

**TOWN OF STONINGTON
Zoning Board of Appeals Stonington
REGULAR MEETING
Minutes
November 9, 2010**

Final

Chairman Rathbun called the meeting to order at 7:04 p.m. In attendance were David Rezendes, Lynn Conway, Matthew Berger and Neil Canavan all of whom were seated. Frederick Deichmann and Jack Guyol were absent. Also present was Joseph Larkin, Zoning Enforcement Officer.

Public Hearing:

ZBA#10-15 John & Jane Couto (continued) - Seeking a variance from ZR 3.2.2.9 accessory use to provide reasonable accommodation under the Americans with Disabilities Act (ADA) by reducing the lot requirement for servant or guest accommodations from 240,000 s.f. to 48,000 s.f. Property located at 145 Whitehall Ave., Mystic. Assessor's Map 165 Block 1 Lot 22A. Zone RA-40.

Mr. Larkin presented his staff report. He introduced Attorney Ed O'Connell, legal counsel for the Town, from Waller, Smith and Palmer. The hearing was recessed awaiting arrival of Attorney Cole-Chu.

New Business:

Referral from Planning and Zoning Commission - Draft Amendment for 100' Non-Infringement Area (ZR 3.1.4) The Commission discussed the memo amendment which seeks to eliminate the buffer. Consensus of the Commission was that further dialogue was required.

Mr. Rezendes made the motion for Bill Haase, the Director of Planning to attend the December 14th meeting. Mr. Berger seconded. The motion was unanimously approved.

ZBA #10-17 Jonathan & Nancy Gibson – Seeking a variance from ZR 5.1.1 to reduce front yard setback from 40' to 16.7' for a deck. Property located at 3 Greenhaven Rd., Pawcatuck. Assessor's Map 50 Block 4 Lot 18. Zone RA-40.

ZBA #10-18 Laura & Ashley Evans – Seeking a variance from ZR 5.1.1 to reduce the side yard setback from 75' to 41' for an addition. Property located at 291 Al Harvey Rd., Stonington. Assessor's Map 110 Block 2 Lot 1. Zone GBR-130

Mr. Canavan made the motion to schedule the two new application for public hearing on December 14, 2010. Mr. Berger seconded. The motion was unanimously approved.

Public Hearing:

ZBA#10-15 John & Jane Couto (continued) - Seeking a variance from ZR 3.2.2.9 accessory use to provide reasonable accommodation under the Americans with Disabilities Act (ADA) by reducing the lot requirement for servant or guest accommodations from 240,000 s.f. to 48,000 s.f. Property located at 145 Whitehall Ave., Mystic. Assessor's Map 165 Block 1 Lot 22A. Zone RA-40 .

Mr. Berger made the motion to reconvene the public hearing for ZBA #10-15. The motion was seconded and passed unanimously.

Attorney Nick Kepple presented three relevant cases and a cover letter. Ms. Conway stated that the applicant had not yet presented a case in which it is shown how the transfer of the variance is handled in the sale of the property except in the New Hampshire case. The Commission members asked questions of the owner, who maintained that she had no knowledge of the Zoning Permit or its restriction. She claimed it was withheld by the builder.

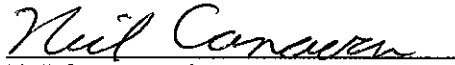
Attorney O'Connell asked Attorney Kepple what mechanism he thought would allow the variance to continue legally with the property. Attorney Cole-Chu referred to the ADA. The hearing was closed.

Old Business: None

Administrative Review: None

Review of Meeting Minutes: Mr. Rezendes made the motion to approve the October 12, 2010 minutes. Mr. Canavan seconded the motion but with corrections on page 1, to change "not known" to "despite" and in the following sentence add at the end: that this use is permitted.

Adjournment: Mr. Rezendes made the motion to adjourn. Mr. Canavan seconded. The motion to adjourn was unanimously approved. The meeting adjourned at 9:09 P.M.



Neil Canavan, Secretary