

**Zoning Board of Appeals
Regular Meeting
FINAL Minutes
February 12, 2013**

Chairman David Rathbun called the meeting to order at 7:00 pm. Members in attendance were David Rathbun, Jack Guyol, David Rezendes and alternates Frederick Deichmann and Virginia McCormack. Zoning Official Joseph Larkin was also present. Lynn Conway and Matthew Berger were absent.

Chairman David read the procedures for obtaining a variance and definition of hardship. David Rezendes read the call for the public hearing.

Public Hearings:

ZBA #12-13 Lucille Hail – Seeking a variance from ZR 5.1.1 to reduce the required side yard setback from 20' to 16' for an addition. Property located at 17 Fellows St., Pawcatuck. Assessor's Map 14 Block 13 Lot 9 Zone RH-10.

Mr. Larkin stated the applicant has submitted an A-2 survey and that architect Peter Springsteel will represent the applicant in this matter. The application file is exhibit #1.

Mr. Springsteel referred to the site plan in explaining the proposal for the 1st story addition. The proposal will reduce the side yard setback from 15' to 11'. Five photos of existing site conditions were submitted as exhibit #2. He stated getting access into the house in a reasonable way was a hardship. If they built off the back of the home it would cause the loss of the kitchen windows and the whole kitchen would have to be reconfigured. He submitted a GIS map as exhibit #3, which revealed that many other properties in the neighborhood are not conforming to the side yard setback. He submitted a floor plan of the existing home as exhibit #4, further explaining the case for hardship. He closed by reading aloud the formal letter submitted to the commission stating hardship for this owner.

Mr. Rezendes said he did not see a justified reason for the variance. Mr. Larkin stated that a structure is defined as anything having permanent location on the ground and the stoop to the door qualifies as such.

There was no one speaking on the application in favor, in opposition or with general comments.

The public hearing was closed. Ms. McCormack made a motion to approve the application as presented. Mr. Deichmann seconded the motion. There was a brief discussion regarding whether there was a hardship. The motion to approve was granted unanimously.

ZBA #13-01 Suzanne Tyler, applicant; Philip & Alison Darrell, owners - Seeking a variance from ZR 3.1.4.1 buffer requirements in the GBR-130 zone to permit disturbance within the 100 ft. non-infringement area to allow the construction of a single family residence, septic area, associated landscaping and driveway relocation upon re-subdivision of the parcel. Property located at 580 No. Main St., Stonington. Assessor's Map 97 Block 1 Lot 4. Zone GBR-130

Mr. Larkin reported the applicant has submitted an A-2 survey and that engineer John Paul Mereen will represent the applicants in this matter. The applicant is applying for a re-subdivision of their property, but the Planning and Zoning Commission can not approve the application without a variance to reduce the required 100' non-infringement area. The application file is exhibit #1.

Mr. Mereen presented three architectural drawings to assist in explaining the needs for the driveway to be paved and brought further back, along with the location of the patio, gardens, septic area and wetlands area. During the discussion of the application Mr. Mereen acknowledged that it's a big piece of property with some space issues.

Speaking in Favor:

Property owner Philip Darrell stated his family was granted a one time free split by the town in 1997 or 1998. Originally 40 acres of forest land was given to them by their father. The remaining 34 acres are held as forest land by the family.

Speaking in Opposition:

Amanda Lindberg presented a GIS map as exhibit #2. Then she read aloud the buffer requirement for the GBR-130 zone regarding the 100 ft. non-infringement area. She submitted the Town of Stonington ZBA Guide-Recognized Hardships as exhibit #4.

General Comments:

Rick Newton provided general comments on the preservation of wetlands and town regulations for protection of streams and watercourses. He submitted the statement from the Avalonia Land Conservancy as exhibit #5. He also submitted a Natural Diversity Data Base Areas map as exhibit #6.

Binti Ackley agreed with Mr. Newton's statements that we should preserve the wetlands. Mr. Ackley said the tiny strip of land in question is too small to put all that is proposed on it.

Rebuttal: Mr. Darrell stated his family belongs to the Sylvia's pond conservation and that was set up to preserve the land and keep the water clear. They have worked with many officials to keep the pond clean and would not do anything to harm nature or the environment.

After a brief discussion, the Board decided that the applicant should go before the Inland Wetlands Commission prior to seeking a variance since they have purview over the wetlands issues.

The public hearing was closed.

Mr. Deichmann asked if this commission could defer until hearing from the Inland Wetlands Commission. Mr. Larkin stated the applicant can apply to ZBA again in 6 months. At that time, it will be up to the Board if they will hear application again. Mr. Deichmann made a motion to deny the application without prejudice. Mr. Rezendes seconded the motion. The motion to deny without prejudice was unanimous.

Old Business: None

New Business:

ZBA #13-02 Arthur & Karen Erikson – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the side yard setback from 75' to 35' for expansion of an existing deck. Property located at 230 Palmer Neck Rd., Pawcatuck. Assessor's Map 56 Block 1 Lot 3. Zone RC-120

Mr. Larkin reported there is an old survey on file for this application.

ZBA #13-03 & CAM Review - Summit Street Development LLC – Seeking a variance from ZR Section 5.2.1. minimum lot area of 80,00 s.f. to 46,762 s.f. for a pre-existing, non-conforming lot. Property located at Mason Island Rd. & Harry Austin Dr., Mystic. Assessor's Map 160 Block 4 Lot 4. Zone M-1.

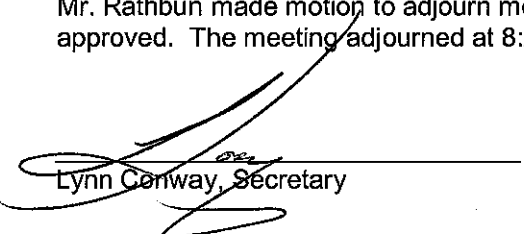
AAP #13-04 OMMV LLC (Anthony Silvestri) - Request ZBA overturn the Zoning Enforcement Officer's Cease & Desist #11-136. Property located at 175 Whitehall Ave., Mystic. Assessor's Map 165 Block 1 Lot 22D. Zone RA-40.

The above applications are scheduled for public hearing on March 12, 2013.

Discussion of A-2 survey waiver requirements: Town Planner Keith Brynes was present to discuss this item with the Board. Mr. Rathbun stated that no minutes were required for this discussion.

Minutes: Mr. Rezendes motioned to approve the minutes from January 8, 2013. Ms. McCormack seconded the motion and it was unanimously approved. Mr. Deichmann abstained.

Mr. Rathbun made motion to adjourn meeting. Mr. Rezendes seconded the motion and it was unanimously approved. The meeting adjourned at 8:25 p.m.


Lynn Conway, Secretary