

**THE CITY OF GROTON
ZONING BOARD OF APPEALS
DRAFT MEETING MINUTES
TUESDAY, SEPTEMBER 22, 2020**

**MUNICIPAL BUILDING
COUNCIL CHAMBERS
7:00 p.m.**

Pursuant to State of Connecticut Executive Order No. 7B “Protection of Public Health and Safety During Covid-19 Pandemic and Response – Further Suspension or Modification of Statues”, dated March 14, 2020, suspending in-person open meeting requirements, all public meetings will be closed to the public at this time. The public may listen to this meeting in real time by calling 860-440-9974 or join by Zoom.

Chairperson Kathleen Harkins called the meeting to order at 7:07 p.m.

I. ROLL CALL

Present in person: Kathleen Harkins, David Hale, William Blaisdell, Lauren Nichols and Gretchen Gauthier

Via Zoom: Barbara Frucht

Staff in person: Zoning Enforcement Official Carlton Smith, City Clerk Debra Patrick and Mayor’s Admin Jill Rusk

City Attorney Brian LeClerc

Also present via Zoom: Attorney Bill McCoy, Attorney Rich Cody, Attorney Jon Chase, Sherry Jenkins, Leslie Evans, Robert Ager, Peter Springsteel, Tanya Gudz, and Archie Swindell

Mayor Hedrick addressed the board and thanked them for what they do as volunteers. He went over the State of CT safety procedures for Covid-19 to assemble in the room.

Mr. Smith noted that if at any time someone felt uncomfortable or had safety concerns they should speak up immediately.

Chairperson Harkins went over the procedures.

II. APPROVAL OF MINUTES

Zoning Board of Appeals minutes of: July 23, 2019 meeting

Barbara Frucht moved David Hale seconded a motion to approve the minutes.

Motion carried 3-0-3.

Chairperson Harkins opened the public hearing at 7:15 p.m.

III. PUBLIC HEARING

ZBA Application #507, appealing a decision on 137 Thames Street based on Section 9.2.C.1 of the Zoning regulations

Chairperson Harkins entered the following exhibits into the record:

1. Agenda
2. Notice of Hearing
3. Application with supporting documents
4. Certified Receipt for Abutters Letter/NOH

5. Letter, hand delivered, from Attorney Richard Cody dated 6-15-2020
6. Summary of Appeal
7. Email from Attorney Richard Cody to Building Inspector Walter Woycik
8. 11 Photos
9. Property Survey for Shawn Hoar dated 8-19-2015 from Jay Dempsey Associates, LLC
10. Improvement Location Survey dated 8-3-2018 for Shawn Hoar , Revision Table dated 6-9-2020 from Jay Dempsey Associates, LLC
11. Meeting Minutes 7-26-2016 for ZBA Application #495
12. Email from City Attorney Brian LeClerc to Carlton Smith dated 8-4-2020
13. Letter of support for Shawn Hoar written by Leslie Evans dated 9-21-2020
14. Memorandum of Law in support of appeal by Thames River LLC dated 9-22-2020
15. Email from Leslie Evens to Carlton Smith with attached letter of support (exhibit #13) dated 9-22-2020
16. Plan Drawings
17. Plan drawings
18. Plan Drawings
19. Letter to Carlton Smith from Attorney LeClerc dated 10-31-2017
20. Letter to Carlton Smith from Attorney LeClerc dated 6-27-2017
21. Letter to Walter Woycik from Architect Peter Springsteel dated 4-6-2017
22. Notice of Public Hearing and postmarks of notices sent to abutters dated 9-11-2020
23. 6 Photos submitted 9-22-2020
24. Site Plan for building permit application for Hoar residence submitted by Architect Peter Springsteel dated 12-18-2017
25. Email from Jay Dempsey to Carlton Smith with exhibits #10 and #11 attached dated 6-16-2020

Attorney LeClerc went over the meeting restrictions that allow for Zoom meetings under Executive Orders by the Governor noting the public may participate as well. He said the permit issued on February 2, 2018 for 137 Thames Street is being challenged with the appeal application submitted June 15, 2020. He read the regulation in the City of Groton Zoning Regulations, allowing this appeal. He noted all exhibits presented tonight are on the City of Groton website. The property owner will present his case at a later date and this may take up to 3 meetings. This will allow for the public to have an opportunity to review the exhibits on line and comment at the next meeting.

Chairperson Harkins asked the representative for the applicant to present to the board.

Richard Cody noted he is represented by Attorney Jon Chase. Mr. Cody summarized the application submitted by Mr. Hoar saying the initial application was denied 7-26-2016. He gave an overview of the photos in evidence that support his appeal and said he met with Building Inspector Walter Woycik to discuss the property. He noted how the garage as built impacts the property at 131 Thames Street. There was discussion on the roof lines of the garage and shed as shown in exhibit #8, the water drainage issues and that sunlight is being blocked from the deck by the garage roof.

He said the plans presented to the Building Official were not properly representing what would be built and that the Building official didn't have all the information. He said the goal is to prove that what was approved in the permit is not what was built.

Mr. Cody cited CGS 8-3d that requires that a zoning compliance permit must be issued. He is asking the board to go back to the decision when ZBA Application #495 was denied.

Chairperson Harkins asked if members had comments.

Ms. Frucht said she understands the concerns of Mr. Cody and the new information/photos provided.

Chairperson Harkins asked if the members of the board are understanding what has been done so far in the proceedings and asked Mr. Cody what he would like the board to do.

Mr. Cody said he would like the permits to be revoked.

Chairperson Harkins asked if there were any questions about the new exhibits added.

Attorney LeClerc said he had spoken with the property owners attorney telling them they would not be expected to present tonight. He said members of the public may speak now or wait until they have reviewed the exhibits online and speak at the next meeting.

Chairperson Harkins asked if any members of the public would like to speak in support of the application, there being no one she asked if there were any members of the public who wished to speak against the application.

Ms. Frucht said she remembers when the application for the variance was brought before them in 2016 and was ready to discuss this application.

Attorney LeClerc said this is not the time for the members to discuss and deliberate on the matter.

Chairperson Harkins asked when they would meet again to address this.

Mr. Smith said the next regular meeting in October.

Chairperson Harkins said information may be submitted from now until the next meeting so it may be reviewed.

Attorney McCoy said he wanted it on the record that a member of the board was prepared to make a decision without his client having had an opportunity to present his side.

Attorney LeClerc said this can be brought to the next meeting and reiterated that all the documents to date are on the website for review.

Ms. Gauthier asked if the information on the website would be numerated to reflect how they were added as exhibits.

Mr. Smith said no, that will be in the minutes.

Robert Ager asked if members of the public may speak.

Chairperson Harkins said they may, they just wanted to give them the opportunity to review all the materials online,

Robert Ager, 100 Eastwood Road, representing 127 Thames Street said there are photos of what it looks like now, are there any photos of what it looked like before the 2nd deck was added..

Chairperson Harkins said construction on Mr. Cody's property is not the subject of this proceeding.

Mr. Ager said he isn't clear on why the deck doesn't get sun and wondered when the shed roof was put on.

Chairperson Harkins asked for a motion to continue this public hearing to the next meeting.

William Blaisdell moved and Gretchen Gauthier seconded a motion to continue to the next meeting. Motion carried.

Ms. Frucht asked why it had to go to another meeting.

Chairperson Harkins said it was to allow the public and Mr. Hoar and his attorney to review the new documents that are on the web site. She said Attorney McCoy will present for Mr. Hoar at the next meeting.

IV. OTHER BUSINESS

None.

V. ADJOURNMENT

Motion to adjourn: David Hale

Seconded by: Lauren Nichols

Meeting adjourned at 8:16 pm

Debra Patrick, City Clerk