

SPECIAL MEETING
MINUTES
GROTON ZONING COMMISSION
OCTOBER 15, 2007 - 6:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Cady, French, Haviland, Hudecek, O'Neill, Sutherland
Staff: Murphy, Davis, Cullen, Silsby
Absent: Brandt, Marquardt
Also Present: Town Attorney Michael Carey

Chairman Hudecek opened the meeting at 6:05 p.m.

Staff noted that Marquardt would not be present tonight. She had notified staff several weeks before regarding her availability regarding this meeting date.

Chairman Hudecek appointed Sutherland to sit as a voting member.

Staff gave a recap regarding tonight's agenda. A letter had been received from Attorney Bates which raised issues about the way the vote was taken on the particular application in question. This letter was referred to the Town Attorney. After discussion with the Town Attorney, staff developed a memo for the Commission to set tonight's meeting to discuss the issue of the standing of seated voting members, discuss Mr. Bates' reconsideration request, and possibly act thereon.

Attorney Carey urged the Zoning Commission to go into Executive Session to discuss this issue. He stated that Attorney Bates notified him that there could be possible litigation. He noted that a Motion would be required in order to go into Executive Session to discuss potential litigation regarding L & L Groton LLC. Mr. Carey stated that the five members who voted on that application, as well as Director Murphy and Manager Davis, should be present at the Executive Session.

II. ITEMS OF BUSINESS

1. Proposed Executive Session and Discussion of Pending Litigation Regarding Mixed Use Regulation Amendment (L & L Groton LLC, Applicant)

MOTION: To go into Executive Session to discuss Pending Litigation Regarding Mixed Use Regulation Amendment (L & L Groton LLC, Applicant).

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

Let the record reflect that the following people were invited into and were participants in the Executive Session: Town Attorney Carey, Murphy, Davis, French, Haviland, Hudecek, O'Neill, and Sutherland.

The Executive Session began at 6:08 p.m.

The Executive Session ended at 6:55 p.m.

No votes were taken in Executive Session.

2. Discussion and Possible Action Regarding Request for Reconsideration of vote on Mixed Use Regulation Amendment (L & L Groton LLC, Applicant)

MOTION: To reconsider the vote of October 3, 2007, to deny the application # 07-01, and to deliberate again on said application with a panel consisting of Chairman Hudecek, French, Haviland, Marquardt, and O'Neill. This is not an admission that any procedural errors were made.

Attorney Carey stated that making a motion does not constitute a yes vote on the text amendment application.

French had reservations and would like to continue discussing this item. Sutherland agreed.

Hudecek feels that after review of all the information, there are considerable reasons why this item should be reconsidered.

Timelines were discussed for acting on a reconsideration vote and taking action on the text amendment application.

Staff noted that this item could be added to the next regular Zoning Commission meeting on November 7, 2007, to meet the 65 day decision period requirement.

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

III. ADJOURNMENT

Motion to adjourn at 7:06 p.m. by Haviland, seconded by O'Neill, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II