



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

**MEETING MINUTES**

**October 13, 2009**

**Final**

In attendance were Lynn Conway, Frederick Deichmann, John Prue, Neil Canavan, David Rezendes, and David Rathbun, presiding. Zoning Official Joseph Larkin was also present.

Chairman Rathbun called the meeting to order at 7:00 P.M.

**Public Hearing Continued:**

**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 the base flood elevation. Property at 196 Water St., Stonington. Map 101 Block 4 Lot 1 Zone MC-80. CAM Review Required.

Chairman Rathbun recused himself because he is a member of the Wadawanck Club.

Mr. Rezendes took over as Acting Chairman.

Zoning Official Larkin reviewed the application which had received new A-2 survey and a diagram with information about the existing and proposed structures.

Architect Michael McKinley discussed the details of the application.

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

Chairman Rezendes closed this Public Hearing.

Chairman Rezendes offered the option of voting tonight with four members or next month with five members after review of the tapes from Sept. 8th. Mr. McKinley was in favor of the vote with only four members.

*Mr. Canavan moved to approve as presented and to restrict it as to the building structures as described in the plan presented only. Mr. Prue seconded. The motion was unanimously approved.*

*Mr. Prue moved to approve the CAM application. Mrs. Conway seconded. The motion was unanimously approved.*

**PUBLIC HEARING:**

**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.

The ZEO described the application, originally 29 acres, partially located in North Stonington. An undersized lot less than 80,000 prescribed for the zone was created and a variance is required. Attorney Harry Heller described the history of the property. It became clear that the request is for a variance reduction of 46,000 sq. ft. rather than a reduction to 46,000 sq. ft. Heller argued that the density and spatial relationship with abutting significant open space fits within the comprehensive plan of development.

Peter Gardner explained the percolation test results.

**General Comments:** The ZEO stated that he thought the application was improperly advertised because of the incorrect dimensions given. If this public hearing were to be continued, it would allow for a corrected advertisement.

*Mr. Prue moved to continue this hearing to the November 10<sup>th</sup> meeting. Mr. Rezendes seconded. The motion to continue was unanimously approved.*

**Old Business:**

**AAP #09-15 Mark W. Tebbetts** – Request ZBA reinstate Cease & Desist Order #09-05. Property located at 595 Greenhaven Rd., Pawcatuck, CT . Map 8 Block 1 Lot 1 Zone RA-20 & RR-80 Only four members seated for the public hearing held on September 8, 2009 were present tonight. This application will be deliberated at the November 10<sup>th</sup> meeting by all five seated members.

**ZBA #09-13 Kluepfel Holdings, LLC (John Johnson)** – Seeking a variances from 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. CAM Review Required.

The ZEO reviewed the two variances that were granted and the two that needed to be voted on after the Commission visited the site. Chairman Rathbun seated himself, Mr. Prue, Mrs. Conway, Mr. Rezendes, and Mr. Canavan.

*Mr. Prue moved to approve the reduced flood elevation variance. Mr. Canavan seconded. Mr. Rezendes said the Board has not historically given variances to greatly lower flood elevations. He was more willing to grant the proposed alternative of keeping the first floor at elevation 10.4. The motion and second were withdrawn.*

*Mr. Prue moved to approve the first floor elevation at 10.4 NGVD with the basement to be filled in. Mr. Canavan seconded. The motion was unanimously approved.*

*Mr. Rezendes moved to approve an increase of maximum height from 24 feet to 52 feet for discussion purposes. Mr. Canavan seconded. After discussion, the Board unanimously voted to deny the requested height variance. The Board felt there was a lack of hardship.*

*Mrs. Conway moved to approve the CAM Review for the variances that were granted. Mr. Prue seconded. The motion was unanimously approved.*

**New Business:**

*Mr. Rezendes moved to schedule applications ZBA#09-17, ZBA#09-18, AAP#09-19, & ZBA#09-20 for public hearing at the November 10, 2009 meeting. Mr. Canavan seconded. This motion was unanimously approved.*

2010 Meeting Calendar: *Mr. Rezendes moved to approve the proposed meeting calendar and Mr. Canavan seconded. The motion was unanimously approved.*

Discussion: Should ZBA have legal representation separate from that representing the Planning and Zoning Commission and other town agencies? Chairman Rathbun said he would research the matter, talk to the Town administrators and report back to the Board.

*Mrs. Conway moved to adjourn and Mr. Canavan seconded.*  
The motion was unanimously approved and the meeting adjourned at 9:18 P.M.

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Neil Canavan, Secretary