



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

**MEETING MINUTES**  
**August 11, 2009**

**FINAL**

In attendance were David Rezendes, Neil Canavan, Jack Guyol, Lynn Conway, John Prue and David Rathbun, presiding. Zoning Official Joseph Larkin was also in attendance. Chairman Rathbun called the meeting to order at 7:06 P.M., read the rules of order and definition of hardship. Secretary Canavan read the call of the meeting.

**ZBA #09-07 Janette D. Mercer (Peter Gardner)** – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the backyard setback from 50’ to 36.9’ for construction of a barn. Property located at 248 Pequot Trail, Pawcatuck. Assessor’s Map 38 Block 2 Lot 1. Zone RR-80.  
*Application withdrawn.*

**ZBA#09-09 – Thomas & Dorothea Cannan – (Michael Scanlon)** – Seeking a variance from ZR 3.1.4.1 Buffer requirements to permit improvements of existing farm road within 3 feet of wetland in lieu of 100 ft. required. Property located at 339 Pequot Trail, Pawcatuck. Assessor’s Map 38 Block 1 Lot 3. Zone GBR-130.

Mr. Larkin reviewed the August 11, 2009 ZEO’s staff report.

Attorney Fritz Gahagen described the application to create an additional 96 acre lot with a conservation easement on it.

Michael Scanlon of DeCesare Bentley described the property in detail. They were looking to upgrade the farm road which they thought dates to 1740. The inland wetlands triggers the 100 foot non-infringement area. Relief is being sought for a portion of the road. He introduced a letter from soil scientist James Cowen stating there would be no negative impact on the environment. The improved planned gravel road would be of various widths within the old farm road parameters. They also are planning to realign the road, straightening it out and moving away from the natural wetlands and towards the manmade pond. The ZEO asked about the septic systems to be built and asked whether a strictly agriculturally used road would have required this application. Attorney Gahagen thought it would have been required. It was asked whether more buildings could be built and called caretaker’s housing or cottages. Attorney Gahagen stated that the regulations of the Connecticut Farm Trust would not allow it.

No one else spoke in favor, in opposition, or with general comments on this application.

This public hearing was closed.

*Mr. Prue moved to approve with the condition that they abandon the farm road to west and with the condition that the Connecticut Farmland Trust actually accept the application and there be a gravel road only; Mr. Rezendes seconded. After discussion, the motion was unanimously approved.*

**ZBA #09-10 Gregory & Julia Duba** – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 50’ to 37 ‘ for construction of an addition to a single family residence. Property located at 251 Flanders Rd., Stonington. Assessor’s Map 124 Block 1 Lot 12. Zone RR-80

Gregory Duba described his house which was built in the 1930’s before zoning regulations were adopted by the Town. The location of the house within the front yard setback will require a variance to construct his proposed addition.

No one else spoke in favor, in opposition, or with general comments on this application.

This public hearing was closed.

*Mr. Canavan moved to approve & Mr. Guyol seconded. The motion was unanimously approved.*

**ZBA #09-11 Denise & Gabriel Asfar** – Seeking variances from ZR 5.1.1 Bulk Requirements to reduce lot size from 19,483 sq. ft. to 18,576 sq. ft. and side yard setback from 15’ to 12’ for the purposes of a lot line adjustment. Property located at 20 Pequotsepos Rd., Mystic. Map 150 Block 1 Lot 24. Zone RA-40.

Mrs. Asfar described the lot which preserves wildlife section and was miscalculated by 5 feet. This would be a lot line adjustment rather than creating a new lot.

No one else spoke in favor, in opposition, or with general comments on this application.

This public hearing was closed.

*Mr. Guyol moved to approve & Mr. Rezendes seconded. The motion was unanimously approved.*

**ZBA #09-13 Kluepfel Holdings, LLC (John Johnson)** – Seeking 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 ZEO reviewed his report which noted that there is a CAM review application submitted with the variance application. Floodplain manager noted that CT DEP wrote that they did not see why a variance should be granted and that obtaining insurance for the tenants would be problematic.

Attorney Eric Janney and Chad Frost of Kent Frost, Landscape Architects spoke about the application in the Industrial Heritage Re-Use District. Frost described in detail the plans for the grounds. Commission members asked about flooding of the basement and FEMA regulations. The mechanicals will be placed on the roof requiring 9 added feet to the roof. Mr. Prue asked about the zone change to IHRD and whether the approval of the variances would stipulate this zone. Frost said this could be made a requirement.

Michael Blair spoke about the unique spatial qualities of the existing building and that tenants would require storage space in the basement.

Owner of the building, Neil Kluepfel, claimed that the building doesn’t flood due to shipwright construction with moats and pumps.

No one else spoke in favor, in opposition, or with general comments on this application.

This public hearing was closed.

**Variance from ZR 7.10.4.5.** *Mr. Rezendes moved to approve & Mr. Prue seconded. The motion was unanimously approved.*

**Variance from ZR 7.10.5** *Mr. Guyol moved to approve & Mr. Canavan seconded. Prue, Guyol, Rathbun, Canavan all approved. Rezendes deny. The motion carried.*

**Variance from ZR 7.7.8.2.1. and 7.7.8.2.2** – *vote tabled until October meeting so board members could conduct a site visit.*

**Variance from ZR 7.3.5** - *vote tabled so board members could conduct a site visit.*

#### **Old Business:**

**ZBA #09-12 Wadawanck 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 base flood elevation. Property at 196 Water St. Map 101 Block 4 Lot 1 Zone MC-80. Public hearing scheduled for September 8, 2009.

#### **New Business:**

**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.

*Mr. Prue moved to hear this item on September 8, 2009 and Mr. Canavan seconded. The motion was unanimously approved.*

**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 history of the Cease and Desist Order. Discussion of whether Tebbetts was notified of the lifting of the Cease and Desist Order and the timeliness of his appeal.

*Mr. Prue moved to hear this application at the September 8<sup>th</sup> meeting & Mr. Canavan seconded. The motion was unanimously approved.*

**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.

*Rezendes moved to schedule this application for September 8<sup>th</sup> meeting. Prue seconded. the motion was unanimously approved.*

#### **Review of meeting minutes:**

**June 9, 2009:** *Mr. Rezendes moved to approve & Mr. Canavan seconded. The minutes were unanimously approved.*

**July 14, 2009:** *Mr. Rezendes made the motion to approve. Ms. Conway seconded. The minutes were unanimously approved.*

**Adjournment:** Chairman Rathbun adjourned the meeting at 10:07 P.M.

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Neil Canavan, Secretary