

MINUTES  
GROTON ZONING COMMISSION  
JULY 5, 2006 - 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Brandt, Haviland, Hudecek, Marquardt, O'Neill, Sergeant, French (arrived at 7:06 p.m.)

Staff: Cullen, Murphy, Stanowicz

Chairman Hudecek opened the meeting at 7:01 p.m.

Chairman Hudecek appointed Marquardt to sit for French.

II. PUBLIC HEARING

1. Special Permit #289, 18-22 West Main Street, 36 West Main Street, 2 Gravel Street and 3 Gravel Street (Historic Mystic, LLC, applicant) (CAM)

Staff noted an issue regarding the completion of the mailing. Marvin Fried, 31 Steamboat Wharf, was omitted from the original mailing. The applicants have provided an executed affidavit noting that Mr. Fried received the notification on June 2, 2006, and did receive the property owner notification letter in enough time to respond to the public hearing.

Rod Desmaris, a principal of the applicant, Historic Mystic LLC, explained to the Commission that the applicants have received the updated COP (Certificate of Permission) from the State of Connecticut and a new letter from DEP on June 29, 2006. The DEP letter addressed the additional units on the fourth floor, which not on the previous applications. Mr. Desmaris also read into the record a letter from CLA Engineers dated July 5, 2006, regarding coastal flood hazards and structural support of the proposed building. The letter referred to geo-technical information from drilled soil borings performed in 2002. Mr. Desmaris also read a letter dated July 5, 2006 from Historic Mystic LLC, requesting a continuance of the public hearing until August 2, 2006, to address the new issues with the State DEP. Mr. Desmaris is attempting to set a meeting date with Joan Hoelzel from DEP. Sergeant asked if the DEP's concern with intensity refers to the physical building or the increase in people. Discussion followed about DEP's concern with regard to intensity. Haviland reminded Mr. Desmaris to bring information on surrounding building heights to the next meeting.

Staff stated that the June 29<sup>th</sup> letter from DEP addresses the new application because it includes an additional floor, and the project needs to fit into the existing COP, which is for three floors. Staff asked the applicant to follow up on the parking provided by the Tift building site. The Town Council minutes regarding the pump station parking were discussed. Staff said that regarding the letter from DEP, the State's reference to intensity of the new proposal is because the new building would not be in line with the existing COP, and while commending the public access, the loss of parking at the pump station diminishes the public access. The applicant needs to modify the coastal site plan to address the parking for the retail as well as residential. O'Neill asked if additional parking is required beyond what exists. Staff said no, the parking was grandfathered. The DEP's letter needs to be addressed in the application. DEP recommends the applicant go back to the original proposal. The Coastal Management Act and the issue of the Town's property being used by only private residents may affect the application with DEP because it is inconsistent with coastal management. Staff said the COP affects DEP only. No state permits would be issued until the plans are approved at the local level. Staff said the most important issue is the affect on coastal management. Haviland said the State can challenge the Town's decision, and if the decision is challenged by the State it may be a problem for the applicant. Public access is the concern of the Zoning Commission. Brandt said due diligence is owed to the issues presented

by the State. Staff said this application is not a water dependent use. The State claims the public walkway isn't enough. Eliminating the pump station parking negates the public access, according to DEP. Staff said DEP's concern needs to be explored. The Commission can approve the Special Permit without the pump station parking. They are extending the concern about the public access and public parking. Staff stated it is the responsibility of the applicant to prove that the additional floor does not have any impact on the river, and the parking issue needs to be further explored. Staff will give the whole history of this project and site to the State, as opposed to just the applicant's information. Brandt asked about the recommendation of the Planning Commission. Staff stated that the Planning Commission said public space needs to be maintained, the parking lot between Gravel and Pearl Streets should be improved for a broader use, and parking validation should be explored. French noted that at the previous meeting, Mr. Brown said there would be no impact on the river, and asked why is it an issue now. Staff said they didn't know the applicant would need a new COP. Now the applicant needs to confirm that there isn't any further impact to the river. If they need to do more work in the river with the fourth story, the Town is responsible for the impacts river at the local level. The applicant must show how they aren't going to impact the river in accommodating this fourth story. Sergeant asked if the plan calls for the walkway to continue and lead to the park and parking lot at the pump station. Mr. Desmaris said yes. Staff said they would like the applicant to explore other options. The pump station was never laid out to be a public parking space, and eliminating this public parking is a concern for the DEP that the Town will address.

Chairman Hudecek asked for public comments.

Christine Breeding, owner of Puritan and Genesta Natural Foods, spoke in favor of the application.

Cheryl Desmaris, owner of Drawbridge Ice Cream, spoke in favor of the application.

MOTION: To grant an extension and continue the public hearing until the next regular meeting on August 2, 2006.

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

2. Special Permit #290, 515-528 Gold Star Highway (Gold Star Investment Group LLC, applicant)

Staff explained that Atty. Morris said they are going to withdraw the application. Staff requested a continuation until the withdrawal letter is received.

MOTION: To continue the public hearing for 515-528 Gold Star Highway until August 2, 2006.

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

3. Special Permit #291, 425 Gold Star Highway (Girard Motors Inc., applicant)

Staff stated that this application has been withdrawn, and a new application was submitted.

MOTION: To approve the minutes of June 7, 2006 as written.

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

IV. PUBLIC COMMUNICATIONS

The "Connecticut Preservation News" was distributed to the Commission.

A lot of the latest public acts affecting land use, distributed by Lenny Winkler, was discussed with Commissioners. Most Commissioners had received it.

V. NEW BUSINESS

1. New Applications

- a. Special Permit #292, 424 Gold Star Highway (Girard Motors, Inc., Applicant)

A public hearing date was scheduled for September 6, 2006.

VI. PUBLIC COMMUNICATIONS - None.

VII. REPORT OF CHAIRMAN - None.

VIII. REPORT OF STAFF

Staff informed the Commission about Public Act No. 06-80, effective October 1, 2006, which addresses public notification for subdivisions. There is an extra notice provision so that Commissions may now want to do extra notice for subdivisions, either using signs at the site, or notice by certificate of mailing. The Planning Commission wants to notify abutters of subdivisions. The Planning Commission will hold a public hearing in September to amend the Subdivision Regulations to make these notifications via certificate of mailing.

Establishment of a public registry by the Town is also required. The registry will be for residents or nonprofit organizations that request notifications for Zoning or Subdivision amendments. That list will be reviewed every three years.

IX. ADJOURNMENT

Motion to adjourn at 8:00 p.m. made by Haviland, seconded by Brandt, so voted unanimously.

Respectfully submitted,

Richard Haviland