

MINUTES
ZONING COMMISSION
FEBRUARY 2, 2005 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Hudecek, Haviland, Brandt, Shirvell and Sergeant
Staff: Murphy, Goodrich, Cedio

II. APPROVAL OF THE MINUTES OF December 1, 2004

MOTION: To approve the minutes of December 1, 2004
Motion made by Haviland, seconded by Brandt, so voted unanimously.

III. PUBLIC COMMUNICATIONS

Staff distributed a copy of the property list and newsletter from Avalonia Land Trust.

Staff reviewed the revised copy of the diversion permit for the regional water system connecting the City of Groton through to Ledyard and Montville. The Majority of the work will be performed in Ledyard and under the Thames River. The permit was revised due to an error in the number on the permit.

Jim Furlong, GOSA, began to read a statement of Priscilla Pratt concerning an article in THE DAY regarding the proposed Zoning Regulation Amendments still under consideration, even though the public hearing on the Zoning Amendment regarding Active Senior Housing had closed. The Commission immediately informed Furlong that the public hearing had closed and no additional public comment other than what the Commission had discussed during the previous hearing could be reviewed. The Commission explained that they could not take new information on this application. In addition, Genevieve Cerf, 17 Crescent Street, Groton Long Point, questioned the ability of the commission to act on the 2nd portion of the new class of housing (Active Senior), formerly classified under residential life care community. Staff clarified that the Commission's proposal for Active Senior Housing was not a new proposal, but simply the second portion of the comprehensive proposal of the Commission and its staff.

Edith Fairgrieve, Rowland Street, distributed copies of a letter she submitted to the Committee of Chairpersons, requesting the Town consider the possibility of the Town charging developers additional fees for outside consultants.

General discussion followed on the appropriateness of accepting new information or discussing new information outside of the public hearing. Staff explained to the Commission and the public that the process for considering Town initiated Zoning Amendments was the same as any other land use application process where a public hearing was held, regardless of who the applicant was.

IV. OLD BUSINESS

1. Consideration of Zoning Regulation Amendment to Sections: 2, Definitions; 5.1-3, Table of Permitted Uses; 7.1-20, One and Two Family Dwellings; 7.1-45 Active Senior Housing, 6.7 – 6-L RMF Building and Site Requirements.

Staff reviewed concerns about Active Senior Housing noted at the December public hearing, such as the alternative to increase the minimum lot area required in the RS-20 and RU-20 zones from 5 acres to 15 acres.

Staff also discussed alternative language to make the regulations more restrictive than originally proposed with regard to the age requirements of the resident population who would be 55 years and older. The approach was discussed at the hearing and would be consistent with the language already being applied to Residential Life Care facilities.

Staff explained that no buildable area regulation was imposed on Residential Life Care Communities, and should not be applied only to Active Senior Communities, in his opinion.

MOTION: To adopt the new Table of Permitted Uses in Section 5.1-3 and modify and adopt the proposed zoning amendments to the definition of Active Senior Housing in Section 2, create standards for the conditional use of Active Senior Housing in New Section 7.1-45, revise Section 7.1-20 to clarify the density standard in the IP-80C zone and include reference to New Section 7.1-45 and revise Section 6.7-6 to include waiver provisions for Active Senior Housing Communities as amended below:

- 1) Section 7.1-45B shall read, the minimum lot area provision shall be 15 acres in the RS-20 and RU-20 zones.
- 2) Active Senior Housing communities are intended for senior citizens and shall be restricted to persons 55 years of age and older subject to the following exceptions: If a couple resides in one unit, one member of the couple must meet this age requirement. At any time the total number of dwelling units occupied by persons under 55 years of age cannot exceed 20% of the total number of units. The community or facility is responsible for submitting verification of this requirement annually to the Town of Groton Zoning Official.

Active Senior Housing shall meet all requirements of the United States Federal Fair Housing Act, as amended. The Active Senior Housing facility or community shall be responsible for compliance with the Fair Housing Act and must publish and adhere to policies and procedures that demonstrate intent to comply with the requirements of the Fair Housing Act and shall so state in the appropriate legal documents for the community or facility.

The Town shall have the right, but not the obligation, to review continuing compliance with the criteria of the Federal Fair Housing Act.

The Commission finds that, as amended, the new regulations for Active Senior Housing accomplish the following:

- 1) The regulations are consistent with the 2002 Plan of Conservation and Development, which anticipates a substantial increase in the number of persons aged 55 and over and recommends that Groton continue to provide for “empty nester” housing and a diversity of housing types throughout Groton. The proposal provides for same at the existing density standards of applicable zones, and is consistent with the future density plan of the 2002 Plan of Conservation and Development.

- 2) The regulations and standards establish strict conditions to appropriately site these uses and protect the public interest such as:
 - a) Location of sites along collector or arterial roads with primary access thereto.
 - b) Limitations on density, building size, minimum lot size, and housing product type to maintain consistency of project scale and character with its surroundings.
- 3) The proposal refines the existing regulations as desired by the Commission to provide for this use in a manner that more clearly distinguishes Active Senior Communities and their requirements from the more service-enriched Residential Life Care.

The amended regulations are effective March 1, 2005.

Motion made by Haviland, seconded by Brandt, voted 3 in favor, one opposed (Hudecek), one abstention (Sergeant). Motion carried.

V. NEW BUSINESS

Staff informed the Commission that there is a special permit pending for Lighthouse Point, a proposed 118 unit condominium development between Pleasant Valley Road North and Route 12, which is located in the Nautilus Memorial Design District.

MOTION: To schedule the public hearing for Special Permit #278 Lighthouse Point on March 2, 2005.

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

VI. REPORT OF STAFF

Staff discussed Fairgrieve's letter, which was reviewed by the Director. He stated that the fees for permits are set by the Town Council, and a proposal is forthcoming to establish a new fee schedule for all the land use application permits and building permits to cover the cost of processing the applications. This proposal would include the use of experts, such as soil scientists that have been utilized in recent applications, but the experts would not replace the civil engineers and environmental planners currently on staff. The cost of required additional studies could be passed on appropriately to the applicant. The Commission supported this approach, and was advised that they would see the proposal as it was developed over the next several months.

VII. ADJOURNMENT

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