

MINUTES
ZONING COMMISSION
AUGUST 3, 2005 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Hudecek, Brandt, Haviland, O'Neill, Shirvell, Marquardt and Sergeant (7:10)

Staff: Murphy, Chambers, Cedio

The Chairman opened the meeting at 7:00 p.m.

The Chairman appointed Shirvell to sit for the vacant position.

II. PUBLIC HEARING

1. Special Permit #287, Precious Memories, 195 Sandy hollow Road,

Staff explained that the notification process missed 3 additional property owners on Pequot Avenue and Oxford Court. The list of abutters was generated by the Planning Department, and satisfied the intent of the regulations. However, the second half of the Precious Memories parcel was not updated and brought into the GIS system.

Staff recommend that the public hearing be continued until the September 7, 2005 hearing, and at that meeting provide evidence. New notification letters will be sent out to all property owners within 150 feet per the newly generated list.

Currently, there are 3 letters in favor or in opposition for the project. To maintain integrity of the process, staff recommended the commission not take any evidence at this meeting.

Chairman Hudecek asked if anyone is present who would like to speak who is unable to attend the September 7, 2005 public hearing, and there were none. The public hearing was continued until the September 7, 2005 meeting.

2. Zoning Regulation Amendment to Sections 7.3-7 Requirement for Signs in Non Residential Districts; New Section 7.3-10 Special Large Commercial Building Signage Provisions, Town of Groton, applicant

Murphy explained that the Town has been working with the Zoning Commission with regard to the signage allowed on large commercial properties, to comply with recommendations in the Plan of Conservation and Development.

Murphy explained that the intent was to make this a Town initiated regulation, rather than a result of a request from a specific business or parcel of property.

Staff requested that the Commission extend this public hearing, as the Planning Commission has not had time to thoroughly discuss this issue, and will not meet again until August 9th. The Planning Commission has specifically requested this hearing continuation which will be read into the record later this evening.

Chambers reviewed the requirements for signage for large commercial buildings. The requirements include 50,000 square feet of business space, with 2 sources of egress, and 250 linear feet of building frontage. The proposed regulations allow for 8 total signs plus 2 additional signs for the secondary façade of those buildings located on a corner lot. On the primary façade, large commercial businesses are allowed up to 2 primary signs totaling 400 square feet with the remaining signs classified as secondary signs- each being less than 25 square feet in size. On the secondary façade, 1 primary sign is allowed and 1 secondary sign is allowed. For large commercial businesses, the cumulative sign area is equal to 1.5 square feet of signage to 1 linear foot of frontage.

For all other commercial buildings, the sign area remains at 1 square foot of signage per 1 linear foot of frontage. However, they would now be allowed 2 wall signs to improve flexibility for design and advertising.

Chambers discussed options and provided visual aids prepared showing the large commercial businesses in town mentioned at prior meetings, such as Big Y, Kohl's and Stop and Shop.

The Chairman questioned the frontage of a big box in the middle of a paved parking area. Staff explained that the frontage must be along a public street and not the paved or parking access roads.

Murphy stated that they need to be careful to stay out of the content of the signs. O'Neill noted that these secondary signs are primarily informational, not advertising.

A more conservative option suggests possibilities for Big Y, with the logo being the primary signs above the entrances, and the 4 secondary signs stating "World Class Market" and "American Owned" stacked below the 2 primary signs. There are also 2 more secondary signs across the building frontage for the Little Y and the Pharmacy. This was another way the regulation could look with concentration of a primary sign and two secondary signs stacked on top of each other. Original drafts of the regulation took this approach.

Brandt added that they (Big Y) currently have a primary sign and a temporary banner, which is close to how the requirements might look.

Murphy summarized the amendment, and added that it is an incentive to consolidate and facilitate compatibility of commercial development within a site. He also noted that shopping areas and larger commercial "anchors" are including more and more diversification with the inclusion of banks, branded coffee shops and restaurants that will require some advertising.

A memo from the Michael Murphy to the Zoning Commission dated August 3, 2005 stated that the Planning Commission requested that the public hearing for the proposed zoning amendment be continued to allow additional time for them to review the proposal.

A letter from the Southeastern Connecticut Council of Government dated July 22, 2005 stated that the proposed text amendment would have no adverse intermunicipal impact.

The Department of Environmental Protection for Long Island Sound was notified, and Joan Hoelzel of OLISP of DEP contacted the planning department and stated that her agency had no concerns or coastal management issues with the proposed amendment.

Sergeant questioned the “multi-occupant and single occupant” language under Building Requirements. Murphy responded that staff appreciates the comment and will review the language under A to determine what is necessary.

The Chairman asked if anyone would like to speak in favor or opposition of this amendment.

Andrew Shapiro, of Westport, a managing partner of Groton Shoppers Mart, reviewed the history of Groton Shopper’s Mart. He noted that at the time, the signage was adequate for where they were and the way business was conducted. The signage at Big Y balances the look, and additional signage indicates additional amenities provided. Shapiro spoke in support of the amendment. He noted that there are renewed leases because of a strong and vibrant anchor store, such as Big Y.

John Jens, representing Big Y, praised the Town of Groton Planning Department and Mr. Murphy in addressing the signage issue as a Town wide amendment rather than relying on variances or other options.

The secondary signage is desired to highlight the services that this business offers. Mr. Jens stated that while it isn’t everything Big Y may have hoped for, they support this amendment because it seems to address the needs of the Town and takes a more community wide view rather than taking one business marketing approach into consideration.

Attorney Maria Ackley with Robinson and Cole LLP, representing Stop and Shop Supermarket presented a letter and schematic drawing stating that there are aspects of the sign regulation amendment that their client, Stop and Shop supported. However, their client has concerns regarding the sign size and the number of signs allowed. They suggest a reduction in size for the primary sign(s) and an increase in the number of secondary signs, including exemptions for additional advertising signs.

Staff stated that they would review this letter and respond to the comments of commissioners and the public at the next meeting.

MOTION: To continue the public hearing to September 7, 2005.

Sergeant questioned Mr. Jens about advertising different entities at one time. Mr. Jens, has 13 sub-departments, but Big Y prioritizes the amenities they want to advertise.

In response to a question about measuring sign area, staff stated that the regulations state the rectangle surrounding the letters to count as one sign. The key is to look at sign area and surface area as it relates to our definitions.

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

III. APPROVAL OF THE MINUTES OF July 6, 2005

MOTION: To approve the minutes of July 6, 2005.

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

IV. PUBLIC COMMUNICATIONS

Chairman Hudecek informed the Commission that the developers of Colonel Ledyard Estates have requested a change to the State POCD map to amend it from a Rural designation to Growth.

Edith Fairgrieve, Rowland Street, a director of GOSA, expressed concern about the definition of buildable land, and requested a moratorium on development regarding Active Senior Housing. The background for this memo is correspondence between Jim Furlong and Michael Murphy on July 15th, July 26th and August 1st. Fairgrieve expressed concern that not calculating density based on buildable area is not consistent with good planning practices.

Staff noted that he had provided a detailed response to Mr. Furlong with a copy to Mr. Hudecek. He also mentioned that planning staff is currently working on several major projects, including an update to the Plan of Conservation and Development, Economic Development Strategic Plan, a major streetscape project, revisions to all the land use fees, and is very busy.

Staff stated that through the active senior housing regulation, there are only a limited number of sites this would now be allowable. Staff stated that there are significant criteria for instituting a 9-month moratorium such as an imminent threat of development and not being prepared with your regulatory program to support a moratorium on Active Senior Housing. The Town has no pending applications, limited

area to develop these projects, and a new set of stringent density standards and regulations.

Staff discussed density calculations as explained in the POCD for buildable land, which are not listed as high priority in the POCD. The Plan of Conservation and Development recommends that appropriate density standards be developed to allow reasonable development. Hudecek questioned if the Town would want to allow the full number of buildings as determined by a zone's density for the whole lot or if it is preferable to restrict the density to only the buildable area using a hypothetical example. Haviland commented that restricting it literally to just the buildable area could lead to a takings issue. Sergeant noted that some proportional percentage of constrained land would normally be included in the calculation. Staff concurred, noting that this was explained to Mr. Furlong in his response to the first Furlong letter. Staff explained that development in the small buildable space could probably not occur at the full number of units allowed for the whole site due to other constraints. Staff also noted that anticipated density standards to allow for land constraints were developed during the 2002 POCD update process.

V. OLD BUSINESS - None

VI. NEW BUSINESS

Discussion ensued about recent interest within the Town Council to clarify the language in the deeds of the property purchased by the Town under the referendum.

VII. REPORT OF CHAIRMAN

The Office of Policy and Management referral to the Zoning Commission regarding a request to change the State Conservation and Development Policies Plan was discussed. The applicant has been trying to subdivide this property, Colonel Ledyard Estates. Staff will discuss this with the Planning Commission and Town Manager regarding the need for a public hearing.

VIII. REPORT OF STAFF

There are no new applications.

IX. ADJOURNMENT

Motion to adjourn at 8:40 p.m. made by Hudecek, seconded by Haviland, so voted unanimously.

Respectfully submitted,
Robert O'Neill