

MINUTES
ZONING COMMISSION
JANUARY 5, 2011 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Hudecek, Marquardt, Sutherland
Absent: Cady, Haviland, O'Neill
Staff: Davis, Murphy, Gilot

Chairman Hudecek called the meeting to order at 7:02 p.m. and seated Sutherland for O'Neill.

II. PUBLIC HEARING

1. Proposed Zoning Regulation Text Amendments to Section 2 (Definitions); Section 6.11 (Erosion and Sediment Control Plan); Section 7.2-13 (Surfacing and Drainage); Section 7.4 (Landscaping, Screening and Buffer Areas); and Proposed New Zoning Regulation 6.14 (Stormwater Management Plan) - Continued

Staff said that they submitted a memo to the Commission, sent in their agenda packets, which included recommendations based on the public hearing record and analysis of agency and public comments from the December meeting, as well as background information and excerpts from state models, etc.

Staff entered the following items into the record:

- Copy of letter and items provided to Ed Johnson
- Written testimony of Mr. Martin, Shellfish Chair (because he did not leave a hard copy from the previous meeting)
- Copy of a letter from Town Attorney Michael Carey
- All items in the Commission's agenda packet

Staff said they did not prepare any draft motions for the Commission since several members were not in attendance at this meeting, which would allow them all time to review the additional information provided at tonight's meeting. The Chairman concurred since Commissioners O'Neill and Cady were seated at the previous meeting.

Staff reviewed their proposed recommendations for modifications, including language on LID, implementing of stormwater management, etc. Discussion ensued on CGS 8-2(b).

Commissioner Sutherland distributed some information to the Commissioners regarding the history of CGS 8-2(b).

The Chairman opened the hearing to public comments.

Jim Furlong, 57 Fishtown Lane, Mystic, board member of GOSA, spoke about the following:

- Written notice to staff regarding their treatment of Mr. Kozak at the December meeting

- Recommended the Commission reject without prejudice their proposed amendments, and start over
- Specific recognition of Groton with regard to protection of LIS

Staff read the Town Attorney's letter into the record.

Joan Smith, 589 Mohegan Road, President of GOSA, spoke about the impact of stormwater management and her opinion of the correlation of impervious areas and impacts on shellfish. Ms. Smith recommended denial of this application. She detailed a recent walk she took along a stream through the Town.

Steve Trinkhaus, consulting engineer, spoke about potential problems with the proposed regulations that require an engineer to seal plans which he may not agree with, but which may be required by the Town. Staff clarified the intention of the regulation. Mr. Trinkhaus made several comments regarding the State's 2004 Stormwater Quality Manual, the inclusion of low impact development in the proposed regulations, and the language of the proposed regulations.

Sidney Van Zandt, 3 Front Street, Noank, spoke about climate adaptation, comments from the ICLEI final report, DWQMP, and asked the Commission not to adopt the proposed amendments.

Symma Ebbin, 51 Jupiter Point Road, said she hoped some of the recommendations received by the Commission would be incorporated into the regulations.

Claiborne Van Zandt, 3 Front Street, Noank, said staff should give consideration to other options in lieu of pervious surfaces.

Staff provided clarifications to speaker comments and said they will review the comments made to this point, prior to the next meeting. Staff said that since it is the Commission's application, there is no 65 day time limit for decisions after the public hearing is closed.

The public hearing was closed at 8:46 p.m.

The Commission agreed to move Item #VI. 2, "Request of DiCesare-Bentley Engineers" on the agenda, to be the next item for consideration.

NEW BUSINESS

- 1) Request of DiCesare-Bentley Engineers for Reasonable & Necessary Height Modification, Fitch High School Baseball Field Improvements (Light Pole Height Modification Request

Clint Brown, DiCesare-Bentley Engineers, along with Wes Greenleaf, Director of Buildings and Grounds for the Board of Education, Bob Peruzzotti, Groton Board of Education, and Andrew Dyjak with Musco Lighting presented a plan to upgrade the lighting on the Fitch High School baseball field. A private summer baseball league has proposed to use the high school field as their home field, and the new lighting is necessary in order to meet the requirements of the league. Private funding will pay for the lighting. Mr. Dyak explained the details of the plan highlighting the location and heights of the proposed lights. The maximum height is 30 ft. in that zone. The Town Zoning Official advised them to seek a

modification from the Zoning Commission, as required in Section 4.4 of the regulations. Mr. Dyjak showed a short slide show and explained the lighting systems. The surrounding neighborhood, anticipated uses of the field, and field elevations were detailed for the Commission. A request for review has been submitted to the FAA.

Staff has reviewed the proposal and can support a finding of reasonably and necessary height as proposed.

MOTION: To approve the request for the light pole height in excess of the currently zoned 30 ft. to a reasonable and necessary height as presented.

Motion made by Hudecek, seconded by French, so voted unanimously.

III. APPROVAL OF THE MINUTES OF December 1, 2010.

MOTION: To approve the minutes of December 1, 2010 as amended.

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

IV. PUBLIC COMMUNICATIONS - None

V. CONSIDERATION OF PUBLIC HEARING

1. Proposed Zoning Regulation Text Amendments to Section 2 (Definitions); Section 6.11 (Erosion and Sediment Control Plan); Section 7.2-13 (Surfacing and Drainage); Section 7.4 (Landscaping, Screening and Buffer Areas); and Proposed New Zoning Regulation 6.14 (Stormwater Management Plan)

The Chairman said he felt that there's a general misconception that a lot of the topics being discussed have not been addressed, and would like to clarify where and when they will be addressed. Staff advised the Commissioners to read all the analyses of the comments that were made, and reminded the Commission that it was not their intention to update all the regulations at once. Staff will look into the additional commentary made at this meeting, and discuss at the next meeting. Staff reminded the Commission that there is a difference between ordinances and regulations. The Commission asked staff for guidance with regard to stormwater quality, quantity, watershed controls and plans. Since they do not implement or enforce these regulations on individual development applications, many members find it difficult to understand their role. Staff said it made sense to adopt these measures proposed now, even though they may not appear stringent enough for other parties. Staff will narrow down the areas of differences between the Commission's proposals, staff's recommendations and suggestions by others to assist the Commission at the February 2nd meeting.

The Commission discussed CGS 22a-90 and coastal area vs. coastal boundary.

MOTION: To table consideration of the public hearing.

Motion made by Sutherland, seconded by French. Motion passed unanimously.

VI. NEW BUSINESS

1. Election of Officers

Election of officers was tabled to the next meeting when all Commission members are present.

2. Receipt of New Applications

No new applications have been submitted.

VII. REPORT OF CHAIRMAN - None

VIII. REPORT OF STAFF

Staff provided the monthly zoning enforcement officer's reports to the Commissioners. Staff noted that the final climate adaptation report will be finalized and distributed to agencies; the Mystic streetscape project is underway, with work proceeding on the sewer line; the budget season is starting shortly, and the next Committee of Chairs meeting will be on January 24th.

IX. ADJOURNMENT

Motion to adjourn at 10:06 p.m. made by Sutherland, seconded by French, so voted unanimously.

Zoning Commission

Prepared by Debra Gilot, Office Assistant III