

ZONING BOARD OF APPEALS
REGULAR MEETING
Final Minutes
February 9, 2016

Seated for the meeting were Matthew Berger, Virginia McCormack, James Kading, Alternate Mark Mitsko and Alternate David Rezendes. Zoning Enforcement Officer Candace Palmer was also present.

Chairman Matthew Berger read the call to order at 7:05pm.

ZBA #15-22 Stonington Country Club – Seeking a variance from ZR 3.1.4.1 non-infringement area to reduce the required setback from 100 ft. to 10 ft. in order to allow paving of an existing gravel parking lot and cart corral. Property located at 396 Taugwonk Rd., Stonington. Assessor's Map 69 Block 1 Lot 3; Zone GBR-130.

Ms. Palmer summarized the application. The lot will not be expanded, and a rain garden will be constructed. The application was previously approved by the Inland Wetlands and Watercourses Commission.

Peter Gardner, project engineer, explained the application and need for paving the existing gravel lot. Ian Cole, soil scientist explained the rain garden design for the paved lot. The rain garden will improve water quality leaving the site. Mr. Berger raised questions with the need for the improvement and the hardship. Mr. Rezendes questioned how much of the run off will be collected in the rain garden. Mr. Gardner explained that the rain garden will capture most of the run off from the lot. Ms. McCormack questioned whether they have considered resurfacing the gravel lot. The applicant stated they often rework the gravel. Mr. Berger questioned the handicap use and how the members have had issues with the gravel lot.

Public Comment in Favor:

Bill Roderick, member of the Stonington Country Club, explained that the gravel lot presents issues for the many disabled members of the club.

No public comment against or general comment

Mr. Gardner expanded on the fact they have functions and events and accessibility is important.

Mr. Berger closed the public hearing.

Mr. Rezendes moved to approve the application, seconded by Ms. McCormack, the members discussed the positive addition of the rain garden, all in favor 5-0, motion approved.

ZBA #15-23 Florence C. Crowley, owner; (Raymond Crowley) – Seeking a variance from ZR 5.1.1 & ZR 2.10 to reduce the road frontage from 300' to 0' for construction of a single family

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residence. Property located on Palmer Neck Rd., Pawcatuck. Assessor's Map 57 Block 3 Lot 9; Zone RC-120 (RA-40 applies).

Ms. Palmer summarized the application.

Mr. Crowley gave a brief history of the lot and the surrounding lots. The three surrounding lots had homes prior to zoning regulations and Mr. Crowley believes they fall under the relief granted by ZR 2.9 to build a single family residence on the lot. Mr. Crowley stated that from the A2 survey a single family residence could be built to all bulk requirements with the exception of frontage.

Public Comment Against:

Harold Hefel, neighbor to the property, has concern with the lot flooding in the springtime and is concerned with the height the home would need to be at to meet flood zone regulations.

Diane Gumpel, neighbor to the property presented photos of the flooded property and raised concern with adding another home to the shared right of way.

Jane Gumpel Hefel, neighbor to the property raised concern with the size of the lot and the flooding on the property.

Jane Gumpel, neighbor to the property raised concern with the access to the property and another home creating traffic.

Irene Cunningham, neighbor to the property expressed concern with another septic. They have offered to purchase the property to conserve it.

Roy Gumpel, spoke about the flooding on the neighboring property.

Jane Hefel, neighbor to the property, expressed concern with the size of the lot for construction of a home and the added traffic to the right of way.

No public comment in favor or general comment

Rebuttal

Mr. Crowley stated that the grading creates a pool on the property and that the land has not been prepared for a home yet. Mr. Crowley stated that when the lot was originally purchased by his parents in 1958 to be built upon and he stated that is the purpose for the relief.

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Mr. Berger closed the public hearing.

Mr. Berger raised the point of the board of assessment appeals denying the change to a non-buildable lot, therefore causing the applicant to pay taxes and treat it as a buildable lot.

Ms. McCormack moved to approve the application, seconded by Mr. Kading, all in favor 4-1-0, motion approved.

Roll Call:

Mitsko – approve, Kading – approve, Berger – approve, McCormack – approve, Rezendes – deny

The meeting recessed at 8:10pm and reconvened at 8:17pm

ZBA #16-01 Karen Barthelson – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 20' to 11' for construction of a deck. Property located at 35 Langworthy Ave., Stonington. Assessor's Map 129 Block 14 Lot 3; Zone RH-10.

Ms. Palmer summarized the application.

Ms. Barthelson presented the application, stating the existing front stoop is deteriorating and the deck would provide better use of the front yard. The neighboring lot at 37 Langworthy has a similar deck. Ledge in the front yard would prevent the applicant from constructing a patio.

Public Comment in Favor

Bill Heine, next door neighbor spoke in support of the application and commented on the applicant's existing stoop. Mr. Heine has a similar front deck and it greatly improves his ease of entrance to his home.

No public comment against or general comment

Mr. Berger asked the applicant whether she would vacate the previous variance given for the rear of the lot. The commission questioned whether the rear yard setback variance was larger than the front yard being requested. The applicant did not have the information on hand.

Mr. Rezendes moved to continue the hearing, seconded by Ms. McCormack, all in favor 5-0, motion approved.

ZBA #16-02 Andrew Rodgers – Seeking a variance from ZR 4.3.4.3 buffer requirement to reduce the buffer screening from 15' to 0' for liquor sales adjoining a residential use. Property located at 40-44 Washington St., Mystic, CT. Assessor's Map 174 Block 19 Lot 2; Zone LS-5.

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Ms. Palmer summarized the application.

Mr. Rogers proposed tenant of 40 Washington Street, explained the application. The applicant plans to brew small batches of craft beer. They plan to be open three days a week closing at 10:00pm and limiting their sale area to 10 seats. The applicant explained that a drainage easement by the town prevent planting of a buffer. There are no windows or activity on the side of the building facing the neighboring property. All traffic and activity takes place on the opposite side. Mr. Berger questioned the scent produced by brewing. The applicant will be leasing the smallest unit furthest from the street. Mr. Rogers presented a map showing that his unit will be 15 feet from the neighbor but not the entire building.

Public Comment in Favor:

Susanne Moore, property owner, gave a history on the property and spoke about the unique shape of the lot. Ms. Moore stated that she is unable to plant in the area due to the drainage easement. Ms. Moore stated that the back wall is cement block and is insulated and dry walled. There is also an apartment in the building.

Lindsey Pyrke-Fairchild, spoke in support of the applicant stating that the proposed business is well buffered by the building. She also spoke in support of occupying a building that has been vacant and allowing business to grow in the town.

Christopher Johnson, resident of downtown Mystic, spoke in support of the applicant's effort to build a business in town.

Bill Salancy, spoke in support of the applicant and the location of the proposed business.

Public Comment Against:

Ben Tamsky, spoke against removing the 15 foot buffer and believes that it exists for a reason and worries about the future uses of the property being that the variance is permanent.

Donald Hartley, spoke on behalf of his parents owners of 36 Washington Street. Mr. Hartley stated that they are able to hear music from the units and the wall facing them is not solid, they are hollow blocks. There are windows across the top of the building on the side facing the neighbor. Mr. Hartley spoke about the drainage easement and its proximity to the building. Mr. Hartley raised concern on the size of the batches of beer. Mr. Hartley proposed the applicant find another location for the business.

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Dr. Falk, who has offices at 35 Washington St., raised concern with keeping a business small and is concerned about parking. He also believes the business does not fit with the historic district.

Paul Sartor, 12 Jackson Ave., expressed his concern with the hardship considering there are multiple uses for the property. Mr. Sartor is concerned with future use of the property with this variance. Mr. Sartor read a letter from James Gibbs of 14 Jackson Ave., against the application.

Susan Simoncini, spoke on behalf of her neighboring property that has a wine bar which required no variances. Ms. Simoncini raised concern with the variance going with the building not the business.

General Comment:

Danielle (indistinguishable), Spoke about the opportunity to bring economic development to the area with the hopeful expansion of Shoreline East and easing drinking and driving.

Rebuttal:

Mr. Rogers spoke about the residential neighborhood, it has been traditionally a mixed use neighborhood. Mr. Rogers stated a special use permit would prevent future expanded use. Mr. Rogers stated he will not be making larger batches and his business will only be viable with small batches. Expansion would require distribution. Mr. Rogers discussed that there are not any comparable places within budget to make a viable business. Mr. Rogers proposed that unit C be treated separately. Mr. Rogers agreed to have planters and any other remediation that the board may require.

Mr. Tamsky stated that the board cannot determine whether a variance is needed.

Mr. Berger closed the public hearing.

Ms. McCormack moved to deny the application, seconded by Mr. Rezendes. Ms. McCormack is concerned with the variance going with the property. The board discussed whether a variance could be granted to a single unit. The building has many additional uses and does not show a hardship. The vote was taken, all in favor 5-0, motion approved.

ZBA #16-03 & CAM Jeanne Hamilton, owner; Michael Scanlon, applicant – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 30' to 20' and reduce the rear yard setback from 40' to 30' for construction of a single family dwelling. Property located at 28 Money Point Rd., Mystic. Assessor's Map 180 Block 2 Lot 31; Zone RA-20.

Ms. Palmer summarized the application.

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Michael Scanlon spoke on behalf of the applicant. The applicant had the area surveyed and discovered that there is not as much buildable land as compare to the town's GIS map. Mr. Scanlon presented the proposed building envelope with the proposed variances. Mr. Scanlon presented the CAM site plan.

Chris Arelt, architect for the proposed home, spoke about the reason for the shape of the home. The applicant is proposing a three bedroom home that follows the proposed buildable envelope. Mr. Scanlon addressed CTDEEP comments.

Public Comment in Favor:

Norton Wheeler, friend of the Hamilton family and owner of Mystic River Building Company was asked for assistance to help develop her neighboring lot to be able to sell the lot and save her abutting home. After surveying the lot they discovered the limited building envelope and went back to the drawing board to create a home that would work for the property.

No Public Comment Against or General Comment


Mr. Berger closed the public hearing.

Mr. Rezendes moved to approve the variance and CAM application, seconded by Ms. McCormack, all in favor 5-0, motion approved.

Minutes

Mr. Rezendes moved to approve the minutes of the December 8, 2015, seconded by Ms. McCormack, all in favor 5-0, motion approved.

Mr. Kading moved to adjourn, seconded by Ms. McCormack, all in favor 5-0, the meeting adjourned at 10:28pm.



Virginia McCormack, Secretary