

ZONING BOARD OF APPEALS

REGULAR MEETING

Final Minutes

August 13, 2019

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

Present for the meeting were Bill Lyman, Mark Mitsko, Virginia McCormack, Russell McDonough and James Kading. Zoning Enforcement Officer Candace Palmer was also present. The meeting was called to order at 7:00 p.m.

Seated for the meeting were Bill Lyman, Mark Mitsko, Virginia McCormack, Russell McDonough and James Kading.

New Business:

ZBA #19-09 Cynthia R. Palmer (Peter J. Springsteel-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20' to 16'4" to construct a one-story addition and porch. Property located on 15 Beach Dr., Mystic. Assessor's Map 175 Block 2 Lot 9; Zone RM-15 (RH-10 applies).

ZBA #19-10 Cullen Taplin – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from existing 0.38 to 0.49 to allow construction of a 600 sq. ft. two-story addition. Property located on 30 Washington St., Mystic. Assessor's Map 174 Block 19 Lot 6; Zone RH-10.

ZBA #19-11 Lorell Madden & Derek Hanssen (David Reagan-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 50' to 19.5' and Side Yard setback from 25' to 19.4' to construct a second story addition and roofed porch. Property located on 280 New London Turnpike. Assessor's Map 138 Block 3 Lot 9; Zone GBR-130 (RR-80 applies).

ZBA #19-12 Amy & Joseph O'Brien (Julia M. Leeming-Agent) – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from existing .17 to .22 to allow construction of a 528 sq. ft. two-story addition. Property located on 11 Quarry Path, Stonington. Assessor's Map 129 Block 8 Lot 4; Zone RM-20.

The applications were accepted and scheduled for public hearing September 10, 2019.

Public Hearing:

ZBA #19-07 & CAM Robert Barney Walker & Lindsay Rae Chamberlain (Christopher Pagliaro-Agent) – Seeking a variance from ZR 7.7.8.3.1 all new construction to be located 100 feet landward of the Connecticut Coastal Jurisdiction Line and ZR 7.7.8.3.2 that the bottom of the lowest horizontal member is located no lower than one (1) foot above base flood elevation level to demo and reconstruct a boat house. Property located on 33-35 Money Point Rd., Mystic. Assessor's Map 180 Block 2 Lot 26; Zone RA-20 & RC-120.

Attorney William Sweeney presented the application on behalf of the applicants. The applicant has been renovating the property since purchase and has obtained permits to renovate the guest house and reconstruct the primary house. The property is on a peninsula at the end of Money Point Road located at the end of the street. There is an existing boat house on property near the water located within a VE Zone. The building needs substantial repairs and they propose to demolish and reconstruct to FEMA standards with the exception of raising the building. The first variance is for the Connecticut Coastal Jurisdiction Line to locate the boat house at its existing location and the second is for the raising of the building above the BFE. The regulations state that the Zoning Board of Appeals has cause to approve variances for functionally dependent uses. Due to the nature of a boat house for loading and unloading onto the water, it cannot be located a far distance from the water and cannot be 16' in the air. The applicant plans to show that it will not have a negative impact. The CT General Statutes recently established that demolition of a structure does not remove a property owner's right to reestablish the use.

Christopher Pagliaro, project architect, presented the site plan. The main house and the guest house on the property are located in an X zone. The only structure planned to be located in the VE Zone would be the boat house. The applicant presented the renderings and designed the structure to complement the renovated main house. The structure is engineered to be FEMA compliant in all aspects with the exception of raising to 1' above the BFE. All lighting will be dark sky compliant. The first floor would be a concrete slab structure with breakaway walls for wave action. There is a suspended loft for storage and entrance as well which is only about half the size of the structure.

Mr. McDonough asked for clarification on the danger of not rebuilding. Mr. Sweeney explained that structures not built to standards and can be scoured by wave action could become dislodged in a storm event. Mr. McDonough asked about the hardship. Mr. Sweeney explained that the applicant has a statutory right to re-establish the use. The regulations also give ways for the board to grant functionally dependent uses in flood hazard areas. Robert Barney Walker stated his intended use is to stow small rowing crafts in the house which will be loaded by hand or dolly. The structure will not be occupied. Mr. Lyman asked the applicant to explain the breakaway walls. Mr. Pagliaro explained that the walls are built so that 20 lbs. of lateral force can break the walls down to give way to waves in a storm event. They are fastened to the piers for aesthetics.

Public Comment in Favor:

Renata Gleysteen of 14 Joyce St., stated that the application, as presented, makes sense and is in favor.

Gail Lane, resident of 32 Money Point Road spoke in support of the application for the improvement of their neighboring property.

Public Comment Against:

None.

Ms. McCormack read a letter of opposition into the record.

General Comment:

None.

Rebuttal:

Mr. Sweeney stated that the character and look of the building are not in this board's jurisdiction and is handled by another commission. The variance is for a hardship to the applicant's statutory rights. The applicant has stated they will be matching the existing structure and using dark sky lighting. The applicant made a concerted effort to communicate with the neighbors and had a large showing of support from the 20 letters in favor.

Mr. Lyman closed the public hearing.

Mr. Kading moved to approve the application for the variances, seconded by Mr. McDonough. The commission discussed their support of the application and the hardships stated. The vote was taken all in favor 5-0, motion approved.

Mr. McDonough moved to approve the CAM application, seconded by Mr. Kading, all in favor 5-0, motion approved.

ZBA #19-08 Bill's Tractor Service, Inc./1000 Horses Repair and Modification, LLC – Seeking approval from the Zoning Board of Appeals for an automotive dealer and repairer facility per CGS 14-54. Property located on 1 Anguilla Brook Rd., Pawcatuck. Assessor's Map 47 Block 2 Lot 1; Zone GBR-130.

Julia DiScullo, from 1000 Horses Repair and Modification spoke on their behalf to continue automotive repair services at the location which was previously operated for many years. Her son is planning to purchase the property to continue the existing use of automotive repair. They need the location approval to obtain a certificate from the state due to the purchase not being purchased by a family member of the current owner. The shop would not become a used car dealership though there may be occasional auto sales when appropriate. Mr. Mitsko explained that the lot has a long history of operating as a repair facility for both tractors and trucks.

Public Comment in Favor:

Alan Ricker, the current owner of Bill's Tractor service spoke about the facility and their operations over the past three generations. The fuel tanks have been removed on site and the property cleaned up. He spoke in favor of the application for the operations to continue.

No Public Comment Against or General Comment:

Mr. Lyman closed the public hearing.

Ms. McCormack moved to approve the application, seconded by Mr. Kading. The commission discussed their support for the application. The vote was taken all in favor 5-0, motion approved.

Minutes:

Mr. Kading moved to approve the minutes of the July 9, 2019 meeting, seconded by Mr. Mitsko, all in favor 5-0, motion approved.

Mr. McDonough moved to adjourn, seconded by Ms. McCormack, all in favor 5-0. The meeting adjourned at 8:13 p.m.



William Lyman, Chairman