

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

I. ROLL CALL

Present: Brandt, French, Haviland, Hudecek, Marquardt, and O'Neill  
Staff: Murphy, Davis, and Silsby

Chairman Hudecek opened the meeting at 7:03 p.m.

II. APPROVAL OF THE MINUTES OF JANUARY 3, 2007

MOTION: To approve the minutes of January 3, 2007.

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

III. PUBLIC COMMUNICATIONS

Staff gave notification to Commissioners that an STC Certificate has been received regarding the Groton Shoppers Mart expansion (new CVS and Starbucks). The certificate is available for viewing in the Planning Department.

IV. OLD BUSINESS

Discuss petition submitted 1/3/07 by John Sutherland on behalf of “The Friends of Fort Hill” requesting Commission sponsored zoning regulation amendments to (1) impose a moratorium on Active Senior Housing development and (2) to adopt a definition of buildable area.

Staff noted that this petition was submitted in January, but the February meeting was cancelled. Staff stated that this petition has no legal standing and is basically just a request. Staff noted that the town is now also in receipt of the Groton Open Space Association’s (GOSA) application to pursue the same subject matter as the petition submitted by Mr. Sutherland. It would be impossible to run concurrent applications for the same purposes without being predetermined. With respect to the petition submitted by Mr. Sutherland, Staff cautioned the Commission that because the petition involves the same subject matter as GOSA’s application, he would suggest care be given to what is discussed at this time.

Staff noted that the Town is planning to revise its zoning regulations in the near future.

Staff noted that the initiative will be broader in scope than GOSA’s application.

In regards to the petition, Commissioner Haviland stated that the Commission should not discuss this issue because GOSA has submitted an application to amend zoning regulations. There could be a problem if the Commission discussed the petition in any sense. The hearing on GOSA's application would be the appropriate time to discuss the subject matter. He recommended that no discussion take place at this time.

Chairman Hudecek inquired whether the Commission could take public comments. As a board member and not acting as legal counsel, Commissioner Haviland stated that no discussion should take place tonight regarding the application.

For clarification purposes, Staff stated that the petition was submitted by "The Friends of Fort Hill" and the application was submitted by GOSA. Because GOSA has a right to an impartial public hearing process, Staff reiterated that the application pending is similar to the petition and any comments could be construed as a pre-disposition.

Staff suggested that it would benefit GOSA and the public, not to discuss this petition at this time.

Chairman Hudecek asked the audience if they understood the required process and why discussion was not possible at this time.

Staff noted that the matter has been discussed with Town Attorney Carey.

Staff reiterated saying that there is no requirement to take or not take comments on a petition, but that the application in front of the commission should only be discussed at the public hearing.

Chairman Hudecek stated that he would be willing to answer procedural questions only.

Jim O'Donnell of 16 Brook Street, Noank, spoke about a previous zoning change he claimed was enacted by the board without a public hearing. Chairman Hudecek stated that a public hearing is always held regarding zone changes. Staff concurred.

Staff explained that the zone change in question regarding an active senior housing application and noted that a public hearing was held and extensive comment was taken over several months. He added that everything was done according to the required processes.

Chairman Hudecek wanted to give audience members a chance to ask questions about the procedures required, not about the subject matter.

John Sutherland of 32 Neptune Drive offered to withdraw his petition and include it into the GOSA application if the commission felt that would be helpful.

Staff stated withdrawal would have no meaning as the petition has no formal status. Staff noted that Mr. Sutherland could bring his petition to the public hearing to endorse GOSA's application.

Joan Smith felt that the subject matter in the petition versus the application was not exactly the same, adding that there is an element in the petition that GOSA's application does not address.

Chairman Hudecek stated that the commission is simply not able to address the subject matter at this time.

## V. NEW BUSINESS

### 1. Receipt of New Applications:

Applications of the Groton Open Space Association (GOSA) for zoning regulation amendments as follows:

1. New definitions for area (lot); area, buildable (lot); and area developable (parcel).
2. Adoption of 4.16 and 4.17 of the General Regulations to establish compliance with the new definitions.
3. New provision 7.1-45 (o) – establishing a moratorium on new active senior housing applications until 7.1-45 is revised.

Staff referred to handing out a copy of GOSA's application earlier tonight. Staff asked the Commission to review it and again recommended setting a May 2, 2007 public hearing date.

Commissioner O'Neill asked if there was something covered by another commission that is included in this application, noting that this Commission deals with land use only. He asked if other agencies would be getting involved.

Staff stated that the request is a zoning text amendment only and affects all zoning districts.

Zoning Commission

March 7, 2007

Page 4

This matter will be referred to the Planning Commission, the Office of Long Island Sound Program (OLISP), and Southeastern Connecticut Council of Governments (COG), in addition to other agencies who will be asked to review the request and submit a report.

Commissioner Sergeant inquired as to the legality of initiating a moratorium without developments ever having been built. Staff noted that that should be dealt with at a hearing.

Staff noted that the commission has the authority with respect to language only. Any rationale relating to the moratorium is not within the commission's purview, (e.g. studies suggested and/or other reasoning offered by the applicants).

Staff noted that new land use fees are in place, set by town ordinance, and that the application will be reviewed by staff, based on the new ordinance.

The Commission set the date of Wednesday, May 2, 2007 as the public hearing date.

Sydney Van Zandt of GOSA attempted to submit information from CFE regarding the use of a moratorium. Staff explained that it would be best for her application if she would share her thoughts at the public hearing in May and avoid communication with the Zoning Commission outside the hearing.

Chairman Hudecek reiterated that the public hearing regarding GOSA's application would take place on May 2, 2007.

Staff stated that an application was submitted today from Fred Stewart, to establish a takeout restaurant with seasonal outdoor seating at 11-13 Water Street in Mystic. The proposal is for a special permit. Staff noted that the public hearing would be held next month in April. Staff added that this is a change in use from residential to commercial.

Chairman Hudecek explained that for a regulation amendment there is a thirty-five day review for certain agencies and other requirements, such as staff reviews and various referrals, and that for a special permit, no such requirements apply.

Staff noted that the next meeting would be held on Wednesday, April 4, 2007.

VI. REPORT OF CHAIRMAN – No Report.

Zoning Commission  
March 7, 2007  
Page 5

VII. REPORT OF STAFF

Staff noted that the Planning Department's budget proposal has been submitted to the Town Manager and will subsequently go to the Town Council.

Staff spoke about an enforcement report that will be done monthly by Lee Treadway. He is the new code enforcement officer and is doing a great job with these

issues. Rental code issues are also being addressed and the focus is on making improvements. This monthly report will be sent to various agencies.

Chairman Hudecek inquired about the status of a previous application regarding an auto dealer on Route 184 and Tollgate. Staff stated that the applicant has withdrawn the application.

VIII. ADJOURNMENT

Motion to adjourn at 7:35 p.m. made by Commissioner Haviland, seconded by Commissioner O'Neill, and so voted unanimously.

Respectfully submitted,

Richard Haviland  
Secretary