

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

I. ROLL CALL

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

II. PUBLIC HEARINGS

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

Hudecek opened the public hearing at 7:02 p.m.

Speaking on behalf of the applicant Christopher Owens, Architect Chad Frost gave the specifics of the proposal to utilize the entire basement level and the first floor (formerly retail usage) portion as the Pizzetta Restaurant and to add seasonal dining on the front porch. The rear patio dining will remain the same. He noted that the basement will be converted to a kitchen along with a few seats but that the majority of the tables and chairs will be located on the first level. He stated that the two apartments on the third floor will stay as is and the dentist's office will be located at the back of the building. He noted that bike racks will be added.

Discussion followed about the hours of operation for the restaurant, the number of parking spaces that will be available in the lot and on the street, and handicap access.

Staff gave a detailed staff review noting previous building uses and what the new proposal would include. Staff also added that other site issues, such as ADA requirements, will be addressed by the Planning Commission at a later date.

Staff stated that because of the proximity of the Mystic River, there is a coastal site plan, but that this is not a waterfront property. Staff stated that there are no issues in terms of mitigating impacts at this site.

It was noted that rear seating had been approved by the Zoning and Planning Commissions, in the past.

Hudecek asked for public comment in favor or against.

Town resident Steve Burke was not in favor or against the application but spoke briefly about previous building usage.

Staff read the Planning Commission referral dated April 24, 2007, stating that they recommended approval of the application. They did, however, have some concerns with the negative impacts on residential uses in proximity to the site, which might result from noise, lighting and/or other exterior uses.

The public hearing closed at 7:17 p.m.

MOTION to change the order of the agenda in order to proceed to Section 5.1 – Consideration of Public Hearings, regarding Special Permit #297, 7 Water Street.

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

### III. CONSIDERATION OF PUBLIC HEARINGS

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

MOTION: To approve Special Permit #297, Pizzetta, 7 Water Street, subject to the following conditions:

1. The basement level will be utilized for the restaurant. The first floor will be utilized for the dental offices and for the restaurant. The second floor will be utilized for two one-bedroom apartments. Any change in these uses shall require a new special permit to be obtained from the Zoning Commission.
2. The design and use of the proposed parking lot shall be subject to site plan review and approval. It is understood that a minimal number of parking spaces may be lost due to upgrades for ADA regulations and an appropriate dumpster/recycling area.

Hudecek had a slight concern with the hours of operation being open until 2:00 a.m., but was not against the application.

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

MOTION: To approve the Coastal Area Management application for Pizzetta, 7 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.

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

2. Zoning Regulation Amendment to Sections: 2 Definitions for area/lot/developable/parcel, Adoption of 4.16 and 4.17 General Regulations to establish compliance with the new definitions, new provision 7.1-45(o) to establish a moratorium on new active senior housing applications for up to one year. (Groton Open Space Association, Applicant)

Staff spoke about the Town Attorney's recommendations, stating that the applicant requested an amendment to his original proposal after the legal notice was published but before tonight's hearing and as such, the Commission can only consider the original proposal.

It was noted that the Commission should only act on the original proposal and that if the applicant wants to amend their original proposal, they would need to withdraw their original application. At this time, the Commission can only act on what has been advertised and should not hear the amendment.

The applicant, Attorney Frank Cochran, gave an alternative that the hearing either be rescheduled or that the hearing be opened then continued to a time when everyone can consider the proposed amendments. He referred to the 2002 Plan of Conservation and Development, spoke about a buildable area, and gave some background information about why the amendments came about. He spoke about his communications with the Department of Environmental Protection (DEP), the Council of Governments (COG), the Groton Planning Commission, and town staff. He requested to continue this hearing until a date convenient with the Commission or he would consent to an extension. He distributed documents to Commission members and staff and explained its contents.

It was noted that Attorney Cochran had previously made a presentation to the Planning Commission on April 24, 2007.

There were concerns with the process, more specifically with regard to testimony being given at a Planning Commission meeting outside of tonight's public hearing.

The applicant further explained the contents of the packet he distributed, noting that this public hearing should be continued until further review by the Planning Commission and COG.

The Commission was reminded that since modifications to the original proposal have been made, staff has advised the Commission not to act on any revisions.

Staff explained what the DEP's comments were and noted that the Planning Commission has reviewed this proposal. Due to the amendments being proposed, staff suggested that the application be withdrawn and a new comprehensive proposal be considered with the overall regulation update project.

Some Commission members felt that it would be inappropriate to continue this public hearing because of all its modifications, and the likelihood of additional changes.

They also felt that proper procedures have not been followed, and strongly suggested that the application be withdrawn and the applicant meet with staff and other agencies before submitting a formal application.

The applicant expressed his concerns with zoning regulations being revised before his proposal is considered.

Discussion followed about application fees being applicable when the new application is submitted by the applicant.

Staff spoke about future regulation changes, the related Request for Qualification (RFQ), and explained the process that would be required.

Hudecek felt that in his opinion, a buildable land regulation is a high priority issue.

Staff concurred but added that this proposal is premature, noting a comprehensive revision of the regulations have not been undertaken in nearly twenty years.

Attorney Cochran agreed to withdraw the original application as to the buildable land regulation but felt that his client did not receive sufficient collaboration from OPDS staff.

Staff rebutted Attorney Cochran's claim, noting that this applicant made no effort to communicate or coordinate with staff prior to submitting their proposal, and that the typical process involves pre-application meetings with staff. He noted that staff is always available for those meetings, encourages potential applicants to take advantage of those meetings, and that many if not all, do on a regular/weekly basis. Staff stated that under these circumstances, it was factually inaccurate and unfair for Attorney Cochran to continue to assert publicly that OPDS staff has not been cooperative. In light of Attorney Cochran's statements, staff wanted the public record to reflect accurate and factual information.

It was noted that the applicant has agreed to withdraw the application relating to Sections 4.16 and 4.17, but would need to consult with his client about withdrawing the moratorium portion of the application.

Hudecek called for a five-minute recess at 8:00 p.m. and the meeting reconvened at 8:09 p.m.

Attorney Cochran stated that the entire application, including the moratorium request, is hereby withdrawn. He hopes to be able to work with staff to bring back a buildable definition that is suitable.

Staff noted that they will work together with the applicant but added that the town plans to move forward with the comprehensive regulation revisions, and that any buildable land regulations need to be considered as part of that process, not as an independent proposal.

The withdrawal was accepted.

MOTION: To close the public hearing.

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

The public hearing closed at 8:10 p.m.

IV. APPROVAL OF THE MINUTES OF April 4, 2007

MOTION: To approve the minutes of April 4, 2007 as written.

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

V. PUBLIC COMMUNICATIONS

Staff received the Council of Governments (COG) annual newsletter, noting that COG is beginning its Regional Economic Development Plan Update.

VI. OLD BUSINESS

Staff stated that Groton Utilities is considering a wind powered turbine but that no application has been submitted yet.

The Commission inquired as to when they would be receiving zoning enforcement reports and staff noted that they would be distributed next month, in a broader format.

VII. NEW BUSINESS

1. Receipt of New Applications

- A. Proposed New Zoning Regulation 6.13 (Mixed Use Floating Zone); 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) (CAM)

Staff referred to a workshop that had previously been held regarding mixed use development and stated that an application has been received. A public hearing date was scheduled for June 6, 2007. Staff noted that the appropriate mailings will be done.

For the record, staff stated that this application will be referred to as “mixed use” and not “floating zone”, adding that there are significant distinctions.

Staff noted that no meeting will be held in July due to the Fourth of July.

- B. Special Permit #298, 246 Fort Hill Road and Flanders Road (Hawthorne Development Partners, LLC/applicant, Glemacy Builders, LLC/owner)

Staff stated that this application has just been submitted, and will appear on the June 6, 2007 agenda as the formal receipt date. A public hearing would be scheduled in August.

VIII. REPORT OF CHAIRMAN – None.

IX. REPORT OF STAFF

Staff stated that the Planner II position has been filled. The person will be working on neighborhood development and Community Development housing guidelines. Staff added that there is much work to be done and was pleased to have a full staff once again.

Hudecek referred to Connecticut General Statutes, more specifically about Zoning Commission members representing themselves at certain commission meetings on business matters. He felt that commission members should be cognizant of this statute.

Discussion followed about the interpretation of this statute.

Staff will look into this matter and get clarification for Commission members.

X. ADJOURNMENT

Motion to adjourn at 8:45 p.m. by Hudecek, seconded by Haviland, so voted unanimously.

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Richard Haviland, Secretary  
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II