

MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
AUGUST 24, 2016 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:03 p.m.

I. ROLL CALL

Regular members present: Stebbins, Manning, Kravits, Mencer
Absent: Russotto
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 September 14, 2016 meeting. The applicants present chose to go forward tonight.

II. PUBLIC HEARING

1. ZBA#16-10 –18-22 West Main Street, Historic Mystic LLC/Owner, Gregg Fedus/Engineer, for a variance to Section 5.2 to allow side yard setbacks of 0 feet in lieu of the required 10 feet, a front yard setback of 0 feet in lieu of the required 10, and lot coverage of 100% instead of the required 65% for a new carport. PIN#261918412081, WDD Zone. CAM. – Continued from August 10, 2016

Manning read the Call of the Hearing. He referred to a letter from the applicant requesting an extension of 35 days, which will cover the meeting of September 14, 2016 and if necessary the meeting scheduled for September 28, 2016.

MOTION: To grant a 35-day extension until September 28, 2016

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

2. ZBA#16-12 – 5 Grove Avenue, Kenneth Soeder and Anne Esposito/Owners/Applicant, for a variance to Section 5.2 to allow a rear yard setback of 19.2 feet instead of the required 30 feet for a detached two-car garage with living space above. PIN#261914420648, RS-12 Zone.

Manning read the Call of the Hearing. Mailings were reviewed and found to be in order.

Sabrina Foulke, Principal at Point One Architects, 101 Shore Road, Old Lyme, CT reviewed and submitted updated site plans. Also present were the owners Kenneth Soeder and Anne Esposito. Foulke reviewed the proposal to build a detached two-car garage with living space above. She stated that the hardship is that this is a pre-existing non-conforming lot. Information was given about property lines and the challenges that exist, due to a large rock bluff along the rear of the property. She stated that the applicant received Historic District Commission approval. Architectural and elevation drawings were reviewed. Details were given about the storage and studio area, noting that at

this time, there are no plans to have an accessory apartment. She stated that the proposed garage is 27 x 28.6 feet.

It was noted that if an accessory apartment were a consideration, the owners would need to comply with zoning regulation requirements. Foulke inquired if the owners are allowed to rent out this space and Staff stated affirmatively. Staff added that this variance only addresses a setback change. It was noted that 600 square feet is the maximum square footage allowed for an accessory apartment.

In regards to an inquiry about the history of the building, it was noted that the structure was built around 1850 and many add-ons were done throughout the years by previous owners. Soeder stated that the demolition permit was in place when they purchased the property in July 2015. He noted that some of the old foundation remains although the building has already been demolished.

Chairman Stebbins asked if there was anyone to speak in favor.

Bonnie Nault, Town Councilor and neighbor, 41 Pearl Street, read a letter of support from neighbors Victor and Susan Di Paglia, 43 Pearl Street, dated August 24, 2016. Ms. Nault also spoke in support of the variance on behalf of her and her husband.

There was no one to speak against this application.

Manning read the Planning Commission memo dated August 10, 2016, indicating that the Planning Commission had no comment.

The Public Hearing closed at 7:30 p.m.

3. ZBA#16-13 – 391 Long Hill Road, Kyla Adams/Owner/Applicant, for a variance to Section 5.2 to allow a side yard setback of 9 feet instead of the required 20 feet, for a 2nd floor addition to the south wing of an existing building. PIN#168920819168, OMF Zone.

Manning read the Call of the Hearing. He stated that the mailings were reviewed and found to be in order.

Kyla Adams, owner of Home Salon and Spa, currently located at 1028 Poquonnock Road and Architect David Atkinson, 74 River Road, Mystic, were present for this application. Atkinson reviewed the plans to build a 2nd floor addition to the south wing of the existing building. Specifics were given about the internal layout of the building. Atkinson noted that the footprint is not changing. Plans were submitted. He stated that the hardship is that the existing building is non-conforming, as it was built in 1942 prior to zoning regulations. Ms. Adams gave background information about her existing business and her hope to keep her business in Groton.

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

Manning read a Planning Commission memo dated August 10, 2016, indicating that the Planning Commission had no comment. Staff reiterated that there will not be any footprint change.

The public hearing closed at 7:48 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. ZBA#16-10, 18-22 West Main Street, Historic Mystic LLC/Owner – Continued to September 14, 2016
2. ZBA#16-12, 5 Grove Avenue, Kenneth Soeder and Anne Esposito/Owners

The Board understands that this is a pre-existing non-conforming lot.

MOTION: To accept the application as presented

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

3. ZBA#16-13, 391 Long Hill Road, Kyla Adams/Owner

The Board understands that the lot pre-exists zoning regulations and that the footprint will not be changing.

MOTION: To accept the application as presented

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

IV. CORRESPONDENCE – None

V. APPROVAL OF MINUTES

1. August 10, 2016

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

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

VI. OLD BUSINESS - None

Manning referred to garages in downtown Mystic on Pearl Street that were originally supposed to be family occupied but were turned into apartments and being rented out. He asked Staff to look into whether this was allowed. Staff stated that he has had discussions with the Building Official about Air B & B's being a national issue and how towns should be handling those rentals in conjunction with zoning regulations. Discussion followed about what permits and/or applications are required to have a legal accessory apartment. Stebbins requested an update on the issue of the wedding venue that the enforcement officer had been working on. Staff will report back to the Board on these matters.

Staff stated that the enforcement officer's position is vacant. The hope is to fill that position in the near future. Concerns were raised about the large amount of illegal signs popping up throughout the town.

VII. NEW BUSINESS

1. New Applications - None

VIII. REPORT OF STAFF - None

IX. ADJOURNMENT

Motion to adjourn at 7:50 p.m. made by Kravits, seconded by Mencer, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Silsby
Office Assistant II