



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

FINAL

Regular Meeting Minutes
July 10, 2007

Seated for this meeting were: John Prue, Neil Canavan, David Rezendes, and David Rathbun, presiding. Zoning Official Joseph Larkin and Town Attorney Jeffrey Londregan were also in attendance.

Chairman Rathbun called the meeting to order at 7:05 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 Public Hearing had been published in the New London Day and the Westerly Sun on Friday, June 29, 2007 and Friday, July 6, 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.

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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.

Attorney Nicholas Kepple presented the applications, which had been continued from the May 8th meeting. Mr. Kepple stated that on behalf of his client he wanted to withdraw the variance request application **ZBA #07-07 for M-R Atlantic Properties, LLC**. He then spoke to **ZBA #07-05 M-R Atlantic Properties, LLC** – the appeal of the ZEO's Decision. No one else spoke in favor of the application.

Mr. Larkin spoke in opposition.

Attorney Londregan spoke with general comments.

Attorney Kepple spoke in rebuttal.

The Public Hearing on this item was closed at 8:05 p.m.

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.

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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. Larkin submitted two (2) affidavits from the Building Official's office into the record.

Attorney Kepple presented for the applicant, and submitted an affidavit from Tom Roy.

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

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

Public Hearings:

ZBA #07-13 Joseph & Margaret Masterjoseph – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 30' to 14' and increase the Floor Area Ratio from .217 or 2,509 square feet to .230 or 2,661 square feet for three (3) additions on property located at 225 North Water Street, Stonington, CT. Assessor's Map 100, Block 7, Lot 1, Zone RM-20.

Mr. Larkin presented a brief history of the application and distributed a GIS map of the area.

Mr. and Mrs. Masterjoseph presented their application and entered letters in favor from their neighbors.

Speaking in favor was Stephen Gruczka, 35 Palmer Street, Stonington, CT.

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

The applicants agreed to have their application deliberated by the four (4) members present rather than wait for the seating of a fifth member.

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

Mr. Rezendes moved to approve the application as presented and Mr. Prue seconded. The motion carried 4-0.

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 1, Zone RM-20

Attorney Casey submitted a letter to the Planning Office on June 26, 2007 requesting that the Public Hearing on this item be opened on July 10 without taking any testimony and continued to August 14, 2007.

Mr. Prue moved to continue the application per the request of the applicant and Mr. Canavan seconded.

The motion carried 4-0.

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 19,483 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.

Mr. Larkin distributed a GIS map of the area and gave a brief history of the application.

Attorney Gordon Vidal, on Attorney Greene's behalf, presented the application.

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

The applicants agreed to have their application deliberated by the four (4) members present rather than wait for the seating of a fifth member.

The Public Hearing was closed at 8:50 p.m.

Mr. Prue moved to approve the application as presented and Mr. Canavan seconded. The motion carried 4-0.

New Business:

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.

The application was accepted and scheduled for Public Hearing on August 14, 2007.

ZBA #07-20 Alan Banister (SolarWrights, Inc. - Tonya Morgan) – Seeking a variance of ZR 5.1.1 to reduce the side yard setback from 25' to 2' for installation of a solar array on property located at 93 Flanders Road, Stonington, CT. Assessor's Map 105, Block 1, Lot 2B, Zone RR-80.

The application was accepted and scheduled for Public Hearing on August 14, 2007.

Outstanding Minutes:

Mr. Rezendes moved to accept the minutes of the June 12, 2007 meeting as written and Mr. Prue seconded.

The motion carried 4-0.

Mr. Rezendes moved to adjourn and Mr. Canavan seconded.

The meeting adjourned at 9:10 p.m.

Neil Canavan, Secretary