



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

MEETING MINUTES
November 12, 2008

FINAL

In attendance were members David Rathbun, Neil Caravan, David Rezendes, John Prue as well as alternates Lynn Conway and Ben Tamsky. Zoning Official Joseph Larkin was also present.

Chairman Rathbun called the meeting to order at 7:00 p.m., read the rules of order and the definition of hardship. Mr. Canavan announced that Notice of this Public Hearing was published in the New London Day and Westerly Sun on November 1, 2008 and November 8, 2008.

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.

The Chairman announced that the application could not be heard tonight due to a newspaper publication defect and the opening of this public hearing would be postponed until next month.

Discussion of the legal room occupancy took place because approximately 85 people were in the room and the room is posted with a capacity of 56. Police Officer Beebe approved a limit of 101 people in the room.

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. Pawcatuck, CT 06379 Assessor's Map 8 Block 2 Lot 1 & Map 8 Block 1 Lot 1. Zone RA-20.

The Zoning Official read his staff report into the record.

Attorney Timothy Bates stated that the applicant would like to create a parking lot of 29 spaces for employees behind the main building and the imposition of a 35-foot buffer makes the rear portion of the property unusable.

Donald Steinhoff, attorney for the Oliver Group described the company's operations and testified that the proposed lot would provide adequate parking for its employees and eliminate the need for on-street parking. Ms. Conway asked about the former parking lot associated with this building. Mr. Steinhoff replied that parcel was not offered to the Oliver Group when they purchased the property.

Engineer Paul Biscuti detailed the technical aspects of the proposal and answered questions from the Board.

Attorney Bates presented the argument for hardship and submitted his memorandum of case law.

The central file was marked Exhibit 1. Exhibits 2 through 15 were submitted by the applicant's representatives.

No one else spoke in favor of the application.

Speaking in opposition:

Attorney Frank Eppinger, representing abutting neighbors Gus & Pat Dessaulles and Mark & Margaret Tebbets, described the history of the property and stated why he felt the application should be denied as he entered Exhibits 16 through 38 into the record. His memorandum of case law was marked Exhibit 37.

Mark Tebbets described his objections to the proposal as he entered Exhibits 39 through 49 into the record. Exhibit 49 is a petition sign by approximately 195 people in opposition to this application.

Gus Dessaulles stated he fears a drop in property value and negative impact to his property adjacent to the proposed parking lot. He submitted Exhibit 50.

Bill Brown, Larry Davis, Helen Jankoski, Ed Steele, Kevin Horrigan, and Bob Langworthy voiced opposition to the application.

Gail Shea read her statement into the record and submitted it as Exhibit 51.

Margaret Tebbets spoke against the variance request and submitted two photos as Exhibits 52 & 53.

At 10:35 pm, Chairman Rathbun announced that the Public Hearing on this item would be continued at the December 9, 2008 ZBA meeting to be held at Mystic Middle School.

NEW BUSINESS:

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.

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.

Rezendes moved to schedule these items for public hearings on December 9, 2008 and Tamsky seconded. The motion was unanimously approved.

Chairman Rathbun adjourned the meeting at 10:55 P.M.

Neil Canavan, Recording Secretary