

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 3<sup>rd</sup> floor and 6 beds on 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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 3<sup>rd</sup> 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.

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Tom Manning, Secretary  
Zoning Board of Appeals

Prepared by Robin Silsby  
Office Assistant II