



TOWN OF STONINGTON
Zoning Board of Appeals
Stonington Police Station Meeting Room
173 South Broad Street
Pawcatuck, Connecticut 06379
REGULAR MEETING MINUTES
June 9, 2009

Final

In attendance were members Neil Canavan, Jack Guyol, John Prue, David Rezendes, Lynn Conway, Ben Tamsky and David Rathbun, presiding. Zoning Official Joseph Larkin was also present.

Chairman Rathbun called the meeting at 7:04 P.M and read the rules of order into the record.

Secretary Canavan announced that the legal notice had been published in the New London Day and the Westerly Sun on May 29, 2009 and June 5, 2009. He then read the call for the first Public Hearing.

ZBA #09-07 Janette D. Mercer (Peter Gardner) – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the rear yard setback from 50' to 36.9' for construction of a barn. Property at 248 Pequot Trail, Pawcatuck. Map 38 Block 2 Lot 1. Zone RR-80. The Zoning Official read his report into the record.

Peter Gardner, land surveyor, presented the application. The house was built in 2002. A deck was built in 2003 without a variance and encroaches into the rear yard setback. The stated hardship is the odd configuration of lot, location of wetlands and location of septic system. Mr. Gardner mentioned the owner's failed attempt to purchase land from the abutting neighbor.

Mr. Rathbun asked if this matter had gone before the Inland Wetlands Commission and was told that it had not.

Board members discussed alternative locations. Ms. Conway questioned the hardship or great need for an art studio.

Mr. Gardner requested that this public hearing be continued so that the applicant could testify regarding the need for the art studio.

Mr. Prue moved to continue this hearing to the July 14th meeting. Mr. Tamsky seconded. The motion was unanimously approved.

ZBA #09-08 David & Kristine Boisoeneau (David Rossetto) – Seeking a variance to ZR 5.1.1 bulk requirements to reduce rear yard setback from 100 ft. to 65 ft. and side yard setback from 75 ft. to 35 ft. Property located at 20 Miner Pentway, Pawcatuck, CT 06379 Assessor's Map 42 Block 1 Lot 4I. Zone GBR-130.

The Zoning Official read his staff report into the record.

Builder David Rossetto and Dr. David Boisoeneau presented the application for the variance to build a 15 x 15" pool house and shed. While a 10 x 10" shed could be built without a variance, they wanted a larger shed for lawn equipment and similar storage.

Ms. Conway questioned the location of the pool, and the need for the larger shed.

Mr. Rezendes feared that if the variance is approved, any size structure could be built there.

Mr. Tamsky opined that granting such a variance would open up the flood gates for many shed enlargement applications.

Anne H. Nalwalk from Avalonia Land Conservancy spoke in opposition and read a letter from the Director Kate Robinson. She concluded by stating that regardless of the Board's decision, Avalonia requested proper horticultural screening be implemented.

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

Chairman Rathbun closed the Public Hearing.

Mr. Rezendes moved to approve for discussion purposes and Mr. Guyol seconded. There was a general consensus that the applicant had not proven sufficient hardship. The Board voted unanimously to deny the application.

New Business:

Applications **ZBA#09-09 Thomas & Dorothea Cannan** and **ZBA #09-10 Gregory & Julia Duba** were accepted.

Mr. Tamsky moved to hear both applications at the July 14 meeting. Mr. Prue seconded. The motion was unanimously approved.

Review of Meeting Minutes:

Mr. Tamsky moved to approve the minutes of April 14, 2009, and Mr. Canavan seconded. After some discussion, the minutes were approved as corrected.

Mr. Prue moved to approve the minutes of May 12, 2009. Mr. Rezendes seconded. The motion was unanimously approved.

The meeting adjourned at 8:07 P.M.

Neil Canavan, Secretary