

**ZONING BOARD OF APPEALS
REGULAR MEETING
Final Minutes**

December 13, 2022

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

Seated for the meeting were Mark Mitsko, James Kading, James Stanton seated for Nat Trumbull, Jeff Walker, Raymond Dussault. Also attending Diana Lurie Boersma (alternate). Zoning Enforcement Officer Candace Palmer and Town Attorney Jeffrey Londregan. Anthony Caporale (alternate) and Nat Trumbull were absent.

The meeting was called to order at 7:00pm

New Business:

ZBA #22-19 Stonington Country Club Inc. / David Rezendes - Seeking a variance from ZR 3.1.4.1 to reduce the non-infringement area from 100' to 55' to construct a rest room with an ADA accessible deck and ramp located on the golf course. Property located on 396 Taugwonk Road, Stonington. Assessor's Map 69 Block 1 Lot 3; Zone GBR-130

ZBA #22-20 Edwin Emery (Owner) Dan Ravenelle (Applicant) - Seeking a variance from ZR 5.1.1 to reduce the rear yard setback from 40' to 25' to reconstruct a single-family residence. Property located at 197 North Stonington Road, Mystic, CT 06355. Assessor's Map 146 Block 1 Lot 6; Zone RA-20.

The applications were scheduled for public hearing On January 10th, 2023

Public Hearing:

ZBA #22-16 2-6 Mechanic Street, LLC (Theodore M. Ladwig-Agent) / Continued from
October 11, 2022.

Attorney Ladwig refers to Attorney Londregan for his opinion on whether this commission has the authority to approve this variance. Attorney Londregan reviewed the application and stated that, in his opinion, the Zoning Board of Appeals does indeed have the authority and ability to issue this policy exception to the Flood Hazard Variance Procedures (ZR 7.7.9). Per Attorney Londregan, the power to issue this variance comes from federal law, specifically Title 44, Section 60.6, which grants this power to a community which is a "political subdivision of the state" as Stonington is. The law does not explicitly state which board has to act on behalf of the community - it is up to the town to decide, and that is usually handled by this commission. The town can attach 'reasonable' stipulations to this variance.

Attorney Ladwig referred to the staff and engineer report submitted at the previous meeting which stated the plans for the building, when rehabbed, to be substantially safer and more flood resistant than it is currently.

Public Comment:

Ben Tamsky, 5 Edgemont St, Mystic, read a letter written by John Prue, 59 River Crest Dr, Pawcatuck, to address this application. Mr. Prue's dispute is with the authority of the Board as he finds their attempt to accept a variance within ZR 7.7.9 contradicts the fact that they were sworn to uphold ZR 8.6.

Rebuttal: Attorney Ladwig refers to Attorney Londregan's remarks. The zoning regulations are the law in Stonington. They have not been changed or challenged and are the basis for acting on this application.

Mr. Walker moved to approve the application, seconded by Mr. Dussault. Ms. Palmer states that the calculations for allowing significant structural improvements are based on the building value and not the land. Mr. Mitsko claims he is in favor of approving the application, however would like to add a stipulation that the building must be the same size and shape, or smaller, once complete. The commission is in favor of adding this stipulation.

Stipulations:

1. All work relating to the Blight Notice is to be accomplished to the satisfaction of the Blight Officer, no later than December 13, 2023. Failure to comply will result in blight fines retroactive to April 28, 2022.
2. Structure to remain same square footage or less.

The vote was taken and all were in favor, 5-0. Motion approved.

ZBA #22-18 Meredith (Stoll) Tingley (Dale Tourville-Agent) - Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 25% to 29% to construct a 352 sq. ft addition. Property located on 53 William Street, Pawcatuck. Assessor's Map 4 Block 20 Lot 10; Zone RH-10.

For this application, James Stanton has been unseated and Diana Lurie Boersma has been seated.

Per Ms. Tingley, a survey was conducted to determine that her proposal met the requirements for the RH-10 setbacks. She has a setback of 20.84 feet while the minimum is 20 feet. Her lot predates the minimum zoning requirement of 10,000 sq feet per lot, thus her 7,500 sq feet does not allow her to meet the 25% floor area ratio in this zone if the addition were to be constructed. Ms. Tingley has support from the Swains of 52 Courtland St., and then submitted a letter in favor from the Adcocks from 49 William St.

Public Comment in Favor: Leslie Driscoll – 59 Williams St.

Public Comment Against: None

Mr. Dussault moved to approve the motion, seconded by Mr. Walker. All were in favor, 5-0. Motion approved.

Vote on increase in pay for minutes taker:

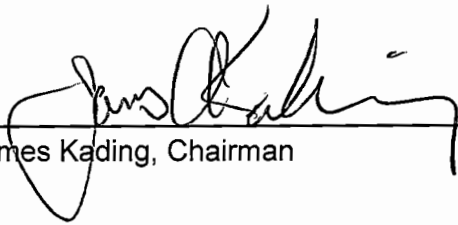
The town would like to go from \$100 to \$125 per meeting.

Mr. Dussault made a motion to approve, seconded by Mr. Walker. All were in favor, 5-0. Motion approved.

Review of meeting minutes: 10/11/2022

Mr. Dussault made a motion to approve the minutes of 10/11/2022, seconded by Mr. Walker. All were in favor, 5-0. Motion approved.

Mr. Dussault moved to adjourn this meeting, seconded by Mr. Walker. The meeting was adjourned at 7:35pm.



James Kading, Chairman