

**Zoning Board of Appeals
Regular Meeting
Final Minutes
September 11, 2012**

Chairman David Rathbun called the Zoning Board of Appeals meeting to order at 7:05 p.m. Members in attendance were David Rathbun, David Rezendes, Lynn Conway, Matthew Berger and alternate Virginia McCormick who was seated. Zoning Official Joseph Larkin was also present. Absent were Jack Guyol and Frederick Deichmann.

Public Hearings:

ZBA #12-09 Tracy O'Lari – Seeking a variance from ZR 3.1.4.2 buffer requirements to reduce the non-infringement area in a RC-120 zone from 100' to 20' for construction of additions to a single family residence. Property located at 16 North Shore Way, Stonington. Map 154 Block 2 Lot 10 Zone RM-20 & RC-120.

Mr. Larkin gave his staff report. He stated that this is a unique situation since this house was built prior to the adoption of Zoning Regulations in 1960. After giving the ZBA Commissioners historical information on this property, Mr. Larkin explained the process established between the Town, Latimer Point Condominium Association and the DEEP to be used in order to get approval for any expansions. Mr. Larkin further stated that Mrs. O'Lari needs a variance to reduce the required non-infringement area to 20 feet before she can proceed.

Sarah Moriarty and owner Tracy O'Lari presented this application. They explained that this house has been a summer cottage and the intention is to make it into a permanent, full-time residence. The variance is needed in order to make the necessary improvements. There is an issue with getting approval from the DEEP around the location of the septic tank. There is a huge boulder that would pose great difficulty to move. The configuration of Latimer Point is such that DEEP will not allow the septic in front of the house. Placing the septic behind the house may place it in too close a proximity to the waterfront. The septic will have to be placed on the side of the house. A variance is also needed to create a second story and move one bedroom from the first floor to a new location on the 2nd floor.

The Board asked several questions and reviewed the plans with Mrs. O'Lari regarding the size of the addition and the existing deck. Mr. Larkin stated the addition would comply with the flood regulations for the elevation. Mrs. O'Lari said she has met with the Flood Plain Manager.

Ms. Conway stated the only change appears to be a 3 ft. change in the footprint to the right on the back. Mr. Berger made the point that there is a pre-existing zone and a variance is not needed to make changes on the inside of this property. Mr. Berger felt that there is no hardship at this moment. If the footprint remains the same, a variance would not be needed unless the height was changing. The Board felt that the configuration of this site was challenging and the location of septic was in the right place. Ms. Conway asked for verification from the owner if anything will stand or jut out on the house after the renovations. The owner replied that she intends to move the house around and nothing will stand out or jut out. Mr. Larkin said the next step will be for the owner to go back to the Latimer Point Association for approval and then to the PZC for approval.

Comments in Favor: None
Comments in Opposition: None
General Comments: None

Chairman Rathbun closed this public hearing.

There was open discussion by the Board members at which time Mr. Berger asked for a narrowly tailored motion. All the members agreed.

A motion was made by Mr. Rezendes and seconded by Mr. Berger to approve the variance to reduce the non-infringement area to the footprint shown as presented on the site plan dated 5/31/12 attached to and described in application ZBA #12-09 received on 8/14/12.

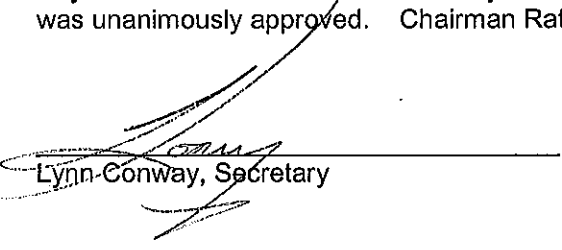
The motion was unanimously approved.

New Business: Since no new applications were received, the ZBA Meeting in October will be canceled.

Review of meeting minutes: A motion was made by Mr. Rezendes and seconded by Mr. Berger to approve the meeting minutes of 7/10/2012. The motion was unanimously approved.

A motion was made by Ms. Conway and seconded by Mr. Rezendes to approve the meeting minutes of 8/14/2012. The motion was unanimously approved.

Adjournment: A motion was made by Mr. Berger and seconded by Ms. Conway to adjourn. The motion was unanimously approved. Chairman Rathbun adjourned the meeting at 7:55 p.m.



Lynn Conway, Secretary