

MINUTES
ZONING COMMISSION
NOVEMBER 5, 2008 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Hudecek, O'Neill, Haviland, Alternates Marquardt, Cady
Excused: Brandt, Alternates Sutherland and Cady
Staff: Murphy, Cullen, Moulding

Chairman Hudecek appointed Marquardt to sit for Brandt.

II. APPROVAL OF THE MINUTES OF October 1, 2008

MOTION: To approve the minutes of October 1, 2008 as written.

Motion made by French, seconded by Hudecek, (3 in favor, 0 opposed, 2 abstentions O'Neill, Marquardt). Motion passed.

III. PUBLIC COMMUNICATIONS - None

IV. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #306, 0 Winding Hollow Road, PIN 169913044887, (Rhodes, Applicant)

Staff reviewed a draft motion and the necessity of a sewer line, and also an easement if the applicant uses the connection to the Winding Hollow site. Staff would also recommend that it be mandatory that the applicant file the special permit on land records, provide a performance bond before any work could start and that no permit will be issued until the sewer line has been brought to the property.

The consensus of the Commission was that more damage would be done to the lot if the illegal and improperly added fill was removed, and based on the recommended conditions and findings of the agencies involved, they would now be able to support this proposal.

MOTION: To approve Special Permit #306, 0 Winding Hollow Road, PIN#169913044887 for installation and maintenance of 15,580 +/- cubic yards of earth fill with the following conditions:

1. A title certificate shall be provided to the Director of Planning and Development Services, prior to the recording of any sewer easement, and showing that at the time of recording of the easement the grantor has clear title or there is clear title for the grantor to convey the rights granted by the easement. It also shall be demonstrated to the satisfaction of the Director that as of the time of the recording of the easement there are no encumbrances on the subject property that would or could potentially diminish the rights granted by the easement; that the grantor was fully authorized to execute and deliver the easement

and that all legal processes required for the conveyance were performed; and that all of the conditions the easement required the grantee to fulfill prior to its being recorded had been accomplished to the satisfaction of the grantor. This condition shall also include the requirement to provide a new properly executed deed for the easement, contemporaneous with the related title certificate.

2. The items required per condition #1 above shall be accomplished to the satisfaction of the Director, and the approved easement deed recorded on the Town of Groton Land Records prior to the issuance of any building or zoning permit at this location.
3. This special permit shall be recorded on the Town of Groton Land Records within 10 calendar days of the expiration of the appeal period, or in the event of an appeal, within 10 calendar days of the final Court decision or settlement of such appeal.
4. With the exception of approvals which are in the Town's sole opinion, necessary to resolve zoning or wetland regulation violations, or to address imminent public health and safety concerns, no building permits, zoning permits or administrative site plan approvals will be issued by OPDS for this site until either approved public or private sewers are made available to the site. For the purposes of this condition, the term "available" shall mean physically installed to the current site's property line. In the event public sewers are extended to the site by the owner, conditions #1 and #2 above shall not apply.
5. Within 30 calendar days of the recording of the special permit and prior to commencement of any restoration or permanent site stabilization, the owner shall provide Town with a \$12,000 cash surety, in a form acceptable to the Director of OPDS, and for the purposes of such site restoration, and permanent stabilization, and to correct damage to the frontage sidewalk adjacent to the site. Said site restoration shall be completed to the satisfaction of the Director no later than May 15, 2009. This condition shall in no way be construed as obviating the owner's responsibility to address any site conditions which may arise prior to May 15, 2009, and failure of the owner to promptly and completely address any such conditions shall be deemed a violation of this Special Permit, allowing the Town of Groton to take any or all of the cash surety and to enter onto the property to remedy the condition, without recourse. In the event such action is necessary, the owner shall immediately restore the required cash surety to its full \$12,000. Failure to do so shall also be deemed a violation of this Special Permit.
6. The approved Proposed Grading and Site Restoration plan, sheet S-04, dated July 18, 2008 and prepared by Edward H. Wenke III, P.E. shall be recorded on the Town of Groton Land Records

within 10 calendar days of the expiration of the appeal period and shall be incorporated into this Special Permit by reference.

7. No activity shall occur on or at the site other than between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday excepting any official federal or state holidays that fall between Monday and Friday.

FINDINGS AND REASONS FOR APPROVAL

1. An inland wetland permit for the fill and grading has been issued (IWA08-11). That permit is limited to the fill and grading and in no way implies future approval of any wetland permit that may be necessary for additional site development.
2. Approval of this Special Permit in no way implies favorable action on any future site plan, zoning map amendment, regulation amendment or other land use approval which may be sought or necessary to allow additional site development. Approval of this Special Permit shall in no way be used to imply future support for any prospective development at variance with the approved subdivision plan that created this lot, or the adopted Plan of Conservation and Development, zoning map designation, zoning regulations, or subdivision regulations in affect on the date of this approval.
3. Any active enforcement orders shall remain in full force and effect, and approval of this Special Permit shall not, in and of itself, be construed as constituting compliance, withdrawal or resolution of such enforcement, nor in anyway restrict the Town's ability to initiate additional enforcement actions at any time.
4. The Special Permit, as conditioned herein, and in consideration of the findings and reasons for approval, complies with sections 8.3 and 7.1-10 of the Zoning Regulations.

Motion made by Haviland, seconded by O'Neill, (4 in favor, 0 opposed, 1 abstention, Marquardt). Motion passed.

V. OLD BUSINESS

1. Land Use Regulation Update Project

Staff stated that there are discs available for anyone who has not seen the public meeting held on the 29th. Written comments are being accepted until November 15th. Staff will begin to draft a specific schedule on the proposed amendments after all of the comments have been received.

VI. NEW BUSINESS

1. Informational presentation regarding proposal to erect a wind generator alternative energy project, 189 Fort Hill Road, (Ella T. Grasso/Southeastern Technical High School)

Staff stated that this is an outgrowth of the Groton Utilities Alternative Energy Program. This is not a regulatory role of this Commission. The facility is on State property so the Town would not regulate it as it would on a private site.

Alex Pesarik, Bio-Environmental Technology Department Head at Grasso Tech explained how Groton Utilities has given a grant of \$26,000 to Grasso Tech for a small wind powered generator to run their greenhouse. The SkyStream 3.7 wind generator would produce 1.9 kW of electricity. It would be used to train students in the installation, maintenance and operation of a wind generator. The Wind generator will stand a total of 50 feet from the ground which would exceed the current zoning restriction of 30 feet by 20 feet if it were on Town property. The total height of the turbine will be below the maximum tree height for the property and has been given and okay by the Groton New London Airport with zero impact to their operations. The site for the wind generator will be on the southeast corner of the school on the east side of the greenhouse. Its installation will not affect any existing structures, drives or parking areas. Mr. Pesarik also stated that Grasso Tech will be holding a Green Career and Technology Expo soon.

Herb Cummings, Groton Utilities stated that originally they wanted to mount a unit that the students could take apart and put together. But this unit will have a cut away model in the classroom and there will be remote monitoring. The Commission asked about the site on Buddington Road and the FAA stated that the site on Buddington Road was not a good place. This wind generator is part of a 10 year educational partnership with Groton Utilities. Groton Utilities has hired many of the students that have graduated.

Staff described the process that an applicant would have had to take to get an approval for this type of application if it had been on town school property or private property.

2. Receipt of New Applications – None

VII. REPORT OF CHAIRMAN

Hudecek would highly recommend a temporary sign ordinance to allow signs for events such as blood drives. Staff stated that these signs are allowed under the regulations if placed correctly. Discussion ensued on the sign regulations.

VIII. REPORT OF STAFF

Staff reviewed the Parliamentary Procedures workshop coming up on November 18, 2008. Commissioners French and O'Neill would like to attend.

Staff stated that there was not an appeal of the Precious Memories decision.

Staff reviewed the Town's enforcement process for the Commission.

Staff distributed an article from the Planning Commissioners Journal titled "Ten Things to Avoid".

IX. ADJOURNMENT

Motion to adjourn at 8:15 p.m. by Haviland, seconded by O'Neil, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin Moulding
Office Assistant III

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