

MINUTES
TOWN OF GROTON
ZONING COMMISSION
FEBRUARY 3, 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, Reiner, Gilot

Chairperson Sutherland called the meeting to order at 6:47 p.m. and seated Smith as a voting member.

II. PUBLIC HEARING

1. REGA15-02, Proposed Zoning Regulation Text Amendment to Section 5.2. Proposal is to amend the maximum building height in the Waterfront (WF-20) zoning district from 30 feet to 50 feet (Russell Sergeant, Applicant)

Chairperson Sutherland read the legal notice. The Chairperson noted that the applicant requested that the public hearing be continued to the next regular meeting in March.

MOTION: To continue the public hearing to the next regular meeting on March 2, 2016.

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

III. APPROVAL OF THE MINUTES OF meeting of January 6, 2016

MOTION: To approve the minutes of meeting of January 6, 2016 as amended.

Motion made by Hudecek, seconded by Sayer. Motion passed 4-1-0, 1 abstention (Sutherland).

IV. CONSIDERATION OF PUBLIC HEARING

1. REGA15-02, Proposed Zoning Regulation Text Amendment to Section 5.2. Proposal is to amend the maximum building height in the Waterfront (WF-20) zoning district from 30 feet to 50 feet (Russell Sergeant, Applicant)

The public hearing was continued to March 2, 2016.

V. PUBLIC COMMUNICATIONS

Thomas Potter, 154 Walker Hill Road, submitted a letter to the Zoning Commission dated January 27, 2016 regarding the State of Connecticut's Department of Corrections referrals of unrelated persons permitted in the RS zone.

Staff said the Zoning Official has been working with the Town Attorney regarding the duplex, with four unrelated residents. Staff said that zoning enforcement matters do not come before the Zoning Commission, but are heard by the Zoning Board of Appeals. Staff said the Zoning Official and the Town Attorney have responded to Mr. Potter and he can appeal the interpretation to the Zoning Board of Appeals.

Mr. Potter addressed the commission again. He said the subject property is not a community residential counseling facility. He said the zoning regulations are silent on those Connecticut general statutes and asked how it is possible that the Dept. of Corrections can make referrals if it is not stated in the regulations. The Chairperson said the Zoning Official will review those as well.

The Commission would like staff to provide a follow-up for the next regular meeting.

VI. OLD BUSINESS

1. Zoning Regulation Update

a. Water Resource Protection (WRPD)

Staff noted that they emailed the commissioners an update from Horsley Witten Group, which was received this afternoon. The memo provided a summary of what has been done, and was looking for direction on how to proceed.

Staff said after the last meeting, the consultants did a windshield survey of the district. They have since done more intensive GIS mapping of setbacks from streams and wetlands. Staff had a workshop with the consultants last Friday to address some of these issues. The topo is very irregular in the WRPD. The GIS analysis showed the 100 year floodplain is outside that setback in certain areas. There are many pre-existing non-conforming uses in the WRPD. Horsley Witten told staff that based on the number of existing non-conformities, and the complex water system, they would not recommend the two-tiered system. They recommended the Commission use best management practices, conditional uses, and decide how to regulate. The POCD had recommended considering a two-tier system. Based on the complex environmental system, staff asked what uses would be allowed, and what would be prohibited. The asked Horsley Witten to look at existing prohibited uses, and compare to the DEEP recommendations and previous work they had done for other towns. Staff would like to start talking through some of these uses. The DEEP recommendations are based on aquifer sources not surface water sources. Definitions will need to be very explicit.

A Code of Ordinances could be used, which would need to be approved by the Town Council, as another enforcement method. Discussion ensued on how many existing fuel stations, auto dealerships, car washes, etc., are currently in the WRPD, and how many grandfathered systems have been brought up to date. They will not be able to just prohibit; the old ones will never want to leave, and will hang onto the older systems. The Chair said "Kennels" should be looked at as a separate topic, to be considered later. Staff would have a map made showing these nonconforming uses. Changing the regulations only affects uses going forward. Ordinances can affect those uses already existing, and can go inside the buildings, not just outside. Staff is not sure how enforcement would work in that area. Ordinances would not be zoning, but the

Zoning Official enforces the blight ordinance and may also be enforcing any other ordinances that may be added. An ordinance may provide for regular inspections. Staff provided some examples. Non-point source pollution from sites, change of use through eventual slight modification, making prohibited uses allowable in order to regulate, and town responsibility for drainage basins in subdivisions were all discussed. Staff said suggestions for use table consolidation and zoning districts will be sent to the Zoning Commission next week. The use table will be defined consistently throughout the regulations.

Staff explained that Table 1 shows those uses already regulated or prohibited in the WRPD. The Commission needs to define the uses, and decide on conditions. Additional items should be prohibited in addition to the existing prohibited uses. A new column in the use table for “WRPD” was suggested.

The Commission would like to see how many businesses would be grandfathered in the WRPD, and then discuss it again. The Commission concurred to abandon the tiered method of regulating.

The Commission discussed the following recommendations:

- They agree with one overlay.
- Need more definitions
- Code of ordinances – the Commission needed additional information on how it would work.

Staff said conditions that could be in regulations, or others that need to be an ordinance will be discussed further on. This would not require a large monetary investment, but they will be able to better approach the Town Council when they have more information to bring them.

VII. NEW BUSINESS

1. Zoning Regulation Update/Preliminary Discussion

a. Downtown Development District (DDD)

Staff provided a handout relative to the Mackenzie case. The Planning Commission is not able to waive many items in the regulations. Staff said they need to decide if or where they are stopping development, and where changes can be made. A major hardship for new development in the DDD is the front yard setback, which is currently 75 feet. Another issue is the sideyard setback. It is currently 30 feet; staff recommends 10 feet, or 0 if there is a party wall agreement. If the regulations aren't changed, an applicant would need to get a variance, and the new rules are that variances can no longer be granted unless the applicant can show an extreme hardship. These changes would also encourage walkability and bikability, to get retail up closer to the road. Staff said these may change with the major rewrite of the regulations, but for now will eliminate the need for a variance. Staff would like the commission to hold a public hearing sooner than later, if they like the proposal.

b. Waterfront Design District (WDD)

Staff said design standards are such that if you wanted to build anything on many of the lots right now, you could not, based on the existing standards. Originally, the Planning Commission could waive design standards. Staff reviewed the WDD

language and said there needs to be a comprehensive review of the entire district for any design changes. Staff said no new building or new addition is anticipated for the next year, so staff focused on the immediate concerns in the WDD that the Planning Commission could no longer waive, such as parking.

c. Mixed Use (MX Zones)

The Chair discussed the mixed use nodes. They should be shown on the map so that developers can see it on the map, and know it is available. She thought it was a good point that they should be “shovel ready”, ready to go. Staff explained the complicated requirements for the existing MX zone. The Town should make it easy to develop if they want an area developed in a certain way. The Commission agreed that was a good concept. They would like to see some sketches and consistent design standards.

Staff will bring more defined language based on the Commission comments, and the Commission could schedule a public hearing for April or May.

Staff said a special meeting may be necessary and they will poll the Commission when they have available dates.

d. Parking/Landscaping

Parking: Staff said parking in the WDD is a big issue. The five-eighths rule the Planning Commission uses to waive parking requirements can no longer be used. The language which staff proposed is 50% deduction, which is close to the five-eighths rule. Or the Commission could eliminate the parking requirements completely, or eliminate with proof of participation in the parking validation program. Providing employee satellite parking for downtown businesses was discussed. The Planning Commission cannot waive any requirements unless it is in regulations. This change will be made now, but may change again when the entire rewrite is done. The Commission was in agreement with the parking as presented by staff.

Landscaping: Staff said the applicant must either meet the buffer standards, or go for variance. The regulations should provide a range, or options. Staff is still working through the buffer area, with regard to topo, etc. Staff will provide more detail for the next meeting.

Sidewalks: The Commission noted that the regulations need to provide a range rather than “should” on page 12. Staff will look at this again.

e. Format

Staff had sent some samples to the Commission. Staff said “Clearzoning” was a good example. Cromwell was also good, but did not contain hyperlinks. The Commission agreed that two-column is difficult to read online. The sections need to be identified first.

f. Other - None

2. Development Guide: Update

Staff said there has not been any time to work on the development guide. They are meeting tomorrow with the Norwich Community Development Corporation (NCDC) to discuss working with them on a business development guide. The development process guide project may need to be postponed while the town is in the process of changing the development process.

3. Report of Commission - None
4. Receipt of New Applications - None

VIII. REPORT OF CHAIRPERSON

The Chair said that Commissioner Mark Bancroft resigned due to his personal work load. Commissioner Bill Middleton also resigned. The Chair noted that Smith could consider becoming a regular member. He said he would be submitting an application for the position. The Commission needs more key people, with the important work they will be doing on the regulation rewrite.

Chairperson Sutherland told staff she would like to see the Zoning Commission's work mentioned more frequently in the department's monthly report.

IX. REPORT OF STAFF

Staff explained that the Town Council recently held a goal setting session. One of its goals was combining the Planning and Zoning Commissions. Staff said they are opposed to that at this time, as the Commission has too much work to be done and will be focusing on the regulatory rewrite.

Staff told the Commission that the US Fish & Wildlife Service has proposed a great thicket refuge.

Staff reminded the Commission that the Connecticut Federation of Planning and Zoning Agencies will hold their annual dinner meeting on March 17th at the Aqua Turf Restaurant. She asked anyone interest in attending to let staff know.

X. ADJOURNMENT

Motion to adjourn at 8:35 p.m. made by Hudecek, seconded by Marquardt, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Debra Gilot
Office Assistant III