

**Zoning Board of Appeals
Regular Meeting
Final Minutes
September 10, 2013**

Matthew Berger made a motion to seat David Rezendes as acting Chairman. Lynn Conway seconded the motion. All in favor 4-0. Mr. Rezendes called the meeting to order at 7:00 p.m. Members in attendance were David Rezendes, Matthew Berger, Virginia McCormack, Lynn Conway and Neil Canavan (seated for Jack Guyol). Zoning Official Candace Palmer was also present.

PUBLIC HEARINGS: Mr. Rezendes read the procedures for obtaining a variance and Ms. Conway read the call for the public hearings.

ZBA #13-05 Julie Olson & Neil Orkney – 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 stone wall 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 RR-80 & RC-120.

Attorney Ted Ladwig asked for this applicant's public hearing to be opened and continued to the October meeting. Ms. Conway motioned to open the public hearing and continue it to next month. Mr. Canavan seconded. All in favor 5-0.

ZBA #13-08 RoxRiv Realty LLC – Seeking a variance from ZR 7.12.7.2.1 detached signs to allow an additional free standing. Property located at 12 Coogan Blvd., Mystic. Assessor's Map 164 Block 4 Lot 1. Zone TC-80.

Staff highlighted previous special use permit for this property and stipulations required, along with a summary of their hardship claim. Susan Hayes, representing applicant, explained the challenges and need for an additional free standing sign (24 sq.ft.). She submitted exhibit #2, site plan. There were no speakers in favor, opposed, or for general comments on this hearing. The public hearing was closed.

ZBA #13-09 BETR Properties LLC – Seeking a variance from ZR 5.1.1 & ZR 3.1.4.2 to reduce the front yard setback from 75' to 14.7'; to reduce the side yard setback from 75' to 40.9'; to reduce the rear yard setback from 100' to 58.3'; to increase the FAR from .04 to .06 and to reduce the 100' non-infringement zone from 100' to 41'. Property located at 110 Hewitt Rd., Mystic. Assessor's Map 152 Block 2 Lot 10 Zone RC-120.

Applicants Brian Jendraszek & Dana Christensen submitted the following exhibits:

- #2 Hescoek vs. Zoning Board of Appeals
- #3 History of the property
- #4 & #5 Existing Front & Second floor elevations
- #6 Soil Scientist statement
- #7 Elevation of Home
- #8 large site plan marked with colored setbacks
- #9 Existing Front/Rear pictures with elevations
- #10 Pictures of neighborhood
- #11 Additional pictures of neighbor's homes

Mr. Jendraszek presented the application utilizing all of the exhibits presented, stating there would be an addition of 314 sq. ft. on the upper level, along with a request to add on a deck off the back of the home.

There was no one speaking in favor, opposed, or for general comments on this hearing. The public hearing was closed.

ZBA #13-10 Robynne Madison & John Miceli – Seeking a variance from ZR 5.1.1. to reduce the front yard setback from 75' to 30'; the side yard setback from 75' to 45'; increase the F.A.R. from .04 to .053 and ZR 3.1.4.1 buffer requirements in a GBR-130 zone to waive the 100' non-infringement area requirement. Property located at 105 Lantern Hill Rd., Mystic. Assessor's Map 168 Block 1 Lot 1 Zone GBR-130

Applicant, Robynne Madison, provided additional background on property stating it is being handed down within the family. They are seeking four variances. Tony Nenna, PE, reviewed the site plan, which highlighted wetlands and all the proposed changes and its impact on the wetlands. A letter from Richard Snarski stating there will be no

impact on the wetlands was submitted as Exhibit #2. There were no speakers in favor, opposed, or for general comments on this hearing. The public hearing was closed.

Meeting recessed at 8:20 p.m. and reconvened at 8:23 p.m.

Deliberations & Decisions – Current Applications

ZBA #13-08 RoxRiv Realty LLC – Seeking a variance from ZR 7.12.7.2.1 detached signs to allow an additional free standing. Property located at 12 Coogan Blvd., Mystic. Assessor's Map 164 Block 4 Lot 1. Zone TC-80.

There was a discussion about the sign, tree pruning ideas, lack of a traffic study and whether there is a change of circumstances. Ms. Conway moved to deny the application for lack of hardship. Mr. Berger seconded. All in favor to deny the application (5-0).

ZBA #13-09 BETR Properties LLC – Seeking a variance from ZR 5.1.1 & ZR 3.1.4.2 to reduce the front yard setback from 75' to 14.7'; to reduce the side yard setback from 75' to 40.9'; to reduce the rear yard setback from 100' to 58.3'; to increase the FAR from .04 to .06 and to reduce the 100' non-infringement zone from 100' to 41'. Property located at 110 Hewitt Rd., Mystic. Assessor's Map 152 Block 2 Lot 10 Zone RC-120.

Mr. Berger moved to deny the application due to lack of hardship. Mr. Canavan seconded. There was discussion on eliminating the deck and keeping within the same footprint of the existing home. Mr. Berger withdrew his motion. Mr. Canavan made a motion to approve with the following amendments:

- 1) The deck has not been approved with this application
- 2) Front yard setback approved to 14.7 ft.
- 3) FAR reduced from .04 to .06
- 4) Approve setback in non-infringement to existing foundation
- 5) Approve side & rear setback to existing foundation

The deck is not approved with this application due to lack of hardship. Mr. Berger seconded the motion. All in favor 5-0.

ZBA #13-10 Robynne Madison & John Miceli – Seeking a variance from ZR 5.1.1. to reduce the front yard setback from 75' to 30'; the side yard setback from 75' to 45'; increase the F.A.R. from .04 to .053 and ZR 3.1.4.1 buffer requirements in a GBR-130 zone to waive the 100' non-infringement area requirement. Property located at 105 Lantern Hill Rd., Mystic. Assessor's Map 168 Block 1 Lot 1 Zone GBR-130

After a discussion amongst the commission, Ms. Conway moved to deny the application without prejudice. Ms. McCormack seconded. All in favor 5-0.

New Business:

ZBA #13-11 Stuart & Tiffany Thompson – Seeking a variance from ZR 5.1.1 to reduce the rear/front yard setback from 50' to 10' for detached garage. Property located at 121 Tipping Rock Rd., Stonington. Assessor's Map 79 Block 3 Lot 8 Zone RR-80.

ZBA #13-12 Carl Fusaro – Seeking a variance from ZR 5.1.1 bulk requirements to reduce minimum lot size from 15,000 s.f. to 6,534 s.f. (RH-10 bulk requirements) for construction of a single family residence. Property located at 1 Orchard Hill Dr., Stonington. Assessor's Map 175 Block 3 Lot 7 Zone RM-15.

Ms. Conway moved to accept the two new applications. Mr. Berger seconded. All in favor 5-0.

Review of meeting minutes: Mr. Berger moved to accept the minutes from the 7/9/13. Mr. Canavan seconded. All in favor 5-0.

Adjournment: Mr. Berger motioned to adjourn the meeting. Ms Conway seconded the motion and it was unanimously approved. The meeting adjourned at 8:40 p.m.


Lynn Conway, Secretary