

**Town of Stonington
Zoning Board of Appeals
Regular Meeting
Minutes - Final
May 8, 2012**

Chairman David Rathbun called the Town of Stonington's Zoning Board of Appeals meeting to order at 7:10 PM. Members in attendance were David Rezendes, Matthew Berger, Jack Guyol. Alternates Frederick Deichmann and Virginia McCormick were present. Also in attendance was Zoning Official Joseph Larkin. Lynn Conway was seated at 8:08 PM. Frederick Deichmann was unseated at 8:08 PM.

Public Hearings:

ZBA 12-01 Joseph F. Grispino – Seeking a variance from ZR 5.1.1 bulk requirements to reduce lot size from 20,000 s.f. to 19,500 s.f. for construction of a single-family residence. Property located on River Rd., Pawcatuck. Assessor's Map 7 Block 1 Lot 5. Zone RA-20.

Mr. Rathbun recused himself and Mr. Rezendes was seated as Chairman for this application.

Mr. Larkin read his report into the record.

Mr. Joseph Grispino spoke on behalf of this application. Mr. Grispino stated he is requesting a reduction in the minimum lot requirement from 20,000 sf. to 19,500 s.f. for Lot #5. The two lots were never merged and have always been referred to as Lot #5 and #6.

Mr. Larkin said that Section 2.8 of the Zoning Regulations state that adjacent lots owned by the same individuals shall be merged. However the Town Attorney has advised the assessor's office that they do not have the power to merge the two properties.

There was no one speaking in favor of this application.

David Erskine and Dominic Galluci spoke in opposition.

There were no general comments. The public hearing was closed.

ZBA #12-03 Old Mystic Fire District – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the rear yard setback from 40' to 10' and expand existing gross floor area by 240 s.f. for the installation of a 12' x 20' fire department storage shed. Property located at 21 No. Stonington Rd., Old Mystic. Assessor's Map 166 Block 1 Lot 2. Zone RA-20.

Mr. Larkin read his staff report into the record.

Chief Richards from the Old Mystic Fire Department presented his application and answered questions from the Board. Mr. Richards explained that his intent was to place the shed on a one-acre lot across the street from the firehouse. However the shed would be an accessory use at that location with no primary use. The alternative plan would be to put the shed on the existing lot where the firehouse is located, however, there is really not enough space.

No one spoke in favor, in opposition, or with general comments. The public hearing was closed.

Mr. Rathbun asked if a variance across the street could be requested. Mr. Deichmann asked if there is a minimum size needed for a primary business across the street. Mr. Larkin explained why a shed is considered an accessory use. Mr. Richards explained that there is not enough space for the ramp and the shed and it would prevent access to emergency generator. There was a discussion regarding the best way to go about getting approval for the shed including submitting another variance application for the lot across the street. Mr. Richard stated he would contact the Planning Office. Mr. Rathbun advised the Board to continue this discussion next month. The public hearing was continued.

AAP 12-04 Richard C. Fiore - Request ZBA overturn the Zoning Enforcement Officer's Cease & Desist #11-124. Property located at 27 Moss St., Pawcatuck. Assessor's Map 4 Block 3 Lot 23. Zone RH-10.

Land Use Enforcement Agent, Candace Palmer, reported on this application for the record.

Mr. Berger recused himself from hearing this application because he is the attorney for the Fire District who is the Complainant.

Appearing on behalf of this application was the owner Richard Fiore and his attorney, Tom Collier..

The history given was that this building was purchased by Mr. Fiore in 1980 as three-dwelling units. The tax assessor's cards show a change in 1984 to 6 meters. The tax cards from 1994, 2002, and 2011 also indicate that it is a six-family structure. On October 13, 2011 an inquiry was received by Mr. Fiore from the Fire Marshal, questioning a basement apartment. Attorney Collier submitted 13 exhibits which he feels, proves that the owner, Mr. Fiore, received permission for the basement apartment. Attorney Collier presented two letters that Mr. Fiore received from the then ZEO agent, Ruth Hoffman, which were not in the Town's records. Attorney Collier and Mr. Fiore stated that he received approvals verbally and in writing from past ZEO Ruth Hoffman. Mr. Fiore also explained that Mr. Jim Jefferies did the walk through and was there throughout all steps. Mr. Rathbun asked the attorney and the owner if this case is continued to next month, would they allow the Fire Marshal and Ms Palmer to enter the home to conduct an inspection. Attorney Collier and Mr. Fiore said yes, they would allow them into the building.

No one else spoke in favor, or in opposition.

General Comments: Rebuttal was made by Ms. Palmer in response to Attorney Collier accusing her of not inspecting the site. Ms. Palmer indicated that if the Board will see on page 2 that she visited the site but was not able to get inside the house. The picture on page two clearly showed six mailboxes on the house. Ms. Palmer also pointed out that Mr. Fiore submitted letters of correspondence and not copies of permits and that permits are tracked by the building department.

Mr. Rathbun continued this hearing to the next ZBA meeting on June 12, 2012.

Ms. Conway, Mr. Rezendes, and Mr. Guyol requested the following of Ms. Palmer:

- Do a review of the procedures the Town had at the time (early 1980s);
- Summarize how the Town manages old documents;
- Review the Meeting Minutes of February 1985;
- Review Ms. Hoffman's records;
- Review Fire Marshall's records from 1984;

Ms. Palmer added that she would also like to review the Meeting Minutes from February 1985.

Deliberations & Decisions – Current Applications

ZBA 12-01 Joseph F. Grispio

A motion was made by Frederick Delchmann and seconded by Matthew Berger to deny ZBA 12-01 Joseph F. Grispio application due to no real hardship is present according to the regulations. The motion to deny the application was unanimous.

Old Business:

ZBA #12-02 Lorraine A. Misiorek – Seeking a variance from ZR 6.6.4.6 district density area requirement to reduce the lot size from 30,000 s.f. to 7,085 s.f. for a three family dwelling. Property located at 23 Washington St., Pawcatuck. Assessor's Map 3 Block 23 Lot 7. Zone RH-10

Mr. Larkin read his staff report in to the record. Ms. Misiorek requested the Board make their decision based upon the testimony given during the March public hearing. She was not present for the meeting.

Mr. Rathbun asked the four Board members seated last month for this application be seated to vote on the application this evening. Mr. Rathbun recused himself since he was not present at last month's meeting. The voting members were Frederick Deichmann, Virginia McCormack, Jack Guyol, and Lynn Conway.

Mr. Deichman made a motion to deny the application because a hardship had not been proven. It was seconded by Ms. Conway. Ms. McCormack made an argument that hardship was proven due to the loss of the use of a part of the applicant's home. Ms. McCormack further pointed out that this request was in keeping with the neighborhood. The Board members voted to deny the first motion to deny the variance. A motion was made to approve the variance application and it was unanimously approved.

New Business:

ZBA #12-05 Carole Clark – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 30' to 19' for construction of an additions to a single family residence. Property located at 2 Lamberts Lane, Stonington. Assessor's Map 100 Block 1 Lot 8. Zone RM-15.

The public hearing was scheduled for June 12, 2012.

ZBA 12-06 Julie A. Olson - Seeking a variance from ZR 3.1.4.2 buffer requirements in an RC-120 zone to waive the 100' non-infringement area requirement to allow for the creation of a stonewall to prevent or diminish erosion of the land caused by boat wakes. Property located at 159-161 River Rd., Pawcatuck. Assessor's Map 6 Block 4 Lot 20. Zone RC-120

The public hearing was scheduled for June 12, 2012.

Review of meeting minutes: A motion was made by Mr. Rezendes and seconded by Mr. Guyol to approve the amended minutes of February 14, 2012. The motion was unanimously approved. A motion was made by Mr. Deichmann and seconded by Ms. Conway to approve the Minutes of April 10, 2012. The motion was unanimously approved.

Adjournment: A motion was made by Mr. Guyol and seconded by Ms. Conway to adjourn. The meeting adjourned at 9:30 PM.



Lynn Conway, Secretary