



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

FINAL

Regular Meeting
March 13, 2007

Present for this meeting were Board members David Rezendes, Neil Canavan, Frederick Deichmann, David Rathbun and alternates Ben Tamsky and John Prue. Zoning Official Joseph Larkin and Town Attorney Thomas Londregan were also in attendance.

Chairman Rathbun called the meeting to order at 7:05 p.m.

Public Hearings:

ZBA #07-02 Liz & Toby Trebilcock (MCM Restoration Corp) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 75 feet to 64 feet and reduce the non infringement area from 100 feet to 35 feet for construction of a 2nd floor addition on property located at 135 Mistuxet Avenue, Mystic, CT. Assessor's Map 162, Block 2, Lot 13, Zone GBR-130.

Mr. Deichmann moved to reschedule the Public Hearing to the April 10, 2007 regular meeting and Mr. Tamsky seconded. Motion carried 5-0.

Old Business:

ZBA #06-40 William H. Hescok – 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.

Seated were: John Prue, Ben Tamsky, David Rezendes, Neil Canavan, and David Rathbun presiding.

Mr. Tamsky moved to approve the request to overturn the ZEO's decision and Mr. Rezendes seconded for purposes of discussion.

Attorney Londregan distributed a letter summarizing his assessment of the case. Discussion and debate of the details of this case went on for over an hour.

When the question was called, Rezendes, Canavan, and Prue voted to deny the application and uphold the ZEO. Tamsky and Rathbun voted to approve the application and overturn the ZEO.

Chairman Rathbun stated four (4) votes would be needed to overturn the ZEO, and therefore the application was denied.

Chairman Rathbun called for a five (5) minute recess.

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.

Seated for this application were: John Prue, Ben Tamsky, David Rezendes, Neil Canavan, and David Rathbun presiding.

Mr. Tamsky moved to approve the request to overturn the ZEO's decision and Mr. Prue seconded for purposes of discussion.

The ensuing discussion largely deferred to the debate held for **ZBA #06-40 William H. Hescok** since these two applications were basically the same.

When the question was called, Rezendes, Canavan, and Prue voted to deny the application and uphold the ZEO. Tamsky and Rathbun voted to approve the application and overturn the ZEO.

Chairman Rathbun stated four (4) votes would be needed to overturn the ZEO, and therefore the application was denied.

ZBA #06-45 Geoffrey Brian Corkhill - Seeking a variance of ZR 5.1.1 to increase the Floor Area Ratio from 0.25 to 0.30 to construct a 2nd floor addition on property located at 10 Oak Street, Lords Point, Stonington, CT. Assessor's Map 129, Block 2, Lot 3, Zone RM-20.

Seated were: David Rezendes, Neil Canavan, Frederick Deichmann, John Prue, and David Rathbun presiding.

Mr. Deichmann moved to approve the application and Mr. Canavan seconded.

Attorney Londregan answered questions about the American Disabilities Act and noted that people with disabilities should be given reasonable accommodations.

Mr. Deichmann moved to amend his motion to approve so as make reasonable accommodations under the American Disabilities Act and Mr. Rezendes seconded the amendment. After discussion, the motion carried 4-1 with Mr. Prue casting the dissenting vote.

New Business:

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.**

The application was accepted by the Board and the Public Hearing set for April 10, 2007.

Review of Outstanding Minutes:

Mr. Deichmann moved to approve the minutes of the February 13, 2007 regular meeting and Mr. Canavan seconded. Motion carried 5-0.

Executive Session:

Mr. Tamsky moved to go into Executive Session to discuss pending litigation with the Town Attorney and Mr. Prue seconded. Motion carried 5-0.

The Board went into Executive Session at 9:30 p.m.

The Board came out of Executive Session at 9:45 p.m.

Adjournment:

Mr. Tamsky moved to adjourn and Mr. Rezendes seconded. The motion carried 5-0.

The meeting adjourned at 9:46 p.m.

Neil Canavan, Secretary