



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

FINAL

REGULAR MEETING MINUTES
September 11, 2007

Seated for the Regular Meeting were David Rezendes, Neil Canavan, Frederick Deichmann, 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 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 August 31, 2007 and September 7, 2007.

Public Hearings:

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. Larkin presented staff comments.

Applicant Lucille Hall presented the application and submitted photographs of the site.

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

Mr. Deichmann motioned to deny the application, sighting no hardship, and Mr. Rezendes seconded. After deliberations, the motion carried unanimously.

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. Larkin presented staff comments.

Agent David Reagan presented the application, submitting a revised plan.

No one spoke in favor or in opposition.

President of Avalonia Land Trust Ann Nalwalk spoke with general comments.

Mr. Deichmann moved to approve the application as presented and Mr. Prue seconded. After deliberations, the motion carried unanimously.

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.

ZBA APPLICATION #07-19 WAS WITHDRAWN ON SEPTEMBER 7, 2007.

ZBA #07-21 Ruth & C. Lawson Willard – Seeking a variance of ZR 5.1.1 to reduce the rear yard setback from 50' to 25' for the reconstruction of a second story on an existing barn on property located at 229 North Main Street, Stonington, CT. Assessor's Map 100, Block 16, Lot 2, Zone RR-80.

Mr. Larkin presented staff comments.

Applicant Mr. Willard presented the application.

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

Mr. Rezendes moved to approve the application and Mr. Canavan seconded. After deliberations, the motion carried 4-1 with Mr. Deichmann casting the lone dissenting vote.

ZBA #07-22 Lois Ruth T. Orr (DeCiantis Construction) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 30' to 7' and increase the Floor Area Ratio from .150 to .261 for reconfiguration of the front entryway on property located at 67 Wolcott Avenue, Stonington, CT. Assessor's Map 127, Block 12, Lot 8, Zone RM-20.

Mr. Larkin presented staff comments.

John DeCiantis of DeCiantis Construction presented the application, and read a letter signed by eighteen (18) neighbors in favor.

Mr. Canavan read a letter from Alfred and Nancy Lotrin, Wolcott Ave, Lord's Point, Stonington, CT opposing the application.

John Lotrin also spoke in opposition.

Mr. DeCiantis spoke in rebuttal.

John Prue moved to deny the application and Mr. Deichmann seconded. After deliberations, the motion carried unanimously and the application was denied. The Board felt there was no hardship.

ZBA #07-23 Emilie & Lee Verbridge (Christopher Carey) – Seeking a variance of ZR 3.1.4.1 to reduce the non-infringement area from 100' to 80' for a 30' x 13' x 28' L-shaped garage addition on property located at 29 North Broad Street, Pawcatuck, CT. Assessor's Map 3, Block 16, Lot 14, Zone GBR-130.

Mr. Larkin presented staff comments.

Christopher Carey presented the application.

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

Mr. Rezendes moved to approve the application, stating there was a hardship due to the wetlands, slope and ledge, and Mr. Canavan seconded. After deliberations, the motion carried 4-1 with Mr. Deichmann casting the lone dissenting vote.

Old 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.

Mr. Prue moved to overturn the rear yard setback, but uphold the variance to reduce the flood hazard setback and Mr. Deichmann seconded for discussion. After some discussion, Mr. Prue withdrew his motion and Mr. Deichmann withdrew his second.

Mr. Rezendes moved to uphold the ZEO's decision and Mr. Canavan seconded. After deliberations, Mr. Prue and Mr. Deichmann voted to overturn while Mr. Canavan, Mr. Rezendes, and Mr. Rathbun voted to uphold. The application was denied because it did not get four (4) votes to overturn.

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.**

Mr. Rezendes moved to approve the flood hazard setback from 100' to 10'. There was no second.

Mr. Prue moved to deny the application and Mr. Deichmann seconded. After some discussion, Mr. Prue withdrew his motion and Mr. Deichmann withdrew his second.

Mr. Rezendes moved to deny the variance request for the reduction of the rear yard setback to 10 feet and Mr. Deichmann seconded. After deliberations, the motion carried unanimously.

Mr. Rezendes moved to approve the variance request to reduce the Flood Hazard Setback to 10' and Mr. Deichmann seconded for discussion purposes. After deliberations, the motion was denied 1-4 with Mr. Rezendes casting the only vote to approve.

Since neither variance request was approved, no vote was taken on the CAM review.

New Business:

ZBA #07-24 Robert & Barbara Lamperelli, Trustees (Garon Camassar) – Seeking variances of ZR 5.1.1 to reduce the front yard setback from 30' to 7'; reduce the side yard setback from 10' to 2'; reduce the rear yard setback from 40' to 1'; and to increase the Floor Area Ratio from an existing 59% to 80% for a 2nd story construction on property located at 10 Hill Avenue, Stonington, CT. Assessor's Map 129, Block 18, Lot 6, Zone RM-20. **CAM REVIEW REQUIRED.**

The application was accepted and scheduled for a public hearing on Tuesday, October 9, 2007.

ZBA #07-25 James Bussey – Seeking a variance of ZR 5.1.1 to increase the Floor Area Ratio from .25 or 1,063 square feet to .28 or 1,194 square feet for the reconstruction of a single family residence on property located at 33 Ashworth Avenue, Stonington, CT. Assessor's Map 127, Block 10, Lot 2, Zone RM-20.

The application was accepted and scheduled for a public hearing on Tuesday, October 9, 2007.

ZBA #07-26 Patricia Delaney (Patrick O'Donnell) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 20' to 17' for a modification to an existing single family residence on property located at 6 Maple Street, Pawcatuck, CT. Assessor's Map 3, Block 23, Lot 10, Zone RH-10.

The application was accepted and scheduled for a public hearing on Tuesday, October 9, 2007 pending approval of the A-2 Survey waiver request by the Planning and Zoning Commission before then.

Review of Outstanding Minutes:

Mr. Deichmann moved to approve the minutes of the August 14, 2007 meeting and Mr. Canavan seconded. Motion carried unanimously.

Adjournment:

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

The meeting adjourned at 9:30 p.m.

Neil Canavan, Secretary