

MINUTES
TOWN OF GROTON
ZONING COMMISSION
DECEMBER 7, 2016 – 6:30 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Hudecek Marquardt, Sayer, Smith, Sutherland
Alternate members present: Archer, Edgerton, Merrow
Absent:
Staff present: Glemboski, Jones, Gilot

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

II. PUBLIC HEARINGS

1. Special Permit #350, 39-41 West Main Street, Steamboat Wharf, PIN 261918309893 and 261918401742, WDD Zone. Proposal is to establish Argia Cruises at dock space at the north end of Steamboat Wharf and office space at 39-41 West Main Street. Review is per Sections 6.3 and 8.3 of the Zoning Regulations (Argia Cruises, LLC, Applicant) (Steamboat Wharf Co. LLC, Owner) (CAM)

Chairperson Sutherland read the legal notice.

Amy Blumberg, Owner of Schooner Argia, explained the proposal to relocate the Argia, a working schooner, to downtown Mystic. The history of the Argia and the current operations were detailed. The schooner offers 3 to 4 trips per day from May to October. Ms. Blumberg detailed the process from purchasing a ticket to accessing the dock and boat. Food delivery, handicap access with a small ramp, and parking (17 stalls required/9 in WDD) at Steamboat Wharf were reviewed. She discussed the neighborhood compatibility with Mystic's maritime heritage, sidewalks, lighting, electrical, plumbing access, wastewater and trash. Sewage would be provided through a large holding tank pumped into an existing onsite pumpout station and exit to the town sewer system. The relation to Long Island Sound, environmental effects and the coastal area management application were reviewed. Coastal public access will not be affected and no coastal resources would be degraded with the use. Ms. Blumberg said the Argia's presence would increase the public's access for water use and recreational boating. There would be no change of existing use of the docks.

Staff said the required mailings were in order. The Planning Commission had no comment. Several letters in favor of the application were noted for the record:

- Anthony & Deborah Torraca, Ancient Mariner
- Stephanie Marshall
- Lisa Saunders
- B. Michael Rauh, Jr.
- Margaret Mackris, The Blue Horse
- Lauren Shepard
- Michelle Gemma, Army Navy Stores

- Debra Hankey & family, 115 Lamphere Road

Staff said there would be no construction required except for the handicap access ramp to the dock. Parking requirements were reviewed and there are no coastal impacts. The ramp will be used when Argia is cruising, from April to October.

The Chair asked for comments from the public.

The following residents spoke in favor of the application:

- Frank Fulchiero, 10 Fort Rachel Place, the original builder and owner of the Argia. He provided a brief history of the Argia and distributed several photos to the commissioners. He also presented a letter from the Town Zoning Official from 1989 granting zoning approval for the Argia.
- Alex Hankey, 115 Lamphere Road
- Katie Jones, 12 Rhonda Drive
- Sarah Cahill, 368 Noank Road, Director of Education at Mystic Seaport
- Chris Cox, 11 Ashby Street, President of Thames River Heritage Park

David Kaye, Steamboat Wharf Condominium Association president, spoke about the lower parking lot which is owned by the condo association. He noted that the Association receives no benefit from the parking lot, and no financial gain from the Argia being on the premises. He asked Ms. Blumberg if there was parking for buses available a nearby church. He said the units 1 – 18 have no financial gain from Argia being on premises. If they were to be named in a lawsuit against the Argia, they would share the risk, but would not be reimbursed in any manner. He asked that the Argia indemnify the association from any damage. He said the parking lot is dangerous and busy and additional tour business would increase the problem. As a condition, the Association asked the Zoning Commission to consider these conditions be included in the permit:

1. No tour buses in the parking lot
2. No last minute Argia customers shall park in fire lanes or improper parking spaces.
3. Missing fire lane signs shall be reinstalled and parking lines repainted.
4. Violators will be ticketed or towed after signage of proper notice.
5. Owners shall be protected from lawsuits and the parking lot will be made safe.

George King, Mystic Museum of Art Director, 9 – 15 Water Street, spoke about the parking. The entrance to the lot is owned by the Mystic Art Center, and said he would like to review the parking entrance and access with Ms. Blumberg.

Amy Blumberg, owner of the Argia, addressed David Kaye's concerns. She agreed to indemnify the owners of Steamboat Wharf Condo Assoc.; increase liability insurance to cover the association to \$2 million per occurrence. She agreed that buses do not belong in the lower parking (past the two sets of double lines). Buses will pull directly in just past entrance, let the children off and they

walk to the boat; the buses will use the turn-around area and exit. She has arranged for the use of the Union Baptist Church parking lot by customers.

Staff noted for the record that the application was referred to the Fire Marshal who had no comment or concerns. Site plan approval is also required, and these issues can be addressed through the site plan process.

The public hearing was closed at 7:17 p.m.

2. Special Permit #351, 15 Water Street, PIN 261918306108, WDD Zone. Proposal is to change the approved use of the basement level from retail to a restaurant. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. (Gary Hobert, Applicant) (Mystic Museum of Art, Owner)

Chairperson Sutherland read the legal notice.

Gary Hobert, 59 Sequin Drive, Noank, presented his application to convert the use of the lower level of the Emporium building from retail to a restaurant. There would be no outside dining and no outside music. The closing time would change from the previous restaurant (10 p.m. during the week and 11 p.m. during weekends) to 1 a.m. Sundays through Thursdays and 2 a.m. Fridays and Saturdays. There is a kitchen and seating for about 45. There will be two outside wall-mounted signs in the same location, one on the side of the building and one on the front, with the same design, just a new name. There will be no neon signs.

Staff explained that the previous special permit for the site which allowed the use to change from retail to a restaurant had a two year term. The previous owner closed the business so a new special permit must be approved. The proposal is for 325 sq. ft. of restaurant seating and 45 sq. ft. of bar seating. Eleven parking spaces are required for the entire building and there are 11 on site. Mr. Hobert will use the Mystic Museum of Art parking validation program, although it is not necessary to meet zoning parking requirements. Staff said the mailings were in order. The Fire Marshal had no comments; Ledge Light Health District is working with the applicant to upgrade the kitchen. The Planning Commission had no comment.

Staff noted that typically the only time that hours of operation are specified with a special permit are for outdoor dining, not for interior restaurants.

The commission asked if there would be take-out available. Hobert said it would not be a take-out type of restaurant. No outside work is proposed at this time, so no CAM application is required.

Staff said they would not recommend a two-year limit on a permit if it is granted.

The Chair asked for comments from the public.

Lee Vincent, 1 New London Road, spoke in favor of the application, but had concerns with noise in the neighborhood late at night. He said the Commission should add a condition to any approval that there would be no outside amplification.

Martin Kramer, 17 Water Street, Apartment 17, had concerns with the noise. He said the hours were limited previously because it was positioned as a wine bar. There was noise at closing, which had been 10 or 11 pm. He was also concerned with outside smoking and the parking.

Steven Clemente, 15 Water Street, the former owner of Frizzante, discussed the enhanced soundproof properties inside the building, and the control of the parking spaces. He spoke in favor of the application.

George King, Director of the Mystic Museum of Art, spoke in favor of the application. The museum owns the building at 15 Water Street and will do their best to keep noise, music, etc. to a minimum.

Eileen Zelken, 15½ Water Street (the Power House), spoke in support of the application but had concerns with the hours of operation.

Gary Hobert said there would be no outside speakers; the Mystic Museum of Art would not allow them.

The public hearing was closed at 7:42 p.m.

III. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #350, 39-41 West Main Street, Steamboat Wharf (Argia Cruises, LLC, Applicant) (Steamboat Wharf Co. LLC, Owner) (CAM)

MOTION: To approve Special Permit #350, 39-41 to establish Argia Cruises at dock space at the north end of Steamboat Wharf and office space at 39-41 West Main Street subject to the following modification:

1. A temporary handicapped ramp shall be placed between Steamboat Inn and the Steamboat Wharf Condominiums to allow access to the dock during the months of cruise operations.

Findings and Reasons for Approval

The Commission finds that the establishment of Argia Cruises at Steamboat Wharf complies with Section 6.3 of the Zoning Regulations in that it will serve both Mystic residents and tourists; it does not impede the use of the public coastal access along the dock; it enhances the unique qualities of Mystic, and; it is in keeping with the goals of the Plan of Conservation and Development.

The Commission also finds that the application complies with Section 8.3 of the Zoning Regulations in that it will not have any detrimental effects on the public health, safety, and welfare, will not be in conflict with the normal pedestrian and vehicular traffic pattern of the neighborhood, does not conflict with the purposes of these regulations, and will reasonably minimize the potential environmental impacts on adjacent water bodies, including the Mystic River and Long Island Sound.

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

MOTION: To approve the Coastal Site Plan for Special Permit #350, Argia Cruises, Steamboat Wharf because it is consistent with all applicable coastal policies, is a water dependent use and includes all reasonable measures to mitigate adverse impacts on coastal resources.

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

2. Special Permit #351, 15 Water Street (Gary Hobert, Applicant) (Mystic Museum of Art, Owner)

MOTION: To approve Special Permit #351, Mystic Emporium Basement, 15 Water Street, for a standard restaurant with the following conditions and findings:

1. Any increase in the allowed 325 sq.ft. of dining seating area and 45 sq.ft. of bar seating shall require the owner to show the Planning Department how the restaurant will still meet the parking requirements of Section 6.3-4 of the Zoning Regulations.

Findings:

The Commission finds that the restaurant use complies with the objectives of Section 6.3 of the Zoning Regulations in that it will enhance the unique qualities of Mystic, 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 this application complies with the special permit objectives in Section 8.3-8 of the Zoning Regulations in that it does not alter the essential characteristics of the Mystic area, does not cause traffic congestion or safety conflicts, does not conflict with the purposes of these regulations, and will not cause any potentially significant environmental impacts on adjacent water bodies, including Long Island Sound.

Motion made by Marquardt, seconded by Sayer.

The Commission discussed the hours of operation. They also discussed whether they would want a term or time limit for the special permit. They concurred they would not impose any limits on the term, the hours or the noise.

Motion passed unanimously.

IV. PUBLIC COMMUNICATIONS

Staff said Zell Steever's comments from the previous meeting were included in the agenda packet. If he presents comments on the WRPD tonight, the commission should not engage in discussion since a formal application had been submitted. Their comments and questions must wait for the public hearing.

Zell Steever, 81 Main Street, Noank, asked why the application was filed. Staff explained that the commissioners concurred at the November meeting that they would like the application to be filed.

He said he had hoped for this evening's presentation to be a more informal rather than a formal presentation.

Mr. Steever said he worked with the town's GIS coordinator to create the map he presented. He said he took the existing zoning map, asked for the WRPD and the boundaries of the basins in the community to be shown, which were outlined in purple. He discussed the entire drinking water source of the town. He also asked for all the inland wetlands to be outlined and the streams enhanced on the map.

Mr. Steever spoke about the protection of water sources, since good quality water will attract businesses, and discussed the New York City water system. He said that the Horsley Witten Group previously presented setbacks of 150 ft. which would be appropriate in Groton. He said the commission should consult with an expert about "takings".

He outlined other problems, including exemptions, (1 and 2 family houses) which he felt was not a good idea; if they choose to go with 50 or 100 ft. buffers, there should be no exemptions. He said underground storage tanks and farms/nurseries are very important to regulate. He also said the commission should look carefully at the fuel dealers. He provided numerous references and publications that are available on the protection of water. He said it is not practical to set buffers without considering slope, vegetation, activity, etc. He believes the bigger the buffer, the less likely pollution of the water. He said that although there is a significant drought right now, the reservoir has not gone down because of the plentiful water supply. He left the map for the record.

Sidney Van Zandt, 3 Front Street, Noank, addressed the commission. She read a statement from the Groton Open Space Association (GOSA) with their recommendations for buffers, impervious, and removal of buffer exemptions.

James Furlong, 57 Fishtown Lane, Mystic, registered disappointment with the unknown submission of the WRPD application, which essentially freezes all discussions on the WRPD until the public hearing.

V. APPROVAL OF MINUTES

1. November 2, 2016

MOTION: To approve the minutes of the November 2, 2016 meeting as presented.

Motion made by Hudecek, seconded by Sayer. Motion passed 3-0, 2 abstentions (Smith, Sutherland).

VI. OLD BUSINESS

1. Zoning Regulations Update

Staff said Horsley Witten has begun working on the text for the rewrite of the entire regulation document. They are not sure when it will be available but most likely it will be sometime after the WRPD public hearing.

VII. NEW BUSINESS

1. Report of Commission

Sayer requested that staff email large agenda packets in smaller sections to make it easier for the commissioners to read.

2. Receipt of New Applications

a. REGA #16-02 Water Resource Protection District (Section 6.12)

The Commission discussed whether they would prefer to move forward with the public hearing, or withdraw the application and continue to work on the WRPD.

Sutherland made a motion to withdraw the WRPD application and add “WRPD Discussion” to the next agenda. The motion was seconded by Smith.

The commissioners would like all the information they have already seen, including the maps, regarding the tiered discussion and impacts, the analysis, and the effects of impervious surface.

Motion passed 3 – 0, 2 abstentions (Marquardt, Hudecek).

The commissioners requested copies of the maps Mr. Steever used in his presentation.

VIII. REPORT OF CHAIRPERSON - None

IX. REPORT OF STAFF

Staff reminded the Commission that the holiday party hosted by the Planning Commission will be held Monday night, December 12th, at 6:30 p.m. at the Seahorse Restaurant in Noank.

Staff distributed the current issue of “On Common Ground”.

X. ADJOURNMENT

Motion to adjourn at 8:40 p.m. was made by Hudecek, seconded by Marquardt, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Debra Gilot
Office Assistant III