



TOWN OF STONINGTON

Zoning Board of Appeals
Mystic Middle School
204 Mistuxet Ave.
Mystic, CT 06355

SPECIAL MEETING MINUTES

December 9, 2008

FINAL

In attendance: John Prue, Jack Guyol, David Rezendez, Frederick Deichmann, Lynn Conway, Ben Tamsky and David Rathbun, presiding. Also in attendance were Town Attorneys Thomas Londregan and Jeffrey Londregan as well as Zoning Official Joseph Larkin.

Chairman Rathbun called the meeting to order at 6:01 pm.

Mr. Prue moved to go into Executive Session to discuss pending litigation, and Mr. Rezendes seconded.

The motion carried. Mr. Larkin left the meeting room and posted notice that this portion of the meeting was closed to the general public.

Executive Session adjourned at 6:55 pm with no votes taken.

Mr. Larkin returned to the room along with members of the general public .

At 7:00 pm Chairman Rathbun reconvened the Board.

Prue made a motion to agree to settle the Kleinknecht court appeal along the lines discussed in Executive Session and Deichmann seconded.

Deliberations: Prue felt it would be better to accept the proposal to build in the A-Zone rather than lose the appeal in court and have the house built in a V-Zone.

Rezendes was not in favor of the settlement and he and alternate member Tamsky thought the issue should be decided by a judge.

The motion to settle carried 4 to 1 as Prue, Deichmann, Guyol, and Rathbun voted to approve while Rezendes voted not to approve.

After concluding this matter, Deichmann, Guyol and the Londregans left the meeting.

PUBLIC HEARINGS:

AAP #08-16 Mason Island, LLC - Appealing ZEO letter which stated the garage under a building is included as GFA and a deck constructed partially above another open deck, the space underneath the upper most deck is included as part of GFA. Property located at 29-30 Dubois Dr., Mystic. Assessor's Map 175 Block 4 Lot 10 Zone RM-15 / RC-120

This hearing was opened, but no testimony was taken.

Prue made the motion to continue the public hearing to the January 13, 2009 meeting. Tamsky seconded. The continuance was unanimously approved.

ZBA #08-17 EOF Realty LLC – Seeking a variance from ZR 3.4.4.3 to reduce the buffer requirement for Special Use Permits from the 35' buffer to a minimum of a 15' buffer adjacent to a proposed parking area. Property located at 595 Greenhaven Rd. Map 8 Block 2 Lot 1 & Map 8 Block 1 Lot 1. Zone RA-20.

This public hearing was continued from November 12th with comment from those opposed to the variance. Rich Wilner spoke in favor of the application.

No one spoke under general comments.

In rebuttal Attorney Bates responded to a number of comments and issues raised by the opposition.

Paul Biscuti of DiCesare Bentley Engineers spoke about several issues including any potential pollution from the wells on the site. He reiterated that the parking lot design will conform to strict state standards.

Landscape Architect Nuria Stockman of DiCesare Bentley described her updated landscape plan with improved plantings and screening.

Attorney Steinhoff gave statements as to the Oliver Group's operations, intentions, and contributions to the community.

Attorney Eppinger and his client, Mark Tebbetts, responded to the rebuttal and disagreed with several preceding statements as they reiterated their previous arguments.

Chairman Rathbun closed the Public Hearing at 9:29 P.M.

Having received 60 exhibits and several hours of testimony, Rathbun announced that the Board would not vote on this variance application before the January 13, 2009 meeting.

Conway requested that any correspondence in the central file that was received prior to the close of the public hearing and not read into the record be forwarded to the Board members for their perusal.

ZBA #08-18 Laurice Richards – Seeking a variance to reduce the rear yard setback from 100' to 72' and increase the F.A.R. from .04 to .12 and ZR 3.1.4.2 to reduce the non infringement area from 100' to 76'. Property located at 92 Hewitt Rd. Assessor's Map 152 Block 2 Lot 16. Zone RC-120.

This hearing was opened, but no testimony was taken.

Prue made the motion to continue the public hearing to the January 13, 2009 meeting. Tamsky seconded. The continuance was unanimously approved.

ZBA #08-19 Mark Kepple – Seeking a variance from ZR 5.1.1 to reduce side yard setback from 15' to 5'; reduce the front yard setback from 40' to 25' and increase the maximum height from 30' to 35'. Property located at Island Rd. Assessor's Map 76 Block 1 Lot 3B Zone RA-40.

This hearing was opened, but no testimony was taken.

Prue made the motion to continue the public hearing to the January 13, 2009 meeting. Tamsky seconded. The continuance was unanimously approved.

New Business:

ZBA #08-20 - Ocean Community YMCA- Harry Austin Drive, Mystic, CT.

ZBA #08-21 - Sebastian Larrea- 5 Cherry Street, Pawcatuck, CT

Prue moved to schedule both new applications for January 13, 2009 and Tamsky seconded. The motion passed unanimously.

Approval of last month's minutes was tabled.

The meeting adjourned at 9:39 P.M.

David Rezendes, Recording Secretary