

“DRAFT”

MINUTES  
SPECIAL MEETING  
GROTON ZONING COMMISSION  
JUNE 27, 2007 - 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Haviland, Hudecek, O’Neill, Marquardt, Sutherland  
Staff: Murphy, Davis, Silsby

Chairman Hudecek called the role at 7:00 p.m. and appointed Marquardt to sit as a voting member for Brandt. He welcomed new member Susan Sutherland.

II. PUBLIC HEARINGS

1. Proposed New Zoning Regulation 6.13 (Mixed Use Floating Zone); Proposed Zoning Regulation Amendments to Section 3.1 (Classes of Districts), Section 5.1-3 (Table of Permitted Uses); and Section 5.2 (Lot, Yard, and Building requirements). (L & L Groton LLC, Applicant)

Hudecek opened the public hearing at 7:01 p.m.

Attorney Tim Bates of the Law Firm of Robinson & Cole gave a presentation regarding a zone change request to add a new zone 6.13. The applicant seeks to implement a goal listed in the Town’s Plan of Conservation and Development (POCD). He referred to the four specific nodes included and explained that this amended application does not include several nodes that were deemed inappropriate. A copy of the power point presentation is on file in the Planning Office.

Mario Delorato of READCO, Managing member of Groton LLC, explained what he hopes to accomplish with this mixed use regulation. He stated that his company has acquired 35 acres in the northwest corner of Routes 184 and 117. He referred to attending joint meetings with the Town’s Planning Staff.

Philip Michalowski spoke about the Town’s POCD, and the Town’s goal to establish concentrated mixed use development at selected locations throughout the Town. He spoke about nodes and “smart growth” principles.

He spoke about a shift away from strip pattern development, demographic changes, socio-demographics driving production of housing types, and the evolution of zoning regulation changes underway in Connecticut.

Bates stated that the development of this regulation amendment has been a collaborative process between the Town of Groton and L & L Groton LLC. He referred to objectives discussed with the Groton Open Space Association (GOSA).

The POCD and the Master Plan were discussed. Also discussed was the process that would be followed if a developer submitted an application and how much discretion the Planning and Zoning Commissions would have. Discussion followed about whether mixed zones can still be enforced if the applicant no longer decides to continue with a previously approved project.

Staff stated that this is a specific and limited application and gives more ability to develop specific projects with rezoning.

The Planning Commission's concerns on authority were noted and discussion followed about the Zoning Commission authority over zone changes and special permits. Discussion followed about application timelines and it was noted that the Planning Commission will continue to have site plan review responsibilities.

Discussion followed about the process if a developer has built on the site but subsequently pulls out, and to what extent is a new developer bound by the previously approved site plan.

Stan Gniazdowski of Realty Concepts, Inc. spoke about the research he did in coming up with the market analysis, which included the market feasibility, location-site feasibility, and financial feasibility. He stated that the market feasibility is not the highest and best use analysis. Discussion followed.

The meeting recessed at 8:27 p.m. and reconvened at 8:36 p.m.

The "shelf life" of a market analysis was discussed.

Bates stated that the Zoning Commission may want their own market analysis and could hire a consultant.

Discussion followed about whether or not the local fire departments have the proper equipment to service tall buildings.

The issue of setback provisions and density was discussed, as well as the designing of these mixed use buildings.

Dennis Goderre of BL Companies explained how zoning would apply to this regulation in regards to a particular site. He spoke about the proposed regulation as a design tool. He spoke about the physical form of a development, design standards, nodes, pedestrian amenities, green space, and many other design related topics.

Bates noted the importance of recognizing other nearby areas and their functions when considering a specific location for this project. He referred to implementation tables and the promoting of unique zones. He requested that the Commission consider adopting the proposed regulations, to encourage mixed uses within each node. He thanked them for their consideration.

Staff referred to their memo to the Zoning Commission dated June 27, 2007 referencing various items for the record. Staff noted that the Planning Commission has endorsed the policy but has included secondary suggestions with their concerns to the Zoning Commission as they move forward with this process. Staff recommended that the public hearing be continued. Staff referred to the time-frame for the current application and noted that they endorse the concept of this proposal, which is a specific recommendation in the POCD.

Some Commission members had concerns with projects being changed after an application has already submitted and felt the language should be clearer.

Chairman Hudecek asked for public comment, in favor of this proposal.

Bill Stanley, Vice President of Development and Public Relations at Lawrence and Memorial Hospital spoke in favor. He referred to quality housing in close proximity to the Pequot Health Center, which would be most beneficial to those employees.

Jane Dauphinais, a Town resident and former elected official, spoke in favor of this project. As current Director of the Southeastern Connecticut Housing Alliance, she spoke about the housing shortage that exists. She spoke about the aging population and a greater demand for housing units. She has confidence that the Zoning Commission will work towards approving this proposal. She added that former elected official and local bank branch Manager Dolores Hauber echoed her sentiments, noting that this would be good for existing businesses.

Sydney VanZandt, 3 Front Street in Noank referred to GOSA's support of this proposal and noted that the Commission's can hire a consultant, at the expense of the developer, to get professional advice if necessary.

Jim Furlong, Director of GOSA, generally supports this floating zone concept. He spoke about GOSA hiring an attorney to review the proposed amendment. He read a letter from Attorney Eric Knapp of Branse, Willis, & Knapp, LLC dated June 27, 2007, which includes some alternative processes. He spoke about procedural requirements, the application process, and the timelines required. Other concerns he referred to had to do with on-site dry cleaning and photographic developing. He noted that GOSA felt that 4-story buildings would be better suited than 6-story buildings. The letter was distributed and is on file in the Planning Office.

Brad Whipple, Founder and Pastor of Seaport Community Church spoke in favor of this proposal. He spoke about a lack of housing opportunities and explained why this proposal is appealing to his church.

Joan Smith, 58 Mohegan Road, referred to specific zoning in the villages of Noank and Mystic, in regards to street design.

There were no comments against this proposal.

Bates read into the record, a letter of support from Mark Wolman, owner of the Waterford Hotel Group.

**MOTION:** To continue the Public Hearing to the next regularly scheduled meeting of August 1, 2007.

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

### III. CONSIDERATION OF PUBLIC HEARINGS

1. Proposed New Zoning Regulation 6.13 (Mixed Use Floating Zone); Proposed Zoning Regulation Amendments to Section 3.1 (Classes of Districts), Section 5.1-3 (Table of Permitted Uses); and Section 5.2 (Lot, Yard, and Building requirements). (L & L Groton LLC, Applicant)

This hearing has been continued to August 1, 2007.

### IV. APPROVAL OF THE MINUTES OF May 2, 2007

**MOTION:** To approve the minutes of May 2, 2007 as amended.

Motion made by O'Neill, seconded by French, so voted unanimously.

### V. PUBLIC COMMUNICATIONS

Staff noted that the regional Plan of Conservation and Development meeting will be held tomorrow, June 28, 2007 at 7:00 p.m. in Room 1 at the Town Hall Annex.

There were no audience communications.

### VI. OLD BUSINESS – None

### VII. NEW BUSINESS

1. Request of Groton Utilities, pursuant to Section 4.4 of the Zoning Regulations regarding a proposed temporary test mast at 18 North Road.(PIN# 169911558390)

Groton Utilities Operations Manager Ray Valentini and General Manager of Energy Services Herb Cummings were present to discuss this proposal.

Mr. Valentini stated that the location is off of Route 184 near the Groton Utilities Sub Station, 400 feet off of Route 184. He noted that the intent is to measure the wind to see if a permanent wind tower would be feasible.

It was noted that this would be a temporary test mast for six months and the height would be 164 feet 8 inches.

Staff believes that the height of the test mast is reasonable and necessary.

MOTION: To approve the height of the temporary test mast in excess of the district standard.

Motion made by French, seconded by O'Neill, so voted unanimously.

#### VIII. REPORT OF CHAIRMAN

Commission members expressed concerns with old utility poles near Poquonnock Road and Electric Boat being hazardous.

Concerns were also voiced about old speaker towers located on Route 1 and other areas throughout the Town. Staff explained that these are used for emergency warning signals.

Staff will look into these issues.

#### IX. REPORT OF STAFF

Staff distributed version 1 of the Code Enforcement Report, noting that the format will continue to be refined by various committees.

#### X. ADJOURNMENT

Motion to adjourn at 10:26 p.m. by Haviland, seconded by O'Neill, so voted unanimously.

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Richard Haviland, Secretary  
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II