

MINUTES  
TOWN OF GROTON  
ZONING BOARD OF APPEALS  
FEBRUARY 10, 2016 – 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, Mencer, Russotto, Kravits  
Absent: Grady, Manning  
Staff present: Allen, Attorney Carey, Gilot

The public hearing procedures were reviewed by Chairman Stebbins.

II. PUBLIC HEARING

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

Chairman Stebbins advised the applicant that there were only four Board members were present, so a unanimous vote would be required. The applicant agreed to proceed.

Acting Secretary Russotto read the call of the hearing and stated that the mailings were in order.

Jay Fisher, Accubbranch, 1137 Main Street East Hartford, and Dan Kroeber, PE, Milone & MacBroom, 999 Realty Drive, Cheshire, CT represented the applicant.

Mr. Fisher detailed the location of the existing stand-alone Savings Institute Bank & Trust building in the Big Y parking lot, which is approximately 3,200 square feet. The branch is very out of date; currently, bank branches require only 1,500 square feet.

The bank proposed to build a new 1,500 sq. ft. building across the street, in the parking lot of The Marketplace shopping center.

Mr. Kroeber displayed 3 graphics, one for each variance requested.

A variance to Section 6.2-4 was requested to allow 55 ft. instead of the required 75 ft. for a front yard setback. The zoning regulations state that the Planning Commission can reduce a front yard setback to 30 ft. if it carries out the objectives of the Downtown Development District (DDD). However, due to the recent MacKenzie case, the Planning Commission has no authority to waive reductions of regulations. The proposed setback is 57.7 ft. The proposed location was chosen due to the configuration of parking lot.

A variance to Section 7.1-36.A was requested to allow for drive through and stacking lanes to be located in the front yard. The site constraints and existing building at the back of the site would make drive-through lanes at the rear of the building unsafe. The site is currently a sushi drive-through kiosk, and the drive-through lane is located at the front of the kiosk. The existing bank branch, across Route 1, has a drive-

through in the front yard. Starbucks, also located across the street, has a drive-through located in the front yard.

A variance to Section 7.1-36.C was requested for a reduction of the required stacking spaces from 10 to 6 per station. Mr. Kroeber explained that a bank use drive through is different from a fast food restaurant drive-through. A survey performed showed that the highest number of vehicles in line at any time at the existing site was four. Six per lane is proposed, for a total of 12 cars stacking. The stacking space would block access and parking the required 10 cars was allowed. The regulation is the hardship because it is not scaled to this type of use, but more to a fast food type restaurant. Mr. Kroeber said there will be no new curb cuts, no work within the right of way, and will not be a major traffic generator, so state approval is not required.

Mr. Fisher said the applicant requires a full service branch office with access allowed to patrons, not a drive-through only branch.

The required parking spaces for the shopping center would require 103 parking spaces and the site plan provides 117 spaces.

The cut-through use of the shopping center, and the effect of the drive-through on the through-traffic was discussed.

The Chair asked if anyone in the audience had any comments in favor or against the application. There were none.

The Secretary read the Planning Commission's negative referral into the record.

Staff said there is an existing drive-through at that site right now. That drive-through did not require a variance because it is pre-existing.

The applicants and the Board discussed alternative sites in Groton.

The public hearing closed at 7:47 p.m.

### III. MEETING FOLLOWING PUBLIC HEARING

#### 1. ZBA#16-01 – 970 Poquonnock Road

The Board discussed the left-turn out of the parking lot and concerns with the traffic flow.

The Board asked the Town Attorney for advice on the application. Attorney Carey said there are other sections in the regulations that make the provision that the Planning Commission can waive regulations. The Board discussed the Planning Commission's referral.

MOTION: To grant the variances as requested.

Motion made by Russotto, seconded by Kravits. Motion failed 3-1, 1 opposed (Stebbins).

Motion to reconsider the vote made by Stebbins, seconded by Mencer, so voted unanimously.

MOTION: To grant the variance to Section 7.1-36.A to allow for drive-through and stacking lanes to be located in the front yard.

Motion made by Russotto, seconded by Kravits. Motion passed unanimously.

MOTION: To grant the variance to 7.1-36.C for a reduction of the required stacking spaces from 10 to 6 per station.

Motion made by Russotto, seconded by Kravits. Motion passed unanimously.

MOTION: To grant the variance to Section 6.2-4 to allow 55 ft. instead of the required 75 ft. for a front yard setback

Motion made by Russotto, seconded by Kravits. Motion failed 3 – 1, 1 opposed (Stebbins).

IV. CORRESPONDENCE

Staff distributed a Cease & Desist order regarding Liberty Tax human signs.

V. APPROVAL OF MINUTES

1. December 9, 2015

MOTION: To adopt the minutes of December 9, 2015, as written

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

VI. OLD BUSINESS – None

VII. NEW BUSINESS

1. Election of Officers

Election of Officers was postponed to the next meeting when all the Board members are present.

2. New Applications

Staff said a public hearing will be held on March 9<sup>th</sup> for a small encroachment at a residence in downtown Mystic.

There is no business for the February 24<sup>th</sup> meeting, so the meeting will be cancelled.

VIII. REPORT OF STAFF –

Staff distributed information regarding the CT Federation of Planning and Zoning Agencies annual dinner meeting.

IX. ADJOURNMENT

Motion to adjourn at 8:12 p.m. made by Russotto, seconded by Kravits, so voted unanimously.

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Tom Manning, Secretary  
Zoning Board of Appeals

Prepared by Debra Gilot  
Office Assistant III