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ZONING BOARD OF APPEALS
REGULAR MEETING
Draft Minutes
November 10, 2015

Seated for the meeting were Matthew Berger, Bill Lyman, Virginia McCormack, Lynn Conway, and Alternate David Rezendes. Zoning Enforcement Officer Candace Palmer was also present.

Chairman Matthew Berger read the call to order at 7:00pm.

New Business
ZBA #15-19 Robert J. Perry – Seeking a variance from ZR 5.1.1 bulk requirements to increase the allowed GFAR from 2,247 sq.ft. or 15% to 2,764 sq.ft. or 18% for construction of an attached garage. Property located at 1 Geiser St., Mystic, CT 06355. Assessor's Map 161 Block 10 Lot 7A; Zone RA-20.

ZBA #15-20 Bruce H. Littman Trust & Catherine I. Littman Trust – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the side yard setback from 67' to 38' & increase the existing GFAR from 9% or 5,516 sq.ft. to 10% or 6,188 sq.ft. for construction of a 672 sq.ft. addition. Property located at 28 Prentice Williams Rd., Stonington CT. Assessor's Map 148 Block 2 Lot 1; Zone GB-130.

ZBA #15-21 Mary Burton – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 50' to 34' for construction of a second story dormer. Property located at 128 Wolf Neck Rd., Stonington CT Assessor's Map 140 Block 2 Lot 1; Zone RR-80.

All were scheduled for public hearings December 8th, 2015.

Public Hearings
ZBA #15-17 & CAM Gennaro Modugno – Seeking a variance from ZR 7.7.8.3.1 to reduce the Coastal High Hazard Area from 100' to 10' for reconstruction of a single family residence. Property located at 35 East Shore Rd., Stonington. Assessor's Map 154 Block 6 Lot 4; Zone RM-20.

Ms. Palmer summarized the application, the applicant is seeking one variance, five letters in favor, two in opposition, comments from Carol Szymanski. Ms. Palmer explained that the base flood elevation has risen creating this home to be in a V zone rather than an A zone. By approving this variance the new home will comply with several zoning and FEMA regulations that it is not currently in compliance. Due to the undersize lot,

Sarah Moriarty, attorney for the applicant, presented the application as well as supporting documents. The applicant is very limited to where on the lot the home can be built. The applicant is looking to rebuild his home to town and FEMA regulations. The applicant currently has a permit to build a second story which was issued in 2013, since then FEMA modified their maps and the home is now in a VE zone. The applicant began construction on the second floor and found that the support beams could not support the home due to damage from Superstorm Sandy, therefore pushing the homeowner beyond the substantial improvements limits forcing them to comply with FEMA regulations and raising the home. Stonington Zoning Regulation 7.7.8.3 prohibits new construction or substantial improvement for any property with 100' of the Connecticut Coastal Jursidiction Line within the VE zone without a variance. The entire lot is within the line. Upon learning Mr. Modugno would have to raise the structure he went through a thorough process with the architectural control committee of the Latimer Point Condo Association who makes sure all residents of Latimer Point views are unobstructed. Ms. Moriraty addressed letters of opposition submitted that state that there was no damage from Superstorm Sandy which she stated is incorrect, the homeowner received federal money for repair, the applicant is also asking for 96 less square feet than their previous structure and not trying to maximize his home size. He was already approved for a larger home in 2013.

Mr. Rezendes addressed comments by DEEP to move the home towards the road, however this is not possible due to power lines. Mr. Lyman questioned whether the second story was approved by the condo association in 2013, which it was. The height variance was also approved with a six and a half foot increase recently. Mr. Berger questioned whether the demolition needed a permit, Ms. Moriarty explained that he has since obtained one. Mr. Lyman questioned whether the home is seasonal or year round. Ms. Moriarty explained that all homes on Latimer Point are seasonal due to lack of permanent water.

Public Comment in Favor

Andy Feinstein, chair of the architectural control commission of the Latimer Point Condo Association, spoke in favor of the applicant. Mr. Feinstein explained that this lot would be unusable without a variance since the lot is only 87 feet in its widest spot. Mr. Feinstein favors approving this variance due to the nature of the lot and that this is the best alternative. Mr. Feinstein explained that conditions outside of the owner's control exist creating a hardship for the applicant. Mr. Feinstein also asked that the commission not place conditions on the approval. The condo association has worked with the homeowner at length for the best possible solution.

John Meeks, neighbor directly across the street from the applicant, spoke in favor of the applicant. Mr. Meeks has been neighbor to the lot since 1957 and would like to see them have the ability to construct their home. Although this would give them a beautiful view, they would rather have their family have a home on their property to enjoy.

Tony Modugno, neighbor and brother to the applicant spoke in favor of the application. Mr. Modugno explained that this will improve his property and the community. He states the applicant has worked with all regulations and official to develop a plan for this property.

Anne Sullivan, resident of Latimer Point, spoke in support of the application and submitted a letter in support from Susan Noyes the President of the Latimer Point Condo Association.

Public Comment Against
Peter White, resident of Latimer Point, stated that FEMA regulations were ignored prior to demolition of this home, professional surveyors were hired by the LPCA and the home was demolished the day prior. Mr. White believes it is unfair that home will block views of neighbors and that the home should be smaller for safety. Mr. Lyman asked whether Mr. White is in agreement with the footprint of the home. Mr. White explained that this will obstruct the views of five homes. Mr. White explained that this will devalue his home. Mr. White explained that in the original approval they estimate a .8% view obstruction but Mr. White had his own survey which determined an 8.5% obstruction and is estimated to have a 15% obstruction with the new plan.

James Wojack, resident of Latimer Point, stated that there are some full time homes with wells at Latimer Point. Mr. Wojack expressed that the demolition was not approved and that although he would like to see a home on the property, he would like to see the home that existed prior to demolition.

Ms. Moriarty explained that the home is of reasonable size to the community. Ms. Moriarty explained that he is permitted to build the second story of the home, although it has not been built, it is permitted. Ms. Moriarty stated that the condo association has an engineer that surveys views, and determined it would not obstruct views which is why it was approved by the condo association.

Mr. Berger stated that the height issue is outside of the board's decision on the variance for the Coastal High Hazard Area line. Ms. Conway asked for clarification on the determination of the water view.

Mr. Berger closed the public hearing.

Ms. McCormack moved to approve the application, seconded by Ms. Conway, the commission discussed the view issue however it is out of scope, the commission stated the approval for the second floor in 2013 permits them to build the home, all in favor 5-0, motion approved.

Mr. Rezendes moved to approve the CAM application, seconded by Ms. Conway, all in favor 5-0, motion approved.

ZBA #15-18 Matthew Gutmann – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the side yard setback from 75' to 25' for construction of an attached garage. Property located at 69 Wamphassuc Rd., Stonington. Assessor's Map 126 Block 4 Lot 3; Zone RC-120.

Ms. Palmer presented the application, they have moved the garage to not come within the 100' non-infringement area but will impact the side yard setback. They abut the railroad tracks on that side. The existing garage will become a room for an elderly family member that needs ADA compliance.

William Bertsche, project engineer presented the site plan. The engineer explained the buildable part of the property due to non-infringement and flood areas. The zone on the other side of the railroad tracks in zone RR-80 which has a 25' side yard setback which abuts the railroad tracks, therefore fitting with the

neighborhood. The applicant explained this would allow for further development increasing the buildable area from 6% to 16%. Mr. Berger asked for clarification of the hardship. The applicant explained that the shape of the lot prevents greater buildable area. The commission questioned the placement of the garage. Mr. Gutmann explained the placement of the garage on the side due to the grade in the rear and the need to maneuver into the garage. The commission further discussed what the hardship is for the applicant.

Ms. Conway moved to continue the application, seconded by Mr. Lyman, all in favor 5-0, motion approved.

Minutes
Mr. Lyman moved to approve the minute of the October 13, 2015 meeting, seconded by Mr. Rezendes, all in favor 5-0, motion approved.

Ms. Conway moved to adjourn, seconded by Mr. Rezendes, all in favor 5-0, the meeting adjourned at 9:01pm.