

MINUTES
GROTON ZONING COMMISSION
NOVEMBER 1, 2006 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Haviland, Hudecek, Marquardt, O'Neill, Sergeant
Staff: Cullen, Stanowicz

Chairman Hudecek opened the meeting at 7:02 p.m.

Chairman Hudecek seated Sergeant for Brandt and Marquardt for French.

II. PUBLIC HEARINGS

1. Request for Zone Change from RU-20 to RMF-12, 0 Winding Hollow Road, PIN #169913044887 (Cecil D. Rhodes, Applicant)

Ed Wenke, Engineer, Site & Structures, LLC, represented the owner/applicant, Cecil D. Rhodes. The applicant is requesting a zone change for a single parcel of land located on Winding Hollow Road. The location and the site were described. The site is currently undeveloped. A portion of the property is within the Water Resource Protection District. The property adjacent to this site is zoned RMF-12. There are slopes of 10 -15% across the property with a significant amount of ledge. There is a drainage easement in favor of the Town of Groton on the site. There is access to municipal water through an eight-inch water main and sanitary sewer is available at Manhole #13, which is not a Town-owned manhole. It is owned by the Winding Hollow Condominium Association. The applicant stated that he has a tentative agreement with the Association to tie into their sewer system. There is an existing sidewalk system down Winding Hollow Road to Route 184. This parcel was created in 1995 as part of the Fleet Bank Subdivision. The original plan was for a single family house with an on-site septic system. The house was never built and no building permits were applied for. Mr. Wenke stated that under current health codes, the Ledge Light Health District would not approve that plan. Due to the depth of the ledge, the site is unsuitable for on-site septic. A grinder pump would be required to pump up to the manhole. About five to six hundred feet of 4" forced main would need to be installed. One single-family house would not warrant that expense. Mr. Wenke said that a multi-family concept plan on this lot is a natural extension of the neighboring properties. The applicant has 16 units shown on his concept plan. Based on the RMF-12 zoning, it would be possible to have 41 units on this site, but due to the site constraints, including wetlands and ledge, that is not realistic. The applicant is proposing a single driveway off of Winding Hollow Road, and centralized drainage. There would be a single, privately owned pump station, owned by a homeowners' association. The possible sewer connection with Winding Hollow was explained. A sewer shed analysis was completed, showing there is more than adequate capacity at the Winding Hollow facility to handle these new dwellings. Currently less than 1% is being used, and it is now serving about 400 units.

Mr. Wenke distributed copies of information from the 2002 Plan of Conservation and Development (POCD) which addresses limiting two-family development. Mr. Wenke also distributed to the Commission pages from the 2002 POCD showing recommended sites of multi-family development nodes with adequate water and sewer systems. Mr. Wenke distributed copies of the Table of Uses from the Town of Groton Zoning Regulations showing the uses for the RMF and RU zones. Multi-family development is not allowed in RU-20, but is allowed in RMF. Other uses such as veterinary clinics and offices are allowed in the RU-20 but would not be allowed in the RMF.

Sergeant asked if the dedicated open space adjacent to the parcel will be used as a playground. Staff said a permanent use for the open space dedicated as part of the Fleet Bank Subdivision has yet to be determined.

Mr. Wenke said the site cannot support a one-family house. Duplexes would be problematic with multiple driveways, etc. There is multi-family development nearby, but that is isolated from the single-family homes nearby.

Haviland asked if the owners across the street were approached to be included in the zone change. Mr. Wenke said they were not.

Staff said the mailing notices had been done and were correct. Staff explained the boundaries of the Fleet Bank Subdivision. Staff read the following items into the record:

Public Works had no comment.

A letter from the Town Engineer suggesting the applicant hooks up to Town manhole.

Groton Utilities had no comments and approved the plan.

The Planning Commission's following comments were read into the record:

"The Planning Commission does not recommend approval of the application because it is not in accordance with the POCD Future Land Use Plan."

Staff explained to the Commission that a determination would need to be made by them if the zoning was correctly done at the time it was put into place or if conditions had changed significantly in the area that could warrant change. Staff explained that for a proposed zone change to be approved it should be consistent with the future land use plan as shown in the 2002 POCD, have adequate utilities, natural resources and soils should be taken into account and it should be a logical and orderly extension of the zone. Spot zoning was explained. Sergeant asked if the sewer system existed at that location when it was zoned. Sergeant asked what the Winding Hollow & Spyglass Hill sites were zoned before the condominiums were built. Staff said because of the soil, ledge and wetlands the Fleet Bank Subdivision area was zoned RU-20. Increased traffic generation was discussed. Staff explained that there is an inland wetlands investigation going on right now that is a separate item not covered in this application. Staff said there is an existing violation the applicant is working to correct. Mr. Wenke said they are trying to determine if there is a violation, and the correct location of the wetland flags. Staff said a previous Administrative Site Plan was approved for fill at this site. Mr. Wenke stated that if this site is rezoned, the wetlands and ledge will constrain the site, limiting it to about 16 dwelling units.

Staff stated that the density of the site would allow for over 40 units according to this zone's classification. However, this is a straight density calculation that does not include roads, wetlands, ledge, active space or any other constraints. The Town future land use plan calls for no change, as is shown in the Plan of Conservation and Development. The nearest node shown is a mixed use node. Nodes were described. The sidewalk network throughout the area up to the commercial center was described in detail.

Chairman Hudecek asked for comments from the public in favor of the application.

Peter Vandenbosch, owner of a single-family dwelling at 100 Winding Hollow Road, spoke in the favor of the application. He feels this is not spot-zoning, it is contiguous for the area, and traffic increase will be limited.

Chairman asked for comments opposing the application.

Nancie Keenan, 2 Spyglass Circle, spoke against the application. She was concerned that the original zoning was single family, and feels her property is being encroached upon.

O'Neill asked if a Special Permit needed to be obtained for the fill that was already done. Staff explained that fill permits of up to 1,000 cubic yards can be approved by staff with an Administrative Site Plan.

Sidney Van Zandt, 3 Front Street, Noank, spoke against the application because the site is too dense and the extreme runoff could cause damage to the wetlands and open space land. Ms. Van Zandt asked staff why the Inland Wetlands Agency was not called on for comment. Staff explained that a separate wetland permit application will be submitted if the zone change is approved.

George Converse, 2 Spyglass Circle, spoke against the application due to the increased traffic, especially with Wal-Mart going in. He also has concerns that large a complex with parking will create more run-off into the reservoir.

Edith Fairgrieve, 8 Rowland Street, Mystic, representing Groton Open Space Association, spoke against the application because the wooded wetlands comprise 10% of the site, and the environmental impact of high density development would cause wetland and water degradation; the open space in the RU-20 zone could be affected by the progression of RMF-12 onto this property, and the Plan of Conservation and Development does not envision a change in use or density for this parcel.

Maureen Carboni, 12 Spy Glass, spoke against the application because she is concerned with water, runoff, the neighborhood and future development.

Chairman Hudecek reminded the public that the application is for a zone change only.

June Barrack, 71 Leafwood Lane, Winding Hollow, spoke against the application because she is concerned with the runoff.

Mr. Wenke addressed the idea of 41 units on this property as not feasible due to environmental constraints of the site. The applicant feels this is an orderly extension of an existing zone.

Sidney Van Zandt, 3 Front Street, Noank, said this application for a zone change does not mean that he won't sell to another developer who may put more units on the site.

The public hearing was closed.

III. APPROVAL OF THE MINUTES OF September 6, 2006

MOTION: To approve the minutes of September 6, 2006 as amended.

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

IV. PUBLIC COMMUNICATIONS – None.

V. CONSIDERATION OF PUBLIC HEARINGS

2. Request for Zone Change from RU-20 to RMF-12, 0 Winding Hollow Road, PIN #169913044887 (Cecil D. Rhodes, Applicant)

MOTION: To deny the Request for Zone Change from RU-20 to RMF-12, 0 Winding Hollow Road because the property to the immediate west is to become dedicated open space so the zoning would not be consistent, the parcels on the other side are single-family, the geography makes this site more suited for individual building units, approving the application would create a bulge in the RU-20 zone, and more consistent zoning lines are preferred.

Motion made by Haviland, seconded by O'Neill.

O'Neill stated that he is disappointed that the Inland Wetland Agency's point of view was not presented, and there was no information presented saying a larger project would be neutral to the environmental impact of this project and the capacity of the site to support runoff, etc. was not presented. O'Neill said he feels this is a monetary issue. Hudecek said this property is not in the Plan of Conservation and Development as a site to rezone. Haviland would like to add that reason as a part of the motion. Sergeant stated that he would dispute the Plan of Conservation and Development because this site is near a node of multi-family development. Sergeant said he is neutral and feels the applicant meets most of the criteria.

Haviland withdrew the motion.

MOTION: To deny the Request for Zone Change from RU-20 to RMF-12, 0 Winding Hollow Road 1) because this proposed zone change is not one of the zone changes identified in the Plan of Conservation and Development; 2) that this proposed zone change in terms of the physical layout of the property is not consistent with the respective densities allowed in the properties – the geography of this parcel is more suitable for the present zoning; 3) that given the projected acquisition of the parcel to the immediate west as dedicated open space, increasing the allowable density of the parcel would not be consistent with the overall neighborhood; and finally, 4) the change would create a more convoluted zone map than presently exists; it would put a little bulge in the present RU-20 zone and put a bulge out of the RMF-12 zone.

Motion made by Haviland, seconded by O'Neill. Motion carries 3-2-0, 2 against (Sergeant, Maquardt). (A simple majority is required to approve a motion that agrees with the recommendation of the Planning Commission).

VI. OLD BUSINESS

VII. NEW BUSINESS

MOTION: To approve the 2007 Zoning Commission Meeting Schedule.

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

Staff stated that there is a new application for a fill permit on Meridian Street Extension. The public hearing will be at the next regular meeting on December 6, 2006.

Staff said the Steamboat Wharf Special Permit application was withdrawn and was resubmitted as an administrative site plan.

VIII. REPORT OF CHAIRMAN – None.

VII. REPORT OF STAFF

Staff said the ERT (Environmental Review Team) review is progressing on Mystic Woods. Some of the Planning Department accompanied the team on an extensive site walk. Although the application was withdrawn, the Planning Department expects another application to be submitted. Sergeant asked staff to provide a summary of the ERT findings to the Commission when they receive an application.

X. ADJOURNMENT

Motion to adjourn at 8:35 p.m. made by O'Neill, seconded by Sergeant, so voted unanimously.

Respectfully submitted,

Richard Haviland