

MINUTES  
ZONING COMMISSION  
FEBRUARY 4, 2009 - 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Brandt, French, Haviland, Hudecek, O’Neill, Alternates Cady, Marquardt,  
Sutherland

Staff: Davis, Murphy, Silsby

Meeting called to order at 7:04 p.m.

II. PUBLIC HEARINGS

1. Special Permit #308, 2 – 4 West Main Street, PIN 261918403999, (Desmarais, Applicant) WDD Zone. (Continued)

Applicant Rod Desmarais reviewed his request to expand the ice cream shop into the former retail shop next door, located at 4 West Main Street. Plans were reviewed and discussed. Desmarais stated that stools will be located at the front of the shop and no tables and chairs would be used. He referred to the side door, the existing counter area, the kitchen work area, and window options for the future. The deck would be available to the general public. It was noted that there have been no problems with littering but that, that issue would be considered by the Planning Commission during site plan review.

Discussion ensued about parking requirements under existing regulations and increasing parking spaces by 1 ½.

Staff stated that the Planning Commission had no comment and the Economic Development Commission had one comment in favor of the expansion. Staff review has been completed and was distributed to members. Staff stated that all necessary review requirements have been done, and are open to the public.

The public hearing closed at 7:14 p.m.

III. APPROVAL OF THE MINUTES OF January 7, 2009

MOTION: To approve the minutes of January 7, 2009

Motion made by Haviland, seconded by O’Neill.

Discussion followed about language.

MOTION: To amend the second paragraph under Old Business on page 2 as follows, “Staff said new definitions and changes from the current regulations will be added as necessary.”

Motion by Brandt, seconded by O’Neill, so voted 4 in favor, 0 opposed, 1 abstained (Haviland)

The minutes were approved as amended.

#### IV. PUBLIC COMMUNICATIONS

Commissioner Brandt distributed a technical report regarding code overhauls published by the American Planning Association (APA) in December 2008. Also distributed was the quarterly newsletter by the Center for Land Use Education and Research (CLEAR) through UConn, the Southeastern Connecticut Council of Governments' (SCCOG) Annual Report from December 2008, a bio-diesel proposal, and an email dated 2/3/09 from Commissioner French regarding a matter in Norwich.

Sidney Van Zandt, 3 Front Street, spoke about the upcoming joint meeting with the Planning Commission and Zoning Commission relating to regulation amendment changes. She requested that a complete background check on each developer of each proposed large development be done. She expressed her concerns regarding protection of the Town's water supply, watershed areas, and estuaries. She referred to the Drinking Water Quality Management Plan. Her concerns were related to pollution, protecting Groton's drinking water, the watershed, and promoting pervious systems for parking lots. Additional history regarding watersheds and estuaries was given. Documentation was submitted.

Commissioner French disclosed that she is a member of the task force on "Climate Change and a Sustainable Community".

#### V. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #308, 2 - 4 West Main Street, PIN 261918403999, (Desmarais, Applicant) WDD Zone. (Continued)

A member expressed sentiment that if the business increased in size again, additional parking would be needed.

MOTION: To approve Special Permit #308, 2 - 4 West Main Street, Mystic for a fast food restaurant with 464 square feet of customer serving area.

Motion by Haviland, seconded by French, so voted unanimously.

#### VI. OLD BUSINESS

1. Land Use Regulation Update Project

Staff stated that the regular Zoning Commission meeting scheduled for 3/4/09 has been cancelled. In its place, a joint meeting of the Zoning Commission and Planning Commission will take place on 3/4/09 at 6:30 p.m. in Room 1 at the Town Hall Annex.

Relative to the regulation update, the issue of parking was brought up in terms of "destination types of businesses". Discussion ensued about shared trips, shared parking, parking ratios, and parking standards. Staff noted that trip counts and pervious parking will be discussed during the regulation update process. Staff reported that potential regulation amendments to Wetlands regulations will be discussed by the Inland

Wetlands Agency (IWA) during its upcoming meetings. Potential upland review changes will be discussed and a storm water component will be addressed.

Staff noted that open space ratios and environmental protection standards will be the focus of the 3/4/09 joint meeting. The zoning regulations *Table of Permitted Uses* may also be discussed at that time.

Discussion followed about the need to establish guidelines and goals in proceeding with the regulation amendment update process. Staff explained that the Plan of Conservation and Development (POCD) lays out the groundwork for the regulation amendment update process. Staff explained the Zoning Commission's involvement in the process. Some members felt that maybe areas of emphasis should be determined to aid in the process. Staff clarified that there are specific planning objectives in the POCD which will be used. Staff added that all regulations will be tied together in a comprehensive program. Staff stated that a broad range of objectives will be considered at this upcoming joint meeting. A member noted that the current economy should be considered.

Zoning enforcement concerns were raised about the property located at 2222 Gold Star Highway. The town and the DEP have been working on this issue for many months. "Stronger" regulations do not eliminate willful violations.

## VII. NEW BUSINESS

### 1. Request for 3-year extension of Special Permit #183, Gales Ferry Road

Staff gave some history about the special permit, which has been extended in the past. The applicant Michael Giordano is now requesting an additional extension.

Applicant Michael Giordano gave background about the property and reviewed the proposed changes. Town staff has reviewed the plans and the property. Specifics were given about the pond and its location and the property. Maps were reviewed.

Staff stated that the bond has been posted. They suggested a 1 or 2-year extension based on the upcoming regulation changes relating to storm water management. Staff noted that additional changes may be required if the work is not completed within the time limit set.

Staff explained that the applicant has made the necessary arrangements with the DEP and that he is exempt from Wetlands, due to its agricultural status.

**MOTION:** To approve a 2-year extension with the same conditions of the original permit

Motion made by Haviland, seconded by French, so voted unanimously

### 2. Receipt of New Applications – None

Staff gave a recap of the Committee of Chairperson's (COC) meeting that was held on 1/26/09. The streetscape project, reconstruction of the Mystic River Bridge, and

the Central Hall site was referred to. It was noted that non chair-people are allowed to attend these meetings. The next COC meeting will be held on April 20, 2009.

VIII. REPORT OF CHAIRMAN – None

IX. REPORT OF STAFF

Staff explained about the bio-diesel proposal and asked for feedback from the Zoning Commission relating to Zoning Commission Regulations. It was noted that one unit would be installed at Grossman's Store on Goldstar Highway. Many members explained this proposal was a good concept while other members had concerns with the volume, storage, and location. Protecting the resource water protection district and pollution were other concerns raised. Discussion ensued about this proposal falling under the special permit process. Staff noted that the size of the tank would be limited. One member did not like that it would be located in the water protection district.

The major consensus of the Zoning Commission was that this proposal was a good concept. Staff will convey the Zoning Commission's pros and cons to Grossman's.

Staff stated that they will be evaluating and reviewing the realtor's most recent concept for temporary sales signs and will report back to the Zoning Commission.

Staff gave details about the proposal to reuse the gas station at the corner of Fishtown Road and Noank-Ledyard Road. History about the property was reviewed. The proposed use is for a gas station and convenience store. The Wetland Agency is currently reviewing this proposal. Bays will be closed off and tank modifications will be made. The proposal still needs to go before the Planning Commission. The goal is to improve the site. A concern was raised about the water flow into Eccleston Brook.

Status of the Chipperini property on Library Street was given by Staff. The Town is pursuing its options with the Town Attorney.

Staff referred to the many projects they are involved with including the budget process and the regulation amendment process.

X. ADJOURNMENT

Motion to adjourn at 8:58 p.m. by O'Neill, seconded by Haviland, so voted unanimously.

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Richard Haviland, Secretary  
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II