

MINUTES
ZONING COMMISSION
FEBRUARY 3, 2010 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Cady, French, Haviland, Marquardt, O'Neill, Sutherland
Absent: Brandt, Hudecek
Staff: Davis, Murphy, Gilot

Acting Chairman Haviland called the meeting to order at 7:10 p.m. and explained that Commissioner French had to leave for a short time to assist the police in another matter, but they would take care of routine business until she returned, and then proceed with the public hearing.

Acting Chairman Haviland seated Cady for Hudecek and Marquardt for Brandt.

Motion to amend the agenda to move Approval of the Minutes to next on the agenda was made by O'Neill, seconded by Sutherland, and passed unanimously.

II. APPROVAL OF THE MINUTES OF December 2, 2009 and special meeting of January 21, 2010

MOTION: To approve the minutes of the special meeting of January 21, 2010 as written.

Motion made by O'Neill, seconded by Sutherland. Motion passed unanimously.

MOTION: To approve the minutes of December 2, 2009 as amended.

Motion made by Haviland, seconded by Sutherland. Motion passed 4-0-1, 1 abstention (O'Neill).

Motion to amend the agenda to move New Business and Report of Staff to next on the agenda was made by O'Neill, seconded by Sutherland and passed unanimously.

III. NEW BUSINESS

Staff stated that there are no new applications.

IV. REPORT OF STAFF

Staff said budget process has begun, and a tough budget year is expected. The Director will be meeting with Finance, the Town Manager and the Town Council over the course of the next month and a half or so.

Staff said that the Town received an energy efficiency block grant for around \$200,000 to draft strategies for climate adaptation and energy efficiency for the Town. The grant will fund two projects, retrofitting the lighting at the library and at Charles Barnum School.

Staff noted that the Mystic Streetscape project is being finalized and should go out to bid shortly. Additional stimulus funding was received by the Town for the project.

Chairman Haviland asked about the status of the Mystic Woods project that was proposed for the top of Fort Hill. Staff said no site plan has been submitted to date.

The Commission took a short recess at 7:17 pm. to wait for Commissioner French to return. The meeting reconvened at 7:24 p.m.

V. PUBLIC HEARING

1. Zoning Regulation Amendments to Section 7.3-6A and Table 5.1-3 "Table of Permitted Uses" in order to allow temporary off-site (non-accessory) "directional" signs in the R, RU & RS (residential) zoning districts (Town of Groton Zoning Commission, Applicant) - Continued

Chairman Haviland said the voting members for this application would be Haviland, O'Neill, French, Sutherland, and Cady.

Staff provided a brief summary of the January 21, 2010 hearing and the preparation of draft modifications developed to address concerns with the amendment.

The Chairman asked for comments from the public.

John Bolduc, CEO for ECAR, Norwich, distributed to the Commissioners suggested edits to the proposed amended proposal and reviewed his suggested changes.

Denise Knott, 4 Blacksmith Drive, Ledyard, President of the Home Builder's Association of Eastern Connecticut, indicated that builders are concerned with limitations on sale signage.

Debra Chamberlain, Palmers Cove Drive, Groton, spoke in favor of special event signs, in light of the number of foreclosures and the current real estate market.

Staff explained some of the suggested changes, including a suggested registration requirement, and the definition of temporary event. Staff's suggestions work within the context of the existing language and seek to address concerns raised by the Town Attorney and other review agencies. Staff explained that in many respects, Mr. Bolduc's recommendations would make the regulation more permissive than advertised. Normally, a regulation could be made more restrictive, but not more permissive without advertising again. Staff noted that this raises due process issues. The maximum number of signs allowed within a 12 month period would be limited to 24.

Staff confirmed that the January 26th report from the Planning Commission was sent to the Commissioners with the agenda. Staff reiterated that there is no limit, now or proposed, on the number of open houses at a property; this proposed amendment only addresses off-site accessory directional signs. Staff said the state statues require the identity of the broker to be included in any advertising. Staff said a copy of the state laws addressing the POCD and necessary findings was sent to the Commissioners. Staff said the Commission must state their reasons for approval and findings relative to the POCD as part of their approval.

Mr. Bolduc said if a residential zone is located off a commercial zoned street, signs cannot be put up in the commercial zone, so he asked that “for temporary events” in those districts, to not limit the signage to residential zones. Staff said they did this because the Town doesn’t want excessive clutter on the main routes, such as Route 1 and Route 184. Mr. Bolduc asked the Commission to re-advertise so that they could approve a more permissive amendment.

Debra Chamberlain said that if the number of signs and number of times the signs can be used are limited, then the Town is effectively are limiting the number of open houses the realtors would be able to hold for a particular property.

Michael Collins, Elderkin Avenue, Groton, said that allowing signs only in residential zones is unfair to anyone with residential property adjacent to a commercial zone. The Chairman said the Commission must consider the rights of the realtors, homeowners and the neighbors.

Mary Lou Peck, Cow Hill Road said the proposed amendment is too restrictive, and is concerned with the cost to taxpayers for the Town to administer the registration process.

Bob Kimball, 39 East Main Street Mystic, and North Stonington said he wanted the Commission to reconsider the number of times they will allow off-site signs. .

Carol Christiansen, 909 Col. Led Hwy Ledyard, CT Association of Realtors, said the standard open house sign is six feet, not four, and spoke against the Commission limiting where they can put signs, and the size. Chairman Haviland explained that the Commission is trying to give them something, not take something away; right now they have no rights at all for offsite signs.

Commissioner Haviland asked if there were any further comments and being none, he closed the public hearing at 8:19 p.m.

VI. PUBLIC COMMUNICATIONS

French said the Town hosted a climate change adaptation workshop last Wednesday, and said many coastal areas are affected by the new FEMA flood maps, and the Zoning Commission should begin to think about where they will permit building, and what standards apply to buildings in certain areas in the Town.

Staff said that about 75 people were invited to and a few less attended the workshop. Groton was selected as a model town in the northeast for climate adaptation by ICLEI and DEP. A video of the workshop is on the Town website. There will be another stakeholder group workshop at the end of March.

The Chairman reminded the public that the public hearing is closed, and they will not be able to speak during deliberations. The Commission took a short recess at 8:24 p.m. and the meeting was reconvened at 8:29 p.m.

VII. CONSIDERATION OF PUBLIC HEARING

1. Zoning Regulation Amendments to Section 7.3-6A and Table 5.1-3 "Table of Permitted Uses" (Town of Groton Zoning Commission, Applicant)

The Chairman discussed how being more permissive would be subject to appeal. If it is appealed, they would know by the next meeting and they would be able to re-advertise and adopt a new proposal. French said she was not at the last hearing; someone was seated for her. The Chairman asked French if she reviewed the record and was sufficiently familiar with all the material to be able to vote. French said she felt she was familiar enough with the material to vote.

MOTION: To consider the proposed regulation amendment, including the draft modifications of January 29, 2010.

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

Haviland made a motion to amend to change sign size from four to six square feet due to public comment as this is the standard size of the signs. In his opinion, the increase is insignificant and does not impact anyone's due process rights and if someone files an appeal, they can re-advertise and approve an amendment. Motion seconded by Sutherland. Motion passed unanimously.

Haviland made a motion to amend the text to include "except as required by state or federal regulations" after "The signs are limited to "directional" signs only.", because of testimony that disclosure of the broker is required on advertising by state regulations, which would supercede Town codes. Motion was seconded by French, so voted unanimously.

Sutherland made a motion to amend the first line from "up to four temporary signs..." to "up to six temporary signs...". Motion was seconded by French. The Commission discussed the difference between increasing the sign size to accommodate the realtors, and increasing the number of signs to six.

Staff asked the Commission to clarify the voting members (Haviland, O'Neill, French, Sutherland, Cady).

Motion passed 3 – 2, 2 opposed (Haviland, French).

The Commission discussed streamlining the registration process, and for discussion purposes, assigned the paragraph beginning with "At least three..." as the main paragraph, and each correlating sub-paragraph under that was assigned a number from 1 thru 6.

Motion to change sub-paragraph 1 "and if not the owner...an indication..." be eliminated. Motion made by O'Neill, seconded by Sutherland. Motion passed 5-0.

O'Neill moved to drop sub-paragraph 4. Motion seconded by Cady. Motion passed 4-0-1, 1 abstention (French).

Motion to eliminate sub-paragraph 5 was made by O'Neill. French said it provides protection of property owner and should be left in. Motion to move the question was made by O'Neill. Sutherland seconded. Motion passed 3-2, 2 opposed (Haviland, Cady).

Original motion to eliminate sub-paragraph 5 was seconded by Sutherland. Motion passed 3 – 2, 2 opposed (French, Cady).

French asked staff if these changes were in agreement with the Town Attorney's recommendation. Staff said even a limited requirement for registration is better than no administrative requirement.

Motion to add "and shall not interfere with the orderly flow of traffic" after "such signs shall not block visibility..." after sub-paragraph 6, was made by French, seconded by O'Neil. Motion passed unanimously.

Motion to add "With the exception that one of the six directional signs may be placed in a non-residential zone." at the end of the main paragraph was made by Sutherland, seconded by O'Neill, so voted unanimously.

MOTION: (Add new text to existing section 7.3-6A as follows):

Temporary Event Signs

Up to six temporary event signs, each sign limited to six square feet, are permitted at locations other than a property having a permissible temporary event within this zoning jurisdiction. Signs must be placed on private property with the written permission of the owner. Such signs are permitted one hour before the period of the event, and must be removed immediately after the event is terminated. Regardless of the duration of the temporary event, the signs cannot be erected for a period of time to exceed six hours. Such signs shall only be permitted in the R, RS and RU residential zoning districts and only if associated with permissible temporary events located in those zoning districts, with the exception that one sign of the six may be located in non-residential zoning districts.

For purposes of this sign regulation, a permissible temporary event shall be defined as an event on the residentially zoned property lasting less than twelve hours in duration and shall be limited to the following:

An event that is customarily associated with and incidental to the use of a single family or two family home on its own separate lot, such as real estate "open house" sales events;

An event that is customarily associated with or incidental to the operation of a commercial farm meeting all of the requirements of section 7.1-9 of these regulations;

Carnivals or fairs meeting all of the requirements of section 7.1-3 of these regulations.

Notwithstanding the above, such signs shall not be permitted as customary or incidental to the use of multifamily residences, home occupations, and residential daycare.

The signs are limited to “directional” signs only (i.e. no commercial advertising permitted), except as otherwise required by State or Federal law.

No more than four such signs shall be located on any lot at any given time.

At least three business days prior to installing such signs, the person installing such signs shall provide the Town of Groton Office of Planning and Development Services (“OPDS”) with a written registration via hard copy or electronic mail, directed to the Manager of Inspection Services, and indicating the following:

The name, business address and contact phone number and/or email address of the person installing such signs;

The date, time (commencement and completion), location and type of permissible event;

The street address of the location(s) where directory signs are to be located and the hours such signs will be located on the property;

A statement that the registrant understands and agrees to comply with applicable provisions of the Town of Groton Zoning Regulations concerning such signs.

Such signs shall not block visibility at street and/or driveway intersections, shall not affect the orderly flow of traffic, shall be freestanding, shall be no more than six feet high, and shall in all respects comply with the general standards of section 7.3-3 of these regulations.

Any one property shall be limited to a total of no more than twenty-four such signs within a twelve month period (January 1 through December 31).

Such signs may be erected for an event for any property no more than six times per calendar year, and may only be erected on the weekends or legal holidays (both State of Connecticut and Federal).

Any such signs proposed to be located within a Town of Groton Historic District shall comply separately with any applicable regulations of such

District, prior to the installation of such signs, and the submission of a registration pursuant to these regulations shall not eliminate the obligation to comply with regulations or requirements of other authorities.

Modify existing table 5.1-3 "Table of Permitted Uses" sheet one as follows:

Under the section entitled "SIGNS" add the capital letter "C" in a new line labeled "non-accessory-residential" under the existing "residential district" columns for the RS, R and RU zoning districts and other districts as appropriate. Add a corresponding reference to section 7.3 in the last column of the new "non-accessory-residential" line under the existing column heading "SECTION."

Motion made by Haviland.

Motion was made by Sutherland to discuss relevancy that the amendment must be consistent with the Town of Groton's Plan of Conservation and Development. Staff noted that they had provided relevant statutory excerpts to the members and that the law requires a finding to be made on the record regarding consistency of the proposal with the POCD. Commissioner Sutherland questioned the interpretation of the statutes.

Staff said that by allowing one sign in a non-residential zone, they would need to add "C" in non-residential zones in the Table of Permitted Uses, into the motion.

The Commission agreed to include the finding that "This proposed regulation was adopted after consideration with the Plan of Conservation and Development"

Motion was seconded by O'Neill and passed unanimously.

Motion to amend to add an effective date of March 1, 2010, was made by Sutherland and seconded by O'Neill. Motion passed 5-0.

Original motion passed 4 - 1, 1 opposed (French).

VIII. OLD BUSINESS

No discussion on the land use regulation project.

IX. REPORT OF CHAIRMAN - None

X. ADJOURNMENT

Motion to adjourn at 9:14 p.m. made by Sutherland, seconded by French, so voted unanimously.

Richard Haviland
Zoning Commission
Prepared by Debra L. Gilot, Office Assistant III