

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

I. ROLL CALL

Present: Brandt, Cady, French, Haviland, Hudecek, Marquardt, O'Neill

Staff: Murphy, Davis, Cullen, Silsby

Absent: Sutherland

Chairman Hudecek opened the meeting at 7:01 p.m.

MOTION: To change the order of the agenda to consider Item 6 before Item 2.

Motion made by Haviland, seconded by O'Neill, so voted 4 in favor (Brandt, Haviland, Hudecek, O'Neill), 1 abstention (French). Motion PASSED

II. OLD BUSINESS

For the record, Brandt recused himself due to a conflict of interest.

Hudecek appointed Marquardt to sit as a voting member for Brandt.

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)

Staff reported that the materials included in the packets are identical to those provided for the vote on October 3, 2007 and that if the Zoning Commission wished to make amendments to the draft motion, they should discuss those at this time.

Haviland read the draft motion (below) 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 December 1, 2007.

O'Neill seconded the Motion.

Discussion followed about possible amendments relating to minimum project acreage, building heights, and nodes.

Staff spoke about acreage and nodes and stated that this type of development is primarily designed for in-fill. It was noted that the Zoning Commission has the ability to shape each individual project. Staff read an excerpt regarding nodes from Groton's POCD.

Staff explained that the 75 foot height maximum can be reduced by the Zoning Commission if necessary. Additional information was given regarding CB zone regulations and nodes in The Plan of Conservation and Development (POCD). The Zoning Commission establishes the setback and heights in the downtown area and the regulation allows the Zoning Commission to reduce the height.

Discussion followed about the option to hire a professional consultant and the Town's involvement with making appropriate modifications themselves, while implementing the POCD recommendations.

The issue of a “super majority” to approve projects was discussed. It was noted that this could not be required in the regulation as to a project and that the statutory requirement for a Super Majority vote in the event of a negative Planning Commission Report remained in place. The Zoning Commission cannot require a Super Majority for approval independent of that statute.

MOTION: To Amend the original motion to change Section 6.13-3c from present language of 3 acres to 5 acres with the exception of the downtown district, which shall remain at 3 acres; and in Section 6.13-6a, to change Item 3 from “no limit” to “45 feet” in the Groton Downtown Node and to change Item 4 from “75 feet” to “45 feet” in the Route 1/Route 12 Node.

Motion on the amendment was made by Haviland, seconded by O’Neill, so voted unanimously.

For the record, Hudecek stated that the Planning Commission’s role as an advisory commission is still intact.

Motion on the Main Motion as amended was made by Haviland, seconded by O’Neill, and so voted 4 in favor (Haviland, Hudecek, Marquardt, O’Neill), and 1 opposed (French). Motion PASSED 4-1.

Staff stated that the Effective Date is December 1, 2007.

III. PUBLIC HEARINGS

Special Permit #298, Fort Hill Road/Flanders Road, (Hawthorne Development Partners, LLC/applicant) – Continued

Chairman Hudecek reopened the Public Hearing at 7:47 p.m.

Staff noted that a lot of work has been done regarding traffic issues and how it relates to the nearby neighborhood.

Attorney Harry Heller of the Law Firm of Heller, Heller & McCoy represented the applicant Hawthorne Development Partners, LLC. He explained about the compliance of this project as it relates to harmony, traffic, and the environment, and what the applicant has done to assure that all the requirements have been met. He spoke about avoiding wetlands and watercourse resources and referred to the POCD. He referred to architectural consistency and submitted a photograph of a similar project in Massachusetts, explaining about its mid level townhouse units. He believes that this is consistent with single family houses in the area. He presented a GIS map showing the existing land uses in the project area and spoke about density and in-fill. Numerous exhibits were submitted. He requested that all exhibits be entered into the formal record.

Attorney Heller spoke about the goals in the Town’s 2002 POCD and referred to the numerous community amenities within close proximity to the proposed project. He spoke about the level of maintenance, storm water structuring and monitoring, and requirements in the declaration of Mystic Woods and its By-laws of Senior Housing Communities (submitted for the record). He referred to public water, sewer services, and the proposal to extend sewer and water to the Flanders Road shed area. He spoke

about extending sewers to Hemlock Road at the developer's expense and the necessary conservation easements that would be required.

Jim Bubaris of Bubaris Traffic Associates in Cheshire, CT. stated that two traffic studies have been completed. He responded to the peer review comments dated November 3, 2007. He spoke about sight distances, sight lines, and slope. He explained that slope has been taken into account and noted that there is no way to reflect seasonal variation in the site distance.

Discussion ensued about the exit on Fort Hill Road. The emergency lane was discussed and it was determined that that emergency lane is for emergency vehicles only and would be gated. There were concerns about the enforcement in preventing people from going in the wrong way into the complex.

Staff spoke about road options and noted that State Traffic Commission standards must be met.

Hazardous road conditions on Fort Hill Road during inclement weather were noted. The configuration of the complex and driveways were discussed as well as other concerns about houses being blocked by the new configuration.

Bubaris distributed a second handout and spoke about entrances, exits, and levels of service. He explained about site generation for peak and off-peak hours. Discussion followed with concerns about the peak generation determination.

Chairman Hudecek called for a recess at 9:11 p.m. and the meeting reconvened at 9:21 p.m.

Bubaris spoke about sight distances on Flanders Road and changes that could be done to improve sight distances, noting that the project will require a Certificate of Operations from the State Traffic Commission. He referred to the peer review report.

Robert Silverstein, Certified General Appraiser for Miner & Silverstein Appraisal Company in New London, spoke about match pair analysis. He referred to updating his report dated April 20, 2007. He referred to other age restricted developments in Ledyard and in Mystic, and explained that these developments had no impact on nearby house values. His report was submitted.

Relative to the environment, Heller explained that there will be no negative impacts on or adjacent to the site. He referred to the POCD and explained about endangered species and steep slopes being protected. He noted that 54% of the parcel will be left as open space and spoke about the importance of protecting water quality. He explained about the design of the storm water management plan and eliminating nitrogen. He referred to the 7-year monitoring plan and Inland Wetland approval.

George Logan of REMA Ecological Services located in Manchester, CT, referred to an exhibit showing wetlands and explained the evaluation process. He spoke about Wetland 11, vernal pools, and referred to a small seasonal discharge wetland that would be left as a pond. He stated that he is a Natural Resource Scientist and is interested in making sure that natural features of the site are protected. He referred to salting and sanding, the 7-year monitoring program, turf management, pesticides, and protecting natural resources.

Discussion followed about trees that would be cut down and the effect it could have on Long Island Sound. Staff clarified that a reference to a statute was not applicable to a project application, only to regulation amendments. It was noted that the engineer team would make sure that no impact off-site would occur.

Andrew Bevalocka of Diversified Technologies explained about design standards and explained why he felt that this project goes above and beyond the minimum requirements. He noted that trees are part of the design standard that is followed.

Dr Roseen of the University of New Hampshire Storm Water Center, a licensed Professional Engineer, spoke about the additional runoff from the trees, referring to infiltration systems and reducing volume and contaminants. He noted that the storm water management plan is an aggressive plan and explained that this style of low impact development is most effective when combined with conservation lands. He stated that the storm water management plan will protect the off-site surrounding areas from impacts.

Heller referred to the compatibility of this project to the goals of the POCD. He spoke about maintenance reporting. He explained why he believes that this project is well designed and should be approved.

Staff referred to the various documents that were given to Zoning Commission members. Additional information was given in regards to the peer review report relating to sight line distances and safe stopping distances on Route 1. Excerpts of the POCD were given in regards to density. Staff noted that a hard copy of the power point presentation that was done at the September 19, 2007 and October 15, 2007 public hearings are now available.

Staff referred to the State Traffic Commission and the local traffic authority, in regards to standards that must be met. The issue of sight traffic from Flanders Road was raised and it was noted that the Planning Commission would deal with the issues relating to road width, design, and erosion control. Staff explained about harmony in the district and adjacent properties, and spoke about the location of specified nodes. Staff believes the plan is consistent with Planning and Zoning. Staff thanked Planner Cullen and Planning Technician Paul Duarte for putting the exhibit together that showed convenient walking distances to services, facilities, and transit in the area.

For the record, Haviland stated that he and Ms. Cullen alone took a site walk in neighborhood.

Chairman Hudecek asked for public comment in favor or against.

Priscilla Pratt, GOSA President, an Intervener, initiated a 3-part presentation. She referred to Attorney Cooper's credentials and expertise in the environmental field. Her comments were submitted.

Attorney Cooper of New Haven, CT, distributed a letter dated November 2, 2007 regarding road access impact. He spoke about harmony standards and environmental and traffic impacts. He explained about the jurisdictional role of the Zoning Commission and referred to legal compliance. He stated that he was supplementing the original intervention to include other issues like slope stability and water quality. He believes his supplement is substantial and timely. Further comments

were made in regards to a memo from Staff dated November 2, 2007. He referred to the role of the Planning Commission. He noted the importance of environmental law and urged the Commission to consider the environmental issues involved.

Joan Smith, 58 Mohegan Road, a member of GOSA, read from the 3-part supplemental Interveners Report. She referred to Section 8.3-8 of the Zoning Regulations relating to special permit objectives and explained why she felt the size was inappropriate. Negative impacts were asserted. She spoke about clear cutting and the negative impacts to vernal pools and to forest and wildlife resources. Further information was given relating to healthy levels of oxygen, amphibian mortality, and estuaries. Other concerns were given regarding acreage and building heights.

Martie Young, 79 Cedar Road in Mystic, read and submitted a letter written by Steve Trinkas of Trinkas Engineering. She spoke of a Declaration of Easements, site layout plans and site grading plan changes from IWA, and cross sections showing cuts and fills. She referred to the storm management plan, water swales, and runoff. She feels that technical issues still need to be addressed.

Attorney Cooper spoke about harmony, traffic, and the environment. He stated that over 50% of the total acreage is wetlands. He gave his interpretation of what the definition of a "neighborhood" is and believes that the analysis should take place by considering the "district" definition. In regards to Hemlock Road, he stated that GOSA would like the opportunity to review information that was given tonight. He has concerns with the traffic circulation relating to the entrance and exits and explained why he feels this project is not in compliance with special permit definitions.

Jim O'Donnell, 16 Brook Street, Noank, a Professor of Marine Sciences at the University of Connecticut, gave his credentials as a Physicist and an expert in the field of statistics. He explained why the Town should preserve wetlands. He expressed concerns about the environment, Long Island Sound, the storm water management plan, and a lack of harmony.

Tom Morris, 20 Affeldt Drive, has lived in Groton for 46 years and explained why Fort Hill Road can be a treacherous road to drive on in inclement weather. He feels that this development should be rejected.

Anna Sullivan, 81 Flanders Road, an abutter and intervener, submitted formal documents to the Zoning Commission. She referred to a memo to the Zoning Commission dated November 2, 2007, and felt that staff is promoting this project.

Mike Jazenak, 81 Hemlock Road, a direct abutter, submitted a video to staff showing what his road is like on a weekend afternoon coming out of his development. He expressed concerns about traffic in his neighborhood and feels that traffic concerns should be carefully considered by the Zoning Commission.

Some Commission members expressed knowledge of the hazardous conditions that exist while driving on Fort Hill Road in the winter time.

Discussion followed about closing or continuing tonight's public hearing and the possibility of an extension. It was decided to continue listening to public comments.

Wendy McFarland, 28 Bellaire Drive, explained why she is against the project. She spoke about safeguarding the environment and the lack of harmony that would

exist. She noted the importance of getting data from the engineers and the developer. She referred to possible tax burdens. She believes that the Zoning Commission should deny this application.

Jim Furlong, 57 Fishtown Lane, inquired whether CDM performed an independent study to collect data on their own or if it was compiled with another data source.

Staff explained the purpose of the fee ordinance with respect to peer reviews.

Kevin Johnson of CDM stated that he did not develop independent data, he used data records from the DOT as well as information given by the Town of Groton.

Jim Furlong stated that GOSA was active in promoting the ordinance that allows the Zoning Commission to hire an independent expert and would like the Commission to get more actively involved with the hiring of these consultants.

Jim Zamzes, 248 Fort Hill Rd, spoke against this project. He concurred about the traffic problems on Fort Hill Road in inclement weather and explained about the day to day near accidents that occur regularly in his neighborhood. He referred to harmony issues and spoke about an incident last year involving heavy equipment.

Patricia Olivier, 75 Hemlock Rd, understands the good faith efforts that the applicant has given and appreciates the Zoning Commission. Though she is glad that modifications have been made regarding harmony issues, she is still concerned.

Attorney Heller referred to modifications that have been made relating to harmony and environmental issues. He spoke about open space and raised the issue of a concern made earlier about the process used in obtaining evaluation criteria. He spoke of density, slopes, and the peer review, noting that he concurred with JGI Eastern's conclusions. He requested that the Zoning Commission incorporate those reports into the record proceedings. He spoke about vernal pools and archeological site assessments, which will be submitted into the record in conjunction with the application to the Planning Commission. He believes that the definition of a neighborhood does not mean district. He explained about the evaluation criteria used for the traffic report. He feels this is a good project for the Town of Groton and hopes it will be supported.

The Public Hearing closed at 11:58 p.m.

It was decided by the Commission and Staff that due to the late hour, the Commission would not take any further action on the remainder of tonight's agenda.

IV. ADJOURNMENT

Motion to adjourn at 11:59 p.m. by Hudecek, seconded by Brandt, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II