



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

FINAL

**SPECIAL MEETING**  
**January 17, 2007**

Present for the meeting were: George Wingblade, David Rezendes, Neil Canavan, Fredrick Deichmann, Bill Buscetto, Ben Tamsky, John Prue, and David Rathbun, presiding. Also present were Town Attorney Thomas Londregan and Zoning Official Joseph Larkin.

The meeting was delayed while Mr. Larkin returned to Town Hall to get the recording device. The recorder, however, was already full and would not record. All parties present for the Public Hearing agreed to continue as a transcriber was present to record the Hearing. Chairman Rathbun announced that all items listed on the agenda for deliberations would be postponed until the next meeting. He also stated that deliberations on this Public Hearing (Kepple) and the Hescock Appeal would take place at the March 13, 2007 meeting to give the Board time to review the transcripts, testimony, and exhibits.

The meeting was called to order at 7:25 p.m.

Chairman Rathbun 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."

Chairman Rathbun introduced all the Board members present for the meeting, stating he would announce those seated at the time of deliberations. Attorney Londregan reviewed a letter from Attorney Knapp regarding conflict of interest and reminded the Board of the importance of objectivity, and the need for any board member to recuse himself if he had any financial or business affiliation with the applicants. The Chairman polled the Board; however, no one recused himself. Attorney Londregan also addressed the attorneys for both parties concerning the cross-examination of Mr. Larkin. Only questions pertaining to Mr. Larkin's decisions in this matter would be considered pertinent.

Secretary Neil Canavan read the call for the Public Hearing:

**ZBA #06-41 Mark R. Kepple, Esquire** – Seeking to overturn the ZEO's decision to issue Zoning Permit #06-140 ZON for the construction of a single family residence on property located at 57 Boulder Avenue, Lords Point, Stonington, CT. Assessor's Map 129, Block 16, Lot 2, Zone RM-20.

Mr. Larkin read a prepared statement into the record.

Attorney Mark Kepple, representing James and Thomasine O'Boyle, requested that all exhibits from the public hearing for **ZBA Application #06-40** be included in this case as well. Chairman Rathbun stated the thirty-four (34) exhibits previously entered into the record for Attorney Hescock's hearing could be included in this Hearing.

Attorney Kepple passed out copies of a packet of exhibits to the Board that had been entered into the record during Attorney Hescock's Public Hearing. He then reviewed these documents as part of his presentation; cross-examined Mr. Larkin; and answered questions from the Board. Attorney Kepple concluded his presentation at 9:10 p.m.

Speaking in favor was Attorney William Hescock.

Chairman Rathbun called for a ten (10) minute recess at 9:25 p.m.

At 9:35 p.m., Chairman Rathbun called the Meeting back to order, asking to hear from those speaking in opposition.

Attorney Eric Knapp, representing Carol Holt and Tom Wyper, spoke first. Also speaking in opposition were: Carol Holt and Tom Wyper of 57 Boulder Avenue, Stonington, CT and Architect Mark Comeau of 291 Elm Street, Stonington, CT.

Mr. Kepple spoke in rebuttal.

The Public Hearing was closed at 11:25 p.m.

Mr. Tamsky motioned to adjourn the meeting, and Mr. Canavan seconded.  
The meeting adjourned at 11:30 p.m.

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Neil Canavan, Secretary