



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

**MINUTES REGULAR MEETING**  
**September 8, 2009**

**Final**

In attendance were members John Prue, Lynn Conway, Jack Guyol, Neil Canavan and Ben Tamsky. Zoning Official Joseph Larkin and Town Attorney Thomas Londregan were also present.

Acting Chairman David Rezendes called the meeting to order at 7:04 P.M and read the rules of order into the record. Secretary Neil Canavan read the Call of the Meeting.

**ZBA #09-12 Wadawanuck Club, Inc. (Michael McKinley)** – Seeking a variance from ZR 7.7 Flood Hazard Areas to reduce the 100 ft. buffer requirement to 40'4" and to allow deck construction to be located below the base flood elevation. Property at 196 Water St., Stonington. Map 101 Block 4 Lot 1 Zone MC-80. Mr. Guyol recused himself because he is a Wadawanuck Club member..

The ZEO announced that there is A CAM Review along with this project that should be reviewed. The variance requested is for flood plain management purposes only and would not change insurance rates.

Architect Michael McKinley described the project which would replace the sail storage facilities with a one storey sailing center building. To comply with the regulations would require locating the new building in the parking lot and that would cause problems. He stated that the building is functionally dependant on the docks and the bath house.

Prue and Tamsky requested that the application be continued so that an overlay of the site plan can be produced to show the location of the existing and proposed buildings.

**PUBLIC COMMENT:** None.

*Mr. Tamsky moved to continue this public hearing to next month, Mr. Canavan seconded. The motion to continue was unanimously approved.*

**ZBA #09-14 Farm Ponds Estates North, LLC (Harry Heller)** – Seeking a variance from ZR 5.1.1 Bulk Requirements to reduce minimum lot area from 80,000 sq. ft. to 46,738 sq. ft. for a pre-existing lot. Property located on the easterly side of No. Anguilla Rd., Stonington. Assessor's Map 42 Block 2 Lot 1. Zone RR-80. **RESCHEDULED to next month at the applicant's request.**

**AAP #09-15 Mark W. Tebbetts** – Request ZBA reinstate Cease & Desist Order #09-05. Property located at 595 Greenhaven Rd., Pawcatuck, CT. Assessor's Map 8 Block 1 Lot 1 Zone RA-20 & RR-80.

The ZEO reviewed the documents regarding this property. Staff recommended that this appeal be denied because the application was not filed in a timely fashion and because the conditions imposed by the Cease and Desist Order are being complied with.

Mr. Canavan read into the record the letter from EOF Realty questioning the appropriateness of ZBA holding a Public Hearing while this matter is under litigation .

Attorney Londregan responded to the letter from EOF by stating that he believed the applicant has every right to come before the ZBA and advised that the Board continue with the public hearing.

Mr. Tebbetts described the timeline for his property and adjacent properties, starting back in 1975.

Board members asked him what he wanted, he stated that he wanted the regulations upheld. Margaret Tebbetts stated that the neighbor's lilacs were cut down and that a man from the Oliver group was staring at her daughters in their backyard.

The Tebbetts' daughters described their discomfort in their own back yard due to the peering employee.

Gus Dessaulles stated that after the Cease and Desist was lifted more cutting took place on a new property line. He claimed they willfully and systematically tore down the buffer zone. He urged that the cutting of the buffer be stopped. Mrs. Helen Dessaulles, stated that the lot was supposed to be left untouched. There was noise from the air conditioners which was not taken care of. She thought they were angry and spiteful in their actions.

Mr. Prue disclosed an ex parte letter from Mr. Tebbets dated July 16<sup>th</sup>, and entered it into the record.

Mr. Prue asked questions of the ZEO about the mention of the 1975 buffers in the Cease and Desist Order. Mr. Larkin responded that a reading of the Cease and Desist Order would reveal that the Director of Planning had determined that EOF needed to comply with the terms of the 1975 variance. The ZEO stated that if it were left up to him, this Cease and Desist Order would not have been issued because the 1975 variance stated the neighbors are to be consulted for the *construction*, not the maintenance of the buffers. Larkin felt the stockade fence and tall arbor vitae existing on the EOF property fulfilled that requirement.

Mr. Prue made a motion that Mr. Hasse be subpoenaed to testify in these regards before the ZBA.

Attorney Londregan stated that the original Cease and Desist Order is not the subject of this appeal, but rather, was the ZEO's lifting of the Cease and Desist Order done properly?

Mr. Prue withdrew his motion.

REBUTTAL: Mr. Tebbets felt ZEO has been negligent.

Chairman Rezendes closed the Public Hearing on this application.

**AAP #09-16 Patrick & Tracy O'Donnell** – Request ZBA revoke Zoning Permit #09-060. Property located at 489 Greenhaven Rd., Pawcatuck, CT. Assessor's Map 7 Block 1 Lot 48 Zone RA-20.

The ZEO's permit for Mr. Tourville's addition is being challenged by his abutting neighbor. Mr. O'Donnell reviewed the Zoning Permit application and described the inaccuracies in floor area ratio calculations for the Tourville's house.

Attorney Avena spoke in opposition on behalf of the Tourvilles. He presented the building's plans and assessor's card. He believed that Tourvilles figures presented to the ZEO were accurate and the ZEO's approval was correct. Plans and photographs were presented. Board members discussed obtaining accurate measurements of the house.

REBUTTAL: Mr. O'Donnell thought there is a discrepancy between what the assessor calculates and what actually was built. The lot line dispute changes it by 200 SF. What was submitted is not what was built. He found 5 dormers instead of the 4 on the plans. There are also 2 sheds. He did not feel it was accurate and was over the FAR.

Robert DePerry, Jr. defended the measurements submitted by Tourville.

Mr. Rezendes closed the Public Hearing.

Mr. Tamsky was seated along with Msrs. Prue, Canavan, Guyol and Rezendes.

*Mr. Prue made the motion that they uphold the ZEO, Mr. Canavan seconded. The motion to uphold the ZEO's issuance of the Zoning Permit was unanimously approved.*

#### Old Business:

**ZBA #09-13 Kluepfel Holdings, LLC (John Johnson)** – Seeking a variances from ZR 7.10.4.5 to reduce the parking aisle width from 17' to 14'; ZR 7.10.5 to delete the requirement to provide an off-street loading berth; ZR 7.7.8.2.1. and 7.7.8.2.2 for structures below base flood elevation to allow the pre-existing structure to remain including its lowest floor elevation of 8.7' below the base flood elevation; and ZR 7.3.5 design height limitation in coastal areas to increase maximum height from 24' to 52'. Property located at 60 Willow St., Mystic. Assessor's Map 182 Block 1 Lot 11. Zone: MC-80.

The deliberations on this application were tabled until the October meeting.

**Adjournment:** The meeting adjourned at 11: 12 P.M.

  
Neil Canavan, Secretary