

MINUTES
TOWN OF GROTON
ZONING COMMISSION
SPECIAL MEETING
MAY 31, 2017 – 6:30 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 1

I. ROLL CALL

Regular members present: Hudecek, Marquardt, Smith, Sayer, Sutherland

Alternate members present: Edgerton, Archer

Absent:

Staff present: Glemboski, Jones, Reiner, Gilot

Chairperson Sutherland called the meeting to order at 6:30 p.m.

Hudecek stated that he listened to tape and read all the materials related to the WRPD public hearing and was prepared to sit.

II. PUBLIC HEARING

1. REGA17-01, Proposed Zoning Regulation Text Amendment to Section 6.12 Water Resource Protection District (WRPD) to delete current Section 6.12 regulations and add new WRPD regulations (Town of Groton Office of Planning and Development Services, Applicant) - Continued

Jonathan Reiner, Director of Planning and Development, reviewed the status of the public hearing and noted that a memo from Nate Kelly, Horsley Witten Group and staff with suggested changes was included in the agenda packet.

Nate Kelly, Horsley Witten Group (HW), provided a very brief point by point review of the memo from Horsley Witten and Town staff dated May 31, 2017, with the revisions made to the draft as a result of the previous meeting.

1. Salt Use and Storage within the WRPD: Stockpiling of road salts in a secure watertight structure was addressed. Additional language was added for use of salt on roads, parking, etc.

2. Modification of % Impervious Coverage: Pervious pavement and effective impervious was discussed – Kelly noted that new development should not add effective impervious because it's all being treated. The new MS-4 stormwater permit will require the town to track directly connected impervious townwide, irrespective of what the Town regulations are.

3. Pervious vs. Impervious Pavement for Parking Lots: Small lots with 10 or fewer parking spaces, town-owned recreation, parks, sport facilities should be exceptions to the requirements for pervious pavement for parking areas.

4. Testing and Monitoring Prior to Implementation: – Kelly noted the purpose of the WRPD is to prevent problems from occurring, rather than waiting for a problem and then reacting to it.

5. Pre- and Post- Development Stormwater: – To address concerns that developers may use “to the greatest extent practicable” to avoid meeting requirements; stronger language was suggested.

6. Peak Rate of Runoff for Stormwater System – Speed or velocity, and volume of runoff based on conditions for 100 year storm on smaller parcels may be onerous; Horsley Witten did not think the difference between the 25 year and 100 year storm calculations were significant enough to warrant the increase to 100 year storms.

7. Rinsing of Vehicles: Kelly did not see a problem with the rinsing of new vehicles. The commission would prefer to change that language to include allowing the rinsing of new boats, farm equipment, etc., not just vehicles.

8. Recycling Wastewater for Vehicle Washing Facilities: Kelly noted recycling is standard operating procedure now, but language can be inserted to allow for options.

9. Fuel Cells: Power plants are prohibited, but wind and solar are allowed. The temperature of water may be an issue from fuel cells, so the commission may want to include language addressing the temperature of processed water discharged in the WRPD. Horsley Witten will work on language for that.

10. Exemption for 1 and 2 Family Homes in WRPD: Staff noted that the Subdivision Regulations can currently address the 100 ft. buffer area. Staff will also address this with the subdivision regulations update.

11. & 12. Fuel Dispensing Stations and Underground Storage Tanks: no additional information was provided.

14. Technical Items: Clarifying language will be added to conditional uses; “site” will be changed to “lot” and “non-pervious” will be changed to “impervious” throughout the document; Appendix D – Groton Utilities and Groton Ledge Light Health District will be added to the notification list for spills.

13. 50-ft vs 100-ft Non-Disturbance Area: Horsley Witten distributed an updated table showing the number of businesses and parcels affected by the 100 ft. non-disturbance area.

Paige Bronk, Economic and Community Development Manager, spoke about the Business and Property Impacts from the WRPD Proposal memo dated 5/26/17. The wetlands not connected to streams were removed, dropping the numbers. He discussed how many businesses are currently affected, and how many will be affected by the 100 ft. non-disturbance zone. Bronk said “affected” and “impacted” need to be defined. Just the change from 50 ft. buffer to 50 ft. non-disturbance created an impact. From an economic development standpoint, anything in the 50 ft. area was an impact. The definition of “buffer” vs. “non-disturbance area” was discussed. The commission felt several properties were overstated. Bronk and the commission discussed the purpose of the regulation rewrite, growth, the purpose of the WRPD, and who ultimately will be affected, and unintended consequences. Sayer said the commission’s contribution is to update and create a clear zoning code for the town to make it easier to do business in Groton. She said the overall goal is to be business friendly – simplify, clarify. Bronk said that focusing on modifications that only affect commercial and business properties, and expanding it, will be perceived one way, despite the intent. The commission noted

that these businesses would still be non-conforming. If the regulations weren't changed, the businesses would still have to comply.

Discussion ensued on non-conforming uses and the expansion of prohibited uses, and the reduction or modification of a non-disturbance area (Section 6.12-8.C.).

Staff noted they received comments from Attorney Ranelli, which were distributed to the commissioners tonight. Also, Edgerton distributed a set of technical items that staff will address.

Zell Steever, 81 Main Street, distributed a copy of his comments to the commission. He noted that at the first hearing he asked that all his previous material be included in the record for this hearing. He would also like all the previous working material for this regulation amendment be included in the record. He also asked that the map with Paige Bronk's memo be included in the record. Mr. Steever spoke strongly in favor of the 100-foot non-disturbance area.

Jim Furlong, 57 Fishtown Lane, Groton, spoke about the EDC report, their list of impacted businesses placed in the report, and discussed other recourses for those businesses. Much of Groton's future expansion will be redevelopment. He hoped the WRPD zoning amendment would be adopted as proposed.

Jessie Stratton, 31 Spring Street, Groton, spoke in favor of the 100-ft. non-disturbance area and the regulations as proposed. She felt the impact on existing businesses would be minimal. Stormwater management requirements would address some of those issues.

Kim Cardinal Piscatelli, representing Cardinal Honda, Route 12, spoke in favor of Bronk's comments. She noted her business would not be affected by the 50 or 100-ft. non-disturbance area. She made an additional request of the Zoning Commission to not limit the used car inventory to 30% for new vehicle dealers (Section 6.12-10.D.4.f)). Ms. Piscatelli explained that new inventory may fall as a result of outside influences; during those times, pre-owned inventory carried their business. Certified pre-owned is like new inventory, pre-owned (used) inventory may be higher and could exceed the 30%. She would like it to not be regulated. She noted that new car dealers are all franchised.

Eugenia Villagra, 76 Riverview Ave., Noank, spoke in favor of the 100 ft. non-disturbance area and against exemption of 1 and 2 family dwellings and impervious coverage.

Victor Villagra, 76 Riverview Ave., spoke about water quality, and impervious areas. The argument that we should not do anything because there may be additional stormwater treatment is wrong. Preservation of water quality will attract people and businesses to Groton. He spoke in favor of 10-15% impervious, and 100 ft. non-disturbance area.

The Chair asked if any other members of the public wished to speak and there were none.

Staff asked if any commissioners needed any more information before they closed the public hearing. They said they did not.

The public hearing was closed at 8:18 p.m.

III. CONSIDERATION OF PUBLIC HEARINGS

1. REGA17-01, Proposed Zoning Regulation Text Amendment to Section 6.12 Water Resource Protection District (WRPD) (Town of Groton Office of Planning and Development Services, Applicant)

The Chair felt there are still some open items. Staff said they would take the notes from this meeting and prepare a draft for the commission's approval.

Staff, HW and the commission reviewed the items on the Horsley Witten's memo dated 5/31/17 and the commissioners made the following decisions:

1. - Change as proposed
2. - Keep 70% as written.
3. - Change as proposed
5. - Change as proposed
6. -100 year storm – consultant says manageable but can be challenging for small, oddly shaped lots; not enormous change for peak rate. It becomes a special issue for a small lot; takes away from natural area. Staff would go along with Public Works' recommendation of 25-year rather than 100-year. Staff said the CT Stormwater Manual is a guidance document, adjusted for site-specific conditions. Matching peaks is standard practice; matching volumes is onerous. The commission concurred with removing the 100-year storm.
7. - Staff will include language for rinsing of ALL new vehicles/boats/farm equipment etc.
8. - Modify to say that either recycling or discharge to public sewer system is OK for car wash.
9. - Fuel cells – The commissioners wanted simple language such as "processed water shall not be directly discharged to pavement". Also, add fuel cells to table.
10. - The commission agreed subdivision regulations will cover; leave as is.
11. - Commission concurred with consultant – existing; leave fuel dispensing stations as is.
12. - Commission concurred with consultant – existing; leave fuel dispensing stations as is.
13. - Staff said if they want to add, the Commission can add "maximum amount of a site that can be impacted by non-disturbance area"; discussion of impact on some lots ensued.
- 14-Staff will incorporate Edgerton's editorial comments into the appropriate sections if they do not change the content of the document.

Discussion continued on the non-disturbance area. Sayer asked if someone could subdivide, creating smaller parcels that would be impacted by this. Staff said that would be their responsibility to work with the applicant. The commission reviewed each of the parcels impacted by the potential 100 ft. non-disturbance area.

Marquardt said they should stay with 50 ft.; there are not a lot of areas for new development; the 50 ft. non-disturbance rather than buffer would be acceptable. 100 ft. would be problematic for those properties on Gold Star Highway, near Antonino's.

Sayer noted that if more than 25% of the lot would fall into non-disturbance area, there should be some modifications. This would allow some room for design.

Staff can develop options for 100-ft non-disturbance area. The commission is concerned with the impact on the smaller properties. They do not want to create a hardship. Staff said they will craft language for 100 ft., no more than 25% of lot shall be non-disturbance area, and sketch out this option. Reiner said he would clarify with the town attorney if they would be allowed to sketch it out, as that may be entering new material into the record. Hudecek asked about the reduction or elimination of used cars from new dealerships. Smith agreed with 40% in response to the request. Horsley Witten said they would review the definition for new vehicle dealer. Staff will try to eliminate the percentage for new dealers, and not use the word franchise.

Staff will propose a final regulation with the edits and a draft motion for the commission at the next meeting on June 7, 2017.

IV. PUBLIC COMMUNICATIONS - None

V. APPROVAL OF THE MINUTES

1. March 21, 2017 Special Meeting

The Chair postponed approval of the March 21, 2017 meeting minutes to the next meeting.

2. May 3, 2017

MOTION: To accept the minutes of the meeting of May 3, 2017 as written.

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

VII. OLD BUSINESS

1. Zoning Regulations Rewrite Project

No report, no discussion.

VIII. NEW BUSINESS

1. Report of Commission - None

2. Receipt of New Applications – None

Staff reminded the commission there is a public hearing scheduled for June 7, 2017 on the cat kennel application. Staff said the applicant's public hearing for a variance was continued to June 13th due to a lack of a quorum, the special permit public hearing will need to be opened and continued. The commission may want to consider a special meeting for the cat condo application so that the applicant isn't delayed any further.

IX. REPORT OF CHAIRPERSON

The Chairperson asked staff if they knew what information the Council was citing in their discussion of abolishing the Zoning Commission. Staff said they were referring to the market analysis recommendation of a combined Planning and Zoning Commission.

Staff said the Town Council will set a public hearing date at their June 6th meeting. Some Planning Commissioners intend to attend that meeting to speak during the public comment period.

X. REPORT OF STAFF - None

XI. ADJOURNMENT

Motion to adjourn at 9:30 p.m. made by Hudecek, seconded by Smith, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Debra Gilot
Office Assistant III

NOT APPROVED