

MINUTES  
GROTON ZONING COMMISSION  
JANUARY 2, 2008 - 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Acting Chairman Haviland opened the meeting at 7:04 p.m. and appointed Sutherland to sit as a voting member for Hudecek.

II. PUBLIC HEARINGS – None.

III. APPROVAL OF THE MINUTES OF December 5, 2007

MOTION: To approve the minutes of December 5, 2007.

Sutherland abstained from the vote.

Motion made by Brandt, seconded by French, so voted unanimously.

IV. PUBLIC COMMUNICATIONS – None.

Staff noted the distribution of the recent zoning regulation amendments. They distributed the State Statute Sec. 14-54, which pertains to the pending Certificate of Location application. Staff received the latest newsletter from Avalonia, which is available for review by Commission members.

V. CONSIDERATION OF PUBLIC HEARINGS – None.

VI. OLD BUSINESS - None.

VII. NEW BUSINESS

1. Certificate of Approval of Location for Shantok Motors II, 345 Gold Star Highway (Jeffrey Mehlenbacher, Applicant)

Mr. Mehlenbacher explained that he would like to do business in the old Coates Automotive location and continue with the same work except that there would be less repair work. It was noted that it would be a less intensive use.

Staff referred to the history of the property with respect to the auto businesses that have occupied the site in the past. Survey information was distributed. Other information about Certificates of Location was noted. Staff noted that there is currently

a standing license to repair with the State of Connecticut. It was noted that there would be limited repair. Staff noted that this use is similar to what has been going on in the past. There would be no intensification and all the necessary paperwork has been received by the Planning Department. Staff recommended approval of this Certificate of Location.

Mr. Mehlenbacher stated that his location in Uncasville would do most of the car repairs.

Staff stated this is a minimal type of application because it is a transfer. The state statute was referred to.

MOTION: to approve the application as requested.

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

Staff noted that a general inspection would take place in near future.

## 2. By-laws

Staff distributed copies of the Planning Commission's By-laws for perusal by the Zoning Commission. They explained the types of procedures that would be included in by-laws, such as meeting procedures and other necessary requirements for land use commissions. Staff stated that it might be helpful if the Commission wants to set up basic by-laws. Staff said that they would assist the Commission in coming up with draft by-laws. This item could be added to the next Zoning Commission agenda.

A question about whether or not by-laws have ever been adopted by the Town Council to encompass all town commissions was brought up.

Acting Chairman Haviland suggested that this item be put on the next agenda for the purpose of discussion, in light of the fact that Chairman Hudecek is absent. He stated that no additional paperwork would be needed by staff.

Staff explained that by-laws would take precedence over Roberts Rules of Order although Roberts Rules of Order is a much more comprehensive document. By-laws would be a basic structured document. Discussion ensued about how alternates are appointed and other items that would be included in the by-laws.

Staff explained that the by-laws lay out a procedure that commissions can follow.

Acting Chairman Haviland stated that this discussion should continue at the next meeting in February.

3. Receipt of New Applications

- A. Special Permit #300, 0 Winding Hollow Rd. PIN#169913044887 RU-20 Zone. (Cecil Rhodes, Applicant)

Staff noted that this application is being submitted after the fact in response to enforcement, and that review of documentation is not yet complete. A March 5, 2008 public hearing was suggested.

- B. Proposed Zoning Regulation Amendment to Section 7.3-5 (A) (2) (Signs Permitted in All Districts) (Eastern Connecticut Association of Realtors, Inc./Applicant)

Staff stated that this item will require numerous referrals and as such, a March 5, 2008 public hearing date was suggested.

Acting Chairman Haviland stated that both public hearings will be held on Wednesday March 5, 2008.

VIII. REPORT OF CHAIRMAN - None.

IX. REPORT OF STAFF

Staff explained that an appeal/complaint has been served to the Town of Groton on behalf of the Groton Open Space Association (GOSA) regarding the Zoning Commission's decision on the Mystic Woods application. Staff stated that the complete record is being put together and will soon be given to the Town Attorney.

Acting Chairman Haviland noted that if the Town Attorney feels there will be discovery, the Commission would want to know as soon as possible.

Staff noted that two Commission members recently stopped into the Planning Department to view certain records. Staff explained their concerns about commission members viewing files of projects that have already been approved, especially ones that are in litigation. It was noted that a procedure for future viewings should be established to make sure that papers are not misplaced or disturbed. Staff encouraged commission members to review files when applications are pending. Protecting the permanent record is of the utmost importance.

Discussed ensued about making the record available to interested parties.

French explained that she was not aware of the appeal at the time she asked to view the permanent records.

Staff expressed their concerns about exparte communications outside of Zoning Commission meetings.

Acting Chairman Haviland referred to the Mystic Woods public hearings and agreed with staff, stating that all information should be given at a public hearing only.

A commission member asked if there is a parallel appeal for the Wetlands. Staff stated affirmatively but noted that they are two separate actions.

X. ADJOURNMENT

Motion to adjourn at 7:34 p.m. by Sutherland, seconded by French, so voted unanimously.

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Richard Haviland, Secretary  
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II