

ZONING BOARD OF APPEALS

REGULAR MEETING

Final Minutes

September 13, 2022

Stonington Police Station, 173 South Broad St., Pawcatuck, CT

Present for the meeting were James Kading, Jeff Walker, Raymond Dussault, Diana Lurie Boersma and Anthony Caporale. Zoning Enforcement Officer Candace Palmer was also present. Absent Nat Trumbull, Mark Mitsko and James Stanton.

Seated for the meeting were James Kading, Jeff Walker, Raymond Dussault, Diana Lurie Boersma seated for Mark Mitsko and Anthony Caporale seated for Nat Trumbull.

The meeting was called to order at 7:00 p.m. The Pledge of Allegiance was said.

New Business:

ZBA #22-14 Eleanor Ellis (William R. Sweeney, Esq.-Agent) – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 15% to 24% to construct an attached garage. Property located on 13 Richmond Road, Mystic. Assessor's Map 161 Block 6 Lot 8; Zone RA-20.

ZBA #22-15 452 Liberty Street, LLC. (Anthony Nenna, P.E.-Agent) – Seeking a variance from ZR 4.2.4.1 to reduce the buffer requirement from 15' to 9' and ZR 7.10.6.5 to reduce parking lot buffer from 20' to 9' to accommodate parking on a commercial lot that adjoins a single-family residential use. Property located on 452 Liberty Street, Pawcatuck. Assessor's Map 18 Block 4 Lot 12; Zone CS-5.

ZBA #22-16 2-6 Mechanic Street, LLC (Theodore M. Ladwig-Agent) – Seeking to vary the requirements of ZR 7.7.8.2.1 and 7.7.8.2.2 to allow substantial improvements to an existing commercial structure converting to mixed use. Property located on 6 Mechanic Street, Pawcatuck. Assessor's Map 3 Block 28 Lot 8; Zone PV-5.

ZBA #22-17 David & Pamela Jakstis (Peter J. Springsteel Architect, LLC-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 18' to reconstruct stairs and entry porch. Property located on 16 Roseleah Drive, Mystic. Assessor's Map 175 Block 1 Lot 33; Zone MC-80 (RH-10 applies).

The applications were scheduled for Public Hearings on October 11, 2022.

Administrative Review: None.

Old Business: None.

Public Hearing:

ZBA #22-11 Carl & Mary Boisvert (Anthony Nenna, P.E.-Agent) – Seeking a variance from ZR 3.1.4.2 to reduce the non-infringement buffer from 100' to 17' to construct a landscape wall, along top of embankment. Property located on 135 River Road, Pawcatuck. Assessor's Map 6 Block 4 Lot 16; Zone RA-15/RC-120.

Anthony Nenna, On-Site Engineering was representing the applicant, Carl Boisvert, who was also present. Mr. Nenna stated the property has a single-family residence on it and it has the Pawcatuck River on the East. The lawn is maintained to the edge of the river and there is a dock. Properties in the area have similar situations. This property has a higher grade and drops to the river. It is located in the

RC-120 with a 100' non-infringement area. The lot was created from a subdivision in 1961, with the house built in 1966, all prior to the RC-120 zone. The proposed stone masonry wall will be along the embankment and have shrubbery planted, making it look nice. It will be up higher than the water mark and the river water will not impact it. It will make the property look nice to boaters on the river and the property owners. It will not impact public health or the shoreline. They have two letters of support. Carl Boisvert, owner, stated they have lived there 3 years and this will stabilize the hill. He had input from one of his neighbors, who submitted a letter in favor. Mr. Walker questioned what the hardship was. Mr. Nenna stated the RC-120 zone being created after the land was subdivided and the house built. The RC-120 prevents them from building the stone wall. There were questions and discussion on erosion, elevation and habitat. Ms. Palmer stated that previously there had been two similar variance applications on River Road that had been denied. Mr. Nenna stated they were in a lower elevation. Ms. Palmer said it had been discussed if a CAM application would be needed, but because it was being considered landscaping it would not.

Public Comment: None.

Mr. Kading closed the public hearing at 7:26 p.m.

Mr. Dussault moved to approve and discuss application ZBA #22-11 for a variance from ZR 3.1.4.2 to reduce the non-infringement buffer from 100' to 17' to construct a landscape wall, along top of embankment. Seconded by Mr. Caporale. The board members felt this was a landscaping wall to enhance the looks of the property with no real hardship.

Mr. Kading called for the vote. All were opposed 0-5. Motion failed. Application denied.

ZBA #22-12 Christopher & Edith Morren – Seeking a variance from ZR 5.1.1 to reduce Rear Yard setback from 40' to 29'11" to construct an addition. Property located on 9 Oak Street, Stonington. Assessor's Map 129 Block 3 Lot 3; Zone RM-20 (RM-15 applies).

Christopher and Edith Morren were present. They are proposing a first-floor addition to their home to accommodate a bedroom and utilities, as they are getting older. The hardship is the house is built on ledge and the property is on two streets, which makes what would be a side yard a rear yard. The rear yard setback is 40' and they are requesting a 10'1" variance. Ms. Palmer explained the zoning regulation that deals with property with two front yards on streets, which leaves one side yard and a rear yard setback. There were five letters in favor from neighbors. Mrs. Morren showed the board a map that indicated the setbacks. There were five letters received in favor.

Patricia Rinehart, 9 Lindberg Ave., spoke in favor of the Morren's variance application.

With no other comments, Mr. Kading closed the public hearing at 7:43 p.m.

Mr. Walker moved to approve application ZBA #22-12 from ZR 5.1.1 to reduce Rear Yard setback from 40' to 29.11" to construct a one-story addition.

1. Lot has two front yards.
2. Combining the two lots results in a larger lot, making it more conforming in size.
3. Combining the lots removes the pre-existing garage from a non-conforming primary use and reverts it to an allowed accessory use.
4. Approval of the variance would not adversely affect the public health, safety, welfare, and value of the surrounding properties.

Seconded by Mr. Caporale, all in favor 5-0. Motion approved.

ZBA #22-13 James Cassidy – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 7.5' to construct an attached garage. Property located on 1 Robin Street, Pawcatuck. Assessor's Map 36 Block 6 Lot 8; Zone RA-20 (RH-10 applies).

Mr. James Cassidy and Jane Brannigan were present. Mr. Cassidy stated that 1 Robin Street was a corner lot and he would like to build a 24' x 24' garage. Ms. Palmer stated this lot was plotted in 1959, prior to zoning. It was confirmed that the lot is small for the zone and has two front yards, being the hardship. There were no letters in support or against. The board discussed with the applicant making the setback 10' instead of the 7.5' and if Mr. Cassidy would be willing to build a smaller garage to accommodate that, which he was.

Public comment: Carl & Carol Arbour, 2 Robin Street had no issue if Mr. Cassidy built a garage.

With no other comments, Mr. Kading closed the public hearing at 7:56 p.m.

Mr. Walker moved to approve application ZBA #22-12 a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 10' to construct an attached garage.

Stipulation: A2 Survey showing compliance with approved setbacks prior to zoning compliance.

1. Lot is pre-existing / non-conforming to zoning. Lot is unique in that it is smaller than the neighboring lots.
2. Corner lot, hindered with two front yards
3. Approval of the variance would not adversely affect the public health, safety, welfare, and value of the surrounding properties.

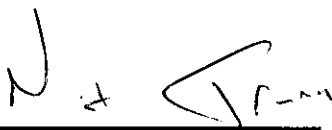
Motion seconded by Ms. Boersma, all in favor 5-0. Motion approved.

Correspondence: None.

Minutes:

Ms. Boersma moved to approve the minutes of the July 12, 2022. Seconded by Mr. Walker, all in favor 5-0. Motion approved.

Mr. Dussault moved to adjourn, seconded by Mr. Walker, all in favor 5-0. The meeting adjourned at 8:00 p.m.

X 

Nat Trumbull, Secretary