

**ZONING BOARD OF APPEALS**

**REGULAR MEETING**

**Final Minutes**

**February 13, 2018**

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

Present for the February 13, 2018 meeting were Matthew Berger, Russ McDonough, Jeff Walker, Mark Mitsko, Raymond Dussault. Zoning Enforcement Officer Candace Palmer was also present.

Seated for the meeting were Matthew Berger, Jeff Walker, Raymond Dussault, Mark Mitsko, and Russ McDonough. Meeting called to order at 7:02 p.m.

New Business:

**AAP #18-03 St. Edmund of Connecticut, Inc. (owner), Hugh & Pamela McGee and Penelope Townsend (Appellants), Diane W. Whitney (Agent)** – Seeking to appeal the Enders Island Zoning Compliance Report dated 1/11/18. Property located on Enders Island, Mystic. Assessor's Map 178 Block 1 Lot 1-1 thru 9; Zone RC-120.

The application was received and scheduled for the next meeting. The Board requested that the Town Attorney be present for the meeting to assist the Board.

**ZBA #18-04 Michael C. Barnes**– Seeking a variance from ZR 5.1.1 to reduce the side yard setback from 15' to 7' for installation of a generator. Property located on 23 Pequotsepos Center Road, Mystic. Assessor's Map 150 Block 1 Lot 6; Zone RA-40.

The application was received and scheduled for the next meeting.

Public Hearings:

**ZBA #18-01 Peter Fleming & Scott Nye (Dennis A. Ceneviva, Esq. Agent)** – Seeking a variance from ZR 7.12.3.1 Internal Illumination and ZR 7.12.3.4 Sign Motion for a proposed two-sided digital billboard. Property located on 786 Stonington Road, Stonington. Assessor's Map 75 Block 2 Lot 2; Zone GC-60/RC-120.

The hearing was opened and immediately continued with no discussion at the applicant's request.

**ZBA #18-02 Mark Silvester & Nancy Hoerrner (William R. Sweeney, Esq.-Agent)** – Seeking a Variance from ZR 5.1.1 to reduce the front yard setback from 50' to 35' and ZR 7.15.2 to permit a swimming pool within the RR-80 district front yard requirement. Property located on 60 Wilbur Road, Stonington. Assessor's Map 131 Block 3 Lot 2D; Zone RR-80.

Ms. Palmer summarized the application. The applicant is proposing to construct a swimming pool within the front yard setback. Ms. Palmer read the applicant's stated hardship "Due to the

peculiar orientation of this rear lot and its access from a common driveway along its side yard, its front yard along its southern boundary does not resemble or function as a typical front yard but rather a side yard, Further, the excessive slope, ledge outcrops, and drainage swales on the property limit the availability of suitable land to install a reasonably sized inground pool to only a discrete area in the southeast corner of the lot, within the required front yard." Ms. Palmer reviewed the front and side yards as regulated by the town. The neighbors have written letters of support for the project but are concerned with any blasting that may take place.

Attorney William Sweeney presented the application. Mr. Sweeney presented a packet of exhibits named "Exhibit #2" to the commission. The applicants are requesting to construct a swimming pool for their family to use. The lot is deemed a rear lot with an access strip however the home is not accessed from this strip. This has caused the orientation of the house, which oriented towards a historical drift way that has been used for access rather than the access strip. The setbacks on the other hand are measured by the orientation of the land to the access strip. The home has never been nor could be accessed via this strip. Mr. Sweeney stated that swimming pools have special regulations that allow them up to six feet to the property line in side and rear yards. However, because of the orientation of the home, the proposed pool would be in the front yard setback. Mr. Sweeney then reviewed the topography of the land and drainage swales that would prevent the homeowner from locating the pool in an alternate location on the property. Mr. Sweeney stated there is a large amount of rock on the property, but is lacking where the pool is proposed. If they do encounter rock ledge they will use mechanical drilling to remove rock to avoid blasting. Mr. Berger questioned whether there is a road on the access strip. Mr. Sweeney responded that there is not and the home could not be accessed from that side of the property.

No Public Comment.

Mr. Berger closed the public hearing.

Mr. Mitsko moved to approve the application, seconded by Mr. McDonough, the vote was taken 4-1, the motion was approved.

Roll Call: Dussault – approve, McDonough – approve, Berger – deny, Walker – approve, Mitsko – approve.

Minutes:

Mr. Dussault moved to approve the minutes of the December 12, 2017 meeting, seconded by Mr. McDonough, all in favor 5-0, motion approved.

Mr. Dussault moved to adjourn, seconded by Mr. McDonough, all in favor 5-0, the meeting adjourned at 7:42 p.m.



Matthew Berger, Chairman