

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
Final Minutes  
July 11, 2017**

Present for the meeting were James Kading, Virginia McCormack, Russ McDonough, Alternate Jeff Walker and Mark Mitsko. Zoning Enforcement Officer Candace Palmer was also present.

Seated for the meeting were James Kading, Virginia McCormack, Russ McDonough, Jeff Walker (seated for Bill Lyman) and Mark Mitsko.

New Business:

**ZBA #17-07 Peter and Julia DiScuillo** – Seeking a variance from ZR 5.1.1 to reduce the side yard setback from 10' to 4' and increase the Gross Floor Area from 20% to 23% for construction of an accessory structure. Property located on 251 North Anguilla Rd., Pawcatuck CT 06379. Assessor's Map 40 Block 1 Lot 3; GB-130 (RM-15 applies)

The application was received and scheduled for Public Hearing on August 8, 2017.

Public Hearings:

**ZBA #17-04 Richard & Geri Ann Bradley (Peter Springsteel, Agent)** – Seeking a variance from ZR 5.2.1 to reduce front yard setback from 50' to 15' 7 1/2", side yard setback from 25' to 7' 6 1/4", rear yard setback from 50' to 17' 7 1/2" and ZR 7.7.8.3.1 coastal jurisdiction setback from 100' to 7' 6 1/4" to allow construction of a detached garage. Property located on 50 Roseleah Drive, Mystic. Assessor's Map 175 Block 1 Lot 21; Zone MC-80.

Ms. Palmer summarized the application. Peter Springsteel, project architect, presented the application. It is a small home with no storage space. The applicant is proposing to add a garage for storage of recreational items. The structure will have a garage that follows the flood zone design standards and a loft area for storage. The applicant stated that their hardship is that the coastal setback covers the entire lot and the MC-80 setbacks take most of the lot as well, not allowing for any improvements. Mr. McDonough clarified that the loft would not be used for living space.

No Public Comment

Ms. McCormack closed the public hearing.

Mr. McDonough moved to begin discussion, seconded by Mr. Walker, all in favor 5-0, motion approved.

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

**ZBA #17-05 Heather Sangermano** – Seeking a variance from ZR 5.1.1 to reduce the front yard setback from 30’ to 22.8’ for construction of a deck. Property located on 18 Old North Rd., Mystic. Assessor’s Map 175 Block 2 Lot 5; Zone RM-15.

Ms. Palmer summarized the application. Ms. Sangermano presented the application, she stated that when she purchased the home the deck was existing and she was unaware it was out of compliance until after purchasing the home.

Public Comment in Favor:

Bob O’Shaughnessey, neighbor to the applicant stated the deck is appropriate for the neighborhood and the lot in the rear is unbuildable and would not affect others.

No Public Comment Against or General Comment

Ms. McCormack closed the public hearing.

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

**ZBA #17-06 Peter Fleming & Scott Nye (Dennis A. Ceneviva, 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.

Ms. Palmer summarized the application. Attorney Dennis Ceneviva presented on behalf of the applicant. There are currently three billboards on the lot that are pre-existing non-conforming amounting to 900 square feet of signage. The applicant is proposing to remove the three static billboards and install a single double sided digital sign. They decided to file for a variance as opposed to text amendment to prevent a proliferation of additional digital signage in town. Approval of the variance would result in the elimination of two non-conformities and a reduction in an additional non-conformity. The amount of signage square footage would also decrease significantly from 900 square feet to about 180 square feet. The new sign would also be in flood zone compliance. Police and Fire would also have access to override the content to post emergency warnings when needed.

Ray Digby, representative from Watchfire signs spoke about the signage. Brightness is reduced to four percent of daytime brightness and the design is clear and easy to read. The image will not have animations or animated transitions. The signs dim according to the outside light allowing it to be appropriate for the area.

Public Comment in Favor:

Peter Fleming, owner, spoke in favor of the application and its ability to upgrade the site and has helped them to improve their property.

No Public Comment Against:

General Comment:

Kit Hartford, asked whether neighbors notified. Ms. Hartford had concern over the sign in this neighborhood.

Patrick Moukawsher, business owner directly across the street is concerned with distracted driving and the precedence of a backlit sign. Mr. Moukawsher also did not see the hardship stated by the applicant.

Rebuttal:

Mr. Ceneviva stated that certified letters are sent to abutters in the required area and have been submitted. Ms. Palmer verified they have been submitted. Mr. Digby stated that government funded studies have found that glancing at illuminated signs are less than a second falling below the danger level of two seconds. Mr. Ceneviva stated that the reduction and elimination of non-conformities is basis for the application.

General Comment:

Patrick Moukawsher, stated that he spoke with the police chief as well and did not think that the conversation was regarding the safety of the sign.

Rebuttal:

Mr. Ceneviva stated the police chief has seen the entire application and is fully aware of the illumination of the sign and did not raise any concerns, only support.

Ms. McCormack closed the public hearing.

Mr. McDonough moved to begin discussion, seconded by Mr. Walker, all in favor 5-0, motion approved. The commission discussed the application.

Mr. Mitsko moved to approve the variance with a stipulation that further reduction of illumination may be required as determined by the Department of Planning Staff, seconded by Mr. Kading, the vote was taken 3-2, the motion failed.

Roll call: Walker – deny, Kading – approve, McDonough – deny, McCormack – approve, Mitsko – approve.

Minutes

Mr. McDonough moved to approve the June 13, 2017 minutes, seconded by Mr. Walker, all in favor 5-0, motion approved.

Mr. McDonough moved to adjourn the meeting, seconded by Mr. Mitsko, all in favor 5-0, the meeting adjourned at 8:29pm.

  
Virginia McCormack, Secretary