

MINUTES
ZONING BOARD OF APPEALS
OCTOBER 8, 2008 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

Present: Stebbins, Grady, Manning, Russotto
Staff: Cullen, Moulding
Excused: Alternate Mencer, Kravits

Chairman Stebbins stated that with only four board members present the applicant could chose to continue the hearing to the next meeting. The applicant stated that he wished to proceed.

I. PUBLIC HEARINGS

ZBA #08-06 – 0 Winding Hollow Road, Cecil D. Rhodes, Owner/Applicant, for an appeal to the Cease and Desist Order issued May 23, 2007 by the Zoning Enforcement Officer regarding the activities under Sections 6.11, 7.1-10, 8.1-1, 8.1-3 and 8.3. PIN 169913044887. RU-20 Zone

Staff stated that the applicant has withdrawn his appeal.

ZBA#08-10 – 57 Pearl Street, Soogie LLC/Owner; for a variance to Section 5.2 for 5' in lieu of 30' for a front yard setback on Seahorse Lane and 21' in lieu of 30' for a front yard setback on Pearl Street for a residential addition. PIN#261914432170, RS-12, (CAM)

Chairman Stebbins opened the public hearing at 7:00 p.m. Manning read the legal ad for the record and stated the mailings are in order.

Peter Springsteel, Architect, 105 Spring Street, Mystic representing the applicant handed out a map of the area and pointed out all of the non-conforming setbacks in the neighborhood. The home currently has a masonry patio with a metal and canvas awning. The applicant is proposing to put a fixed roof over the patio area and adding some columns. The present structure is already well into the setbacks and this will not enlarge the non-conformity. The Historic District Commission approved the design on October 7th, 2008. The hardships are that the structure is non-conforming and the lot has three front yards. They will be staying within the current structure and/or footprint. They have submitted a CAM application which states they are in a flood area and the Mystic River is nearby. There are no negative impacts to the coastal area.

James Castle, 55-57 Pearl Street feels that the metal and canvas is ugly and this would improve the look of the property. Several neighbors told Mr. Cassel that they were in favor of the improvements.

The Chairman asked for comments in favor or opposed and there were none. Staff stated that because of the Planning Commission's meeting schedule they did not review this application.

The public hearing ended at 7:25 p.m.

II. MEETING FOLLOWING PUBLIC HEARINGS

1) Decision on Public Hearing Applications

#08-10 – 257 Pearl Street, (Soogie LLC)

MOTION: To grant #08-10 – 257 Pearl Street, (Soogie LLC), variances as requested.

Motion made by Russotto, seconded by Grady, 4 in favor, 0 opposed.
MOTION PASSED UNANIMOUSLY.

MOTION: To approve the Coastal Area Management application for the residence at 57 Pearl Street as it is consistent with all applicable coastal policies contained in CGS 22a-92, and includes all reasonable measures to mitigate adverse impacts and creates no unacceptable adverse impacts.

Motion made by Manning, seconded by Russotto, 4 in favor, 0 opposed.
MOTION PASSED UNANIMOUSLY.

2) Correspondence

Staff distributed a memo from Michael Murphy, Director of Planning and Development regarding an update on 26 Pearl Street. The Board wondered if the intent of the regulations was to allow renting for as little as an hour or night. Staff stated that the Town Attorney has said zoning can not regulate the frequency or amount of time of a rental. The Board was glad to see action being taken.

3) Minutes

MOTION: To approve the minutes of September 10, 2008 as written.

Motion made by Russotto, seconded by Grady, 4 in favor, 0 opposed.
MOTION PASSED UNANIMOUSLY.

4) Old Business - None

5) New Business

1. New Applications

There will be one public hearing on October 22nd and one on November 19, 2008. Grady will not be able to attend the November meeting.

2. 2009 Meeting Schedule

MOTION: To approve the meeting schedule for 2009.

Motion made by Manning, seconded by Russotto, 4 in favor, 0 opposed.

6) Report of Staff

Staff thanked Mr. Manning for taking the time to come in and review the mailings.

7) Adjournment

Motion to adjourn at 7:32 p.m. made by Grady, seconded by Russotto, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Moulding,
Office Assistant II