

MINUTES  
SPECIAL MEETING  
ZONING COMMISSION  
OCTOBER 10, 2013 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Marquardt, Sutherland, French, Hudecek, Sayer  
Alternate members present: None  
Absent: None  
Staff present: Glemboski, Jones, Galetta

Chairperson Sutherland called the meeting to order at 7:00 p.m. Glemboski left at 7:01 p.m.

II. PUBLIC HEARING

1. Special Permit #336, 15 Water Street, PIN 261918306108 and 17 Water Street, PIN 261918306046, (CAM), WDD Zone. Proposal is to change an existing retail use and one residential apartment to retail, and three residential apartments, including an addition to the rear of the building. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. (Russell Sergeant, Applicant)

The Public Hearing was opened at 7:01 p.m. with Chairperson Sutherland reading the legal ad.

Architect Russell Sergeant gave a brief history of the building which has housed a retail establishment for 40 years. There are currently significant building code violations, such as an open stairway between the retail and residential area, as well as leakage problems with the roof. The proposed project encompasses an addition, changing the rooftop cupola to a monitor and adding sprinklers to the entire building. An application for exterior changes to the windows and siding has been approved by the Historic District Commission. The plan is to maintain retail space on the first floor and basement level and to add 2 residential apartments for a total of 3 in the building. Handicap entrances will be constructed on the north and south sides of the building and 4 additional parking spaces will be built.

The applicant addressed the special permit regulations relative to keeping in harmony with the character of the neighborhood, impact on traffic circulation and environment. He reviewed the parking regulations for the adjacent Powerhouse Condominiums and noted that this project will add 4 spaces. This project promotes housing in the WDD as 2 one-bedroom and 1 studio apartment will be created and it will also provide a mixture of uses that are commercial, office, and residential.

Greg Fedus, of Fedus Engineering, presented the site plan. Parking will be added along the right-of-way to the Powerhouse Condominiums. The existing 3 parking spaces are not code compliant and will be lengthened and widened. Four additional spaces will be added. Pervious pavers will be installed at the head of the stalls for drainage. The Planning Commission has requested a sidewalk to connect to The Mystic Art Association sidewalk and Fedus reviewed the location. Storm water that collects at the base of the south handicap ramp system will be pumped to a new rain garden. There is a similar system at The Oyster Club next door and there has been no trouble with that system. Pervious asphalt was not considered because of the underlying ledge. A dumpster located on the Art Association property is currently serving the Powerhouse Condominiums and will also serve the Emporium building.

Fedus noted the improvements associated with the Mystic Streetscape Phase II have been incorporated into the plan. The Commission felt that a crosswalk should be installed in the area. It was suggested that, at the very least, there ought to be a curb cut.

Staff noted that the mailings are in order and done correctly. The Planning Commission, which reviewed the application on September 24, recommended approval but noted concerns that sufficient parking be provided, especially for residential units.

Staff noted that existing building use generates the need for 17 parking spaces while the proposed use generates the need for 16 spaces. Currently 3 spaces are provided and the applicant proposes to construct an additional 4 spaces for a total of 7 provided.

The Zoning Commission noted that the term retail is generic and that a restaurant establishment would require more parking. The proposed use of the basement and first floor in this building is strictly retail.

Bill Middleton, who is on the Board of Mystic Art Association, addressed how residential parking is handled currently. The Art Association provides adequate parking under most circumstances. The Commission suggested that parking may not be adequate for residents who may be entertaining. Middleton reiterated that the Art Association has not experienced this to be an issue.

Chairperson Sutherland asked for public comments for or against the application.

Tod Schaefer, 8 Prospect Street, is the owner of Unit #9 in the Powerhouse Condominiums. He addressed the question regarding the dumpster ownership and its use. It is paid for by the Powerhouse and is not used by the Emporium. Randall's Wharf Association put in the pad. Additionally, he commented that the Powerhouse has wanted to maintain 2 spaces per unit; therefore, the need is for 17 spaces in the lot.

Todd Brady, a resident at 17 Water Street, is also President of Randall's Wharf Condominium Association, one of the owners of the shared driveway and a Historic District Commission member. He is speaking only for himself. He has worked with the Art Association over control of the driveway. He is in support of the application. He feels it is important for Downtown Mystic to have reinvestment in its buildings and the Art Association has taken a financial leap to invest in this building. Additionally he does not see it as a high traffic parking lot.

The public hearing closed at 7:40 p.m.

III. APPROVAL OF THE MINUTES OF meeting of September 4, 2013.

MOTION: To approve the minutes of September 4, 2013.

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

IV. CONSIDERATION OF PUBLIC HEARING

Special Permit #336, 15 Water Street and 17 Water Street (CAM) (Russell Sergeant, Applicant)

The Commission discussed the question of parking spaces possibly being lost in Mystic Streetscape Phase II. They requested that the crosswalk concerns be addressed. Staff noted this could be done in a separate recommendation to the Planning Commission.

**MOTION:** To approve Special Permit #336, 15 Water Street, to change an existing retail use and one residential apartment to retail and three residential apartments, including an addition to the rear of the building, subject to the following conditions:

1. The owner shall participate in a parking validation program.
2. This special permit allows retail store use only of the basement and first floor. Any intensification in use, including but not limited to a change to restaurant use, requires approval of the Zoning Commission.

#### Findings and Reasons for Approval

The Commission finds that the addition of two residential apartments and the building addition comply with Section 6.3 of the Zoning Regulations in that the proposal provides a mix of residential and commercial uses that will serve the needs of area residents, will preserve and enhance the historic features of the existing building, and is in keeping with the goals of the Plan of Conservation and Development.

The Commission also finds that the change of use complies with Section 8.3 of the Zoning Regulations in that it is in harmony with the character of the area and will not be detrimental to the orderly development of adjacent properties, it will not be in conflict with the normal pedestrian and vehicular traffic pattern of the neighborhood, and it will not have a negative impact on the environment.

In response to questions, staff read the definition of intensification from Section 6.3.

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

**MOTION:** To approve the Coastal Site Plan for Special Permit #336, 15 Water Street, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources

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

Glemboski arrived at 7:50 p.m. Jones left at 7:55 p.m.

#### V. PUBLIC COMMUNICATIONS – None

#### VI. OLD BUSINESS

1. Discussion of Revisions to Zoning Regulations for Buildable Land and WRPD

Staff noted that there is no update at this time.

2. POCD Update Report

Staff noted that the POCD Updates are on the Town of Groton Website. The next meeting is October 24, 2013. They will be discussing Open Space & Recreation and Economic Development. Coastal issues will be introduced. A community meeting is scheduled for November 21, 2013. In addition, a community survey is available on TOG Website now and is a good opportunity for input.

3. Land Use Regulation Update Project

No discussion.

VII. NEW BUSINESS

1. Report of Commission

Commissioner French discussed going to a Walkable Cities and Using Form-Based Codes event recently. She thinks some of these things we might like to do to make a more business friendly environment and it is good to have an understanding of this type of design. Additionally, she mentioned that Julie Campoli has written 2 books that are worthwhile reading. Staff noted that OPDS has a copy of one of the books, "Visualizing Density". It shows how density can be in varied forms. Staff also noted how Form-Based Development might not be appropriate for the entire town and that the mixed-use zoning touched upon this model.

Chairperson Sutherland attended an excellent seminar called CT Green Infrastructure Symposium. It is a different way of looking at storm water runoff. CTDEP gave the seminar in conjunction with University of New Hampshire. She noted they had an interesting catchphrase "Density is the ultimate low-impact development technique". The benefits of pervious asphalt were discussed.

2. 2014 Zoning Commission Meeting Schedule

MOTION: To approve the 2014 Zoning Commission Meeting Schedule with the addition of January 15, 2014 instead of January 1, 2014.

Motion made by Hudecek, second by Sayer, so voted unanimously.

3. Update of Zoning Commission Items for Consideration for 2012-2013

The Commission revisited their list of Items for Consideration with the following results:

Commissioner Hudecek would like to look at the Table of Permitted Uses in the Zoning Regulations and asked if Staff could provide a copy of the current tables.

Chairperson Sutherland would like to still look at buildable land regulations.

Commissioner French voiced concerns about Active Senior Housing and the age limitations and suggested looking at the language used by the Town of Ledyard. Other commission members discussed varied issues with changing the age restrictions and the relevance to Federal laws.

Staff noted the potential need to deal with chickens and other animals in the Zoning Regulations.

Sayer will take on the animal regulations but also queried whether the Commission should have a discussion regarding vendors as in Stonington.

Staff noted that vendors are dealt with in the WDD under the Zoning Regulations because they need Special Permits. Relative to Active Senior Housing concerns, staff will copy the Town's Zoning Regulations to show what is currently stated in the regulations for age restrictions. Staff additionally noted that these items are complex issues. When any of these items are considered there may be other sections of the regulations that may need to change as the Commission moves forward with any updates.

Staff has also started a binder of residential product types and design so the Commission becomes aware of things that are currently happening all around the country. "Granny Pods" and pocket neighborhoods (cottage design) were briefly discussed. Staff noted this awareness will help when reviewing any new proposals for modifying regulations in the future.

4. Special Permit Updates

Staff distributed a handout listing all the special permits that were submitted as application and the status of any special permits that the Commission has granted. The list dates back to 2007.

5. New Applications

There are no new applications to report on; however, Special Permit #335 is still an application and is expected to be on the next agenda.

VIII. REPORT OF CHAIRPERSON

Chairperson Sutherland has received an invitation for the Zoning Commission to meet with the Town Council. She will work on coordinating schedules and communicate with Commission members about a date in the near future.

IX. REPORT OF STAFF

Staff distributed several handouts that may be of interest to the Commissioners. The Commission also requested an update on the Whittle special permit. Staff will see if the Town Attorney has an update.

X. ADJOURNMENT

Motion to adjourn at 8:30 p.m. made by Hudecek, seconded by French, so voted unanimously.

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Mariellen French, Secretary  
Zoning Commission

Prepared by Lynda Galetta  
Office Assistant II