

MINUTES
ZONING COMMISSION
MAY 6, 2009 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Haviland, Hudecek, O'Neill
Alternates Cady, Marquardt, Sutherland
Staff: Murphy, Silsby

Meeting called to order at 7:00 p.m.

Chairman Hudecek appointed Marquardt to sit for Brandt.

II. PUBLIC HEARINGS

1. Special Permit #309, 2 – 4 West Main Street, PIN 261918403999, (Desmarais, Applicant) WDD Zone.

Cheryl Robdeau, 81 High Street, reviewed the floor plan and requested an additional 126 square feet for renovations to the interior. Referring to the previously approved special permit # 308, she explained how previous calculations were incorrect and why a new application has been submitted. She noted that the footprint has not changed.

Staff explained why a new application was necessary because of requirements. They noted that additional parking would be 5 spaces for customer service fast food takeout.

Discussion followed about the amount of spaces being allotted and the amount of foot traffic compared to destination traffic. Requirements and how ratios were determined was explained by Staff. Calculations are based on current regulations. The five eights rule was discussed. Staff has no concerns with the amount of spaces.

Staff stated that the applicant is also applying for a CAM due to it being a waterfront site.

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

MOTION: To modify the agenda to act on item # 5 before item # 3.

Motion by Haviland, seconded by O'Neill, so voted unanimously.

III. CONSIDERATION OF PUBLIC HEARINGS

MOTION: To approve Special Permit #309, 2 - 4 West Main Street, Mystic, regarding the 126 square foot expansion of seating area at the existing Mystic Drawbridge Ice Cream Restaurant.

The Commission finds that this application complies with the special permit objectives in Section 8.3-8 of the Zoning Regulations in that it is in harmony with the development of the Mystic area, does not conflict with the normal traffic of the area, and that it does not have a negative impact on natural resources near the site.

Motion by Haviland, seconded by O'Neill, so voted unanimously

MOTION: To approve the Coastal Site Plan for the Mystic Drawbridge Ice Cream restaurant because it is consistent with all applicable coastal policies and will not have an adverse impact on coastal resources.

Motion by Haviland, seconded by O'Neill, so voted unanimously

IV. APPROVAL OF THE MINUTES OF April 1, 2009

MOTION: To approve the minutes of April 1, 2009

Motion made by French, seconded by O'Neill.

Sutherland distributed a handout relating to how much detail she felt should be in the minutes and explained her reasoning.

Discussion followed about whether wording should be changed and how much detail should be included in the minutes. Discussion ensued, including an explanation of what the Town Clerk's guidelines stipulate, which is that the minutes should be "general" and that basically only actions are required. The Commission felt no need to modify the draft minutes.

The minutes were approved as written.

V. PUBLIC COMMUNICATIONS

Jim Furlong, 57 Fishtown Lane, Director of Groton Open Space Association (GOSA), referred to submitting a letter to the Zoning Commission on 4/1/09 and a reply he received from Staff. Tonight, he distributed a follow-up letter addressed to the Director. He referred to the Chair's alleged request for a build out analysis and whether a formal request was ever submitted.

Staff, the Chair, nor the Commission remember receiving or making a formal request. Furlong will check his records and get back to the Commission.

Furlong spoke about the proposed regulation update and explained important issues that should be considered. Staff explained that this is a regulatory process. Discussion ensued about the four model properties used by Kendig Keast Collaborative (KKC) in their presentation on March 4, 2009. Staff referred to the planning process versus the regulatory process. A comment about the public's perception about density was raised.

VI. OLD BUSINESS

1. Land Use Regulation Update Project

Staff distributed a memo dated 5/6/09 about working draft zoning use tables and a black-line of the current permitted use tables currently in preparation. They explained that the initial tables that were distributed were working draft tables only. Maps were distributed. Staff explained how they came up with the new table and figures. How the items were being grouped together was discussed. Individual items were raised. Staff noted the importance of shared parking uses as well as other important issues. They explained that tonight's discussion is based on recommendations in the Plan of Conservation and Development (POCD). Staff reviewed the working zone change map and gave an overview of potential adjustments to various areas.

Discussion ensued about notice of rezoning. Staff explained the regulation amendment process and at what point land owners could be contacted. Relating to the POCD, Staff explained that boundaries and refinements need to be considered, in their opinion. Dedicated open space zoning was referred to. Staff explained the areas worthy of reviewing and noted that aerial photos of these designated areas can be viewed via the Town's website. The process and timelines were noted.

VII. NEW BUSINESS – None.

VIII. REPORT OF CHAIRMAN

In response to questions, staff addressed the following:

A formal complaint has been submitted by the Town to Court in regards to the burned down property on Library Street. Staff will inform Building Official Quinn about vandalism apparent at this site.

The status of a sign violation at the Azu Restaurant in downtown Mystic was brought up as well as other issues that still exist there.

Staff is working on monthly reports and will submit them to the Zoning Commission when they are complete.

Update about the Streetscape project was given by Staff. They noted that Federal stimulus money (\$2.3M) will be used towards this project.

Staff stated that the owners of the Central Hall Building are asking for an extension. Discussed ensued about its development status.

Staff explained that work will be on-going during early summer in downtown Mystic while the Mystic Bridge is being worked on.

IX. REPORT OF STAFF

Staff explained that a new position of Program/Project Manager has been created in OPDS to oversee construction management activities associated with the Mystic Streetscape Project and Thomas Road Bikeway Project. A Planner I position would be eliminated in OPDS.

Given Mr. Trinkhaus' status in the Mystic Woods litigation, staff explained the legal consequences that could arise if board and commission members speak to him. He is offering no cost educational services. Staff has responded formally to Mr. Trinkhaus,

noting the impropriety of his contact with Groton land use agencies. Hudecek stated that a message from Trinkhaus may have been left on his answering machine but that he did not respond and never spoke to him directly. He did receive a call from a citizen in regards to the Director's response to Trinkhaus. Staff explained that it would be improper for Trinkhaus to attempt to contact Commission members. Discussion ensued about education options for the Zoning Commission.

X. ADJOURNMENT

Motion to adjourn at 8:48 p.m. by Haviland, seconded by O'Neill, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II

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