

MINUTES
GROTON ZONING COMMISSION
AUGUST 1, 2007 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Hudecek opened the meeting at 7:01 p.m. and appointed Marquardt to sit as a voting member for Brandt due to a potential conflict of interest. Brandt noted that Attorney Bates is on the Board of Directors of the firm he works for.

II. PUBLIC HEARINGS

1. 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)

Hudecek reopened the public hearing at 7:03 p.m.

Attorney Tim Bates of the Law Firm of Robinson & Cole continued his presentation regarding a zone regulation amendment request on behalf of the applicant L & L Groton LLC. He distributed and read through the most current red lined amendment. He referred to building height limitations and a submitted design manual. He distributed a memo from himself to the Commission and commented on a memo submitted by Town resident Mick O'Beirne. He presented a chart showing a timeline of the procedures that the Commission would need to follow and urged the Commission not to separate the special permit request from the zone change process.

Staff stated that this proposal has been considerably improved. Staff stated that this issue was discussed with the Town Council on July 24, 2007. Staff referred to an email they received from The Office of Long Island Sound. It was noted that the relationship of the Master Plan to the rezone makes it part of the regulation.

Commission members had concerns with building heights and setbacks. It was noted that this revised proposal does include specific height requirements by node. A reference to Ordinance 267 will be inserted.

The issue of tax status, market analysis, the fee structure in the ordinance, and defining nodes were discussed. Staff noted that the Zoning Commission could deny any application they deem inappropriate.

Staff stated that Attorney Carey is reviewing the administrative aspects relative to the law but the planning aspects relating to review and modifications come under the purview of the staff of the Planning Department. The query of getting a separate legal and planning consultant review was raised and it was noted that Attorney Carey's firm

of Suisman Shapiro is one of the most prestigious firms in the County, and Town Staff has significant professional zoning experience.

The meeting recessed at 9:05 p.m. and reconvened at 9:12 p.m.

The Chairperson asked for additional comments from staff and Commission members and there were none. He asked for any public comment in favor of this proposal.

Mayor Harry Watson, 175 Shennecossett Parkway, a town resident, spoke in favor of the proposal and believes that strip development should be avoided.

Priscilla Pratt, President of Groton Open Space Association (GOSA), spoke not in favor and not against the proposal, but noted that unless compensated with meaningful open space, the town would end up with more sprawl. She introduced Attorney Eric Knapp of the firm Branse, Willis, & Knapp of Glastonbury, CT.

Attorney Knapp thanked Attorney Bates for listening to GOSA's concerns. He spoke about defining nodes, building heights, and increasing or decreasing density throughout town. He referred to the pre-application process and the timeline that Attorney Bates submitted tonight. The real issue that GOSA is concerned with is combining the Master Plan and Special Permit into one package not being consistent in the way this is done in other towns.

Joan Smith, 58 Mohegan Road, a member of the Board of Directors of GOSA, referred to staff hiring a consultant by July 1, 2007 and suggested that this current proposal be rolled over into an overall zoning regulation change. She referred to active senior housing and density issues. She noted that the last open space acquisition bond referendum took place in 1988 and hopes that more open space could be acquired.

Sydney VanZandt, 3 Front Street, Noank, requested that her comments made at the last Zoning Commission meeting of June 27th be corrected to delete the word "promoted" and substitute with the word "support". She spoke about growing up in an area that had mixed use zoning and about building height limitations. Though she is supportive of this proposal, she feels that open space is beneficial and hopes that more regarding open space could be written into the proposal.

Brian O'Looney, an Architect with Torti Gallas and Partners, Inc. spoke in favor of the application. He referred to the Nautilus district and the importance of crafting a community oriented neighborhood in the Nautilus district which could benefit the Navy, Bailey Road residents, and visitors. He suggested that the Zoning Commission follow the advice of the Planners to move ahead. He suggested that the nodes be flexible for future use and hopes that the Commission allows his company to work together with them on a mixed use project.

Genevieve Cerf, 17 Crescent Street, an RTM member, inquired about public comments and Staff suggested that written comments could be provided.

The Chairperson asked for public comments against this proposal.

Wendy McFarland, 28 Bellaire Drive, spoke against this application. She is concerned about node location, density, and sprawl. She referred to regulations being re-written and the need to discuss the buildable land concept.

Mick O'Beirne, 32 New London Road, a town resident, spoke against this application and referred to his previously submitted letter to town staff. He is still concerned about regulation changes. He disagrees with the policy statement and has concerns about nodes.

Genevieve Cerf, 17 Crescent Street, is concerned about the flexibility of the nodes in the proposal.

Public comment ended at 10:00 p.m.

Attorney Bates stated that the notification previously referred to in the proposal would be within 200 feet and not the 150 feet. He spoke about nodes, setbacks, and zero lot lines and urged the Commission to keep the flexibility that is in the regulations. The attempt is to try to create a place, not just one building. He referred to the steep hill at Bailey Hill and urged the Commission to revisit that regulation to work with measuring heights on steep slopes. Bates stated that his firm does work nationally in all 50 states and professionally, he would not recommend something he was not in favor of. He assured the Zoning Commission that all codes from across the country have been looked at. He referred to the Monsanto building in Stonington and noted that the infrastructure concern could be emphasized in the rewrite.

Mr. O'Looney stated that the option to specify areas abutting nodes could be addressed and included in the proposal.

Discussion followed about limiting the graphics in the regulation amendment. The proposal of 3 acres was discussed and staff explained the benefit to keep it as is, particularly in the case of the downtown node.

Staff felt that there was sufficient information on the record to close the public hearing and begin to refine the amendment language, but would defer to the applicant and Commission. If the hearing was closed, Staff would prepare amendments based on the record and review them with the Commission. If the hearing was kept open, Staff would discuss the comments with the applicant, who would have an opportunity to submit changes to his application in response to comments received.

The Commission felt that it would be beneficial to continue the public hearing but limit discussion to the issues raised to date.

Staff noted that they would need a letter requesting an extension by the applicant if the public hearing was to be continued and Attorney Bates submitted a formal written request for an extension, as allowed by law.

Staff stated that the next Zoning Commission meeting is scheduled for September 5, 2007.

The public hearing was continued until September 5, 2007.

III. APPROVAL OF THE MINUTES OF June 27, 2007

MOTION: To approve the minutes of June 27, 2007 as amended.

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

IV. PUBLIC COMMUNICATIONS – None.

V. OLD BUSINESS – None.

VI. NEW BUSINESS

Staff noted that the public hearing regarding the Mystic Woods Special Permit application is scheduled to open on September 5, 2007.

VII. REPORT OF CHAIRMAN – None.

VIII. REPORT OF STAFF

Staff distributed a draft document regarding the solicitation of qualified consultants for the upcoming regulation revisions. Staff referred to the design manual and spoke of timelines.

In response to an email communication sent by a member to a quorum of the Commission, Staff contacted the Freedom of Information Commission (FOIC). Staff confirmed this could be interpreted as a violation of FOIA and advised all members to comply with the protocol adopted by the Commission in September of 2006.

IX. ADJOURNMENT

Motion to adjourn at 11:15 p.m. by Hudecek, seconded by Brandt, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II