

ZONING BOARD OF APPEALS
MINUTES
JULY 9, 2014 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:13 p.m.

I. ROLL CALL

Present: Grady, Manning, Russotto, Stebbins
Absent: Mencer, Kravits
Staff: Cullen, Silsby

Chairman Stebbins explained that the public hearing closed on June 25, 2014 and as such, no testimony will be taken tonight.

II. MEETING FOLLOWING PUBLIC HEARING

1. Decision on Public Hearing Application

- a. ZBA14-05 – 516-528 Gold Star Highway, Angus McDonald Gary
Sharpe & Associates/ Engineer, Toll Gate Plaza LLC/Owner

Stebbins explained that the Board consists of five (5) members, which means that four (4) consecutive affirmative votes will be required to pass a variance request application.

Russotto made the following points:

- The building was built in the 80's, is located across the street from commercial property, and is a non-conforming lot which predates zoning.
- Most residents on Toll Gate Road purchased their homes after this site was already in existence.
- Most of the existing drainage problems have nothing to do with Toll Gate Plaza, but instead, are run-off from properties in the office park on the south side of I-84.
- The intent of the curb cut is to alter the property access location with the hope of reducing traffic speed.
- Oil/water separators would be a benefit in picking up incidental discharge.

Most members could substantiate there being a hardship. They had no concerns with the drive through canopy because it would face the abutting hotel (commercial) property.

Grady referred to zoning regulations and expressed concerns about whether the obstacles that exist on the property create a hardship. She found it difficult to rationalize granting variances, given the condition of substantiating a hardship.

Manning pointed out the hardships that exist. He spoke about squaring off the building and adding a drive through with canopy. He reviewed a section of the regulations which speaks about “promoting health, wealth, and safety of the community” and explained how installing oil/water separators will be a benefit. Based on recommendations from Groton Utilities, he believes that the site will be improved. He feels that the overall proposed improvements are for the betterment of the community.

Chairman Stebbins addressed the issues made by neighbors during the public hearing on 6-25-14. He spoke about speeding on site, drainage issues, and explained that the owner wants to enhance the site by making some changes. Stebbins reviewed the Inland Wetland Agency minutes of 5/14/14, pertaining to cleaning out existing dry wells. Relative to the curb cut request, he feels this will benefit the community.

Russotto agrees with the intent of the proposed changes. He referred to WRPD requirements, in regards to the request to add an additional fuel pump.

Bringing drainage up to better standards by improving the site was noted. Discussion ensued about the proposed drive through window and canopy.

Grady continued to express her concerns about whether a hardship exists and whether these conditions meet the requirements and conditions of the regulations.

Discussion continued about the pros and cons of the requests and whether hardships exist. Staff referred to zoning regulations and gave information about non-conforming uses and dry wells. It was noted that the intent of the applicant is to improve the site. Manning summarized the comments made by the Planning Commission (memo dated 6-25-14) and noted that the applicant was not present when this topic was discussed by the Planning Commission on 6-24-14.

Staff distributed a breakout of the individual variance requests. Grady continued to explain her position on the individual variance requests. Grady explained that other members’ opinions have helped her understand the complexities of this site. Discussion followed about how to proceed with voting on these six variance requests.

MOTION: To grant the six (6) variances, as proposed

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

2. Correspondence – None.
3. Minutes – Meeting of June 25, 2014

MOTION: To approve the minutes of June 25, 2014

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

4. New Business

Due to there being no new applications, staff stated that the ZBA meeting scheduled for 7-23-14 will be cancelled.

5. Report of Staff

Stebbins referred to blank ZBA applications and noted a typo that will be changed by Staff. Staff will also post this updated application on the Town's website.

III. ADJOURNMENT

Motion to adjourn at 8:15 p.m. was made by Russotto, seconded by Grady, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Silsby
Office Assistant II