

MINUTES
GROTON ZONING COMMISSION
OCTOBER 3, 2007 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Cady, French, Haviland, Hudecek, Marquardt (7:11 pm), O’Neill,
Sutherland
Staff: Murphy, Davis, Silsby
Absent: Brandt

Chairman Hudecek opened the meeting at 7:05 p.m. and appointed Sutherland to sit as a voting member for Brandt.

II. PUBLIC HEARINGS – None.

III. APPROVAL OF THE MINUTES OF Sept 5 and 19, 2007

MOTION: To approve the minutes of September 5 2007.

Motion made by Haviland, seconded by O’Neill, so voted 5 in favor, 1 abstention (Hudecek).

MOTION: To approve the minutes of September 19, 2007, as amended.

Motion made by O’Neill, seconded by French, so voted 5 in favor, 1 abstention (Hudecek).

IV. PUBLIC COMMUNICATIONS

Staff distributed a packet from the Connecticut Siteing Council. A public hearing will be held on October 30, 2007 regarding a telecommunications tower.

Marquardt arrived at 7:11 p.m.

V. CONSIDERATION OF PUBLIC HEARINGS

1. Proposed New Zoning Regulation 6.13 (Mixed Use Zones); 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)

For clarification purposes, staff asked the Chairman for the names of the 5 seated members. Staff noted that Ms. Marquardt had arrived prior to discussion of Item V and informed the Chairman that Ms. Marquardt had been seated for hearings on the MX application. The Chairman indicated that he would prefer to leave it as it is. He stated that the 5 seated members are French, Haviland, Hudecek, O’Neill, and Sutherland.

Staff stated that the packet handed out to commission members tonight included a memo from Staff, a draft motion, and the latest text revision dated 8/20/07. It was explained that the bold-faced type amendments in the memo have been included in the final revision as well as “node” graphics. Staff read the revisions, step by step, noting that input from the Town Attorney, the applicant, and Staff have been considered. They referred to “node” graphics and added that the principal change in this amendment is section 6.13-3a.

Aggregating parcels of land near the nodes was discussed.

Staff explained that future applications would be based on specific criteria and that the Zoning Commission could deny any application they chose. It was noted that the Plan of Conservation and Development (POCD) was moving in the direction of mixed use and endorses these types of projects. Many towns across the Country are breaking out of traditional development options.

Discussions ensued about leeway in the amended regulations.

Haviland read the draft motion (below) in its entirety, as written by staff and made a Motion to Adopt:

To modify and adopt zoning regulation amendment application #07-01, L&L Groton LLC, applicant, to create a new section 6.13 MX Mixed Use Zones; to amend section 3.1 Classes of Districts; to amend section 5.1-3 Table of Permitted Uses; and to amend section 5.2 Lot, Yard and Building requirements, pursuant to the following findings and reasons for approval:

1. The initial application has been amended through the hearing process in order to address concerns raised by members of the Groton Planning Commission, Groton Zoning Commission, Town of Groton staff and members of the general public. Action taken herein is therefore based upon the modified text dated received August 29, 2007, and included in the September 5, 2007 public hearing record.
2. In acting to modify and approve the application, the Zoning Commission has considered the Town’s 2002 Plan of Conservation and Development and finds the proposal, as modified herein, consistent with that Plan as follows:
 - a. The proposed regulations create a mechanism to reinforce and enhance community structure, by implementing the development concepts described in the Town’s adopted “Community Structure Plan.”
 - b. The proposed regulations will enhance the Town’s ability to protect open space, water quality and environmental quality through the use of clustered, mixed use developments in appropriate locations.

- c. The proposed regulations will enhance the Town's ability to achieve critical infrastructure objectives in order to meet current and future community needs.
 - d. The proposed regulations will enhance the Town's ability to create more energy efficient patterns of development.
3. The proposed regulations incorporate measures to reduce hypoxia, protect Long Island Sound and are otherwise consistent with the criteria of CGS 8-2 (b).
 4. The 8/29/07 modified regulation text shall be revised to include the modifications listed and described in the attached staff memorandum from Matthew J. Davis AICP, Manager of Planning Services, dated 10/3/07.

These amendments shall become effective on November 1, 2007.

Commission members noted that the intent of the proposed regulation is to reduce sprawl. The benefits of mixed use development were explained. Mixed use development in Mystic was praised, noting that this type of development encourages people to walk instead of having to drive their vehicles everywhere.

O'Neill seconded the Motion.

Some members were in favor of this amendment and reinforced the benefits of mixed use. It was clarified that State Charter empowers the Zoning Commission to make these types of decisions.

The application process was explained and the issue of holding joint meetings with the Planning Commission regarding future applications was discussed.

Discussion about needs for open space protection and/or language not being incorporated into the proposal were discussed. Other concerns about build-out were voiced.

Staff noted that this was discussed at the hearings and that open space around the perimeter is important but only in appropriate locations. Each node is different from one another. It was noted that open space is usually worked into new land use proposals. Mixed use development in other parts of the country was referred to. Additional concerns were raised about the language and about the proposal of required project acreage.

Discussion also ensued regarding desirable standards. Protecting residential neighborhoods was discussed in regards to building heights and buffers. CB zones were discussed. Concerns about the percentage of residential versus commercial land were discussed. The issue of "appropriate mix" was raised and it was pointed out that this is referred to in the regulations, and would be at the discretion of the Commission.

A concern about future projects not being completed was expressed by a member. Staff noted that stipulations with designating phases could be made.

It was noted that changes to this application were a collaborative effort, with the assistance of the applicant, the public, Zoning Commission Members, and Staff during the public hearing process.

MOTION: To Move the Question

Motion made by O'Neill, seconded by Haviland, so voted 5 in favor, 1 opposed (Hudecek).

MOTION: To modify and adopt zoning regulation amendment application #07-01, L&L Groton LLC, applicant (as written in its entirety above).

Motion made by O'Neill, seconded by Haviland, so voted 3 opposed (French, Hudecek, Sutherland), 2 in favor (Haviland, O'Neill). Motion Failed.

A suggestion was made to change the minimum acreage requirement. Staff stated that this suggestion was not acceptable at this point in time and that only a no vote member may make a new motion to reconsider. If none of the no votes want to reconsider, then the vote is final at this time.

VI. OLD BUSINESS – None.

VII. NEW BUSINESS

1. Receipt of New Applications

Special Permit #299, 0 Welles Rd, Mystic, PIN# 271013241498 RU-80 zone. Proposal to process earth products and reuse from Elm Grove Cemetery, including sifting, sorting, and shredding. Review is per Section 7.1-10 of Groton Zoning Regulations. (Elm Grove Cemetery Assoc./applicant)

A public hearing date was scheduled for November 7, 2007.

VIII. REPORT OF CHAIRMAN – None.

IX. REPORT OF STAFF

Staff reported that interviews for the land use Consultant is scheduled for October 18, 2007. Discussion followed about which Commission member would be present to assist in the interviews, though Staff noted that experience should be a consideration. The time schedule for the interviews was given though it was not yet determined which member would be part of that interview panel.

The Zoning Commission was reminded that a special meeting will be held on Monday October 15, 2007 regarding the Mystic Woods Public Hearing.

Sutherland stated that she is an Intervener with the Inland Wetland permit and secluded herself from the upcoming Zoning Commission meeting on October 15, 2007.

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Site visits regarding Mystic Woods were discussed.

ADJOURNMENT

Motion to adjourn at 8:55 p.m. by Haviland, seconded by French, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II