

TOWN OF STONINGTON

Zoning Board of Appeals

REGULAR MEETING

Minutes - Final

January 10, 2012

Chairman Rathbun called the meeting to order at 7:03 p.m. In attendance were David Rezendes, Lynn Conway, Jack Guyol, Matt Berger and alternate Virginia McCormack. Also in attendance was Zoning Enforcement Officer Joe Larkin. Absent were Neil Canavan and Frederick Deichmann.

Public Hearings:

ZBA #11-20 Stonington Water Pollution Control Authority - Seeking variances from ZR 7.7 to reduce the required height of the basement from elevation 11 to elevation 6 NAVD; ZR 3.1.4.2 to reduce the Non-Infringement Area from 100 feet to 42 feet; and ZR 5.1.1 Bulk Requirements to reduce rear yard setback from 100 feet to 42 feet, to reduce side yard setback from 75 feet to 46 feet and increase FAR from .04 to .22 to allow construction of improvements to the Mystic WPCA Facility as authorized by referendum. Property located at 22 Edgemont St., Mystic, CT Assessor's Map 174, Block 20, Lot 1, Zone RC-120.

ZEO Joe Larkin introduced the application.

Mr. Storrs, Director of the Water Pollution Control Authority spoke on behalf of the application. He stated in 2007 the application was submitted to the DEP. The approval was received in 2009 and it required all facilities be upgraded. The Mystic plant built in 1972, has the greatest need. The improvements include upgrading the electrical and the plumbing equipment. Three new buildings will be constructed on the limited space of the property. In order to meet the requirements a process called *biomag* will be utilized.

Commission members asked about possible noise and types of equipment to be installed.

Mr. Storrs stated that Planning and Zoning Department reviewed the application and found it in compliance with the POCD. Mr. Larkin stated that he had not received any correspondence from DEP on the application.

Public Comments Against: None

Public Comments For: None

Public Comments General: ZEO Larkin stated that the plant was built prior to the current Planning and Zoning Regulations.

Chairman Rathbun closed the Public Hearing.

ZBA #11-21 & CAM Chateau Jaune LLC - Seeking a variance from ZR 3.1.4.2 to permit disturbance within the 100 ft. non-infringement area for removal of a non-conforming retaining wall and re-grade of site within 60 ft. of tidal wetland on a vacant lot located at Latimer Point Rd., Stonington. Assessor's Map 154 Block 1 Lot 2. Zone RC-120.

The ZEO reviewed the history of the property. A retaining wall was built without the benefit of a permit. The property has since been foreclosed on and now is owned by the bank. The applicant sought a variance to reduce the non-infringement area from 100 ft. to 80 ft. from tidal wetland at last month's meeting. That application was denied. This application is seeking a

variance to permit disturbance within the 100' non-infringement area in order to remove the retaining wall and correct the violation.

Michael Scanlon of DiCesare-Bentley Engineers reviewed the application. He is seeking a variance that will ultimately enable removal of the wall and create a useable building lot. The hardship is that there is no other prudent alternative.

Public Comments Against: None

Public Comments For: None

Public Comments General: William Pabst asked Mr. Scanlon for clarification of the non-infringement line and the planned work removing the wall.

The public hearing was closed.

Deliberations & Decisions – Current Applications

ZBA #11-20 Stonington Water Pollution Control Authority Mr. Berger made the motion to approve the variance. Mr. Rezendes seconded. The application was unanimously approved. Mr. Berger made the motion to approve the CAM application. Mr. Rezendes seconded. The motion was unanimously approved.

ZBA #11-21 & CAM Chateau Jaune LLC Mr. Rezendes made the motion to approve the application. Mr. Rezendes withdrew his motion. Mr. Berger made the motion to approve the application with a condition that the fines shall be abated until 10/2/2012. Mr. Rezendes seconded. The motion was unanimously approved.

Old Business: None

New Business:

ZBA #11-22 Henry W.S. & Amie S. Han – Seeking a variance from ZR 2.8 Undersized Lots - adjacent & ZR 2.9 Undersized Lots-other to reinstate dissolved property line and allow construction of a single family residence. Property located at Ingersoll St., Pawcatuck Avenue, and Hawley St., Pawcatuck, CT. Assessor's Map 26 Block 3 Lots 1, 7,8 & 9. Zone RR-80.

The public hearing is scheduled for February 14, 2012.

Administrative Review: none

Approval of meeting minutes: Mr. Rezendes made the motion to approve the November 8, 2011 meeting minutes. Mr. Berger seconded. The minutes were unanimously approved. Mr. Rezendes made the motion to approve the December 13, 2011 meeting minutes. Mr. Berger seconded. The motion was unanimously approved.

Mr. Berger made the motion to adjourn. Ms. Conway seconded. The motion to adjourn was unanimous. Chairman Rathbun adjourned the meeting at 8:17 p.m.


Lynn Conway, Secretary