

MINUTES  
GROTON ZONING COMMISSION  
APRIL 4, 2007 - 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Haviland, Hudecek, O'Neill, Sergeant  
Absent: Brandt and Marquardt  
Staff: Murphy, Cullen, and Silsby

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

II. ELECTION OF OFFICERS

MOTION: To re-elect Hudecek as Chairman.

Motion made by Haviland, seconded by French, (5 in favor, 0 opposed).

MOTION PASSED

MOTION: To re-elect Haviland as Secretary

Motion Made by Sergeant, seconded by Hudecek, (5 in favor, 0 opposed).

MOTION PASSED.

III. PUBLIC HEARINGS

1. Special Permit #296, 11-13 Water Street, (Stewart/applicant, Tapley/owner) (CAM)

Chairman Hudecek opened the public hearing at 7:10 p.m.

Applicant Fred Stewart gave the specifics of his proposal to change the space from retail to restaurant. He stated that liquor will not be served. The hours of operation will be from 10:00 a.m. until 10:00 p.m. and there will be a limited menu. He noted that no external changes will be made to the building other than the addition at rear. He referred to having met with the Historic District Commission, who approved the modification to the building at the rear.

Members had questions regarding environmental and traffic impacts, external modifications and uses, lighting, interior uses, handling of grease/waste, site and street addresses, the adequacy of parking, and operations.

The applicant provided responses to the Commission's questions.

Staff gave a report referring to the building's usage in the past, noting that there had been several approvals in the past with regard to planning and zoning issues, as listed on the staff summary. Staff noted that the building has had numerous uses such as retail and storage, but that past approvals dealt with 13 Water Street only. This is the first proposal that includes utilizing 11 Water Street as well as 13 Water Street. It was proposed that the applicant install an auto recovery unit instead of a grease trap. The Fire Marshall will require more for fire systems. She noted that public access is not a requirement because this is not a waterfront (CAM) parcel.

Staff reviewed parking issues in detail, including references to the Mystic Parking Study. If this proposal is approved, staff will review the site plan review and their use of parking but that the Department of Transportation (DOT) would have the final determination. She recommended sending this proposal to a site plan review.

Chairman Hudecek asked for public comment, in favor of the proposal.

Lee Vincent is the owner of property located at 1 New London Road, across the street from the proposed location. He referred to TCBY, a yogurt shop, being at the same premises, stating that there were no problems with that usage. He would hope that the restaurant would close at 10:00 p.m. because the lights from the building shine near his bedroom window. He is glad that alcohol will not be served. As long as the hours are kept at the designated time and there is no alcohol, he does not have any concerns and wished the applicant well.

Dan Lucente is the owner of property located at 2 New London Road. He believes that the lighting should be considered carefully as well as the hours. He too is happy that a liquor request is not on the table. He is also concerned about noise and the possibility of music being played on the outdoor patio. He noted that music is currently available inside the Voodoo Grill and at Margaritas on their outside deck. He has no problem with the idea of take-out food.

There were no public comments against this application.

Staff noted that a full site plan is required and the Planning Commission will consider the issues of lighting and design.

Staff noted that the applicant's request is for seasonal outdoor seating. If, in the future, the applicant wanted a liquor license or any other request, he would need to return to the Zoning Commission to discuss it.

The applicant noted that he has not considered music at all except for the employees playing music inside the building. He reiterated stating that he has no plans to play music outside and no plans to serve alcohol.

Staff stated that the mailings are in order and was done properly and in a timely fashion. She noted that the Planning Commission will address the parking issues at the site plan approval stage.

The public hearing was closed at 7:42 p.m.

IV. APPROVAL OF THE MINUTES OF March 7, 2007

MOTION: To approve the minutes of March 7, 2007.

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

V. PUBLIC COMMUNICATIONS – None.

VI. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #296, 11-13 Water Street, (Stewart/applicant, Tapley/owner) (CAM)\*

Chairman Hudecek had no issues with this application and felt that this restaurant could be successful in this location. He noted that the site plan will work through the parking issues. He stated that liquor will not be served and no music will be played outside of the restaurant.

It was noted that the site plan will cover the issue of trash.

**MOTION:** To approve Special Permit #296, Belgian Pomme Fries, 11 and 13 Water Street, subject to the following conditions:

1. The applicant will be required to install an indoor automatic grease recovery unit.
2. The first floor will be utilized as the restaurant and the second floor utilized as storage. Any change in these uses may require a new special permit to be obtained by the Zoning Commission.
3. The design and use of the proposed parking lot at 11 Water Street (PIN #261918306247) shall be subject to site plan review and approval.

Commissioner Sergeant asked if a CAM was required.

Staff stated that a CAM is required because it is developed shorefront but is not a waterfront property. Staff noted that the site plan approval will be done by the Planning Commission.

Motion to approve made by Commissioner Sergeant.

Motion to amend by Commissioner Haviland, to replace the word “may” with the word “shall”, and to replace the word “by” with the word “from”, in the second sentence in #2.

Motion to approve, as amended, made by Sergeant, seconded by O’Neill, and so voted unanimously.

The Amended Motion is as follows:

**MOTION:** To approve Special Permit #296, Belgian Pomme Fries, 11 and 13 Water Street, subject to the following conditions:

1. The applicant will be required to install an indoor automatic grease recovery unit.
2. The first floor will be utilized as the restaurant and the second floor utilized as storage. Any change in these uses shall require a new special permit to be obtained from the Zoning Commission.
3. The design and use of the proposed parking lot at 11 Water Street (PIN #261918306247) shall be subject to site plan review and approval.

**MOTION:** To approve the Coastal Area Management application for Belgian Pomme Fries, 11 and 13 Water Street, as it is consistent with all applicable coastal policies contained in CGS 22a-19, and includes all reasonable measures to mitigate adverse impacts and creates no unacceptable adverse impacts.

Motion to approve made by Commissioner Sergeant.

Motion to amend by Commissioner Sergeant to replace “CGS 22a-19” with CGS 22a-92.

Motion to approve, as amended, made by Sergeant, seconded by Haviland, and so voted unanimously.

The Amended Motion is as follows:

**MOTION:** To approve the Coastal Area Management application for Belgian Pomme Fries, 11 and 13 Water Street, as it is consistent with all applicable coastal policies contained in CGS 22a-92, and includes all reasonable measures to mitigate adverse impacts and creates no unacceptable adverse impacts.

Staff noted that the applicant will be notified by letter. A letter will also be sent to the Planning Commission.

VII. OLD BUSINESS – None

VIII. NEW BUSINESS

1. Receipt of New Applications

A. Special Permit #297, 7 Water Street (Christopher Owens/applicant, Tim Owens/owner) (CAM)

A public hearing date was scheduled for May 2, 2007. Staff noted that the appropriate mailings will be done.

Commission Haviland noted that there will now be two public hearings for the May meeting and requested that this application be heard prior to the GOSA public hearing since the GOSA public hearing will most likely take longer. Staff agreed.

IX. REPORT OF CHAIRMAN – None

X. REPORT OF STAFF

Staff gave a budget status report, noting a limited increase. Staff referred to the Code Enforcement Official finalizing his monthly report, which the Commission will receive shortly. Staff stated that the Historic District brochure is being printed, which was fully funded by the State Commission of Tourism, and referred to other upcoming projects.

Discussion followed about local businesses opening up in downtown Groton.

Commissioner Hudecek is concerned about signs on Route 1. Staff noted that the Traffic Authority, which consists of the Town Manager and the Police Chief, should be contacted. Staff added that the State is responsible for certain streets. Hudecek will take pictures and proceed from there.

Discussion followed about unsightly old poles near the Sneakers Restaurant.

Commissioner Sergeant spoke of his concerns with Commissioner French submitting documents a couple of months ago relating to rewriting zoning regulations. He does not understand her intent and feels this could be an unethical situation. He is concerned about the Freedom of Information Act.

Commissioner French stated that she was just distributing public information and meant no harm.

Chairman Hudecek felt that those informational documents were for educational purposes only.

Commissioner Haviland referred to other Commission members proposing zoning changes in the past and does not understand the difference between that and Commissioner French submitting informational documents for educational purposes.

Commissioner French explained that those documents were a model zone regulation which came from a university and was just submitted as an example. She felt that the section relating to Ledyard was pertinent and thought it would be helpful to the committee.

Staff stated that Commissioner French requested that those informational documents be distributed to the Commission, and that Commission members are able to have their own opinions but should try to keep an open mind for all applications that come before the Commission. Staff will provide the Commission with additional information regarding the GOSA application and will get comments from staff and the Planning Commission.

Commissioner French felt staff should be commended for keeping the budget increase down.

Chairman Hudecek is not against zone changes but raised concerns about a consultant being hired to do it for the Commission.

Staff noted that the Plan of Conservation and Development and the Economic Development Strategic Plan need to be implemented. Staff stated that many areas in the zoning regulations need to be streamlined, including innovative recommendations about nodes. Staff has a considerable workload that needs to be addressed while updating the regulations.

Commissioner Sergeant stated that these would be consultants for the Zoning Commission.

Staff noted the importance of having a good firm assisting with regulation changes. Staff stated that the Zoning Commission and staff will have an opportunity to create a good product. The budget has been established for this purpose.

## XI. ADJOURNMENT

Motion to adjourn at 8:20 p.m. made by Hudecek, seconded by Haviland, and so voted unanimously.

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Richard Haviland, Secretary  
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Prepared by Robin M. Silsby, Office Assistant II