

MINUTES
TOWN OF GROTON
ZONING COMMISSION
NOVEMBER 2, 2016 – 6:30 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Marquardt, Sayer, Hudecek
Alternate members present: Archer, Edgerton, Mellow
Absent: Smith, Sutherland
Staff present: Glemboski, Jones, Gilot

Acting Chairperson Hudecek called the meeting to order at 6:30 p.m. and seated Archer for Sutherland.

II. PUBLIC COMMUNICATIONS

James Furlong, 57 Fishtown Lane, Mystic, addressed the commission regarding the 50 ft. no-disturbance zone for the WRPD. He said he felt that the commission's decision to recommend a 50 ft. buffer around water bodies in the WRPD would be a mistake, and supported Horsley Witten's initial vision of buffers of 200 – 300 ft. Mr. Furlong submitted a map created by Horsley Witten showing buffers of 200 – 250 ft. around water bodies in the WRPD. He said he still sees discord between the 50 ft. WRPD buffer and the inland wetlands regulated activity areas of 100, 150, 200 ft., in which a permit may be required. He felt that a reference to the IWA regulations should appear in the zoning regulations to prevent developers from only reading the zoning regulations. He said the new language allows reducing the buffer in certain areas but is vague about enlarging it. He also stated that there should be a buildout analysis with the effects of the new Airport Development Zone considered.

Zell Steever, 81 Main Street, Noank, told the commission his background in regulating activities in water resources. He said he had addressed the commission in the spring about considering the 100 year floodplain and the wetlands act (coastal and inland). He spoke about the job of the Zoning Commission and the history of the reservoir. He said the consultant's review originally was a 200-300 ft. buffer which has been significantly reduced. While the new regulations will be easier for developers, the commission needs to maintain the high quality of water. He also believes this would require more staff for managing this district. He said that the new regulations would allow all agriculture in this area but he would suggest that agriculture is not ok in the WRPD, and that the proposed conditions would be difficult to enforce. He also addressed Section 6.12.4 B-3 - road maintenance and expansion as exempt. He said these activities should not be exempt.

Lynn Marshall, 118 Pearl Street, spoke to the commission about the pollution of water, and would recommend being more conservative. She is concerned with the hydrology within the area rather than just the 50 ft. non-disturbance zone. She felt the non-disturbance area needs to be greater, and exceptions granted on a case by case with standards for exceptions.

Acting Chair Hudecek appointed Mellow to sit for Smith.

APPROVAL OF MINUTES

1. October 5, 2016

MOTION: To approve the minutes of the October 5, 2016 meeting as amended.

Motion made by Sayer, seconded by Marquardt. Motion passed unanimously.

III. OLD BUSINESS

1. Zoning Regulations Update

a. WRPD Permitted Uses

Staff said the October 28th draft has been sent to the Town Attorney for review. Hudecek said he would like to ultimately see the WRPD in the table of uses. Staff explained that the new definitions in this section have not yet been incorporated into Section 2 (Definitions). They are temporarily included in Section 6.12, but when the entire document is completed, the definitions will be pulled out and incorporated into Section 2. The WRPD is an important component, and staff believes it would be beneficial to bring this section to public hearing as a stand-alone to the regulations. In order to do that, the definitions, etc., must be included. The commission asked if it could it be simplified by developing appendices to the WRPD. Staff said legally, some of these items may or may not be able to be moved to an appendix.

Sayer said she is very comfortable with the decisions they have made thus far, but asked for an explanation on the exemption of public road areas. Staff said this would be for public improvements and maintenance in the town rights-of-way, which are all connected. The town is regulated under the state stormwater permit and limited to routine maintenance; the town rarely constructs new roads. The commission discussed the 50 ft. buffer, which means no disturbance at all, and the balance between water quality and taking the rights of property owners. Another advantage to approving the WRPD before the rest of the regulations would be that staff has time to see if it is working or if more changes need to be made.

The commission and staff reviewed the following outstanding items in the draft WRPD.

Page 18 – Section 6.12-8A: Total impervious surface. The commission concurred to leave it at 70% and remove 50% for larger lots.

Page 25 – Section 6.12-9C: Underground storage tanks standards-different for propane tanks. Currently, underground propane tanks are allowed in the WRPD. Staff asked the commission if they should still be allowed, allowed with standards, or not allowed. Discussion of whether there is hazardous residue settled in the bottom of a propane tank after 10 years. Staff said Groton Utilities has no problems with propane tanks. Hudecek preferred to find another term for “anode” bag. The commission agreed to allow underground propane tanks with standards.

Staff said some of these items (e.g., design for fuel stations) will probably be put in the regular sections when the entire document is revised. The consensus was to

keep with the standards in the WRPD and earmark for future incorporation into the overall design standards.

Page 28 – Section 6.12-10B: No outdoor storage of hazardous materials is allowed.

Page 30 – Section 6.12-10D.2: Fuel Dealer – no fuel dealers with storage of propane allowed.

Page 32 – Section 6.12-11.A: Expansion of Prohibited Uses - Those sites that have already taken advantage of 50% could take an additional 10% in the proposed regulations. The commission concurred to not allow the additional 10%.

The commission discussed whether there were conflicts with definitions from the old regulations and the new definitions included in the draft WRPD. They asked staff to include a comment in the WRPD that “if conflicts occur, this section/newer definition takes precedence”.

The commission discussed Plain Language and the use of “shall” and “must”. All federal documents will now replace “shall” with “must”. Staff will need to discuss this with the Town Attorney. The recommendation from Plain Language was to talk more directly to applicant, so it should be considered to have “When you apply...” rather than “When an applicant files...”. Staff felt that was more appropriate for the general public, as opposed to a legal document such as the zoning regulations. Staff said the development guide may be more “personalized”.

Staff discussed the schedule. They expect to have an application ready for the December meeting, and a public hearing could be scheduled for February.

Staff asked the commission if they were still comfortable with the 50 ft. non-disturbance area for the WRPD. The commission agreed to move forward with 50 feet. Staff said the consultants will be present for the public hearing. Hudecek requested that Groton Utilities also be present at the public hearing.

b. Definitions/Table of Permitted Uses

Staff has no new information at this time.

IV. NEW BUSINESS

1. Report of Commission - None

2. Receipt of New Applications

SPEC #350 - Establish Argia Cruises at dock space at the north end of Steamboat Wharf and office space at 39-41 West Main Street

SPEC #351 - Change the approved use of the basement level of the Emporium building from retail to a restaurant.

Public hearings were scheduled for December 7, 2016.

3. Approval of 2017 Meeting Schedule

MOTION: To adopt the 2017 Zoning Commission meeting schedule as presented.

Motion made by Archer, seconded by Sayer. Motion passed unanimously.

V. REPORT OF CHAIRPERSON

Acting Chair Hudecek welcomed the three new alternates to the Zoning Commission.

VI. REPORT OF STAFF

Staff distributed the quarterly CFPZA to commissioners.

Staff advised the new commissioners that they will receive their agenda packets by email, it is also available on the website, and said they should advise staff if they want a printed copy of the packet.

VII. ADJOURNMENT

Motion to adjourn at 8:18 p.m. was made by Sayer, seconded by Marquardt, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Debra Gilot
Office Assistant III