ZONING BOARD OF APPEALS
SPECIAL MEETING
Draft Minutes
December 9, 2014

Chairman, Matthew Berger, called the meeting to order at 7:04 p.m. Commissioners present this evening included: Matthew Berger, Lynn Conway, Russell McDonough and alternates Bill Lyman and David Rezendes, who was seated for Virginia McCormack. Zoning Enforcement Officer, Candace Palmer was also present. Virginia McCormack was absent.

PUBLIC HEARINGS:
Mr. Berger read the call for the public hearing and Ms. Conway read the public hearing publication dates.

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.

Mrs. Palmer explained the application and the variances the applicant is seeking for the property. The applicant is proposing a bath house with utility area, parking for 6 vehicles and a patio for picnic tables. The lot is pre-existing non-conforming and has been a lot of record since 1930. Under the current zoning regulations applying the required buffer and setback requirements to the lot it would leave a very small triangle available for use. The applicant has received a modification to the building code which will allow for having the bathroom facility to be built below the BFE. Mrs. Palmer also reported that Mary-Beth Hart from the CT DEEP has reviewed the proposal and given approval stating the variances are consistent with the Connecticut Coastal Management Act.

Ted Harris, attorney for the applicant, reviewed the application and gave a brief history of the property. Variances are needed because of the pre-existing lot status and to enable the owner use of the lot. Attorney Harris submitted the following Exhibits:

- Exhibit #1 – Application file
- Exhibit #2 – Chain of Title
- Exhibit #3 – Aerial view of property
- Exhibit #4 – 3 letters from abutters in favor of the application
- Exhibit #5 – Minutes from 8/2/11 P&Z meeting
- Exhibit #6 – Flood Hazard overlay district analysis

Attorney Harris stated the lot is approximately 5,000 s.f. in size. Buffers have been provided along each of the two neighboring property lines. An additional buffer has been provided for a portion of the lot on the street side. The plan proposes a small building for a bathhouse with a utility area. The majority of the building will be within the buildable area. Once the required setbacks and buffers are applied it only leaves 7% of the lot in the buildable area. The parking lot will be gravel base. The electric and the mechanicals will be able the BFE. There are six parking spaces provided on site and additional parking will be available on the Gwenmor Marina property at 12 Roseleah Dr. Attorney Harris stated that the 5' variance that is written on the site plan was an auto cad error and was not part of the application. The Planning and Zoning Commission is going to require an easement on the property connecting the two lots and it will not allow them to be separated.

Keith Neilson, from Docko, Inc., reviewed the design of the facility. The property is in a flood zone. The existing site is to remain at the prevailing grade. The service is underground and there are safe guards in case of flooding. There are 29 slips proposed and there will be utilities provided on the docks for the boats. The lot will provide winter storage for boats.

There was no one speaking in favor.

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Speaking in Opposition: Russ Dory property owner of 22-24 Roseleah Dr. stated he abuts the property. He submitted 3 pages of pictures as Exhibit #7. He expressed concerns regarding the lighting for the site and asked that low level lighting be required. Mr. Dory expressed concern about the amount of traffic coming and going from the site for the 29 boat slips and was concerned that cars would be parking on the street. He would like to see the building relocated on the site and redesigned to move the location of the bathroom doors. Mr. Dory would like to see the property owners work with the abutting property owners regarding proposed uses for the property.

Speaking with General Comments: Rick Larson from 28 Roseleah Dr. said the neighbors would like to see the septic system extended so the people on the street can connect to it in the future. He also said he would like to see the lighting have screening so it would stay on the property.

Attorney Harris stated for clarification of the pump/holding facility for the septic is for the on site system only. He also stated that moving the building wouldn't solve any problems. They can increase the landscaping and increase the fence height by the abutting property.

Ms. Conway asked if the doors to the bathroom could be relocated away from the neighboring property owner. Mr. Neilson said they could reconfigure the building and put the utility area in the middle with the bathroom on either end. Ms. Conway asked for the colored site plan to be submitted for the file. Attorney Harris submitted the site plan as Exhibit #8.

Mrs. Palmer stated that if the property were used for a residential lot, the building could be 5 ft. from the property line and a 1,300 s.f. house could be built.

Mr. Berger closed the Public Hearing and asked for a motion.

Mr. Rezendes made a motion to approve the application. Mr. Lyman seconded the motion. A brief discussion followed regarding the proposed use in the Marine Commercial zone. The Board voted unanimously to pass the motion to approve the variances.

ZBA #14-18 James S. Smith– Seeking a variance from ZR 7.14.4.3 to allow for a ground mounted solar array in an Industrial Zone. Property located at 264 Taugwonk Rd., Stonington, CT. Assessor's Map 70, Block 1, Lot 4A; Zone LI-130.

Mrs. Palmer reviewed the application for ground mounted solar array panels. The hardship claimed by the applicant is that the house was built in 1747 and the residential use predate the LI-130 zoning. There is no roof suitable for mounting the panel without cutting down a significant number of trees.

James Smith, property owner, stated they were originally going to put the panels on the roof of the barn. They realized several large trees would have to be removed and it would still not give them the solar access that would be achieved if ground mounted.

Laura Smith stated the panels would be located in a field and would be totally hidden by existing grove of trees. Both locations would be hidden by trees.

Dan Macieki from RGS Energy said they would need to cut down at least 6 very large trees and still wouldn't' get the solar access they are looking for. By putting the panels on the ground they would achieve 88% solar access. Mr. Macieki submitted specifications and pictures of the solar panels as Exhibit #2. The panels proposed with this application would be 8 ½ ft. x 50 ft.

Speaking in Favor: David Main has property at 253 & 281 Taugwonk Rd. and said he was totally in support of the proposal.

There was no one speaking in opposition:

General Commnets: Jonathan Duncklee from 296 Taugwonk Rd. questioned why the applicant was not using their south facing roofs for installation of the panels. He did not understand the hardship claimed since the zoning has always been LI-130.

David Main said he felt the hardship was the need to remove the really old large trees.

Mrs. Smith said they would have to take down at least 9 trees.
There were no further comments. Chairman Berger closed the public hearing and asked for a motion.

Ms. Conway made a motion to approve the application. Mr. Lyman seconded the motion. The Board discussed the application proposal and the hardship. Ms. Conway, Mr. Lyman, Mr. Rezendes voted to approve the variance. Mr. Berger and Mr. McDonough voted to deny the variance. The motion to approve failed (3-2).

New Business:

ZBA #14-19 66 Wolcott LLC – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 30' to 23'8.5" and reduce the side yard setback from 10' to 7'2" for a dormer and front landing with stairs located within an existing non-conformity. Property located at 66 Wolcott Ave., Stonington CT. Assessor's Map 127 Block 13, Lots 5 & 9; Zone RM-20.

ZBA & CAM #14-20 Denison Pequotsepos Nature Center Inc.(Kent & Frost) – Seeking a variance from ZR 3.2.4.1 & ZR 3.2.4.2.4 to allow for a reduction of the natural resources buffer requirements of 25'-100' to 13' and a reduction of the Special Use Buffer requirement of 35' to 7'. Property located at 162 Greenmanville Ave. Mystic CT. Assessor's Map 172, Block 2, Lot 5; Zone RA-40/RM-15.

The new applications were received and scheduled for public hearings on January 13, 2015.

Review of meeting minutes: Mr. Lyman made a motion to approve the minutes from the 9/9/2014 meeting. Ms. Conway seconded the motion. Mr. Lyman, Ms. Conway and Mr. Berger voted to approve the minutes. Mr. Rezendes and Mr. McDonough abstained.

Mr. McDonough made a motion to adjournment. Ms. Conway seconded the motion. All in favor. The meeting adjourned at 9:15. p.m.