors' hours.

William Munson, 148 Yetter Road, spoke about the noise from the dump trucks accessing the property, and the noise of their braking, and underage persons on dirt bikes, all-terrain vehicles (ATV's), etc. and the noise on Yetter Road, which still occurs.

Dan Gaddis, 177 Yetter Road, said there have been improvements, and the dirt bikes are not a Whittle issue.

Rick Whittle, Whittle Farm (65 Yetter Road) spoke about the noisy atvs and trails.

Attorney Carey said the modified agreement will be presented to the court on the April 14<sup>th</sup>.

#### IV. ITEM OF BUSINESS

1. To discuss and act on possible settlement of *Whittle v. Zoning Commission*, KNL-CV-12-6012917-S

MOTION: To approve the Settlement of *Whittle v. Zoning Commission*, Docket No.: CV 12-6012917-S, on the terms and conditions stated in Exhibit A attached hereto and made a part hereof, for the following reasons:

1. This settlement will eliminate the uncertainty and expense of litigation and result in as clearly defined an outcome as possible under the circumstances.
2. The settlement consists essentially of modifications to Special Permit #321 as it was approved by the Commission on February 16, 2012. In the view of the Commission the changes improve the permit in several significant ways, including by providing a buffer to a neighboring property that was not required by the original permit; requiring that parcels of land on which the Permittees conduct agricultural activities be formally made subject to Conservation Restrictions; clearly and definitively establishing the hours of operation for the earth processing facility; and replacing limits on noise levels that were legally and factually suspect with the authoritative standards established by the State of Connecticut Department of Energy and Environmental Protection.
3. The terms and conditions of the revised Special Permit #321 will be beneficial to the Town, its residents and businesses, and will provide substantial protection to nearby properties from activities, two of which are legal nonconforming uses that run with the land.

Motion made by Smith, seconded by Marquardt.

Motion amended to include:

Paragraph 14 – delete “designee”; fill in blank with 2 acres for horse pound.

Add the sentence “Each Conservation Restriction shall expressly state that all of its term is, including duration, are subject to reconsideration and/or modification by way of a modification and/or renewal of this Special Permit #321 by the Zoning Commission.” to the end of paragraph 14.

Amended motion made by Smith.

Amend paragraph 7h to “...except for activities described by 5, 5a, 5b, and 5d through 5g” eliminate “inclusive”....

Amended motion seconded by Sayer.

Motion amended to:

Paragraph 7h – "...Permittees may be open from 8:00 AM to 4:00 PM for the sole purpose..."

Amended motion made by Smith, seconded by Sayer.

Amended motion passed unanimously.

Quinn and Carey left at 7:00 p.m.

#### V. OLD BUSINESS

1. Consolidating Uses in the Land Use Table – Continued discussion of gray blocked areas from Horsley Witten memo dated 2/11/16 (included in 2/17/16 agenda packet)

Staff distributed small zoning maps for the commission and said they will have a map for the next meeting showing the potential consolidation of residential districts based on the previous meeting with Horsley Witten.

Staff and the commission continued their discussion of the concepts that Horsley Witten Group asked them to consider in their February 11<sup>th</sup> memorandum.

Mixed use (i.e. commercial, retail) in the industrial zone: The Commission concurred they would like to allow mixed uses in industrial zones, subject to conditions. They do not want to have a third industrial zone or special zone. Staff and the consultant will develop options for the Commission to review.

Artisan and Craft Workshops allowed in any industrial or commercial district: The commission agreed to the concept; however, they did not like the reference to "hand tools only".

Animals as an accessory use: The commission would like to allow animals as an accessory use.

Multifamily development – condominiums or apartments in existing building conversions: The commission would like to include regulations to address the conversion of existing buildings to multi-family uses subject to appropriate standards, which may be different than the existing multi-family regulations.

Developing regulations regarding medical marijuana as a social establishment: The commission was not interested in developing regulations to allow this use.

Renewable energy standards for individual homeowners: The commission agreed that there should be standards for this.

The commission had concerns and questions about the residential zones proposed by Horsley Witten Group. The also said they would like an up-to-date working revision.

#### IV. ADJOURNMENT

Motion to adjourn at 7:16 p.m. made by Sayer, seconded by Smith, so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Office Assistant III

NOT APPROVED