

MINUTES  
TOWN OF GROTON  
ZONING BOARD OF APPEALS  
MARCH 23, 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, Manning, Mencer, Russotto  
Absent: Grady, Kravits  
Staff present: Allen, Silsby

Public hearing procedures were reviewed. Chairman Stebbins explained that since only four members were present, there would have to be four affirmative votes. He gave the applicants the option to wait until the April 13, 2016 meeting. The applicants chose to go forward tonight.

II. PUBLIC HEARING

1. ZBA#16-02 ZBA#16-02 — 22 Bank Street, Peter J. Springsteel Architect LLC/Applicant, Lisa & David Squires/Owner, Peter J. Springsteel Architect LLC/Architect, for a variance to Section 5.2 to allow 17 ft. instead of the required 25 ft. for a front yard setback. PIN#261918316527, RS-8 Zone.

Stebbins stated that even though his son was the real estate agent for the sale of 22 Bank Street, he does not feel any conflict in making a sound decision. The Director of Planning, as well as the Town Attorney, have been notified of this fact and the Town Attorney felt that there is no conflict of interest.

The public hearing continued.

Peter Springsteel, 105 Starr Street, Mystic, reviewed maps, elevations, and the proposed two-story addition. Historic District Commission (HDC) approval was granted on February 2, 2016. A walk-out basement is being proposed. The house is pre-existing non-conforming. Referring to many homes being built prior to zoning, he believes that zoning regulations should be changed to accommodate for the limited setback availability, which is the hardship the applicant is currently faced with. The current zoning regulations don't recognize the needs in the historic district. Photos, maps, the site plan and the Certificate of Appropriateness were submitted.

Inquiries were made about the existing square footage, setbacks, and the amount of living space.

Chairman Stebbins asked if there was anyone from the audience to speak in favor or against this application and there were none.

Secretary Manning read a memo from the Planning Commission dated March 9, 2016. The Planning Commission had no comment.

The public hearing closed at 7:19 p.m.

2. ZBA#16-03 — 15 Elm Street, Mystic, Russell E. Sergeant, Architect /Applicant, Gates Realty Holdings LLC/Owner, for a variance to Section 8.6-2A to expand an existing nonconforming inn to allow a 20 ft. x 26 ft. three season porch at the rear of the first floor; two 6 ft. x 10 ft. balconies at the second floor to rear; and a 7 ft. x 7 ft. above grade basement access to replace areaway. PIN#261918206963, RS-12 Zone.

The public hearing opened at 7:20 p.m.

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

Russell Sergeant, Architect, 3 Rowland Street, and Brian Gates of Gates Realty Holdings, LLC presented this application. Plans, drawings and photos were reviewed and submitted. History was given about the original owner, Mr. Spicer, who also built the Mystic-Noank Library. Information was given about the woodshed. A special permit was granted in 1998 to change this building from an 8 room apartment building to a Bed & Breakfast with 8 suites. Details were given about the proposed porch, balconies, the stairway and the basement. The proposed three-season outdoor living space was discussed and zoning regulations were brought up. Sergeant pointed out the uniqueness of the building and the difficulty in determining a hardship.

Brian Gates, 116 Cove Road, Stonington, reviewed the staircases which are non-functioning. Information was given about sprinklering the entire house and the plans to replicate the inside of the building.

Information about the amenities that the Inn will offer, which has been circulating in the media, was brought up. Gates stated that the 24 seat kitchen will not be for public use but only for people staying at the Inn. The driveway, signage, gates, and entrances were reviewed. Gates stated that the Ocean House is the management company for the Spicer Mansion. There are no plans to have a speakeasy on site. Discussion followed about determining a hardship.

Stebbins asked the audience if there was anyone to speak in favor or against this application.

Buck and Natalie Lawton, 71 Pequot Avenue, spoke in favor of this project. They believe this project is good for the neighborhood and the town.

Judy Caracausa, 375 Allyn Street, Mystic, stated that she was involved with the sale of this property. She believes Mr. Gates is doing an incredible job and supports this application.

Board of Trustees from the Mystic Noank Library spoke in favor of the project. They are happy to see that Mr. Gates is attempting to replicate the original architectural style of the building.

Elaine Cole, 17 Burrows Street, Mystic, spoke in support of this project. She is glad to see the building being restored in a tasteful manner and feels it is an asset to the area.

Lewis Foster, 75 Library Street, expressed concerns about amenities being advertised locally, like a public restaurant and a Speakeasy, which were not approved by the Town. Concerns were also raised about parking. He believes that these changes would constitute a change in use.

Attorney Matthew Burger, 164 Hempstead Street, New London, Chairman of the Stonington Zoning Board of Appeals, was present to represent Lindsey Harlan, 66 Library Street, Mystic, an abutter to the subject property. He explained why he believes there is no hardship to constitute a variance being approved, per zoning regulations. His letter dated March 23, 2016 was submitted, as well as other documentation, including Special Permit #228 and Groton Zoning Commission minutes of November 19, 1998. Specifics were given about what is allowable under the approved special permit. He explained why expanding the use would be inappropriate.

Lindsey Harlan, 66 Library Street, referred to a letter from Assistant Director of Planning Debra Jones, dated January 19, 2016. Concerns were raised about parking and traffic. She is opposed to this expansion of use.

Christopher Helal, 18 Elm Street, Mystic, expressed concerns about the traffic on the narrow street and the intensity of use a 24 person restaurant would create.

Secretary Manning referred to a letter dated March 21, 2016 from Andrew and Elaine Chertoff, 84 Library Street, Mystic, who expressed concerns about impacting privacy, traffic and parking. He also referred to another letter dated March 21, 2016, from Lewis Foster, 75 Library Street, who believes that the owners have proceeded beyond the scope of the approved plan, which will have a detrimental impact on the neighborhood.

Manning referred to a memo dated March 23, 2016 from the Planning Commission and noted that the Planning Commission had no comment on this application.

Sergeant stated that this proposal is not changing the use. He reiterated that a special permit was granted in 1998.

Staff referenced her letter to the applicant dated January 19, 2016 and explained that this variance is only for the structure.

Manning expressed the importance of separating the three individual requests included in the variance application, i.e. porch, balconies and basement access. Sergeant gave details about access to the basement.

Stebbins referenced Section 8.6-2A of the zoning regulations. He explained that the proposed porch would be expanding a non-conforming use, which is not allowed per zoning regulations.

Attorney Berger stated that no hardship has been determined.

The public hearing closed at 9:00 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. ZBA#16-02 – 22 Bank Street, Mystic

MOTION: To grant the variance as requested

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

2. ZBA#16-03 – 15 Elm Street, Mystic

Due to the documentation that was submitted, the Board decided to postpone deliberations until the next meeting scheduled for April 13, 2016.

MOTION: To postpone deliberations until the April 13, 2016 Zoning Board of Appeals meeting

Motion made by Stebbins, seconded by Mencer, so voted unanimously

IV. CORRESPONDENCE – None

V. APPROVAL OF MINUTES

1. February 10, 2016

MOTION: To adopt the minutes of February 10, 2016, as written

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

2. March 9, 2016

MOTION: To adopt the minutes of March 9, 2016, as written

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

VI. OLD BUSINESS – None

VII. NEW BUSINESS

MOTION: To postpone the Election of Officers until the next meeting

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

2. New Applications

A new application regarding a proposed sign at Fields of Fire Adventure Park has been received.

VIII. REPORT OF STAFF

Mencer requested background information about the special permit that was granted in regards to 15 Elm Street. Chairman Stebbins explained that no new information can be considered because the public hearing has closed.

IX. ADJOURNMENT

Motion to adjourn at 9:11 p.m. made by Mencer, seconded by Russotto, so voted unanimously.

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Tom Manning, Secretary  
Zoning Board of Appeals

Prepared by Robin Silsby  
Office Assistant II