

**ZONING BOARD OF APPEALS  
SPECIAL VIRTUAL MEETING  
Final Minutes  
February 9, 2021**

The meeting of February 9, 2021, was called to order at 7:02 p.m.

Present for the meeting were James Kading, Mark Mitsko, Raymond Dussault, Jeff Walker (arrived 7:08 p.m.), James Stanton and Diana Lurie Boersma. Absent: Nat Trumbull. Zoning Enforcement Officer Candace Palmer was also present.

Mr. Mitsko recused himself, Ms. Boersma was seated for Mr. Mitsko.

Seated for the application were James Kading, Raymond Dussault, James Stanton (seated for Nat Trumbull), Diana Boersma (seated for Mark Mitsko) and Jeff Walker (arrived 7:08 p.m.)

Public Hearing:

**ZBA #20-13AAP Lockwood Coveside Marina, LLC / Thomas Lockwood** – Seeking to overturn the ZEO Cease & Desist Order #20-032 regarding the renovation and occupancy of a structure without the required permits. Property located on 830 Stonington Rd., Stonington. Assessor's Map 57 Block 2 Lot 11; Zone MC-80. Rescheduled from 1.12.2021 per applicant's request.

Mr. Lockwood stated he is requesting that the Cease & Desist order be overturned because it is arbitrary and that his attorney states the action is to protect the town. They are attempting to renovate the property to its former beauty. They are not planning housing or to change the sculpture of the land. The Route One Corridor study has shown that the town would not like to see extensive change along that road. Mr. Lockwood has put extensive work into repairing the bulkhead and feels he has done this in an environmentally sound way. He has received positive feedback from his neighbors.

Mr. Lockwood re-iterated his presentation due to Mr. Walkers late arrival. Mr. Lockwood feel that he is being treated unfairly by the building inspector due to personal issues.

Ms. Boersma asked the applicant how they feel they were treated unfairly. The applicant explained that March 2019 he was assaulted by the building inspector at the marina. The building inspector stated he could not have a bed in the office. Mr. Lockwood stated that DEEP needs on site management at all times, so he needs to have the bed. After this, Larry struck Mr. Lockwood and emergency services were called. The building inspector was suspended and Mr. Lockwood was told he only needs to deal with the Assistant Building Inspector by the former First Selectman, Rob Simmons. Mr. Lockwood wants to work out the issues but is having difficulty dealing with the Building Inspector now. Ms. Boersma stated she understands their issues, but would like to understand why the permits were not obtained. Mr. Lockwood stated that Mr. Simmons directed him to put it back together the way it was. He did not know he needed permits for some of the work and will obtain those as needed. He is concerned that Larry will determine his substantial improvements threshold for FEMA and has grossly overestimated that amount. Mr. Lockwood stated the Assistant Building Inspector stated that

the Building Inspector would not treat him fairly. He is willing to work with the Assistant Building Inspector to fix anything that may be an issue. Mr. Walker stated that he feels another inspector needs to be sent out, and that in the meantime the Cease & Desist order should be upheld. Nothing has been done since the order was issued but they are losing significant income.

Brian Estep, Town Attorney, explained that the vote tonight is on the Cease & Desist order. The extra information is not on this issue, the question is if permits were applied for, which the record does not show. Until the permits are applied for, the order should not be lifted.

Mr. Lockwood stated he wants to move forward but feels handcuffed by Larry. Mr. Dussault asked if the applicant has done any electrical or plumbing work. Mr. Lockwood stated it is all original, but did a small repair which he is happy to get a permit for. He has not made plumbing changes. The deck on property was existing but he upgraded the railing and materials. They upgraded the heating and air conditioning unit and did not obtain a permit. The applicant has not applied for any permits and stated he does need to do this. Mr. Stanton stated that the applicant does need to go through the permit process, but should work with the Assistant Building Inspector. Once the permits have been requested the order will be suspended. The applicant agrees but has been unable to avoid the Building Inspector so far. Mr. Estep clarified the decision to be made tonight. Mr. Kading asked when he started work on the property. Mr. Lockwood stated in 2017 after purchase.

Public Comment in Favor: None.

Public Comment Against:

Steve McCabe, stated he is in favor of keeping the Cease & Desist order. Mr. McCabe stated he does not feel the work performed was putting it together back the way it was and that more substantial improvements were made to convert it to a rental property. Mr. McCabe also stated he feels that he has not been good to the environment and docks broke free and they were left picking up the pieces. A dozen RV pads were also placed on the property without being allowed. He feels the applicant has tried to get away with operating without permits.

Phyllis Ryan, resident across the cove stated that the Board should review his rental property listing. The renovation was major and did not follow the rules. She is very concerned about his intentions and the negative impact on the cove. She has been held to the rules and feels the applicant must as well.

Rebuttal:

Mr. Lockwood clarified the home is 12 bedrooms and 4 bathrooms. He also made a commitment to dealing with any docks and apologized it may not have gotten to him. He stated he wants to keep the property in its current and historical state rather than building affordable housing. He wants to be a good neighbor and offered to pay for the dock removal they paid for.

Mr. Dussault asked about the status of the building. Mr. Lockwood explained the main home was not the bait and tackle shop, it was an office, two rental spaces and the family lived upstairs. Ms. Palmer clarified that she was not able to give the applicant a Certificate of Zoning Compliance when the owner purchased the property due to multiple changes without permits by the previous owner. Ms. Palmer stated that when she reviewed the site in January 2019 after receiving a complaint regarding the clearing of the land, she saw improvements being made to the building and involved the building official. A gate was then put up so they could no longer access the site.

**Public Comment:**

Steve McCabe, stated that after the applicant opened it as a rental property, it was clear it had been renovated. The Cease and Desist was issued in September and it was rented in October for the weekend.

Mr. Lockwood stated that if anyone wanted access to the property, he would provide it. The gate was erected to disallow the Building Inspector only. Mr. Lockwood stated that there are some people who can't afford a home on the cove but would enjoy a campsite.

**General Comments:**

Andrew Teitelmann, owner of the property across the street, is supportive of improvements to the property, but sees that the process needs to be upheld.

Mr. Kading closed the public hearing.

Mr. Dussault moved to uphold the Cease & Desist order, seconded by Ms. Boersma, the vote was taken 5-0. Motion approved.

Note: Mark Mitsko was re-seated. Ms. Boersma was unseated.

**ZBA #21-01 & CAM Peter A. Jordan & Donald J. Jordan (Peter J. Springsteel Architect, LLC-Agent)** – Seeking a variance from ZR 7.7.8.3 Coastal Jurisdiction Line setback from 100' to 40' to permit reconstruction of existing single-family residence. Property located on 8 North Shore Way, Stonington. Assessor's Map 154 Block 2 Lot 13; Zone RM-20 & RC-120.

Peter Springsteel presented the application. The applicant is requesting a variance to reconstruct a single-family home on Latimer Point within the coastal jurisdiction setback. There is an existing home on the site which they are proposing to rebuild to FEMA standards and will be setback from the coast 10 feet more than the current home. They will also be providing a new conforming septic system, improving coastal area management. The hardship is that the home is currently non-conforming and they are reducing the non-conformity and complying with flood zone regulations through this application. The neighboring homes are in support of the application. The location has been approved for views, and moving it closer to the road would impact that.

Peter Jordan stated he has been there 58 years, and would like to give longevity to the home through this project by complying with FEMA standards. They have taken their desires, the condo association's and the environment's needs into account.

Ms. Boersma asked about the state review that stated it could be brought in farther. Mr. Springsteel stated that DEEP did recommend moving the house back would still not get it out of the flood zone. They would also have to move the septic, moving it closer to the water. Mr. Mitsko stated he understands the DEEP's comments but the intent of this improvement is valid. Mr. Kading asked about the existing septic system. It is located in the same area, which the soil has been functioning well, but the system would not be allowed today so they are replacing for longevity.

Public Comment in Favor: None.

Public Comment Against:

Ben Tamsky, 5 Edgemont Street, Mystic re-stated a portion of the DEEP's letter and expressed his concern with the size of the home increasing.

Rebuttal:

Mr. Springsteel re-iterated that he does not feel the addition of square footage adds threat to property and life when they are conforming with the FEMA regulations. The applicant is building 20% less than allowed by the condo association.

Mr. Kading closed the public hearing.

Mr. Walker moved to approve the application, seconded by Mr. Dussault, the vote was taken. All in favor 5-0. Motion approved.

Mr. Walker moved to approve the CAM application, seconded by Mr. Dussault., the vote was taken. All in favor 5-0. Motion approved.

**ZBA #21-02 Stephen F. X. & Marjorie K. Roney (Peter J. Springsteel Architect, LLC-Agent) –** Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 15% to 20.72% and reduce Rear Yard setback from 40' to 19' to reconstruct a single-family residence. Property located on 1 Anchor Lane, Mystic. Assessor's Map 177 Block 2 Lot 7; Zone RA-20.

Peter Springsteel presented the application. The property is on Mason's Island on a corner lot. There is an existing home on the lot that is currently conforming to setbacks and floor area ratio. The applicant is proposing to demolish the existing home and build larger home on the lot. The original lot was created in 1924, but was not owned under separate ownership until 1963. The lot does not qualify for 2.9 relief due to it selling after 1960. A new septic system is needed and the site has a large amount of ledge, but they were able to find an area near Anchor Lane which will require fill and a retaining wall to function. The main house is within the setbacks, but the proposed garage is inside the rear yard setback. There are other properties

than benefit from the 2.9 relief in the neighborhood because they sold before 1960. The home has the same number of bedrooms as the existing home. They have addressed their neighbor's concerns. Mr. Springsteel read the hardship stated in their application. Mr. Roney stated that his wife recently had a kidney transplant which is the reason for their request for the garage and covered porch.

Mr. Walker asked about the construction of the retaining wall. Mr. Springsteel stated it will be a fieldstone or fieldstone face and the mortar will not be visible. Mr. Dussault asked about the existing septic system. Mr. Springsteel stated it is where the existing driveway is off Anchor Lane and the new system is to the east. Ms. Palmer stated there were two letters in favor and none against.

Public Comment: None.

Mr. Kading closed the public hearing.

Mr. Walker moved to approve the application, seconded by Mr. Mitsko, the vote was taken. All in favor 5-0. Motion approved.

Minutes:

Mr. Mitsko moved to approve the January 12, 2021 minutes, seconded by Mr. Walker, all in favor 5-0. Motion approved.

Mr. Mitsko moved to adjourn, seconded by Mr. Walker, all in favor 5-0. The meeting adjourned at 9:26 p.m.



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James Kading, Chairman