

**ZONING BOARD OF APPEALS
REGULAR MEETING
Final Minutes
October 11, 2022**

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

Present for the meeting were Jeff Walker, Mark Mitsko, Nat Trumbull, Raymond Dussault, James Stanton and Diana Lurie Boersma. Zoning Enforcement Officer Candace Palmer was also present. Absent James Kading and Anthony Caporale.

Seated for the meeting were Jeff Walker, Mark Mitsko, Nat Trumbull, Raymond Dussault, and James Stanton seated for James Kading.

The meeting was called to order at 7:00 pm. at the Stonington Police Station.

Diana Lurie Boersma arrived at 7:03 pm.

Public Hearing:

ZBA #22-14 Eleanor Ellis (William R. Sweeney, Esq.-Agent) – Seeking a variance from ZR 5.1.1 to increase Floor Area Ratio from 15% to 24% to construct an attached garage. Property located on 13 Richmond Lane, Mystic. Assessor's Map 161 Block 6 Lot 8; Zone RA-20.

Attorney William Sweeney presented the application. The property is located within the coastal management area but is exempt from site plan review due to the addition being minor. The garage will be constructed to FEMA standards but will not incur the substantial improvements threshold due to being less than 50% of the appraised value of the home. Mr. Sweeney presented a handout (Exhibit 2) with the property highlighted. Mr. Sweeney explained there are no neighbors to the left or right of the home and has significant screening in the rear to the neighbor on Meadowbrook Lane. The lot is undersized for the zone and is the smallest in the neighborhood. The lot size is less than half of what is required for the zone making it difficult for the homeowner to conform with the bulk requirements of the zone. The lot does not qualify for the 2.9 undersized lot relief due to being 45 days short of the date they could qualify. They are proposing to construct a 504SF garage increasing the FAR to 24%. The minimum lot in the RA-20 zone should allow a homeowner to construct a 3,000SF home, however due to the lot size the home would only be 2,169SF after the addition. Ms. Ellis is conforming with all other bulk requirements and is proposing a reasonable use. Many neighbors in the area have a covered garage as she is requesting which will conform with the neighborhood.

Public Comment in Favor:

Rick Newton, 32 Meadowbrook Lane, neighbor to the rear spoke in support of the application as it will not negatively impact the neighborhood and the lot is undersized for the zone.

Public Comment Against: None.

General Comment: None.

Mr. Walker closed the public hearing.

Mr. Mitsko stated that the request is reasonable and the lot is undersized for the zone.

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

ZBA #22-15 452 Liberty Street, LLC. (Anthony Nenna, P.E.-Agent) – Seeking a variance from ZR 4.2.4.1 to reduce the buffer requirement from 15' to 9' and ZR 7.10.6.7 to reduce parking lot buffer from 20' to 9' to accommodate parking on a commercial lot that adjoins a single-family residential use. Property located on 452 Liberty Street, Pawcatuck. Assessor's Map 18 Block 4 Lot 12; Zone CS-5.

Anthony Nenna, project engineer presented the site plan for the application. The property owners purchased the home for their real estate business. They renovated the buildings that were already on the site after purchasing. The property was originally zoned residential and then later re-zoned to CS-5, a commercial zone. There are commercial businesses across the street from the property. To the rear of the property the lots are zoned RA-20. The neighbor to the west is in the commercial district, but because it is a residential use, a buffer is required by the regulations. They have paved the parking lot, but it was not built to the correct standards, so they are proposing to expand the lot to allow for the proper turning distances. They will also remove the invasive species and provide screening to the neighboring lot. The owner of the neighboring home to the west is in support of the application and landscaping plan. Due to the fixed buildings on the site, they have configured the parking to the best of their ability with those sites. They have also received approval from the DOT for the curb cut lengthening. The parking lot will allow for the needed number for the use.

Public Comment in Favor: None.

Public Comment Against: None.

General Comment: None.

Mr. Walker closed the public hearing.

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

ZBA #22-16 2-6 Mechanic Street, LLC (Theodore M. Ladwig-Agent) – Seeking to vary the requirements of ZR 7.7.8.2.1 and 7.7.8.2.2 to allow substantial improvements to an existing commercial structure converting to mixed use. Property located on 6 Mechanic Street, Pawcatuck. Assessor's Map 3 Block 28 Lot 8; Zone PV-5.

Attorney Theodore Ladwig presented the application. Mr. Ladwig submitted three letters of support for the application to the record (Exhibits 2-4). Mr. Ladwig discussed the history of the lot. The building suffered major fire damage in March 2017, and the current owner purchased the property October 2018. He subsequently received a zoning permit to renovate and improve the building the following year, but due to the pandemic work did not proceed. The building permit was invalidated due to the renovations now triggering the substantial improvements threshold. During the pandemic the cost of materials for building increased greatly. The structure covers the entire lot and cannot be expanded. The building is attached by a common wall to 4 Mechanic Street and cannot be rebuilt above grade. The new building will maintain character with the neighborhood. The project engineer submitted a letter detailing the history of the lot and its structural attachment to 4 Mechanic Street. The renovation of the building will improve the structure of the building and will be brought to building code. Utilities will be

relocated above flood grade and the foundation will be strengthened. The new building will be safer and more flood resistant than the existing building. Mr. Ladwig reviewed the reasons the application conforms with the goals of granting a variance. Mr. Trumbull asked for additional information on the blight. Mr. Ladwig stated that it has been blighted for years since the fire damage. Mr. Lathrop has repaired what he could, but the exterior of the building remains blighted. Mr. Walker asked if the applicant is ready to move forward should the variance be approved. Staff recommends a stipulation that requires the applicant to complete the blight amelioration prior to October 11, 2023 or blight fines will be retroactive to April 2022. Ms. Palmer clarified that those fines would be about \$53,000. Mr. Mitsko asked about the structure of the building. Mr. Lathrop stated that the building would not be demolished, the frame is structurally sound though sections would be repaired. The 2018 plans would proceed with the award of a variance. Mr. Mitsko stated he would like to see the applicant follow through with the plans should they grant a variance.

Public Comment in Favor:

Matthew Beaudoin, 18 Johnston Street, Pawcatuck stated he is in favor of the improvements due to the prominence of the building in Pawcatuck. He would like to see it fixed up and functional again.

Public Comment Against:

Ben Tamsky, 5 Edgemont Street, Mystic stated that he does not feel the ZBA has the authority to vary the regulations in this case due to not being a bulk regulation. Mr. Tamsky read the power and duties of a Zoning Board of Appeals according to the regulations and Connecticut General Statutes. Although he is in favor of the improvement of the community, he does not feel it is the board's authority to vary the regulations. (Exhibit 5)

General Comments:

John Prue, stated that he feels the regulations are in conflict with state law. Mr. Prue submitted items for the record (Exhibit 6). Mr. Prue stated that the Zoning Board of Appeals authority comes from state statute and should not be dictated by the Planning and Zoning Commission. Mr. Prue expressed concern with impact to the flood insurance discount rating. He feels the applicant's relief should lie with the Planning and Zoning Commission. Mr. Prue stated he feels the board does not have the authority to enter into a blight contract with the property owner.

Laura Graham, 2 Moss Street, Pawcatuck, stated that Mr. Ladwig did reference two other properties in requesting the variance potentially referring to precedence. Ms. Graham is concerned with the character of the property owner and the ability to follow through. She would like to see positive solutions for the community.

Mr. Stanton discussed the façade of the building and improving that for the betterment of the community.

Rick Newton, 32 Meadowbrook Lane, Mystic, spoke about the impact of sea level rise on the neighborhood and is concerned about residential egress from the building in a storm.

John Prue, stated the building will never have to comply with flood regulations if granted due to the nature of variances remaining with the property.

Rebuttal:

Attorney Ladwig stated that in C.G.S. 8-6(3) the board has the power to vary regulations. The unique nature of the parcel is that it is physically attached to the building next door at 4 Mechanic Street. It is not a general condition in downtown Pawcatuck and only effects the subject property. Mr. Ladwig explained Mr. Lathrop was caught in a global pandemic with global supply chain issues that negated the building permit due to the rising cost of substantial improvements. Mr. Ladwig objected to the characterization of Mr. Lathrop as not doing what is best for the village. Mr. Lathrop has invested in the town and is seeking to improve the blight situation. Mr. Lathrop stated that the law supports the application and powers of the commission. Ms. Palmer stated that the previous failure to be renewed by FEMA for community rating system was not due to variances, and was a failure by staff. The variance allowance in the Regulations is already taken into account by FEMA and the CRS for the Town was recently approved for five years.

Mr. Trumbull asked for further explanation on the process of the building permit revocation. Ms. Palmer explained the substantial improvements threshold and how that appraisal of the building sets the improvement at around \$30,000. There is now a historic district in part of downtown Pawcatuck, however this property was not included. Ms. Palmer explained the blight enforcement intent. Mr. Dussault asked for an opinion from the Town Attorney on the blight stipulation and the authority of the commission.

Mr. Dussault moved to continue the hearing, seconded by Mr. Mitsko, all in favor 5-0. Motion approved.

ZBA #22-17 David & Pamela Jakstis (Peter J. Springsteel Architect, LLC-Agent) – Seeking a variance from ZR 5.1.1 to reduce Front Yard setback from 20’ to 18’ to reconstruct stairs and entry porch. Property located on 16 Roseleah Drive, Mystic. Assessor’s Map 175 Block 1 Lot 33; Zone MC-80 (RH-10 applies).

Peter Springsteel, project architect, presented the application. The applicant is located in the flood zone and is elevated. It currently has an uncovered stairway and landing into the home with 17 risers. The applicant is requesting to reduce the front yard setback to create a covered entrance with a switchback stairway to reduce potential serious injury in the case of a fall. Due to the swooping setback line, the stairs just cross over the setback line. They have looked at alternative locations but they were all problematic of where it will enter the home. The neighbors are in favor of the application and a letter was submitted from 18 Roseleah Drive.

Public Comment in Favor: None.

Public Comment Against: None.

General Comment: None.

Mr. Walker closed the public hearing.

Mr. Dussault moved to approve the application, seconded by Mr. Trumbull, all in favor 5-0. Motion approved.

Approval of 2023 Meeting Calendar:

Mr. Mitsko moved to approve the calendar, seconded by Mr. Dussault, all in favor 5-0. Motion approved.

Minutes:

Mr. Dussault moved to approve the minutes of the September 13, 2022 meeting, seconded by Mr. Mitsko, all in favor 5-0. Motion approved.

Mr. Dussault moved to adjourn, seconded by Mr. Mitsko, all in favor 5-0. The meeting was adjourned at 8:34 p.m.

X N. 2 Trumbull

Nat Trumbull, Secretary