

**ZONING BOARD OF APPEALS
SPECIAL MEETING
Minutes – Final
July 29, 2014**

Commissioners present for the meeting were Chairman Jack Guyol, Vice Chairman Matthew Berger, Virginia McCormack, Russell McDonough, Alternate Bill Lyman, Alternate David Rezendes, Lynn Conway (arrived 6:49pm) and Zoning Enforcement Officer Candace Palmer.

Chairman, Jack Guyol, called the meeting to order at 6:30 p.m.

In attendance were Attorneys Thomas Londregan and Kevin Tighe for the Holt/Wyper Settlement Agreement.

Motion was made by Matt Berger and seconded by Russ McDonough to go into Executive Session to discuss the matter of Holt vs. Town of Stonington.

Matt Berger motioned to come out of Executive Session, seconded by David Rezendes.

Attorney Ed Cassella for Carol Holt/Wyper attempted to present background leading up to the Settlement. Town Attorney Tom Londregan halted the presentation and requested that any submittals be presented to Superior Court.

Members voting on the Settlement Agreement: Chairman Jack Guyol, Vice Chairman Matthew Berger, Virginia McCormack, Russell McDonough, and Alternate David Rezendes,

Matt Berger made the motion to approve the Settlement Agreement, seconded by Russ McDonough. The motion was unanimously approved.

Matt Berger recused himself to allow Alternate Bill Lyman to vote on the next motion to be presented.

Russ McDonough motioned to allow Vice Chairman Matt Berger to sign the approved settlement agreement, seconded by Virginia McCormack. The motion was unanimously approved.

Matt Berger was reseated in place of Alternate Bill Lyman.
Regular member Lynn Conway was seated and Alternate Dave Rezendes left the meeting.

Review of meeting 7/08/2014 minutes: Matt Berger motioned to approve the minutes, Russ McDonough seconded with Dave Rezendes abstaining. Motion carried 4-1-0.

The Public Hearing portion of the meeting was called to order at 7:00 p.m. Lynn Conway read the call for the public hearing.

ZBA #14-11 James A. Hall IV (Jeanne Fellows Grills) – Seeking a variance from ZR 4.3.4.3 to reduce the buffer requirement from 15' to 0' for a Special Use Permit for a restaurant with liquor sales. Property located at 100 West Broad St., Pawcatuck. Assessor's Map 4 Block 5 Lot 5 Zone LS-5.

Property owner James Hall explained the variance request. He stated due to the location of the driveway and the narrow configuration of the lot it was not possible to provide a 15 foot buffer between the Elm Tree Inn and his own lot.

ZEO Palmer explained that the residential use of the Elm Tree Inn was not typical of the need to provide a buffer.

Speaking in favor of the application: Michael Morales and Mark Tebbets.

Speaking with General Comments: Gene Renz, DMD

Matt Berger motioned to approve the application "as submitted", Virginia McCormack seconded; motion carried 5-0.

ZBA #14-10 BETR Properties LLC – Seeking a variance from ZR 5.5.1.1 to reduce the front yard setback from 75' to 39'; to reduce the north side yard setback from 75' to 40.9'; to reduce the south side yard setback from 75' to 60.8' and to reduce the rear yard setback from 100' to 58.3' and from Section 3.1.4.2 to reduce the non-infringement area from 100' to 41' for proposed deck. Property located at 110 Hewitt Rd., Mystic. Assessor's Map 152 Block 2 Lot 10; Zone RC-120.

Brian Jendraszek, property owner was present to speak on behalf of the application. He began to explain the history of the property. ZEO Palmer interjected and explained that the applicant was back in front of the Board because of an error by staff. She explained that the concrete porch had already been approved by this Board two months previous but that the wooden deck had not been approved because it required additional variances that were not advertised. The wooden deck had been preferred by the Inland Wetland Commission because of environmental runoff concerns.

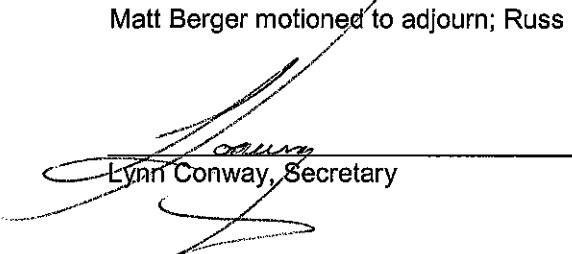
Matt Berger motioned to approve the application "as submitted", Russ McDonough seconded; motion carried 5-0

Election of Officers: Russ McDonough motioned to elect Matt Berger as Chairman; Lynn Conway seconded. Mr. Berger recused himself. Motion carried 5-0 with Bill Lyman seated in place of Matt Berger.

No vote made for Vice Chair as the Board would like to know how much time Lynn Conway still had available to serve.

The Board thanked Jack Guyol for his service to the Town.

Matt Berger motioned to adjourn; Russ McDonough seconded. Meeting adjourned at 7:40 p.m.



Lynn Conway, Secretary