

MINUTES  
TOWN OF GROTON  
ZONING COMMISSION  
OCTOBER 4, 2017 – 6:30 P.M.  
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 2

I. ROLL CALL

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

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

II. PUBLIC HEARING

1. Zoning Map Amendment ZCH17-02, 1 Bank Street, Mystic, PIN 261918305972, RS-8 Zone. Proposal is to change the zoning district of 1 Bank Street from RS-8 Zone to WDD Zone. Review is per Section 8.2 of the Zoning Regulations. (Patrick Roche & Kim Brault, Applicants) – Continued

Ted Harris, Attorney, represented the applicants and responded to comments made by the public at the previous meeting. Mr. Harris addressed the Gaida case of spot zoning, which was discussed at the previous meeting, where one single parcel is changed without regard to the public purpose and area as a whole. He said the decision was based on the grounds that the land was more suitable for business, and use for business would best serve the interests of the town, and felt that the conclusions of this analysis should be the same for the applicant's parcel. The elevation change between the applicant's parcel and the surrounding residential uses was discussed. With regard to the petition, Mr. Harris noted that it had the requisite number of signatures, which requires an increased number of affirmative votes.

A short video of the parcel and neighborhood was presented by the applicants.

Kim Brault, applicant, addressed the commission and submitted several letters in support of the zone change.

Staff explained that the public hearing was kept open to allow the town attorney to submit an opinion regarding spot zoning. His opinion, dated September 16<sup>th</sup>, described the test for spot zoning and consistency with the comprehensive plan. He reviewed the petition, which met the 20 percent requirement, so the application would need to be approved by two-thirds of the commission. Four affirmative votes would be required to approve the zone change. Staff provided some history on the WDD zone. The district was established in 1975, and combined three existing zones in that area; a commercial zone, a working waterfront zone and a residential zone. The ledge created a dividing line between residential and commercial structures in most of the new district. The John Kelly statue is in a residential zone, was considered a parklet in the 80's, and has been continuously owned by the town.

The Chair asked for additional or new comments from the public.

Tim Yakaitis, 106 Sleepy Hollow Road, North Stonington, read a letter in support of the zone change from Margaret Roberts, Hillside Drive, Mystic.

Shayna Weinrauch, 497 Pequot Avenue, works for Leo at Harp & Hound, spoke in favor of the zone change. Ms. Weinrauch also read a letter of support from Chris McGuire, owner of 1 Ashby St and 285 High Street Mystic.

Michael Morrissey, 23 Bank Street, opposed the zone change.

Gary Hobert, 17 Mohegan Road and 15 Water Street, spoke in support of the zone change.

Diane Phaneuf, 8 Bank Street, had concerns about the trucks in the area.

David Squires, 22 Bank Street spoke in opposition of the zone change.

The public hearing was closed at 7:11 p.m.

MOTION: To amend the agenda to move Consideration of Public Hearings for ZCH17-02, 1 Bank Street, to the next item on the agenda.

Motion was made by Sayer, seconded by Smith, so voted unanimously.

### III. CONSIDERATION OF PUBLIC HEARING

#### 1. ZCH17-02, 1 Bank Street, Mystic (Patrick Roche & Kim Brault, Applicants)

Sayer noted that she was not at the last meeting, but she has listened to the entire recording, read all the material, read relevant parts of POCD, analyzed WDD and asked questions of staff, and feels up to date on the application.

The commission discussed the town-owned parklet and whether it was deed restricted to remain a park. Staff said they didn't think it was deed restricted but it would take action by the Town Council to change it to another use.

The commission agreed that this was not spot zoning. It fit into the WDD in terms of topography, isolation from other residential properties, and the surrounding uses of the lot itself. The change would further the uses of the WDD. It was noted by the commission that the Kelly statue parklet parcel is zoned residential but is a local tourist attraction owned by the town.

MOTION: To approve the Zoning Map Amendment (ZCH17-02) changing 1 Bank Street from RS-8 to WDD pursuant to the following findings for approval:

The Commission finds that the Zoning Map Amendment is consistent with the 2016 Plan of Conservation and Development and the Comprehensive Plan for the Town of Groton and is an orderly development of the existing Waterfront Design District.

The effective date of this Map Amendment shall be November 1, 2017.

Motion made by Smith, seconded by Archer.

Motion failed; 3 in favor (Archer, Smith Marquardt), 2 opposed (Sayer, Sutherland). Four votes required for an affirmative vote.

#### IV. PUBLIC HEARING

2. Special Permit #355, 3 Neptune Drive, PIN 260705282445, R-12 Zone. Proposal is to place approximately 8,000 cubic yards of fine-grained marine sands on property of the Mumford Cove Association at the community park and beach. Review is per Sections 7.1-10 and 8.3 of the Zoning Regulations. (Keith Neilson/Docko Inc., Engineer) (Mumford Cove Association, Owner & Applicant) (CAM)\*

Chairperson Sutherland recused herself and appointed Marquardt as Acting Chair.

Marquardt read the legal notice.

Keith Neilson, Docko, Inc., presented the application. Mr. Neilson reviewed the location of Mumford Cove beach and the boat docking area. The channel is perpendicular to prevailing winds and tide, causing sand to move into the channel. Due to coastal storms, that area must be re-dredged fairly regularly. Similar applications for the same reason were previously approved by DEEP, the Army Corps of Engineers and the Zoning Commission. The dredging process was detailed by Mr. Neilson. Sand will be offloaded onto the park area, surrounded by a berm dewatered, the debris removed from the dredge spoils, and then relocated to the beach area. Due to the time schedule being limited by water temperatures, the process will probably have to be done over two or three years.

Mr. Neilson requested lighter erosion control methods. They would be willing to work closely with town staff, and if a situation arises where they would be required to add tighter controls, they would do so immediately.

The Acting Chair sat Edgerton for Sutherland for the public hearing.

David Cote, 78 Colony Road, Chairman of Mumford Cove Association Waterfront Committee, clarified the temporary sand storage in the park area. He said there would be very little effect to the playground and picnic area.

The public hearing was closed at 8:07 pm.

#### V. CONSIDERATION OF PUBLIC HEARING

1. Special Permit #355, 3 Neptune Drive (Docko Inc., Applicant) (Mumford Cove Association, Owner & Applicant) (CAM)

Staff addressed the erosion controls. In previous approvals, erosion controls were incorporated in the plans for the special permit and an E & S bond was required. Staff said it was very clear that erosion controls were not needed on the beach. In the past, the area of stockpile was initially surrounded by hay bales and very little material eroded off the pile. She believed the berm would be perfectly fine considering the flat site. Dune grass and vegetation should be protected by fencing.

MOTION: To approve Special Permit #355, Mumford Cove Beach Association Fill (CAM) to place 8,000 cubic yards of fine-grained marine sand on the property of the Mumford Cove park and beach subject to the following conditions:

1. The erosion controls at both the stockpile area and the beach area protecting vegetated areas shall be inspected by town staff prior to deposition of the sand.

Motion made by Smith, seconded by Sayer.

The commission amended the language of the original motion as follows.

MOTION: To approve Special Permit #355, Mumford Cove Beach Replenishment (CAM) to place approximately 8,000 cubic yards of fine-grained marine sands on property of the Mumford Cove Association at the community park and beach subject to the following conditions:

2. Vegetation protection controls shall be inspected by town staff prior to deposition of the sand.
3. The applicant shall submit the following reports to the Office of Planning and Development Services:
  - a. Dredging Report. This report shall include total cubic yards of material stockpiled and current condition of the site. If dredging is done over the course of two or more winters, this report shall be submitted after each period of dredging.
  - b. Deposition Report. This report shall be submitted upon completion of the project and include total cubic yards of deposited materials on the beach and a description of cleanup and stabilization/restoration activities at both the park and beach areas.

The Commission finds that this application complies with the special permit objectives in Section 8.3-8 of the Zoning Regulations in that it is in harmony with the development of the Mumford Cove area, does not conflict with the normal traffic of the area, and that it does not have a negative impact on natural resources near the site.

Amended motion made by Smith, seconded by Edgerton. Motion passed unanimously.

MOTION: To approve the Coastal Site Plan for the Mumford Cove Beach Association fill because it is consistent with all applicable coastal policies and will not have an adverse impact on coastal resources.

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

The commission asked staff to consider how these applications could be approved administratively in the future when they are continuous.

Sutherland was reseated as Chair.

VI. PUBLIC COMMUNICATIONS – None

VII. APPROVAL OF THE MINUTES

I. September 6, 2017

MOTION: To approve the September 6, 2017 minutes as amended.

Motion made by Smith, seconded by Marquardt. Motion passed 3-0-1 (1 abstention Sayer).

VIII. OLD BUSINESS

1. Zoning Regulations Rewrite Project

There will be a special meeting on October 18<sup>th</sup> at 6:30 p.m.

Staff distributed a draft of Section 3 of the regulations, which addressed the proposed new zones. Staff will provide a map to the commissioners. After the commission is comfortable with the draft zones and map, the use tables will be reviewed. Staff said Horsley Witten will be at the meeting on October 18<sup>th</sup>. The commission would like a rough timeline or calendar for the rewrite project.

Staff asked the commission how they would like to conduct the workshops with regards to public input. The commission concurred that they wanted no public comments at the workshops, only comments at the regular meetings. Staff said that would be stated on the agendas for those meetings. The commission also discussed a five minute limit for public comments. There will be only written comments accepted at the October 18<sup>th</sup> meeting.

IX. NEW BUSINESS

1. Report of Commission - None

2. Receipt of New Applications - None

X. REPORT OF CHAIRPERSON - None

XI. REPORT OF STAFF - None

XII. ADJOURNMENT

Motion to adjourn at 8:51 p.m. made by Sayer, seconded by Smith; so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Executive Assistant