



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

**FINAL**

The Stonington Zoning Board of Appeals held a Regular Meeting at the Stonington Police Station on April 10, 2007 at 7:00 p.m. Seated for the meeting were Frederick Deichmann, Neil Canavan, David Rezendes, John Prue, and David Rathbun presiding. Also present was Zoning Official Joseph Larkin.

Chairman Rathbun called the meeting to order at 7:10 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, March 30, 2007 and Friday, April 6, 2007.

**Public Hearings:**

**ZBA #07-01 Carol Holt** – Seeking to overturn the ZEO’s decision to approve Application #06-127 ZON for construction of a 10’ x 12’ shed on property located at 56 Langworthy Ave., Stonington, CT. Assessor’s Map 129, Block 16, Lot 7, Zone RM-20.

Mr. Larkin presented staff comments and entered several documents into the record.

Ms. Holt presented the application.

Speaking in favor was Martha Slater of Boulder Avenue.

Speaking in opposition were Thomasine O’Boyle of 56 Langworthy Avenue and Zoning Official Joseph Larkin.

Ms. Holt spoke in rebuttal.

*Mr. Deichmann moved to overturn the ZEO for purposes of discussion and Mr. Rezendes seconded.*

*After deliberating, Mr. Deichmann withdrew his motion and Mr. Rezendes withdrew his second.*

*Mr. Deichmann moved to table the decision until the next meeting and Mr. Prue seconded. Motion carried 5-0.*

**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 2<sup>nd</sup> floor addition on property located at 135 Mistuxet Avenue, Mystic, CT. Assessor’s Map 162, Block 2, Lot 13, Zone GBR-130.

Mr. Larkin presented staff comments.

The Applicant’s Agent, Ken Bird of MCM Restoration Corporation, presented the application and answered questions from the Board.

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

*Mr. Deichmann moved to approve the application and Mr. Rezendes seconded. Motion carried 5-0.*

**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.**

Mr. Larkin presented staff comments.

The Applicant’s Agent Clinton Brown of DiCesare-Bentley Engineers, Inc. and Attorney Theodore Ladwig presented the application. Attorney Ladwig also entered two (2) letters of support into the record.

Speaking in favor were Chris Rixon of 17 Lema Drive, Mystic, Andrew Maynard of 5 Trumbull Street, Stonington, Tim Murray of Mystic, and Al Rizano of 62 West Main Street, Mystic.

Speaking against were Attorney Mark Kepple for Dorothy Crouse of 6 Church Street, Mystic and George Crouse of Whitehall Avenue, Old Mystic.  
Attorney Ladwig spoke in rebuttal.

*Mr. Prue moved to table the decision until the next meeting and Mr. Rezendes seconded. Motion carried 5-0.*

**New Business:**

**ZBA #07-04 Richard & Katharine Gildersleeve (Frank Eppinger)** – Seeking a variance of ZR 5.1.1 to increase the maximum height from 25' to 33' 3" for a functional venting cupola for a barn/carriage house style guesthouse on property located at 57 Flanders Road, Stonington, CT. Assessor's Map 105, Block 3, Lot 2, Zone RC-120.  
The application was accepted and scheduled for a public hearing on May 8, 2007.

**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  
The application was accepted and scheduled for a public hearing on May 8, 2007.

**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.  
The application was accepted and scheduled for a public hearing on May 8, 2007.

**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.  
The application was accepted and scheduled for a public hearing on May 8, 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.  
The application was accepted and scheduled for Public Hearing on May 8, 2007

**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.  
The application was accepted and scheduled for a public hearing on May 8, 2007.

**ZBA #07-10 David & Jayne Campagna (Peter Springsteel)** – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 75' to 35', reduce the side yard setback from 75' to 73', increase the Floor Area Ratio from .04 to .132 and ZR 3.1.4.2 to reduce the non-infringement area from 100' to 30' for construction of a two (2) story addition on property located at 31 Green Avenue, Pawcatuck, CT. Assessor's Map 10, Block 3, Lot 28, Zone RC-120.  
The application was accepted and scheduled for a public hearing on June 12, 2007.

**Review of Outstanding Minutes:**

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

**Adjournment:**

*Mr. Prue moved to adjourn the meeting and Mr. Rezendes seconded. Motion carried 5-0.*

The meeting was adjourned at 10:25 p.m.

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Neil Canavan, Secretary