

MINUTES  
TOWN OF GROTON  
ZONING COMMISSION  
NOVEMBER 1, 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  
Alternate members present: Edgerton, Archer  
Absent: Sutherland  
Staff present: Glemboski, Jones, Reiner, Gilot

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

II. PUBLIC HEARING - None

III. CONSIDERATION OF PUBLIC HEARING - None

IV. PUBLIC COMMUNICATIONS

Acting Chairperson Hudecek stated that the commission would be taking written as well as oral communications regarding the zoning regulation rewrite during the Public Communications portion of tonight's meeting.

James Furlong, 57 Fishtown Lane, Mystic, addressed the commission regarding the proposed map classifications of open space. He said Horsley Witten's map may lump permanently protected conservation open space with recreation open space. Mr. Furlong said he would like clarification. Mr. Davis had noted that many communities keep recreation space and conservation space separate. Mr. Furlong was concerned that it would be easier to switch properties from one category to another. Conservation open space and recreation open space should be treated differently and kept separately to account accurately for natural resources. He noted that the October 18, 2017 minutes show Groton Utilities as permanently protected open space, but past practice has been that land was not included. He suggested the commission consider going to three categories of open space, with clear distinct language and identification on the map: permanently protected, organized sports, and Groton Utilities land.

Diana Phaneuf, 8 Bank Street, read a letter from David Squires, 22 Bank Street, expressing his displeasure with the commission and staff because they proposed to include 1 Bank Street in the new "MYS" district, without regard for the petition by neighbors who spoke against a recent zone change application during a public hearing for 1 Bank Street.

Zell Steever, 81 Main Street, Groton, presented a letter to the commission with eight general items of concern that he felt should be addressed in the zoning regulations. With regard to sea level rise and FEMA regulations, he suggested a workshop meeting with the Connecticut Institute for Resilience and Climate Adaptation (CIRCA) to explore risks and options especially based on recent storm events globally and regionally, and include other land use commissions and subdivision regulators to hear the issues going forward. Planning staff, Horsley Witten and the Zoning Commission should review options for building structures in FEMA flood hazard zones. They should also consider what should happen after a major weather event.

Smith told Mr. Steever that the commission doesn't control most if any of the coastal area he referenced. Mr. Steever said the Zoning Commission and the other four subdivisions should be brought together as one group. Smith said that was more for the Planning Commission than the Zoning Commission and asked what Mr. Steever thought the Zoning Commission could do. Mr. Steever said they could regulate the vacant lots.

V. APPROVAL OF THE MINUTES

1. October 4, 2017

MOTION: To approve the October 4, 2017 minutes as presented.

Motion made by Smith, seconded by Archer. Motion passed 4-0-1, 1 abstention (Hudecek).

2. October 18, 2017 Special Meeting

MOTION: To approve the October 18, 2017 special meeting minutes as amended.

Motion made by Marquardt, seconded by Smith.

Motion passed unanimously.

VII. OLD BUSINESS

1. Commission Workshop – Zoning Regulations Rewrite Project

Nate Kelly, Horsley Witten, provided a brief progress update for the Commission and reviewed the conceptual work schedule for the update for 2017-2018.

The public comments and concerns were discussed, including how to help the process of addressing public concerns. Additional meetings and public informational meetings may become necessary at certain points in the schedule. The commission would like the Zoning Official to attend the meeting when they will be addressing zoning enforcement, etc. It was recommended that December should be more of a public workshop to discuss the zoning map, zone changes, etc. proposed to date. Staff advised the commissioners to contact staff to get updated if they miss any meetings so that the commission doesn't fall behind on the schedule.

Use Table

Mr. Kelly explained that the current existing use tables were used to start. They were collapsed and combined to create the new table.

RED FLAG: The commission didn't like the half-moon symbols for the conditions/conditions and special permit.

The commissioners said the table should say all conditions that go along with it but they were not sure how the conditions would be listed.

Staff said the conditions will be identified. The commission didn't like the asterisk, A/ or moon symbols and preferred letters. The conditional uses were intermixed in the table. Conditions should be listed by paragraph. Column heading

should say See Section... XXX. Staff said there will be letters with the WRPD also, S, X; Hudecek said those are also conditional uses. Staff said they have to look at the table again to address commission concerns. It may be more complicated with the WRPD being placed in the overall use table.

Discussion ensued on whether it is considered a table of uses or table of permitted uses. A table of permitted uses would be everything that could happen, so only the items marked should be permitted by right, conditionally, by special permit, or by accessory use, and if not marked, they not permitted. The WRPD, as an overlay, creates a complication. Hudecek asked if they could make it like another zone. Staff said the WRPD table lists only the uses that are prohibited. If it is not listed, then it goes back to the underlying zone to see if the use is permitted. Staff said the WRPD table could be in another section, but that could be confusing. Staff will go back and look at it. Staff said there are conditional uses that are subject to conditions that are listed in the regulations. With a special permit, the commission may add additional conditions upon approval of an application. The table should identify whether a special permit is required, or just conditions in the regulations. Staff said the table presented is only for presentation purposes, not content. Staff said the specific conditions won't be addressed until February and will be in a separate section of the regulations.

Edgerton asked about home occupations. Staff said home occupations are in a different section of the regulations. It becomes a residential use question which they will address that at another time. Staff said currently home occupation uses don't allow people to come to the residence; they allow one employee, no customers. That might need to be discussed. Some towns have tiered home occupation uses.

The commission would like some "For Example" boxes. Mr. Kelly explained that the formatting and alignment will be revised in the future. The commission briefly discussed home occupations, airbnbs, owner occupancy during the year, definition of family/household, single family house. Staff said there are two attorneys reviewing the language for the residential section.

Regulation of earth products, rock crushing, gravel excavation, processing, earth moving, storage of stockpiles of material, etc., should have some regulations and be included in the use table. Agricultural and resource activities also need to be added back in to table.

Staff said the daycare definitions come directly out of the state definitions, so they are hesitant to change those definitions.

### Agricultural

Agriculture, Home – The commission discussed the need for this use definition. Staff said incidental sale needed to be addressed because if it becomes too big an operation, there would be nothing in the regulations and it could not be enforced.

Structure – Discussed breaking up the definitions of structure and building.

### Cultural, Recreation & Entertainment

Temporary Events – non-profit – put in "typically" non-profit.

Open space, Recreation: Do distinguished uses need to be listed for open space? Extra definitions may be needed here – passive vs. active. This may be an extra layer or

different zones. The commission discussed deed restrictions, natural restrictions; conditions for active uses; different zones and whether it can be accurately delineated on a map. Staff will review, and come back to commission with details of open space, public use, and potentially assigning uses to open space zones, such as OS-active, OS-conservation.

#### Daycare

Staff said the definitions of daycare are from the state. Staff said Daycares should remain separate from home occupations.

#### Health Facilities

Nursing homes, as well as residential uses, are still being reviewed by the attorneys. Staff was not sure if use should be under both areas (residential and health facilities). The commission may want “see also...” included with the definitions.

#### Industrial

Floor area – In definitions, should mean gross floor area.

Breweries –The footprint of the building is what will be used to determine size of a brewery, rather than production. Traffic and building scale are the more appropriate zoning tools used. Staff doesn’t want to get involved in definitions of the types of breweries or the amount of product produced. These may be self-regulated by parking requirements and conditions in certain zones.

Food and kindred production – The commission doesn’t like “kindred”. Wholesale should be discussed (trucks), scale of operation rather than what they are doing should be used.

Heavy Industrial –discussion of whether the term “non-ferrous” is necessary.

Lodging Related & Residential – not being reviewed at this time.

Assisted living – levels of facilities – allow for mixed use types of facilities. Some language about continuum of care facilities may need to be included.

Hudecek does not want the definition of “family” removed.

Certain groups of definitions – building height, gross floor area, etc., could be in one area but may be moved further on in the rewrite process.

#### Restaurant/Drinking Establishment Related

Mobile restaurant – Food trucks were discussed.

Drive through –there will be different standards for pharmacies, banks or food.

#### Retail

Retail vs. commercial was discussed.

No retail with outdoor storage is listed on the use table. It's in the Definitions, but not on the use table. Also, retail outdoor sales lot is not on the table.

Retail with outdoor storage and retail outdoor sales lot will be looked at again by staff for clarification.

Services – No comments

Signs - Not reviewed by staff yet.

Transportation, Communication and Utilities

Some of these definitions may be included for clarity in other sections.

There is no definition for “airport”.

Photovoltaic – Staff asked the commission to consider if they want to regulate wind turbines, solar array farms, or solar panels on individual lots. Hudecek noted that if they are not regulated, and not discussed in the regulations, then the definitions should be omitted.

A solar voltaic panel is a structure. The wattage determines if the State Siting Council approves. Staff said the commission needs to decide if they want regulations for the large solar arrays and individual solar panels. Applications to the Siting Council will still be referred to the town for comments as to whether they meet the town's regulations. The Siting Council may or may not respect the town's determination but it gives the town greater ability to influence the State's decision. Residential ground mounted solar panels may be a concern; large-scale farms may be a concern with regard to stormwater.

Vehicle and Heavy Equipment

Much of these definitions were discussed in WRPD.

The agenda for the next special meeting will be to circle back on the red flag items. It will be strictly a workshop on the zoning regulation rewrite. Oral comments will not be taken at that workshop, but would be heard at the December regular meeting.

## VIII. NEW BUSINESS

1. Report of Commission – None
2. 2018 Meeting Schedule

MOTION: To approve the 2018 Meeting Schedule as presented.

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

3. Receipt of New Applications - None

## IX. REPORT OF CHAIRPERSON - None

## X. REPORT OF STAFF –

Staff distributed the Fall CFPZA newsletter.

Staff said that the department's planners attended the SNEAPA planning conference for two days in Providence.

Sayer wanted to explain that even though individual commissioner votes are not recorded, she voted against the proposed zone change application for 1 Bank Street because she wanted the commission to look more holistically at the entire zone, rather than just piecemeal. The commission and staff noted that the draft zoning map distributed in October showing 1 Bank Street as part of the new "MYS" district was for discussion purposes only. Staff said it was under discussion long before the application for 1 Bank Street was submitted. Staff said there are other parcels in that area that they are considering adding to the "MYS" zone also. Staff said the possibility of this parcel being included in the zone change was discussed on that night also. Hudecek said he thinks the map should be relooked at based on that, and he doesn't want the commission to ignore the neighbors' concerns or look disingenuous. Smith explained that the vote, which was 3 - 2, was actually denied because of the supermajority requirement. The commission discussed the possibility of the requirement for a supermajority for the overall proposed zoning regulation changes and how it might be calculated.

XI. ADJOURNMENT

Motion to adjourn at 8:59 p.m. was made by Smith, seconded by Sayer; so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Executive Assistant