

MINUTES  
TOWN OF GROTON  
ZONING COMMISSION  
FEBRUARY 1, 2017 - 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  
Absent: Edgerton  
Staff present: Glemboski, Jones, Reiner, Gilot

Chairperson Sutherland called the meeting to order at 6:31 p.m.

II. PUBLIC COMMUNICATIONS

Chairperson Sutherland asked for public communications at this point and stated the public would also be able to comment under specific items on the agenda.

Bonnie Nault, 41 Pearl Street, Town Councilor, said a petition was submitted to the Zoning Commission which was signed by seven of the Councilors. The petition was in support of the 50 ft. non-disturbance area for the WRPD, and she urged the commission to propose a 50 ft. area in the revised regulations.

David Cote, 78 Colony Road, principal of AMI, Noank Ledyard Road, Economic Development Commissioner, asked if there was any experience with contamination in the past 10 years with the 50 ft. limit. The commission said there have been comments from Groton Utilities. Mr. Cote said he is looking for the rationale to make this change from 50 ft. to 100 ft. Cote said he is supportive of their efforts to maintain clean water, but if there is no quantitative basis for the change, it could potentially affect the value and usability of some properties.

Todd Brady, 17 Water Street, spoke about the rewrite of the zoning regulations. He feels the rewrite is a balance between clean water and pollution, and standards to treat stormwater. If the setbacks are increased it could potentially affect the ability of businesses to expand, and the willingness of other businesses to come to this town. He said bringing new businesses to Groton would increase the tax revenue.

Bob Frink, 144 Seneca Drive, spoke against the proposed 100 ft. buffer in the WRPD. He said that with six lanes of Interstate 95 going over the reservoir, a power substation nearby and airplanes overhead, none of these have mitigation to prevent them from affecting the reservoir. This extension of the buffer takes care of the least risky effects on the reservoir. He also believed that Groton residents should not fiscally subsidize the protection of the reservoir; the owner should also carry some of the burden. He also feels this is a form of eminent domain.

APPROVAL OF MINUTES

1. January 4, 2017

MOTION: To approve the minutes of the January 4, 2017 meeting as presented.

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

### III. OLD BUSINESS

#### 1. Zoning Regulations Update

##### a. WRPD Regulation Amendment Discussion

Staff said they sent a revised draft of the WRPD section to the commissioners on Friday (1/27/17 Draft). Since then, some editorial edits were made based on the comments of one commissioner and staff and a newly revised draft was distributed tonight (2/1/17 Draft). The changes from the 1/27/17 version are in blue. Staff said they felt the document was ready for public hearing from a policy perspective.

Staff said he made a presentation on the work being done on the WRPD regulations to the Groton Business Association, where the Groton business community was well represented. Based on the comments received tonight, staff felt the only area where the community does not have consensus is with the 50 ft. non-disturbance area. Staff said he is confident with the document in its current form.

The Chair asked for comments on the new document they received from staff. Staff explained that the red text was the version distributed on Friday, and the new blue text was edited today, based on staff and a commissioner's comments. Chairperson Sutherland said she would need time to read the blue text. Commissioner Smith explained that he met with staff earlier this afternoon with his editorial comments/changes, which are the blue text. He didn't think there was anything substantive. Staff said they included some of their own changes as well.

The commission and staff reviewed each page of the document and addressed some outstanding questions and concerns.

Page 1: The Commission asked staff to choose a different word for "food".

Zell Steever, 81 Main Street, said the Statement of Intent (Section 6.12-1) draft says "and is supported by the following Connecticut General Statutes...". He stated that it is more than supported, that it is required. Staff asked for more information from Steever. He also stated that "vegetation" or "plant material" may be a better word than food in Section 5.12-3.A.

Page 4: Staff said the gray boxes with red text are additions of examples to clarify or make a distinction in the definitions. The definition may include more than just those listed; the Zoning Official would make that determination.

Page 8: "Pretreatment" is a new definition added for clarification at the request of the commission at the last meeting.

Waterbodies – intended to make clear that it is not just a watercourse. Chairperson Sutherland said this definition is pretty broad.

Steever said there needs to be additional definitions for what wetlands are as well. Watercourse as defined in the definitions is obscure. He said it is generally

understood that there are two types of watercourse: intermittent and perennial. The definition should be made clearer.

Waterbodies – clean up “significant” accumulation. Staff said there is no definition of “waterbodies” in the Wetlands Regulations definitions. Chairperson Sutherland said there should be one set of definitions between the two commissions. Hudecek said he preferred the old definitions. Staff will review and revise the “waterbodies” and “watercourse” definitions and get back to the commission.

Page 7: 6.12-3.H – Steever asked about the crossed out language on non-disturbance area. Staff said the waterbody etc. was taken out because this is a definition for a general non-disturbance area and there may be other areas not adjacent to a waterbody, so this gives it a broader definition. The commission agreed with staff’s clarification.

Page 11: 6.12-5C – Steever said that with regard to 1C – establishment of septic lagoons – it might be better to include processing and other waste treatment in the text.

Archer said the other types of lagoons are significantly more difficult to deal with than septic lagoons; she felt this should include more than just septic lagoons. It was the consensus of the commission to add more clarifying language.

Page 13: Use Table – The commission agreed with the changes made to the Use Table.

Page 20: 6:12-8.B.1a) –The commission decided the last sentence needed clarification.

Page 22: 6:12-8.C. – Non-Disturbance Area.

1. “Landscape irregularity” – this section needs to be clarified with regard to “extreme” and “irregularity”, and what landscape means in this context.

2. Septic System: Steever said this could be made clearer by removing the words “perennial” and “directly”. The Commission and staff agreed they had not defined “intermittent” and we’re currently regulating for perennial watercourses. Staff explained the Inland Wetlands’ definition of intermittent and the channel could change with an intermittent watercourse, which could create uncertainty for someone developing a property. Intermittent waterways are already regulated by the Inland Wetlands Agency and there is already a reference added on Page 23, #4, of this same section. Staff recommended keeping “perennial” and “directly” in this section.

Page 23:

3.b) Staff changed “Structures” to “Development” – if development is within 100 ft. area – it could remain (grandfathered). Staff said there is a definition of development in the current regulations. Staff clarified the third line from bottom will be changed to “...surface in this non-disturbance area...”.

Staff reminded the commission that they and staff keep wordsmithing sections over and over, and he is looking for an end goal. Everyone is trying to make the regulations clear, but they can’t let perfect get in the way of great.

Section 6.12 8D – Staff said the “equipment” section needed additional clarification. The commission recommended changing “and” to “which”. Staff will clarify that sentence; too many “contains”.

Page 27: 8. Fire Protection: Smith explained that the bottom line is to protect against total loss by fire. Staff said the Fire Marshal would be consulted to make the determination of “significant threat in the event of total loss”.

Page 30: 5. e) Steever said it needs to be clear that fences need to be 100 feet back from the resource. The commission concurred to strike “e” out of the draft.

“...treated per Section...” was added for clarification of treatment.

Pages 33 & 34: 30% of vehicles added for clarification.

Staff clarified that changes to the Appendices and the references in the State Manuals would not require the zoning regulations to be changed. Hudecek said he does not want the document included in the regulations, only the reference. Staff said they are still working with the Town Attorney on the appendices.

Kim Cardinal Piscatelli, 7 Portage Trail, East Hampton, and a principal of Cardinal Honda, Route 12, spoke about expanded use of their property on Route 12. Honda’s requirements for the franchise are not met at their current facility; they need to expand to accommodate their market, and the new proposed WRPD regulations would affect her business and ability to expand. With regard to page 33, that no more than 30% of vehicles in the inventory may consist of used vehicles, Ms. Piscatelli said she sells one used car for every two cars, so her business would require more than 30%. She felt that percentage doesn’t need to include certified used cars; there are very stringent guidelines and regulated inspections for certified inventory. The Commission asked staff to get some advice on whether they could exclude certified used vehicles.

Ms. Piscatelli also said the facility requirements are on hold because of the regulations; she needs to accomplish them at Groton, or move somewhere else; it is not optional, it is required. She would like it noted that it affects her ability to do business in Groton. Some regulations are too stringent; some of the changes would make it impossible to go forward. She does not support the 100 ft. buffer as it would affect business. The Chair recommended that she continue to work with staff. She is at 70% impervious cover already; Honda wants more. She would like to add a service drive where customers could pull inside for service, and she cannot do that. Staff said right now the impervious is 70% and that will not change.

Staff will make the clarifying changes to the language and submit an application, which will be received at the March meeting, with a public hearing scheduled for May. Any subsequent changes can be made during the public hearing. Staff will begin the required referrals before the March meeting.

Peter Legnos, LBI, North Road, spoke about the 50 ft. setback. With the additional regulations, drainage and stormwater treatment, his new building would not be compliant and noted with proper stormwater treatments, the 100 ft. setback is not required.

Dave Cote asked where in the past deliberations he could find how the 100 ft. buffer was proposed, and the rationale. He asked if there were copies of minutes, or a recording. Staff said all the material is available in the Planning Department for the public to review.

Mr. Steever thanked the commission and staff for their work on the WRPD regulations.

#### IV. NEW BUSINESS

##### 1. Report of Commission

Commissioner Archer said she would not be at the March meeting.

##### 2. Receipt of New Applications

Staff said a new application was received for a special permit for the Sift Bakery to add some outdoor seating and potentially serve alcohol. A public hearing was scheduled for April 5<sup>th</sup>.

Staff expects the commission will schedule a public hearing for the WRPD for the May meeting.

#### V. REPORT OF CHAIRPERSON

Chairperson Sutherland said she had attended Planning and Zoning Commission meetings in neighboring towns and it was helpful to see how other towns hold their meetings.

#### VI. REPORT OF STAFF

Staff distributed several items to the commissioners:

- CFPZA Quarterly Newsletter
- “Save the Date” for the annual CFPZA conference on March 23<sup>rd</sup>. Hudecek will receive a Lifetime Award for 25 years of service.
- Brochure for “CT Land Use Law for Municipal Land Use ABC’s” seminar to be held on Saturday, March 24<sup>th</sup> at Wesleyan University, Middletown. If any commissioners are interested in attending, they should let staff know.

Staff also distributed a draft outline for the zoning regulation rewrite which they received today from Horsley Whitten. Staff asked commissioners to advise them if they had any comments, changes, etc. Nate Kelly of Horsley Whitten, and staff advised the commission that the outline will most likely change as the project moves forward.

Sayer said she received a copy of the WRPD Fact Sheet prepared by Horsley Whitten and distributed by staff, and she found it very helpful.

Smith asked about the time table for the rest of the rewrite project. Staff said they would be better prepared to discuss that at the March meeting.

#### VII. ADJOURNMENT

Zoning Commission

February 1, 2017

Page 6

Motion to adjourn at 8:06 p.m. was made by Sayer, seconded by Smith, so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Office Assistant III