

TOWN OF STONINGTON
Zoning Board of Appeals
Special Meeting - Final Minutes
September 6, 2011

The special meeting held at the Stonington Police Station Meeting Room, 173 South Broad Street, Pawcatuck, Connecticut, was called to order by Chairman David Rathbun at 7:02P.M. In attendance were Jack Guyol, Lynn Conway, Fred Deichmann, David Rezendes, newly appointed Alternate Virginia McCormack, Town Attorney Jeffrey Londregan, and Zoning Enforcement Officer Joe Larkin. Matt Berger was absent.

Seated for the hearing were David Rathbun, Jack Guyol, Lynn Conway, Fred Deichmann, and David Rezendes.

Public Hearing:

AAP #11-14 Nancy A. Bestwick - Request ZBA revoke the Zoning Enforcement Officer's issuance of Zoning Permit #11-156 ZON to Goran Subotic. Property located at 93 Hewitt Rd., Mystic. Assessor's Map 161 Block 9 Lot 5. Zone RA-20.

ZEO Larkin presented his Staff Report, noting the Board's June 14, 2011 revocation of Zoning Permit #11-015 that had allowed for the installation of two detached accessory structures on the site. Mr. Larkin stated that, when approving the application, he had not considered the fact that the gross floor area of the accessory structures (1,800 SF) exceeded the gross floor area of the primary structure (1,200 SF). He further explained that the decision under review at this meeting was for Zoning Permit #11-156, an application for the construction of an additional 1,893 square feet to the existing single family residence. Mr. Larkin found the proposal to connect the two detached accessory structures to the SFR to be in compliance with the Zoning Regulations, and issued the zoning permit with two stipulations of approval. Upon completion of the presentation of his Staff Report, Mr. Larkin recused himself from the hearing.

Applicant Nancy Bestwick, 87 Hewitt Rd., stated to the board those zoning regulations she feels the property owner is violating, as well as additional reasons why the ZEO's decision should be overturned. She felt that the additions change the residential character of the neighborhood; the project was substantial improvement and, as such, requires flood-proofing; that both an Elevation Certificate and CAM review were required; the use seemed to fit the definition of a boarding/rooming/lodging house rather than a SFR; the height of the structures is not identified on the zoning permit application; storage of the costumes is not an accessory use to the primary use; and the zoning permit was not posted on site as required. Mr. Rezendes asked Ms. Bestwick if she had an objection to the SFR being built. She replied she did not, but questioned whether it would actually be used as such.

Public Comment in Favor:

Jacinta Simoncini, 2 Coveside Ct., noted the various rooms proposed for the structure, suggesting the intended use would be as a hotel for Mystic Ballet. Dirk Vliek, 96 Hatch St., questioned the stated cost to build and possible issues of safety due to chemicals from and construction of the trailers; Christopher Stamm, 99 Hewitt Rd., is concerned about the non-single family residence use (multi-persons beyond 4 unrelated); Linda Hutter, 29 Meadowbrook Ln., noted that she was confused as to why no one was informed that Mr. Subotic's appeal against the ZBA was null and void prior to the day she was required to appear before the court, and is concerned with how the single family use will be enforced; Bryan Marshall, 10 Meadowbrook Ln., questioned the figures on the cutaway drawing, the FAR figures, and the architectural plans that had been provided with the Zoning/Building permit applications, noting that

there had been vans of people arriving at the address late at night; Richard Bestwick, 87 Hewitt Rd., read from the transcript of the 6/14/11 ZBA meeting referencing Mr. Subotic's statements regarding the dancers living at the site.

Chairman Rathbun asked for clarification of the status of the appeal filed in the courts by Mr. Subotic against the ZBA and Ms. Hutter. Town Attorney Jeffrey Londregan stated that since the case was never actually returned to the court by the appellant, it became null and void. Mr. Rezendes asked if the ZEO may make a decision on a property that has an appeal against the Town. Attorney Londregan stated that he may.

Public Comment Opposed:

Attorney Ted Harris, representing Goran Subotic, reviewed Mr. Subotic's previous application for the sheds, noting that it was overturned by the ZBA because the sheds did not meet the accessory use regulation. Atty. Harris explained the current proposal which incorporates the structures as additions to the house, submitting design renderings to the file as exhibits. He stated that Mr. Subotic's son would be living in the house and it would be used as a single family residence, not for storage of costumes.

Ms. Conway questioned the 2nd floor areas of the structures and Mr. Guyol asked about the non-profit status of the Mystic Ballet. Mr. Rathbun asked about the large storage area shown on the plans.

Atty. Harris noted that the structure would meet the Flood Hazard Regulations, an Elevation Certificate and a CAM Review were not required, and the esthetics and neighborhood compatibility issues were subjective. Mr. Subotic stated that he had provided the Building Official with all the data he asked for, he feels the completed structure will look nice, and thinks that who resides there is a private issue.

Rebuttal:

Antonio Mastroianni, 36 Meadowbrook Ln.; Rich Bestwick, Bryan Marshall, Jacinta Simoncini, Dirk Vlieg, Raeleen St. Pierre, 118 Hatch St.; Justin Kane, 83 Hewitt Rd., all spoke in rebuttal.

Chairman Rathbun closed the Public Hearing at 9:08 pm.

Deliberations & Decision:

Mr. Deichmann made a motion to uphold the zoning officer's decision. Mr. Rezendes seconded for the purposes of discussion.

Ms. Conway felt the zoning permit application was incomplete and should not have been approved. Mr. Rezendes thought it met the regulations but not the tenor of the neighborhood. Mr. Deichmann also felt the application was grossly incomplete. Mr. Guyol wanted to ensure that this didn't end up in front of ZBA in the future. Chairman Rathbun suggested that the zoning permit application be reviewed by the Town Attorney to ensure it is complete and conforming.

Motion to deny the application with the stipulation that Zoning Permit application #11-156 must be completed to the satisfaction of the Town Attorney before any construction can begin carried 4-1.

Roll Call: Rathbun – deny, Conway – approve, Rezendes – deny, Deichmann – deny, Guyol - deny

Adjournment:

Mr. Rezendes made a motion to adjourn. Ms. Conway seconded. The meeting was adjourned at 9:41 pm.


Neil Canavan, Secretary