

MINUTES
ZONING COMMISSION
OCTOBER 7, 2009 - 7:00 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Present: Haviland, Hudecek
 Alternates Cady, Sutherland
Staff: Davis, Murphy, Gilot

Meeting was called to order at 7:03 p.m.

Chairman Hudecek seated Sutherland for O'Neill and Cady for Brandt.

II. PUBLIC HEARINGS

1. Special Permit #310, 66 Oxford Court, PIN 261909152941, RS-20 Zone (Birtcher, Applicant) - Continued

Staff reviewed the status of the application. The public hearing was continued from the previous meeting so that a third party review could be conducted. In the third party review, the consultant detailed the technical options and the effect these would have on the operation. Staff felt the technical analysis was a critical element and necessary for the Zoning Commission to undertake the policy and legal analysis required under federal law.

William Birtcher, 66 Oxford Court, Mystic, the applicant, was in agreement with the consultant's findings. Mr. Birtcher distributed letters from his neighbors to the Commission.

Staff distributed to the Commission a graphic of lots and land uses in the vicinity of the applicant's property. Staff suggested that if the Commission felt that the proposal did create conflicts with the basic zoning or land use scheme, that there were options available that could be implemented while still providing a reasonable accommodation.

Chairman Hudecek opened the floor to public comments, and there were none.

MOTION: To close the public hearing at 7:12 p.m.

Haviland moved to modify the agenda to discuss Item V.1 next. Motion was seconded by Sutherland, so voted unanimously.

CONSIDERATION OF PUBLIC HEARING

1. Special Permit #310, 66 Oxford Court, PIN 261909152941, RS-20 Zone (Birtcher, Applicant)

Staff discussed buffering or screening options, measures that could be done in the event that the applicant ceases use of the tower, a non-reflective

matte finish for the tower, and the legal analysis the Commission must apply to this request. It was the consensus of the members present that no changes to the tower type or height were necessary and that the tower as proposed would not in any way create conflicts with the underlying zoning or land use framework for this location.

MOTION: To approve Special Permit #310, 66 Oxford Court, PIN 261909152941, to erect a 60 ft. radio tower and antenna with the following conditions:

- 1) The continued use of the tower is contingent upon either:
 - a) the present owner of the property continuing to have his ham radio operator's license; or
 - b) If the property is sold, the buyer must maintain a ham radio operator's license; or
 - c) if the owner loses his license or sells the property, he must remove the tower before the closing.
- 2) The tower shall have a non-reflective matte finish

Findings

The application complies with the special permit test of Section 8.3-8 of the Zoning Regulations in that it meets all zoning requirements, and the federal requirements.

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

PUBLIC HEARING

1. Special Permit #312, 61 West Main Street and driveway on 2 Water Street (CAM), PIN 261918305771, 261918306772, WDD Zone (Chelsea Groton Savings Bank, Applicant)

Richard Strauss, CME, represented applicant, Chelsea Groton Bank. Mr. Strauss detailed the location of the parcel and the site. There is a vacant house on the property. The tenant, a general contractor, will house a showroom, strictly for client contact. There will be no storage of building materials on the site. Mr. Strauss explained the site's traffic flow, which will exit through the existing exit at the adjacent Chelsea Groton Bank, onsite parking, DOT approval, and design objectives of the Waterfront Design District. Photos of the exterior of the building and the exit were distributed to the Commission. The Historic District Commission has issued three Certificates of Appropriateness for the ongoing improvements to the exterior of the building.

Staff reviewed the proposal for a special permit which is required for the intensification of the use from a two family residence to commercial use. Staff said the parking meets the regulations, and the Planning Commission will address the site design details with the site plan application. The building will contain the business offices and the kitchen and other rooms in the house will be set up as a showroom to showcase their workmanship.

Mr. Strauss detailed the parking spaces for the Commission.

Staff discussed the parking and entrance. The Economic Development Commission and the Planning Commission recommended in favor of the change of use.

The Chairman asked for public comment.

Ann Rose, 64 West Main Street, had concerns about the traffic coming into the Factory Square parking area and the change of use from residential to commercial

Al Rosano, 62 West Main Street, expressed concerns about what other businesses could go into that building if the current applicant moves out, as well as the lighting, as the Chelsea Groton Bank lights currently are very bright.

Staff explained that with this special permit, this is the only use that would be allowed in that building. Any future change of use would require another special permit.

The public hearing was closed at 7:57 p.m.

2. Regulation Amendment #09-02, Regulation Amendment to Sections 7.3-3F Sign Prohibitions, 7.3-4B Non Conforming Signs, 7.3-7 Requirements for Signs in Non-Residential Districts, new section 7.3-5A Temporary Sign Events, (Eastern Connecticut Association of Realtors, Inc., Applicant)*

John Bolduc, CEO, Eastern Connecticut Associates (ECAR), rebutted the comments in the Planning Commission's referral.

The Commission discussed the lack of a chronological restriction on any event, the number of signs, and a fee for use.

David Evans, Government Affairs Director, ECAR, discussed the intention of the proposed regulation amendment. Mr. Evans distributed to the Commissioners some information regarding "special event" signage requirements in various surrounding towns.

The following persons spoke in favor of the proposal:

Samantha Storey, realtor and treasurer of ECAR

Gary Grimm, ReMax Coast & Country

Gregory Broadbent, 530 Flanders Road

Michael Collins, 45 Elderkin Avenue, spoke in favor and read a letter in favor of the proposal from Rheina Aregood of JSG Development.

Bob Kimball, realtor, spoke in favor.

Betsy Gibson, resident

Lian Obrey, resident, member of GBA (Groton Business Association), and the Mystic Chamber

Carol Christiansen, President of ECAR

Mr. Bolduc proposed to add to their amendment, under 5A – “No property can post temporary event signs more than twice per month.”, and briefly discussed the multiple “directional” signs located at the Winding Hollow condominiums, and said that his group is only addressing temporary event signs.

Staff told the Commission that they would not be able to address all the information received tonight, and they would like to consult the planners and Town Attorney in the towns whose regulations were cited tonight by the applicants to see how they have addressed temporary event signs. Staff reminded the Commission that the speakers here tonight spoke to the needs of the real estate community, but the Town must craft an amendment that suits the needs of all commercial entities, is legal, fair and reasonable across the board, and can be administered in a fair objective and consistent basis.

Staff told the Commission the Planning Commission’s referral was negative, so the Commission will need four affirmative votes. The Economic Development Commission’s comments were read into the record. Staff explained the Historic District Commission’s concerns regarding the lack of any limitation at the number of special event signs that could be located on one property. Staff said they would like time to review the information received tonight.

MOTION: To continue the public hearing to the next regular meeting on November 4, 2009.

Motion made by Haviland, seconded by Sutherland. Motion passed unanimously.

III. APPROVAL OF THE MINUTES OF September 2, 2009

MOTION: To approve the minutes of September 2, 2009 as written.

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

IV. PUBLIC COMMUNICATIONS

Staff received a notice for a workshop on November 12th, 6:30 – 9 p.m., at SCCOG in Norwich Industrial Park. Randall Arendt, a rural planning expert, will be the presenter for the session on development design strategies to renovate old strip centers into mixed-use centers. Staff asked any interested Commissioners to contact Deb at 446-5995 by November 3rd. The Town will pay the \$15 workshop fee.

V. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #312, 61 West Main Street and driveway on 2 Water Street (CAM), PIN 261918305771, 261918306772, WDD Zone (Chelsea Groton Savings Bank, Applicant)

MOTION: To approve Special Permit #312, 61 West Main Street, Mystic for a change of use from a two family dwelling to a commercial office and show room.

Findings and Reasons for Approval

The project complies with the special permit test of Section 8.3-8 of the Zoning Regulations in that it meets all zoning requirements, conforms to the Plan of Conservation and Development, is in general harmony with the character of the area, provides adequate utility and drainage systems, creates no serious parking or traffic circulation problems, and will not impair adjacent property values.

Motion made by Haviland, seconded by Cady, so voted unanimously.

MOTION: To approve the Coastal Site Plan application for 61 West Main Street, Mystic, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

Motion made by Haviland, seconded by Cady, so voted unanimously.

2. Regulation Amendment #09-02, Regulation Amendment to Sections 7.3-3F Sign Prohibitions, 7.3-4B Non Conforming Signs, 7.3-7 Requirements for Signs in Non-Residential Districts, new section 7.3-5A Temporary Sign Events, (Eastern Connecticut Association of Realtors, Inc., Applicant)

The public hearing was continued to the next regular meeting on November 4, 2009.

VI. OLD BUSINESS

1. Land Use Regulation Update Project

Staff told the Commission that they are still working on the regulations, and have nothing at this time for the Commission.

VII. NEW BUSINESS

Staff said a special permit application was received for a new veterinary clinic to be located at 117 Cow Hill Road.

A public hearing was scheduled for November 4, 2009.

VIII. REPORT OF CHAIRMAN

Chairman Hudecek stated that he is disturbed by the number of directional and traffic control signs at various sites within the Town, such as the seven signs at the gas station at the bottom of Fort Hill. Staff said those signs are now standard, normal practice for the State.

IX. REPORT OF STAFF - None

X. ADJOURNMENT

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Motion to adjourn at 9:12 p.m. made by Haviland, seconded by Cady,
so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Asst. III