



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

FINAL

**Regular Meeting Minutes**  
**August 14, 2007**

Seated for this meeting were David Rezendes, Neil Canavan, Frederick Deichmann, John Prue and David Rathbun, presiding. Zoning Official Joseph Larkin and Town Attorney Thomas Londregan were 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 sixty-five (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, August 3, 2007 and Friday, August 10, 2007.*

**Public Hearings:**

Chairman Rathbun announced that Public Hearing **ZBA #07-20 Alan Banister (SolarWrights, Inc. - Tonya Morgan)** would not be heard because the application had been withdrawn.

**ZBA #07-14 Peter & Maureen Kleinknecht (John Casey, Esq.)** – 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, Lords Point, Stonington, CT. Assessor's Map 129, Block 7, Lot 4, Zone RC-120.

Mr. Larkin suggested hearing both **ZBA #07-14** and **ZBA #07-16** simultaneously and Attorney Casey concurred.

**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, Lords Point, Stonington, CT. Assessor's Map 129, Block 7, Lot 4, Zone RC-120. **CAM REVIEW REQUIRED.**

Zoning Official Joseph Larkin entered six (6) exhibits into the record(s) and spoke briefly about them. Mr. Larkin stated that he was opposed to overturning the ZEO's decision, but neutral with regards to the variance request. He suggested that the Board look to the Zoning Regulations for guidance regarding the granting of variances in the velocity flood hazard zones.

Both applications were presented by Attorney John P. Casey with technical assistance from Surveyor Michael Scanlon, Architect Barry Svigals, Structural Engineer Laura Champion, and Applicant Peter Kleinknecht. Exhibits #8 through #21 were entered into the record. Concluding remarks were made by Attorney Dwight H. Miriam.

The applicants' presentation concluded at 9:25 p.m. and Chairman Rathbun called for a five (5) minute recess.

No one else spoke in favor of the application.

Speaking in opposition:

Kathy Dixon, 30 Quarry Path, Lords Point; Reviewed and commented on Exhibit # 22

Jeffrey & Beverly Phillips, 29 Quarry Path, Lords Point; Reviewed and commented on Exhibit # 23.

Dr. Carol Holt, 57 Boulder Avenue, Lords Point

No one spoke with general comments.

Attorneys Miriam and Casey spoke in rebuttal.

Mr. Phillips responded to Mr. Miriam's rebuttal.

*The Public Hearing(s) on these items closed at 10:00 p.m.*

**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.

*Mr. Deichmann moved to open the Public Hearing and continue it without any testimony until September 11, 2007; Mr. Prue seconded. Motion carried 5-0.*

**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.

*Mr. Deichmann moved to open the Public Hearing and continue it without any testimony until September 11, 2007; Mr. Prue seconded. Motion carried 5-0.*

**ZBA #07-19 Readco Stonington LLC; Readco Stonington II LLC; Readco Stonington III LLC (Bohler Engineering)** – Seeking a variance of ZR 7.12.7.1 and ZR 7.12.7.2 to allow for a three-dimensional sign on property located at 85 Voluntown Road, Pawcatuck, CT. Assessor’s Map 18, Block 1, Lots 33 & 33A, Zone HI-60.

*Mr. Deichmann moved to open the Public Hearing and continue it without any testimony until September 11, 2007; Mr. Prue seconded. Motion carried 5-0.*

#### **Deliberations & Decisions:**

**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.

*Mr. Rezendes moved to uphold the ZEO’s decision(s); Mr. Prue seconded. After discussion, the motion carried 5-0.*

**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

*Mr. Rezendes moved to uphold the ZEO’s decision(s); Mr. Prue seconded. After discussion, the motion carried 5-0.*

**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.

*Application ZBA #07-07 was withdrawn on 07/10/2007.*

**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.

*Mr. Deichmann moved to deny the variance request; Mr. Rezendes seconded. After discussion, Mr. Rezendes and Mr. Canavan voted to approve the variance request, Mr. Deichmann, Mr. Prue and Mr. Rathbun voted to deny it.*

**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. Prue moved to deny the application and Mr. Deichmann seconded. After discussion, the motion to deny carried 5-0.*

#### **Review of Outstanding Minutes:**

*Mr. Rezendes moved to approve the minutes of the July 10, 2007 meeting; Mr. Canavan seconded. Motion carried 5-0.*

*Mr. Rezendes moved to adjourn; Mr. Prue seconded. Motion carried 5-0.*

*The meeting adjourned at 10:30 p.m.*

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Neil Canavan, Secretary