

AGENDA
ZONING BOARD OF APPEALS
FEBRUARY 10, 2016 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

II. PUBLIC HEARING

1. ZBA#16-01 – 970 Poquonnock Road, Savings Institute Bank & Trust/Applicant, Jonathan Wood/Applicant's Agent, Syraweiss Realty, LLC/Owner, Milone & MacBroom, Inc./Engineer, for a variance to Section 7.1-36.A to allow for drive through and stacking lanes to be located in the front yard, a variance to Section 7.1-36.C for a reduction of the required stacking spaces from 10 to 6 per station, a variance to Section 6.2-4 to allow 55 ft. instead of the required 75 ft. for a front yard setback. PIN#169806275848, DDD Zone.*

III. MEETING FOLLOWING PUBLIC HEARINGS

1. ZBA#16-01 – Savings Institute Bank & Trust, 970 Poquonnock Road

2. CORRESPONDENCE

3. APPROVAL OF MINUTES

1. December 9, 2015*

2. OLD BUSINESS

3. NEW BUSINESS

1. Election of Officers
2. New Applications

4. REPORT OF STAFF

5. ADJOURNMENT

* Enclosed

Next meeting: February 24, 2016



TOWN OF GROTON

PLANNING AND DEVELOPMENT SERVICES

DEBORAH G. JONES
ASSISTANT DIRECTOR
DJONES@GROTON-CT.GOV

134 GROTON LONG POINT ROAD, GROTON, CONNECTICUT 06340
TELEPHONE (860) 446-5970 FAX (860) 448-4094
WWW.GROTON-CT.GOV

January 20, 2016

The Day
Attention: Legal Advertising
P.O. Box 1231
New London, Connecticut 06320

Please publish the following legal ad on January 29, 2016 and February 5, 2016.

TOWN OF GROTON ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING

The Zoning Board of Appeals will hold a public hearing on Wednesday, February 10, 2016 at 7:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, to hear the following:

ZBA#16-01 - 970 Poquonnock Road, Savings Institute Bank & Trust/Applicant, Jonathan Wood/Applicant's Agent, Syraweiss Reality, LLC/Owner, Milone & MacBroom, Inc. /Engineer, for a variance to Section 7.1-36.A to allow for drive through and stacking lanes to be located in the front yard, a variance to Section 7.1-36.C for a reduction of the required stacking spaces from 10 to 6 per station, a variance to Section 6.2-4 to allow 55 ft. instead of the required 75 ft. for a front yard setback. PIN#169806275848, DDD Zone.

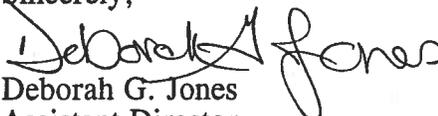
Applications are on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road, Groton, CT. Dated this 29th day of January, 2016 at Groton, CT. (On second insertion, please put "Dated this 5th day of February, 2016 at Groton, CT.")

Ed Stebbins, Chairman

Account #30384
P.O. #16000391

PLEASE DO NOT BOLD PRINT. If you have any questions, please do not hesitate to contact me.

Sincerely,


Deborah G. Jones
Assistant Director

DGJ:rms

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Matthew Allen, Planner I *MAA*
DATE: February 3, 2016
SUBJECT: Agenda Report for February 10, 2016 Meeting

The following is intended to provide background information concerning the application being reviewed at the next meeting of the Zoning Board of Appeals. A location map as well as copies of the application and site plans is included. If you have any questions or requests please contact me at mallen@groton-ct.gov or 860-448-4088.

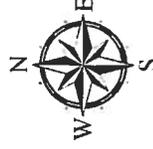
ZBA16-01 – Savings Institute Bank & Trust, 970 Poquonnock Rd.

The applicant is requesting a variance to Section 7.1-36.A to allow for a drive through and stacking lanes to be located in a front yard, Section 7.1-36.C to reduce the number of required stacking spaces from 10 to 6 per station, and Section 6.2-4 to reduce the front yard building set back from 75 ft. to 55 ft. The 2.7 acre lot is located at 970 Poquonnock Rd. and is zoned Downtown Development District. Currently existing on the property is a shopping plaza with approximately 9 businesses and a large parking lot in front. The applicant plans to remove an existing drive through kiosk located in the parking lot near the front of the property and construct a new larger building and drive through that will house a bank branch. The site is constrained by the location of the existing building and curb cuts. The proposed locations for the new bank and drive through are such that they allow for the required number of parking spaces. All other development standards can be met for the site.

Town of Groton



970 POQUONNOCK RD

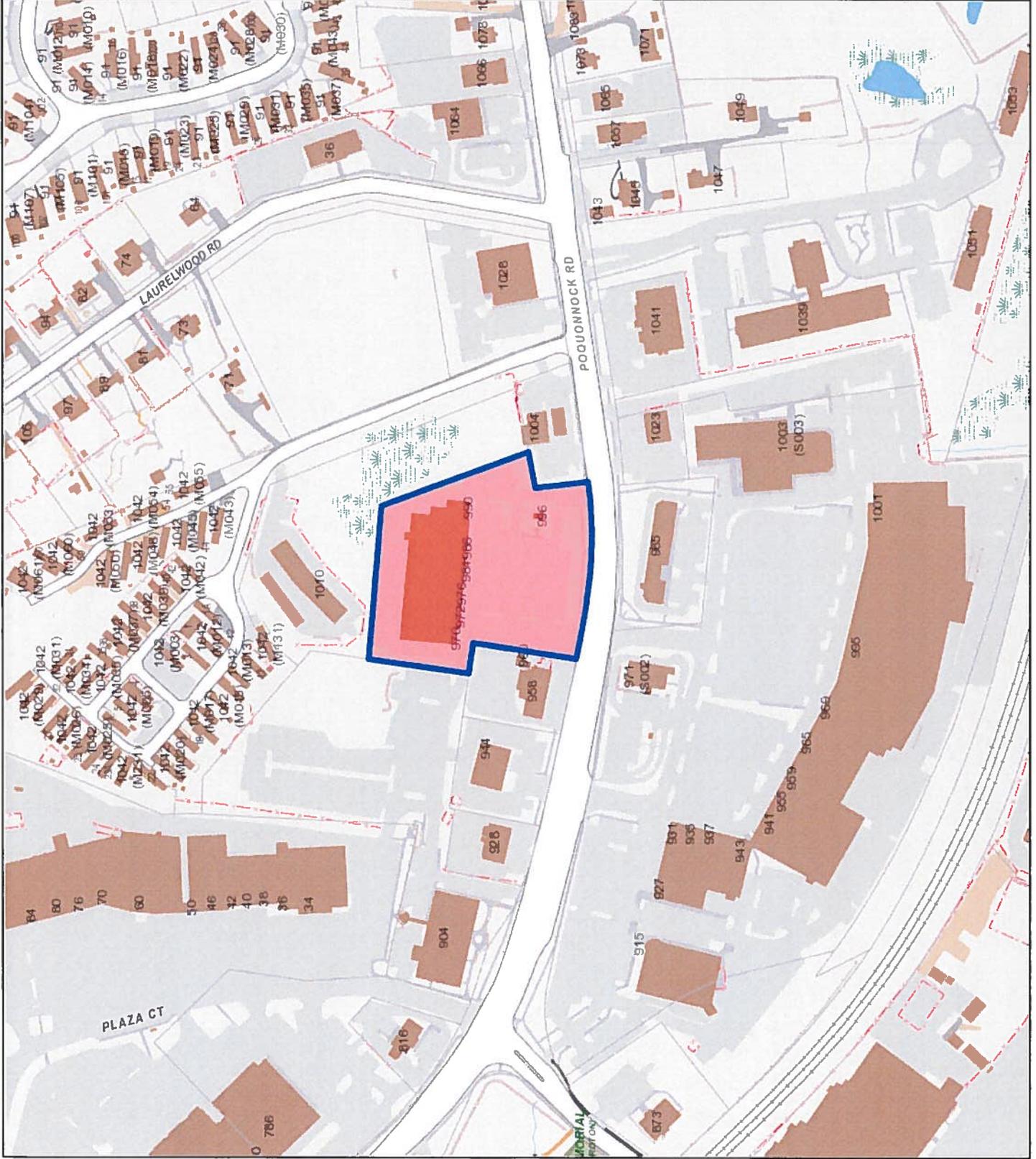


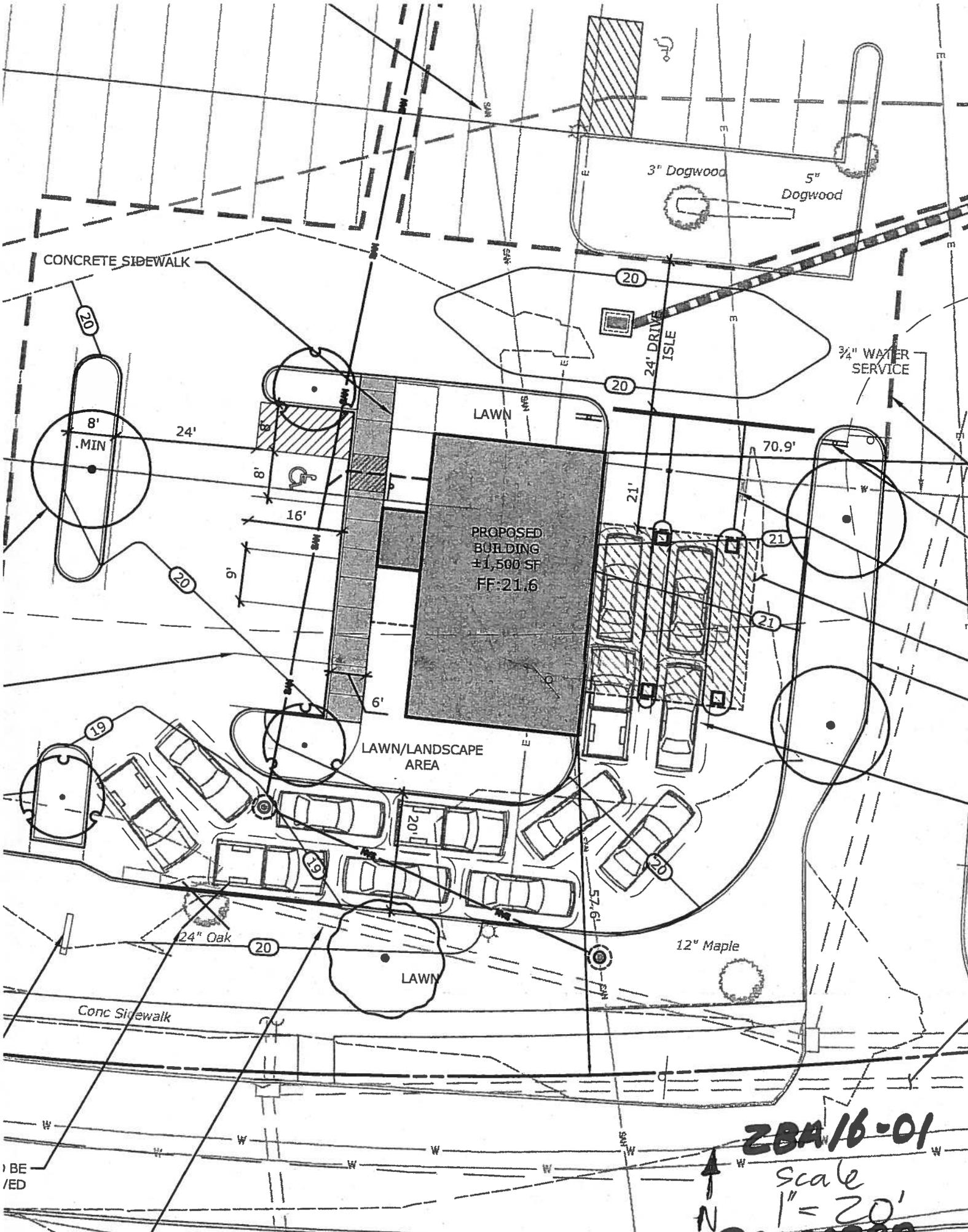
Disclaimer

The planimetric and topographic information depicted on this map was compiled by The Sanborn Map Company based on an aerial photograph. The information shown on this map has been obtained from recorded deeds, maps, assessor records, and other sources of information in the Town of Groton. The intent of this map is to provide a general impression of the property information shown. This information is not to be used as a basis for a legal survey. The Town of Groton and the mapping companies assume no legal liability for any errors or omissions. THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.

Horizontal Datum: Base Coordinates, North American Datum of 1983 (NAD83 feet).
Vertical Datum: North American Vertical Datum of 1988 (NAVD88).

Date: 2/3/2016





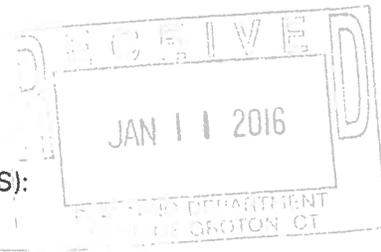
ZBA 16-01

Scale
 1" = 20'



PROPOSED

TOWN OF GROTON
LAND USE APPLICATION
PART ONE



PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE REQUIRED APPLICATION(S):

- SUBDIVISION OR RESUBDIVISION _____ COASTAL SITE PLAN REVIEW _____
- SITE PLAN _____ SPECIAL PERMIT _____
- ADMINISTRATIVE SITE PLAN _____ ZONE CHANGE _____
- INLAND WETLANDS PERMIT _____ REGULATION AMENDMENT _____
- INLAND WETLANDS PERMIT OR NON-REGULATED ACTIVITY _____ VARIANCE/APPEAL
- APPROVAL OF LOCATION _____

PROJECT DESCRIPTION: Relocation of Savings Institute Bank & Trust with a new building with drive through.

PROJECT NAME: Groton Branch Relocation - Savings Institute Bank & Trust

STREET ADDRESS OF PROPERTY: 970 Poquonnock Road (Route 1)

IF ADDRESS NOT AVAILABLE, LOCATION: _____

PARCEL IDENTIFICATION NUMBER: 169806275848 ACREAGE: 2.7 ZONING: DDD

CORRESPONDENCE WILL BE SENT TO PRIMARY APPLICANT AS CHECKED BELOW:

NAMES, ADDRESSES & TELEPHONE NUMBERS

APPLICANT: Savings Institute Bank & Trust

TELEPHONE: 860-465-8662 FAX: _____

APPLICANT'S AGENT (IF ANY): Jonathan Wood - Executive V.P.

TELEPHONE: 860-874-7812 FAX: _____

OWNER/TRUSTEE: Syraweiss Realty, LLC.

TELEPHONE: _____ FAX: _____

ENGINEER/SURVEY OR / ARCHITECT: Milone and MacBroom, Inc.

99 Realty Drive, Cheshire, CT 06410 TELEPHONE: 203-271-1773 FAX: 203-272-9733

- Note: 1) TO BE ACCEPTED BY THE PLANNING DIVISION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.
- 2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.
- 3) I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE OFFICE OF PLANNING AND DEVELOPMENT SERVICES AS DESCRIBED IN PART THREE OF THIS APPLICATION.

Jonathan Wood, E.V.P.
SIGNATURE OF APPLICANT
OR APPLICANT'S AGENT

01/05/16
DATE

Shelley M. Weiss 1/11/16
SIGNATURE OF RECORD OWNER DATE
I HEREBY, CERTIFY THAT I AM THE OWNER OF THE
PROPERTY STATED ABOVE.

Shelley M. Weiss
PRINTED NAME OF RECORD OWNER

Jonathan Wood
PRINTED NAME OF APPLICANT

FOR OFFICE USE ONLY: (RS) 1/11/16

FEE RECEIVED: 430 - WORK TYPE: ZBA PROJECT # ZBA16-01 PLANNER: Matt Allen 4/07

LAND USE APPLICATION – VARIANCE

PART TWO
(Attach to Part One)

REQUEST IS FOR A VARIANCE OF:

SECTION: 7.1-36.A DESCRIPTION OF VARIANCE NEEDED, BE SPECIFIC: **Drive Through Stacking Lane Location**

This section requires drive through stacking lanes be in side or rear yards only. A variance is requested to allow for the drive through and stacking lanes to be located in the front and side yard.

HARDSHIP: The layout of the existing parcel requires that any proposed development would take place between the existing building and the street line. Due to the available location for the proposed building any drive through would be required to be in the front or side yard. (See Drawing 1 of 3)

SECTION: 7.1-36.C DESCRIPTION OF VARIANCE NEEDED, BE SPECIFIC: **Amount of Drive Through Stacking Spaces**

This section requires 10 spaces per drive through window. The bank is planning 2 drive through services stations. Current experience from existing branches shows a maximum of 10 transactions per hour, indicating a maximum need for stacking spaces of 3 at any given time. We are requesting a reduction of the required stacking spaces from 10 to 6 per station.

HARDSHIP: The existing development of the parcel makes fitting the total required stacking spaces on the site prohibitive and experience shows the required number of stacking spaces to be unnecessary, and strict compliance with the zoning regulations unusually difficult and an unreasonable hardship. (See Drawing 2 of 3)

SECTION: 6.2.4 DESCRIPTION OF VARIANCE NEEDED, BE SPECIFIC: **Front Yard Setback**

This section requires a minimum of 75' for the front yard building setback and a variance is requested to reduce the building setback to 55'.

HARDSHIP: Due to the existing development on the parcel any new development would be required to be within the 75' front yard setback. The zoning regulations state that "the setback along Route 1 can be reduced to no less than 30 feet if the Planning Commission finds that a lesser dimension can best carry out the objectives of the DDD." The court ruling of Donna Mackenze ET Al. v. Planning and Zoning Commission of Town of Monroe ET AL. (AC34919) finds that regulatory commissions does not have the authority to vary the setback buffer requirements set forth in the regulations. Because of this ruling a variance is required to allow for building to be within the 75' front yard setback. (See Drawing 3 of 3)

MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
DECEMBER 9, 2015 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:00 p.m.

I. ROLL CALL

Regular members present: Stebbins, Manning, Grady, Russotto, Kravits
Absent: Mencer
Staff present: Cullen, Allen, Attorney Carey, Silsby

Public hearing procedures were reviewed by Chairman Stebbins.

II. PUBLIC HEARING

1. ZBA#15-15 – 120 Walker Hill Road, Community of Hope/Owner

Secretary Manning read the call of the hearing and stated that the mailings are in order. He noted that this is a continuation of the originally scheduled hearing which opened on November 18, 2015.

Those present on behalf of this application were Attorney Maxine Matta, 165 State Street, New London; Julie Brousseau, Chairman of the Board of Community of Hope, 888 Long Cove Road, Gales Ferry, CT; and Annette Eldridge, Board member and Executive Director of Community of Hope, 8 Pennywise Lane, Ledyard, CT.

Attorney Matta explained the proposal to remodel the house to add 3 bedrooms on the 3rd floor and 6 beds on 2nd floor. She made reference to her communication with the Building Official in regards to being in compliance with zoning regulations.

Eldridge stated that 8 women currently occupy the house on the 1st and 2nd floors. She explained that the women who occupy the house typically have had drug and alcohol issues and are referred to by local agencies such as SCADD and the Stonington Institute. She noted that this program is faith-based.

To Grady's inquiry about the mission of Community of Hope, Eldridge explained that this non-profit 501C3 organization was started with the hope of helping those in need. Grady inquired about the applicant's request to vary the definition of family. Eldridge noted that though this is not a typical family, the clientele have difficulty living on their own. It was noted that Eldridge receives a stipend of \$400 per month to do the administration for the organization. Inquiries were made as to why this location was chosen, history of the building, and the floor plan. Eldridge spoke about the Fire Marshall's recommendation to remove the fire escape, based on its condition. The definition of "family" was raised and discussed. Eldridge stated that clinical and case management are done off-site, which is specified in the Town's zoning regulations. Discussion followed about the protected population. Eldridge noted that people with addictions fall under the umbrella of the ADA. Questions were raised about where the clients resided immediately prior to coming to the house. The benefits of this home program were given. It was noted that there is a zero tolerance policy for drugs and alcohol use. The clients receive financial assistance from the State. Grady expressed concerns about the lack of a need to vary the regulation. Eldridge stated that

this house is basically a 3 family house though they haven't been using the 3rd floor due to needed renovations.

Chairman Stebbins asked if there is anyone to speak in favor or against this application.

Thomas Potter, 154 Walker Hill Road, expressed concerns why he is against this variance request and why this would not be in the best interest of the Town of Groton. He submitted a written statement and copies of other documentation from nearby neighbors who oppose this variance request. He explained why he believes that zoning regulations don't include this type of use. He referred to an email dated November 5, 2015 to the Building/Zoning Official about Groton's zoning regulations. Information was given about the State Department of Corrections and State Statutes. He referred to zoning regulations, history of the building, and communications with the State Department of Corrections. He recommends that an alternative solution be found to ensure compliance with the zoning regulations.

Secretary Manning marked the submitted exhibits appropriately.

Discussion followed about whether the clients come directly from the State Department of Corrections. Eldridge reiterated the mission of the organization; to instill good morals and values in the women who eventually move out and live on their own.

Maxine Varanko, 17 Senkow Drive, expressed her concerns and urged the Board to deny the variance. She spoke about safety of the neighborhood, lowering home values, overflowing trash, and cars parked on the front lawn instead of in the driveway. She noted her vast experience in the field of psychology, pointing out the many challenges that exist for these women to succeed. She questioned whether these women are getting the proper treatment. This submission was marked Exhibit 7.

Patricia Judson, 7 Senkow Avenue, has lived in the neighborhood her entire life. She noted that this property borders Navy housing and a nearby school. She expressed concerns about safety and spoke about numerous events that have occurred since the organization moved there in 2011. She is not against the mission of the organization but doesn't feel there is a need to expand the use from 8 people to 12. This submission was marked Exhibit 8.

Warren Seabury, 131 Walker Hill Road, expressed concerns about trash and safety in the neighborhood. He feels that the more people you have living in the house, the more trouble there will be in the neighborhood. This submission was marked Exhibit 9.

Joan Chambers, 130 Walker Hill Road, referred to events that have occurred at the house such as an excessive amount of noise, fighting and drinking. She had previously been told that there would be live-in supervision but that doesn't seem to be the case. She spoke against this variance request.

Luke Varanko, 17 Senkow Drive, expressed concerns about changing the amount of people living in the house from 8 to 12. He posed the question as to what would stop the organization from increasing the amount in the future.

Ray Munn, 26 Middlefield Street, a member of the Planning Commission, has come before the Zoning Board of Appeals (ZBA) as a private citizen and not in representation the Planning Commission. He asked the Board to determine what hardship is being created by the defining of the zoning regulations. He spoke about what is unique to this property and abandoning this three-family house and changing it to a two-family house. He expressed concerns about changing the definition which could affect other properties in Town.

Manning read a memo to the ZBA from the Planning Commission (PC) dated December 12, 2015. The PC had no comment on this item.

Attorney Matta explained that domestic violence occurs in many homes. She doesn't feel that adding 4 more clients will bring down the neighborhood. She asked the Board to consider this variance request carefully.

Grady stated that "use" is not the issue here. The matter at hand is about the definition of family. She inquired why 8 clients wouldn't already be a reasonable accommodation.

Eldridge stated that there are 7 existing bedrooms and 2 women are allowed per bedroom. She addressed issues raised about trash and other items being left out for an extended period of time. She feels the hardship is related to the window egress.

Discussion followed about the history of the house and the number of existing bedrooms. Staff stated that this house was previously a 3-family home prior to zoning regulations but that under current zoning regulations, a 3-family home would not be allowed. Reference was made to communications with the fire marshal about the amount of bedrooms allowed in this zone.

Manning referred to zoning regulations about boarding houses and inquired about the applicant opting for less than 12 people, as requested. Staff stated that boarding houses are not allowed in this zone.

It was noted that there is no supervisor living on site to oversee the women who reside in the house.

The Public Hearing closed at 8:40 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. ZBA#15-15 – 120 Walker Hill Road

Chairman Stebbins stated that due to the vast amount of documentation received tonight, he suggested that the Board do a complete review before making a final determination. He recommended postponing this item until the next meeting on January 13, 2016. Attorney Carey addressed the subject of "reasonable accommodation" and suggested to give the Board an outline to consider prior to a final decision being made. Grady stated that she will not be able to attend the meeting on January 13, 2016. Discussion followed about participating in a meeting remotely via the use of technology. Attorney Carey explained the need to have a quorum and advised that the alternate Board member, who is absent tonight, listen to the recording of the public hearing prior to the meeting on January 13, 2016.

MOTION: To continue deliberation of this item until January 13, 2016

Motion made by Grady, seconded by Russotto, so voted unanimously

IV. CORRESPONDENCE – None.

V. APPROVAL OF MINUTES

1. November 18, 2015

MOTION: To adopt the minutes of November 18, 2015, as written

Motion made by Grady, seconded by Russotto, so voted unanimously

VI. OLD BUSINESS – None.

VII. NEW BUSINESS

1. New Applications – None.

VIII. REPORT OF STAFF – None.

IX. ADJOURNMENT

Motion to adjourn at 8:47 p.m. made by Russotto, seconded by Kravits, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Silsby
Office Assistant II