

ZONING BOARD OF APPEALS
REGULAR MEETING
Final Minutes
March 10, 2020

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

Present for the meeting were Bill Lyman, Mark Mitsko, James Kading, Raymond Dussault, Jeff Walker and James Stanton. 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, James Kading, Raymond Dussault and Jeff Walker.

Public Hearings:

ZBA#19-16 & CAM Frank & Victoria Cory (Theodore Ladwig-Agent) – Seeking a variance from ZR 7.7.8.3.1 Coastal High Hazard Area to reduce the setback from 100' to 25' to demolish and reconstruct a single-family residence. Property located on 18 Roseleah Drive, Mystic. Assessor's Map 175 Block 1 Lot 32; Zone MC-80/RH-10 applies. *Continued from 2-11-20.*

Attorney Ladwig presented the application and provided maps as exhibits, property cards for neighboring properties and written narrative for the public record. The home was compliant when built in 1964, one year after zoning was adopted in Mystic. The home also does not currently meet FEMA standards. Five of the neighboring properties have been rebuilt to FEMA standards and this would be the sixth. The building envelope of the property does not allow sufficient space for a home to be built without a variance.

Ed Wenke, project engineer, presented the site plan for the applicant. Due to the health codes and sanitary situation on the site the plan has gone through several alterations and the current septic tank is unknown in size and capacity. The rear half of the site has a highwater table and unsuitable soils for a septic system, causing the development to need to be near the front of the lot. They are proposing to remove the current system and install a new code compliant system. Ledge Light has given their approval for the proposed septic system placement. The home will be built to FEMA standards. Mr. Wenke addressed DEEP's comments about the setback of the home and septic placement. The home is the smallest and tightest they can construct for the size and characteristics of the lot. Mr. Dussault questioned the existing septic system and whether it needed to be upgraded. Mr. Walker asked about the increase in square footage of the home. The GFAR will increase from 9.1% to 24% which is still allowed in the regulations.

No Public Comment.

Mr. Lyman closed the public hearing.

Mr. Mitsko moved to approve the application, seconded by Mr. Walker. Mr. Mitsko expressed his support for the application. Mr. Dussault stated his opposition and recommended the house be raised in place rather than encroach on the mean highwater line and increase the size of the home. He also feels the septic could be repaired if it is currently servicing the home. Mr. Mitsko explained that the system cannot be modified without being completely replaced. Mr. Walker stated that the current home is undersized per the building code. Mr. Lyman pointed out a very similar approval was given for the home at 16 Roseleah Drive and discussed the footprint of the home not increasing significantly on that property. The vote was taken 4-1, motion approved. Roll Call: Walker – favor, Dussault – oppose, Lyman – favor, Kading – favor, Mitsko – favor.

ZBA #20-02 RoxRiv Realty Associates, LLC/Cellco Partnership d/b/a Verizon Wireless (Kenneth C. Baldwin, Esq.-Agent) – Seeking a variance from ZR 5.2.1 to reduce Front Yard setback from 50’ to 22’ 6” for an exterior generator and construction of an equipment facility. Property located on Village Farm Rd and 12 Coogan Boulevard, Mystic. Assessor’s Map 164 Block 4 Lot 1; Zone TC-80. *Rescheduled from 2-11-20.*

Evan Seeman, attorney for the applicant presented the application. The applicant is proposing to construct an equipment facility for cell tower support. The property is currently home to a building with retail and restaurant uses. They have explored several options on the property to place the facility and have not found an alternative that would not require a variance. They are requesting a variance to the Front Yard setback to Village Farm Road. The topography of the site does not allow the facility to be located outside of the setback. Parking spaces would need to be eliminated to accommodate the facility elsewhere. There is significant vegetative screening to the proposed location to McQuade’s and Village Farm Road reducing the visibility and impact. The project will not have a negative impact on the property or the neighborhood. The parking spaces are all required for the site and the propane tanks service the building. The commission discussed the placement in detail with the applicant.

No Public Comment.

Mr. Lyman 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.

ZBA #20-03 Bill’s Tractor Service, Inc. (Owner) Mal’s Auto and Truck Repair, Inc. (Applicant) – Seeking approval from the Zoning Board of Appeals for vehicle storage and automotive 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.

Ed White, owner of Mal’s Auto and Truck Repair stated he is planning to purchase the property and expand his current Auto and Truck Repair business to this property. They plan to have four trucks that will be offsite much of the day, returning cars for storage at night. There will be minimal repairs taking place on site. Mr. Dussault raised concern with storage of potentially

damaged vehicles on site near the aquifer. He questioned whether a water test had been done. Mr. Walker asked if they were planning to pave the area for storage and install a drain for contaminants. The applicant responded they can and will store collision vehicles inside the garage. They are a Triple A tow provider and most of the vehicles go to a repair facility and infrequently do cars need to be stored overnight. They can make provisions for any cars that are experiencing leaks. Ms. Palmer pointed out the Town Attorney opinion from the staff report.

No Public Comment in Favor.

No Public Comment Against.

General Comment:

Mary McKenzie, resident across the street asked questions about whether there will be any changes to the structure, more detail on the evening activities and the groundwater protection.

Alan Ricker, current owner of Bill Tractor Service, discussed the history of the business and lot. They have operated truck repair at that facility for many years and have not had groundwater issues. There were tanks on the site at one point which have been removed and the ground remediated. They have four test wells on site to monitor the groundwater quality. There was a small amount of Benzine in one well. They have also tested all of the neighborhood wells and have not had issues with water quality. They take provisions to protect from chemicals accessing the groundwater. The previous approved applicant was unable to complete the project financially.

Veronica Cripps, stated she has no problem with what they are proposing as long as it does not include gas station service and tanks.

Mary McKenzie stated she does not have a problem with the past operations during the day and is concerned about evening work.

Rebuttal:

Mr. White stated they plan to make improvements to the exterior by cleaning up and doing new siding and windows but will not change the footprint of the building. Their services are seven days a week but often are offsite and the drivers typically take their trucks home at night. Occasionally cars will need to be stored during the night. Regular business hours are Monday through Friday 8-5. There will not be gas pumps on the site.

Mr. Ricker explained they were open six days a week for many years and has assessed the water quality.

Mr. Lyman closed the public hearing.

Mr. Mitsko moved to approve the application, seconded by Mr. Kading. Mr. Dussault recommended a stipulation for site improvements to contain contaminants. Mr. Mitsko amended the motion to add the following stipulation:

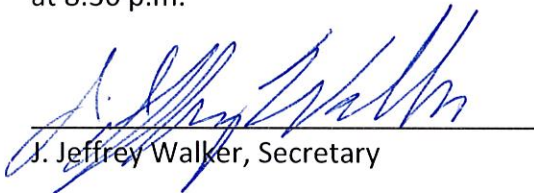
1. Parking area/storage area is to be designed by a licensed engineer and approved by town engineer or his agent for purpose of environmental control.

The vote was taken all in favor 5-0, motion approved.

Minutes:

Mr. Dussault moved to approve the minutes of the February 11, 2020 meeting, seconded by Mr. Walker, all in favor 5-0, motion approved.

Mr. Kading moved to adjourn, seconded by Mr. Mitsko, all in favor 5-0. The meeting adjourned at 8:30 p.m.



J. Jeffrey Walker, Secretary