



TOWN OF STONINGTON
Zoning Board of Appeals
Stonington Police Station Meeting Room
173 South Broad Street
Pawcatuck, Connecticut 06379

Regular Meeting Minutes
June 12, 2007

Present for this meeting were Frederick Deichmann, Neil Canavan, David Rezendes, John Prue, and David Rathbun, presiding. Zoning Official Joseph Larkin was also in attendance.

Chairman Rathbun called the meeting to order at 7:00 p.m. and read the following:

"It takes four votes of this five-member Board to grant a variance. In order for a variance to be granted, the applicant must prove a hardship. After the conclusion of tonight's public hearing, this Board has 65 days to render a decision. Any decision made by the Board can be appealed to Superior Court within fifteen (15) days of the effective date. First we will hear from our Zoning Enforcement Officer, and then we will listen to the applicant and all those in favor of the application, followed by those in opposition. Then if anyone has general comments they will be heard. The applicant has the right for rebuttal. However, if any new points are raised during the rebuttal, the public has the right to respond." Secretary Neil Canavan announced that the Notice of this Public Hearing had been published in the New London Day and the Westerly Sun on Friday, June 1, 2007 and Friday, June 8, 2007.

Public Hearings Continued:

ZBA #07-05 M-R Atlantic Properties, LLC (Nicholas Kepple) – Seeking to overturn the ZEO's decision to deny Application #07-026 ZON and Cease & Desist Order #06-155 for property located at 8 Marie Avenue, Pawcatuck, CT. Assessor's Map 16, Block 9, Lot 9, Zone RH-10.

ZBA #07-07 M-R Atlantic Properties, LLC (Nicholas Kepple) – Seeking a variance of ZR 5.1.1 to reduce the side yard setback from 20' to 10' for deck and stairs on property located at 8 Marie Avenue, Pawcatuck, CT. Assessor's Map 16, Block 9, Lot 9, Zone RH-10.

ZBA #07-06 Mario Ritacco (Nicholas Kepple) – Seeking to overturn the ZEO's decision to deny Application #07-027 ZON and Cease & Desist Order #06-133 for property located at 12 Marie Avenue, Pawcatuck, CT. Assessor's Map 16, Block 9, Lot 7, Zone RH-10.

ZBA #07-08 Mario Ritacco (Nicholas Kepple) – Seeking a variance of ZR 5.1.1 to reduce the rear yard setback from 22' to 20' for structure location on property located at 12 Marie Avenue, Pawcatuck, CT. Assessor's Map 16, Block 9, Lot 7, Zone RH-10.

The Board received a letter from Attorney Kepple requesting a continuance to the next meeting for **Applications #07-05, #07-06, #07-07, and #07-08**.

Mr. Deichmann moved to continue the above-referenced applications until the next meeting. Mr. Canavan seconded. Motion carried 5-0.

Public Hearings:

ZBA #07-09 Charles Nado & Leonard Montesi (Steven Marien) – Seeking a variance of ZR 2.10 to reduce the frontage requirement from 300' to 0' and ZR 3.1.4.2 to reduce the non-infringement area from 100' to 20' for construction of a single family residence on property located at Smail Street, Mystic, CT. Assessor's Map 161, Block 24, Lot 5, Zone RC-120.

Mr. Larkin presented a brief history of the lot.

The Applicant's Agent and Surveyor Steven Marien presented the application.

No one else spoke in favor.

Speaking in opposition were:

Michael Shipman, 37 Hewitt Rd, Mystic, CT; Mr. Shipman also submitted a letter signed by neighbors into the record.

Judd Files, 37 Hewitt Rd, Mystic, CT;

Bill Seibert, 45 Hewitt Rd, Mystic, CT;

Attorney Maria T. Ackley, representing Mystic Seaport, Inc.

Attorney Theodore Ladwig, representing Cynthia Casey.

No one spoke with general comments.

Mr. Marien spoke in rebuttal.

The Public Hearing was closed at 7:55 p.m.

Mr. Rezendes moved to hold off rendering a decision on application ZBA #07-09 until the August meeting due to the amount of materials to be reviewed and the absence of Mr. Deichmann from the July meeting. Mr. Canavan seconded. Motion carried 5-0.

ZBA #07-10 David & Jayne Campagna (Peter Springsteel) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 75' to 35', reduce the side yard setback from 75' to 73', increase the Floor Area Ratio from .04 to .132 and ZR 3.1.4.2 to reduce the non-infringement area from 100' to 30' for construction of a two (2) story addition on property located at 31 Green Avenue, Pawcatuck, CT. Assessor's Map 10, Block 3, Lot 28, Zone RC-120.

Mr. Larkin presented a brief history of the subject lot.

Agent Peter Springsteel and Applicant David Campagna presented the application.

No one else spoke in favor, in opposition, or with general comments.

The Public Hearing was closed at 8:15 p.m.

Mr. Rezendes moved to approve the application and Mr. Prue seconded. Motion carried 4-1 with Mr. Deichmann casting the dissenting vote.

The Board stated that the structure was built as a conforming structure in 1976. It became nonconforming in 1979 by the rezoning of the area and the codification of the Zoning Regulations. The amended regulations do not allow for any improvements on this lot.

ZBA #07-11 Ingrid Bernhard – Seeking a variance of ZR 3.3.4.2.2 to reduce the 50' buffer to 28' to install an inground swimming pool on property located at 25 Niles Road, Mystic, CT. Assessor's Map 181, Block 2, Lot 9, Zone RM-15.

Mr. Larkin provided a brief history of the development of this lot.

Applicant Ingrid Bernhard and Agent David Jameson presented the application.

No one else spoke in favor, in opposition, or with general comments.

The Public Hearing was closed at 8:25 p.m.

Mr. Deichmann moved to deny the application and Mr. Prue seconded. Motion carried 5-0.

The Board felt there was no hardship proven.

ZBA #07-12 Erik & Janet Nichols MacPeck (Robert Schacht) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 75' to 2.7' for construction of an addition to a pre-existing non-conforming accessory structure on property located at 19 Latimer Point Road, Stonington, CT. Assessor's Map 154, Block 1, Lot 1, Zone RC-120.

Mr. Larking presented a brief history of the development of the site.

Agent Robert Schacht presented the request and answered questions from the Board.

No one else spoke in favor, in opposition, or with general comments.

The Public Hearing was closed at 8:35 p.m.

Mr. Deichmann moved to approve the application and Mr. Canavan seconded. Motion carried 5-0.

The Board approved the application as presented.

ZBA #07-03 KAC Realty LLC (DiCesare-Bentley Engineers Inc) – Seeking a variance of ZR 5.1.1 to increase the Floor Area Ratio from 0.6 to 1.04 for residential development/building rehabilitation on property located at 17-19 East Main Street, Mystic, CT. Assessor's Map 174, Block 2, Lot 4, Zone DB-5. **CAM REVIEW REQUIRED.**

Although this application was denied at the May meeting, the Board had not voted on the CAM review.

Mr. Deichmann moved to deny the CAM Application and Mr. Prue seconded. Motion carried 5-0.

New Business:

ZBA #07-14 Peter & Maureen Kleinknecht (John Casey) – Seeking to overturn the ZEO's decision to deny Application #07-007 ZON for construction of a single family residence on property located at Quarry Path, Stonington, CT. Assessor's Map 129, Block 7, Lot 4, Zone RC-120.

The Board scheduled this application for Public Hearing on July 10, 2007.

ZBA #07-15 Denise & Gabriel Asfar (Mathew H. Greene, Esq.) – Seeking a variance of ZR 5.1.1 to reduce the minimum lot size from 40,000 sq. ft. to 20,000 sq. ft. for the purpose of a lot line adjustment on property located at 20 Pequotsepos Road, Mystic, CT. Assessor's Map 150, Block 1, Lot 24, Zone RA-40.
The Board scheduled this application for Public Hearing on July 10, 2007.

ZBA #07-16 Peter & Maureen Kleinknecht (John Casey, Esq.) – Seeking a variance of ZR 5.1.1 to reduce the rear yard setback from 30' to 10' and ZR 7.7.8.3.1 to reduce the flood hazard setback from 100' to 10' for construction of a single family residence on property located at Quarry Path, Stonington, CT. Assessor's Map 129, Block 7, Lot 4, Zone RC-120. CAM REVIEW REQUIRED.
The Board scheduled this application for Public Hearing on August 14, 2007.

ZBA #07-17 Lucille Hall – Seeking a variance of ZR 5.1.1 to reduce the side yard setback from 15' to 2' for the construction of a garage addition on property located at 17 Fellows Street, Pawcatuck, CT. Assessor's Map 14, Block 13, Lot 9, Zone RH-10.
The Board scheduled this application for Public Hearing on July 10, 2007.

ZBA #07-18 Hugh Platt, Jr. (David Reagan) – Seeking a variance of ZR 3.1.4.2 to reduce the non-infringement area from 100' to 0' for construction of a driveway and from 100' to 60' for site grading on property located at Wamphassuc Road, Stonington, CT. Assessor's Map 126, Block 6, Lot 1, Zone RC-120.
The Board scheduled this application for Public Hearing on July 10, 2007.

Review of Outstanding Minutes:

Mr. Prue moved to approve the minutes of the April 10, 2007 meeting & Mr. Deichmann seconded. Motion carried 5-0.

Mr. Prue moved to approve the minutes of the May 8, 2007 meeting & Mr. Deichmann seconded. Motion carried 5-0.

Mr. Deichmann moved to adjourn and Mr. Prue seconded. Motion carried 5-0.

The meeting adjourned at 9:10 p.m.

Neil Canavan, Secretary