

MINUTES
TOWN OF GROTON
ZONING COMMISSION
SEPTEMBER 3, 2014 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Marquardt, Sutherland, Bancroft, Hudecek, Sayer
Alternate members present: Smith, Middleton
Absent: None
Staff present: Jones, Galetta, Oefinger

Chairperson Sutherland called the meeting to order at 7:00 p.m. and welcomed Mark Bancroft as a regular member of the Commission.

II. APPROVAL OF THE MINUTES OF Meeting of July 2, 2014.

MOTION: To approve the minutes of meeting of July 2, 2014.

Motion made by Bancroft, seconded by Hudecek, 3 in favor, 0 opposed, 2 abstentions (Hudecek, Sayer)

III. PUBLIC COMMUNICATIONS – None

IV. OLD BUSINESS

1. Discussion of Land Use and Zoning Regulation Review and Update – None
2. POCD Update Report

Sutherland reported this is still in workshop sessions but anyone is welcome to attend the meetings. Staff noted verbal comments will not be accepted at this time but written comments may be given. The hope is that the Planning Commission can complete their review of the draft by the end of September then the consultant must incorporate the significant revisions. There are also mandatory referrals before it can go to a public hearing. Staff doesn't anticipate a public hearing until early next year.

V. NEW BUSINESS

1. Report of Commission – None
2. Odd Fellows Healthcare, Inc., 231 Lestertown Road – Review Access Requirement of Special Permit #323

Staff referred to the memo included in the agenda packet and noted that Mark Oefinger, Town Manager, was at the meeting as a member of the Traffic Authority. The Traffic Authority has been getting complaints from neighbors on Military Highway about truck traffic. Military Highway is signed as “No Trucks” but Planning Staff as well as the Zoning Commission were unaware of that at the time of the Special Permit application.

Mark Oefinger thanked the Commission for allowing him to be on the agenda and stated that he was really there more in an informational context. He noted that at the last couple of meetings of the Traffic Authority a few residents of Military Highway, primarily those between the Starr Hill Intersection and the new entry drive into the Odd Fellows, have brought complaints about truck traffic. At some point in the past Military Highway was signed for no truck traffic, although the Authority can find no records indicating when the signs were put up, but they are Town of Groton signs. He additionally noted that signs which say no truck traffic along a road are essentially window dressing and not enforceable.

Oefinger has talked with Planning Staff who have explained, in order for the development to happen, access had to be from a collector road and Military Highway is a collector road, unlike Starr Hill or Lestertown Road. He is not sure what the Authority will do about these complaints. The first task is to determine whether the signs will be left up or taken down. Leaving them up may discourage some truck traffic. The Authority is also talking about changing the signs to say "No Thru Trucks" and that may be what the original intent of the signage was.

There have been enhancements to Military Highway, including widening it, over the last 10-15 years; however, the residents do have some concerns about sightline issues and speed. Oefinger noted that speed is not determined at the local level but rather by the state. Some neighbors would like to have convex mirrors put up to judge traffic coming from a distance but the Traffic Authority does not endorse and will not pay for them. The mirrors would be for use of the residents alone.

Oefinger is not looking for the Commission to do anything at this point but he wanted to make them aware of the issue. He noted that this was not picked up at any level including by any of the neighbors during the application process. He feels if there is any blame it is shared by all parties. He commented that the Traffic Authority could take the signs down but there may be some value in leaving them up to discourage truck traffic. Changing the signs to "No Thru Trucks" may be a better option. Other resolutions that are being discussed are lowering the speed limit, although he doesn't think the State will approve that, putting up additional signage, and analyzing the sightlines to see if there is some way to improve them such as tree trimming.

The Commission was concerned about whether this issue is just a fluke or if there is something they should change about the process in the future. Oefinger is of the opinion that this case is just a fluke and he is not aware of any other instance where this has happened. Generally plans are shared interdepartmentally and he is sure these plans were shared with the Police Department. It would have been better to deal with the signage at the beginning of the project rather than now; however, Military Highway is the best way to get into the development, and he thinks the Chief of Police is of the same opinion. The problem is that there are these signs out there and in retrospect it would have been better to deal with them before construction started.

Conditions of the Special Permit relative to vehicular traffic were reviewed. The Commission feels the Town can encourage and support the conditions, particularly during the construction phase, but they are difficult if not impossible

to enforce. Staff noted that the owner has been very cooperative in notifying employees and service vehicles where the preferred entrance is located.

The Commission would like to be kept informed about this matter and Oefinger reiterated that the lesson going forward is the need to make sure everyone is talking and are on the same page.

3. Elm Street Properties, Inc., 15 Elm Street, Mystic – Certification of Special Permit #228

Staff reviewed the history of this Special Permit and noted this application came before the Zoning Commission in 1998. The original applicants went through the Special Permit process to change one non-conforming use to another for the large building directly across from Mystic-Noank Library. Once the Special Permit was issued the owners decided the financing would not work and did not go through with the project. The property was sold to Gates Realty Holdings, LLC. The Planning Department has started discussions with the Gates Family to move forward with the project and has discovered the Special Permit was never recorded in Land Records. Staff stated it is not official and in effect until it is recorded in Land Records. Typically when this happens the Planning Department will generate another Special Permit; however, Mike Murphy who signed the original no longer works for the Town. The Town Clerk will only accept original signatures for recording so the copy in the Planning Department file cannot be used either. The Town Attorney determined it should be brought to the Zoning Commission to have them certify the permit after which Staff could file a copy of the permit along with a cover memo with an original signature.

The Commission and staff discussed who has the obligation to file Special Permits in the Land Records. Staff explained that the process changed a number of years ago. Staff noted that the Commission was not reopening the Special Permit and no regulations governing it had changed. Commissioner Bancroft noted that CT State Statutes allow Zoning Commissions to certify permits when in question.

MOTION: The Zoning Commission certifies that the copy of Special Permit #228 which is to be attached to a cover memorandum from Deborah Jones, Acting Director of Planning and Development, to the Groton Town Clerk regarding the filing of Special Permit #228 is a true copy of the Permit on file in the Town of Groton Office of Planning and Development Services.

Motion made by Bancroft, seconded by Hudecek, so voted unanimously.

4. Receipt of New Applications

- a. Special Permit #343, 516-528 Gold Star Highway, Expansion of non-permitted use in WRPD, (Nick Sahin, Toll Gate Plaza LLC, Applicant)

Staff briefly reviewed the application with the Commission. The public hearing date was set for October 1, 2014

VI. REPORT OF CHAIRPERSON – None

VII. REPORT OF STAFF

Staff distributed the approved Zoning Regulation Amendments relative to the Keeping of Hens and the Connecticut Planning and Zoning quarterly newsletter.

Staff also noted that there will be staffing changes at the next meeting and hopefully an announcement about the new Director of OPDS.

VIII. ADJOURNMENT

Motion to adjourn at 7:32 p.m. made by Hudecek, seconded by Bancroft, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Lynda Galetta
Office Assistant II