ZONING BOARD OF APPEALS
REGULAR MEETING
Draft Minutes
September 9, 2014

Chairman, Matthew Berger, called the meeting to order at 7:17 p.m. Commissioners present this evening included: Matthew Berger, Virginia McCormack, Lynn Conway and Alternate Bill Lyman (who was seated for Russell McDonough). Keith A. Brynes, Town Planner, substituted for the Zoning Enforcement Officer, Candace Palmer. Russell McDonough was absent.

PUBLIC HEARINGS:
Secretary, Lynn Conway, read the call for the public hearings at 7:19 p.m.

ZBA #14-13 Lydia Herd & Michael DeAngelis – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the rear yard setback from 40' to 20' to construct a detached garage. Property located at 12 Money Point Rd., Mystic. Assessor's Map 180 Block 2 Lot 36G; Zone RA-20.

Staff presented the application. Mr. Brynes stated the hardship claimed is that the nature of the property limits where it is possible to build a detached garage. The staff report included a site plan showing location of wetlands, on-site septic, steep slopes and ledge.

Applicant Lydia Herd clarified the lot location on the map. Ms. Herd explained there is really no other area where this could be built due to a former quarry, utilities and wetland area.

No one spoke in favor, in opposition, or general comments on this application.

Chairman Berger closed the public hearing. After a few brief comments, Ms. Conway moved to approve the application. Ms. McCormack seconded. All in favor 4-0.

ZBA #14-14 Roland D & Alban Pampel, III Trust & Stonington Boathouse, LLC - Seeking a variance from ZR 5.1.1 bulk requirements to reduce the required frontage from 200' to 50.69' for an existing lot. Property located on the southern side of Stonington Rd. Assessor's Map 75 Block 2 Lot 3; Zone GC-60 & RC-120.

Staff presented the application and explained the frontage requirements. The majority of the lot is in the GC-60 zone. The hardship claimed is the multiple changes to zoning regulations over the years and how that has created ambiguity with this property. Regulations are an impediment to the development of this lot as otherwise allowed in the zoning regulations. The applicant is trying to legitimize the frontage of this property which was created in 1966. Zoning regulations at the time required minimum frontage of 200' and did not allow creation of "rear lots" in commercial zones. No specific development plans are presented at this time.

Attorney T.J. Donohue represented the applicant. He submitted the return receipt notices for the file. He agreed with staff's assessment of the property and history. Attorney Donohue submitted a letter from a professional engineer reviewing development constraints on the lot and concluding that the lot is developable without any other necessary variances. Attorney Donahue highlighted the types of surrounding businesses in the area and the consequence of a denial which would render the lot unbuildable.

Louis DiCesare spoke in favor of this application. There was no one speaking in opposition or general comments.

Chairman Berger closed the public hearing. There was a brief deliberation. Mr. Lyman moved to approve the application. Ms. McCormack seconded. All in favor 4-0.

ZBA #14-15 VFW Harley Chase Post 1265 Inc. – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 50' to 30' for the installation of a handicapped ramp. Property located at 162 So. Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lot 18; Zone RR-80/GC-60 (RR-80 applies).

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Chairman Berger stated he is the attorney for the Pawcatuck Fire District and offered to recues himself from this public hearing if the applicant so desired since the Fire Marshal planned to comment. The applicant stated they had no issue with Mr. Berger being seated for this hearing.

Staff presented the application (Exhibit #1), stating the hardship claimed is that the structure was built prior to zoning in what is now the front setback. There is a difference in grading on the property from front to back, making a ramp in the back more difficult.

Mr. Mark Tebbetts represented the applicant. He presented a 6 photo chart (Exhibit #2) which highlighted the property from different angles. The American Disabilities Act requires all buildings be made handicap accessible. The top 3 pictures show the front of the building, proposed ramp location and handicap parking area. The lower 3 pictures show the back & side of the building. There is only one logical location for this ramp where it won't extend farther than the building. That location is the front entrance, where it will also reduce the travel distance for a disabled person while allowing them access to both areas of the VFW.

The following members of the VFW spoke in support as the applicants: Tom Service, Ken Hartline, Tim Mederios.

Public speaking in Favor: Kevin Burns, Pawcatuck Fire Marshal. Mr. Burns addressed the issue of fire safety for the people attending functions at the VFW. He supports the location of the ramp at the front of the building rather than the back. There will need to be fire lanes and handicapped parking areas clearly marked.

The following Lions Club members spoke in favor: Dean Bends, Ray Curioso, Dale Torville. This will be this club's community service project. The materials are already on site and it should take about 6 weekends to complete.

There was no one speaking in opposition or with general comments.

Chairman Berger closed the public hearing. Ms. Conway moved to approve the application. Ms. McCormack seconded. All in favor 4-0.

New Business:

ZBA & CAM #14-16 Gwenmor Marina, Inc. – Seeking a variance from ZR 4.6.4.1 buffer requirements from 25' to 5'; ZR 5.2.1 bulk requirements for side yard setback from 25' to 18'; ZR 7.7.8.3.1 coastal high hazard areas (VE Zone) minimum distance from CT Coastal Jurisdiction line from 100' to 16' and ZR 7.7.8.3.2 elevation of bottom of lowest floor from 15' to 5' and ZR 7.10.6.7 parking lot buffer requirements from 25' to 5'. Property located at Roseleah Dr., Mystic, CT. Assessor's Map 175 Block 1 Lot 31 Zone MC-80.

ZBA #14-17 Jeanne Hamilton – Seeking a variance from ZR 7.7.8.3.1 coastal high hazard areas (VE Zone) minimum distance from CT Coastal Jurisdiction line from 100' to 0' for construction of a single family residence. Property located at 28 Money Point Rd., Mystic. Assessor's Map 180 Block 2 Lot 31 Zone RA-20

Chairman Berger read and accepted the new applications for public hearing on October 14, 2014.

Review of meeting minutes: Mr. Lyman moved to accept the 7/29/2014 minutes. Ms. Conway seconded. All in favor 4-0.

Adjournment: Mr. Lyman motioned to adjourn the meeting. Ms. Conway seconded the motion. All in favor 4-0. The meeting adjourned at 8:49 p.m.