

MEMORANDUM

To: Dennis Goderre, ASLA, AICP CUD, Planner, City of Groton

From: John P. Casey, Esq.

Date: April 30, 2019

Subject: Electric Boat Corporation, Special Permit Application # 461
Analysis of Special Permit Criteria (Zoning Regs. § 9.4.D)

Below is an analysis of the subject application's compliance with the City of Groton's special permit criteria, contained in § 9.4.D of the Zoning Regulations.

In considering an application for a Special Permit, the Commission shall evaluate the application with respect to the following factors, except that the Commission may determine that some factors may not be applicable to certain types of applications:

1. Zoning Purposes *Whether the proposed use or activity is consistent with the purposes of the Regulations.*

- The proposed use is consistent with the purposes in the Zoning Regulations in that it is a permitted use ("manufacturing, fabricating, assembling or processing of goods and products") in the IT (Industrial/Technology) Zone, whose purpose "is to provide for appropriate locations and standards for industrial-type uses and technology-related uses."
- As an industrial use proposed in the IT Zone, the project is consistent with the Zoning Regulations, and is in harmony with other uses on the property and in the district.

2. Environmental Protection and Conservation *Whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.*

- To the extent practicable at this previously developed industrial site, and in consideration of the proposed use, environmental impacts associated with the

project have been avoided, minimized, or mitigated to the greatest extent practicable.

- The Connecticut Department of Energy and Environmental Protection (“CT DEEP”) and the United States Army Corps of Engineers have done complete environmental reviews of the project, including review of all potential alternatives, and determined that the project as proposed, including the location of the new South Yard Assembly Building (“SYAB”), is the Least Environmentally Damaging Practicable Alternative.
- CT DEEP has issued a license for the project, including those portions that overlap with the City’s jurisdiction. In issuing the license, CT DEEP has determined that the project meets all applicable policies and goals of the Coastal Management Act, as required by § 22a-98 of the General Statutes (“Any person seeking a license, permit or other approval of an activity under the requirements of such regulatory programs shall demonstrate that such activity is consistent with all applicable goals and policies in section 22a-92 and that such activity incorporates all reasonable measures mitigating any adverse impacts of such actions on coastal resources and future water-dependent development activities.”). The Coastal Management Act policies in § 22a-92 with which CT DEEP must determine compliance are the same policies the Commission must consider in its review of EB’s coastal site plan application. Those policies include the protection of natural, scenic, and historic resources.
- As required by the CT DEEP license, impacts on fish habitat caused by the project will be mitigated by the expansion of off-site fish habitat areas. These mitigation projects will cost over \$1 million.
- The use of conservation restrictions are not appropriate at this industrial site.

3. Overall Neighborhood Compatibility *Whether the proposed use will have a detrimental effect on neighboring properties or the development of the district.*

- At its core, the project is the addition of another large industrial building on a property that already has similar large buildings, all of which are used for the same purpose – the construction and maintenance of submarines.
- As a permitted use in the IT Zone, it is, by definition, compatible with the development of that district.
- The overall use of the EB property will not change, and the project will not result in any new direct off-site impacts, such as “any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such manner, or in such amount, as to adversely affect the reasonable use of the surrounding area or adjoining premises.” (See Zoning Regs. § 7.8.B & C)

4. Suitable Location For Use *Whether the nature and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located.*

- As a permitted use in the IT Zone, the project is suitable for its location. Because the overall use of the EB property will not change, the new use is in harmony with the appropriate and orderly development in the district.

5. Appropriate Improvements *Whether design elements of the proposed development (such as location, type, size and height of buildings and other structures, parking, access, landscaping, screening, lighting, signage, etc.) will be suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future character of the neighborhood in which the use is located.*

- The location of the new building has been determined to be the Least Environmentally Damaging Practicable Alternative by Federal and State environmental regulators. As such, its location is the best possible location on the EB property.
- The building design matches its form with its function – it is no bigger than it needs to be in order to be used to build the submarines required by the Navy. The height and length are needed for EB’s special manufacturing process and operational considerations.
- The design of the building is in keeping with existing large industrial buildings on the EB property, as well as the Buckeye and Pfizer properties further south in the IT Zone. Therefore, it is suitable in relation to current site characteristics and neighboring properties in the district.
- Landscaping and lighting have been designed to provide the necessary security required by EB, while at the same time providing a diverse, attractive and inviting streetscape for the neighbors and the public using Eastern Point Road.

6. Suitable Transportation Conditions *Whether the streets and other rights-of-way are or will be of such size, condition and capacity (width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use and not create traffic problems.*

- As evidenced by the traffic study, the streets in the area around the EB property can accommodate the predicted increase in traffic, without any decrease in the level of service, that is expected as the EB workforce expands in the next 10 years.

7. Adequate Public Utilities and Services *Whether the provisions for water supply, sewage disposal, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.*

- The application proposes to use existing public utilities and services – electricity, water, sewer, and gas – that already serve the EB property.
- EB and its consultants are committed to working with Groton Utilities to confirm that the final design of all utility systems will not overburden the utility system and will comply with all standards applicable to such utility systems.
- Emergency services will also continue to have suitable access to the EB property and facilities, including the new SYAB, when all construction is complete, as well as during construction.

8. Long Term Viability *Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).*

- The commitment of EB and the Navy to the development of the new Columbia class of submarines, as well as the amount of the investment into the proposed new facilities, indicates that there is a long-term commitment to the sustained maintenance of the project.

9. Nuisance Avoidance *Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area.*

- The use of the SYAB (including hours of operation) will be in keeping with existing uses on the EB property (which includes three shifts), all of which must comply with numerous State and Federal permits and regulatory requirements regarding emissions and other discharges, as well as all Federal and State health and safety codes. Furthermore, all improvements on the property must be accomplished in accordance with State Building and Fire Codes. Therefore, this project will not create a nuisance in the surrounding area.
- The design of the building exterior, including lighting, and the landscaping plan along Eastern Point Road are proposed to minimize to the greatest extent practical the change in views from the road and adjacent properties across from EB's South Yard. The modifications to the lighting standards requested by EB in its special permit application will not result in any adverse impacts on neighboring property and are reasonable in consideration of EB's security and safety requirements.
- There will be improved storm-water control structures in the South Yard of the EB property, and all reasonable measures have been proposed to control erosion and prevent issues related to storm-water run-off. The modifications to storm-water management requirements requested by EB in its special permit application

will not result in an increase in pollution, contaminants, or sediments entering the Thames River.

10. Plan of Conservation and Development *Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.*

- The project complies with or supports the following statements, policies, and goals in the City's Plan of Conservation and Development:

- Section 1, Context, pp. 2-3

The decision by the Electric Boat Company to build submarines in Groton began an important economic relationship which continues to this day.

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Significantly, Electric Boat is in the process of significantly increasing employment to design and build the next generation of submarines.

- Section 3, Encourage and Promote Economic Development, pp. 20-21

Economic development is typically sought after by communities because:

- it provides employment to residents,
- it offers goods and services, and
- it provides tax revenue to fund local services.

Even though the City enjoys a relatively strong economy based on those three considerations, the City of Groton continues to seek ways to strengthen its economy even further. In a survey conducted during this planning process, residents identified attracting economic development and managing fiscal pressures as two key issues for the City in the future.

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3.1 Continue To Promote Economic Development

Business and economic development will continue to be a priority for the City.

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The City intends to continue to work with employers (including Pfizer, Electric Boat, and the University of Connecticut campus at Avery Point) to anticipate their changing needs and to see how those needs can be met in ways which will enhance the overall character and quality of life in the City.

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The City, in conjunction with the region, intends to continue to support economic development and the continued use of existing business-zoned lands for appropriate uses. This will help to maintain the economic strength of the City and the region and provide for additional economic diversity.

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Strategies to Promote Economic Development:

1. Continue to promote and support economic development by:
 - a. Supporting existing businesses
 - b. Encouraging expansion of existing businesses

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2. Continue to work with major employers, the Town, the region, and other agencies in coordinated economic development efforts.

o Section 5.3, *Manage Activities In Coastal Areas*, p. 40

In recognition of its industrial waterfront, the City wants to promote balanced development of the coastal area to ensure full utilization of that area while increasing and enhancing water access, recreational opportunities, and water-dependent uses. Maritime operations should be protected and improvements and expansions should be encouraged provided that any negative impacts on local residents and businesses (such as land-side impacts of water-side uses) are minimized.

- The project represents a transformative economic development opportunity at an existing business in the City – which is specifically encouraged and supported by the Plan of Conservation and Development. It will also “ensure full utilization” of the City’s industrial waterfront in the IT Zone by locating a new water-dependent manufacturing use in an under-utilized portion of the EB property. The Plan encourages this type of expansion, especially given the fact that any impacts on local residents are minimized.

11. Mitigation Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

- The EB shipyard in Groton is one of only two locations in the entire country that can undertake the final assembly of nuclear submarines for the Navy. As such, if such beneficial economic activity is going to occur in the City, the options for minimizing the impacts from such activity are limited, especially given the

existing constraints of the EB property and its location relative to the adjacent residential neighborhood.

- Despite the limitations it faced, EB endeavored to minimize the impacts of the project, to both its neighbors and to the environment, to the greatest extent possible. As noted above, the building location is deemed by State and Federal environmental authorities to be the Least Environmentally Damaging Practicable Alternative.
- The height and length of the SYAB have be minimized so that the building is only as large as it needs to be to serve its function; however, since this still results in a large industrial building, EB focused on landscaping along Eastern Point Road, the placement of the utility receiving station and the exterior colors of the SYAB, to incorporate all reasonable efforts to minimize the appearance of the building. The simplified color palette corresponds with the existing building on EB's property – by limiting the number of exterior colors – and incorporates best architectural practices to reduce the visual appearance of the building by using a darker color to ground the building at its base, and then using a lighter color for the higher level to give the appearance that the building is getting smaller. The streetscape proposed along Eastern Point Road is designed to attract the eye of passers-by and the neighbors to further minimize the appearance of the SYAB.
- As noted above, the overall use of the EB Property will not change with the addition of the new SYAB. While the number of employees working at the shipyard is expected to increase over the next 10 years, a traffic analysis reveals that the level of service for the roads in the area will not change. Likewise, no additional emissions or increased noise levels are expected to be generated from the shipyard due to the new building.
- The modifications to the height and buffer strip standards requested by EB in its special permit application are reasonable because: (1) the additional building height is required to meet EB's special manufacturing process and operational considerations; and (2) the proposed streetscape landscaping plan will provide comparable screening for the property.