

MINUTES  
ZONING BOARD OF APPEALS  
FEBRUARY 12, 2014 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Kravits, Mencer, Russotto, Stebbins  
Absent: Grady, Manning  
Staff: Cullen, Silsby

Chairman Stebbins called the meeting to order at 7:00 p.m. He appointed Russotto to sit as Acting Secretary for Manning. Acting Secretary Russotto read the Call of the Hearings. Staff noted that all mailings have been received and are in order. Public hearing procedures were reviewed.

Peter Springsteel/Architect, 105 Starr Street, Mystic, was present to speak on behalf of both public hearings tonight.

Stebbins explained that the Board consists of five (5) members, which means that four (4) consecutive affirmative votes would be required to pass a variance request application. It was noted that the applicant has the option to postpone the public hearing for two weeks, if they so choose.

Springsteel conferred with his clients and stated that all his clients understand and would like to proceed with the public hearings tonight.

II. PUBLIC HEARING

1. ZBA#13-06 – 8 Latham Street, Mystic, Peter J. Springsteel/Applicant, William O'Donnell and Monica Bean/Owners, for a variance to Section 5.2 for 9 feet in lieu of 25 feet for a front yard setback for a residence. PIN 261806392902, RS-8 zone.

Springsteel reviewed the site plans, the property location, setbacks, and zoning regulations. He submitted various documents and photos. He explained the plan to convert the existing two-family home into a one-family residence. He reviewed the scope of the project. He is seeking a reduction of a front yard setback. He noted that the current setbacks pre-date zoning regulations. He explained why he feels that the request falls within the context of the neighborhood. Relative to the hardship, he gave specifics about the steep slope and the pre-existing non-conforming structure. He noted that the addition is within the allowable lot coverage required in the zoning regulations. Springsteel stated that no survey is required for this application.

The Chairperson asked the public if there is anyone in favor or against this application.

Mr. Burdick, 12 Latham Street, expressed concerns about the steep slope. He noted that only the deck is non-conforming, not the living space. He explained why he feels this is a financial hardship.

Ms. Eva Hildebrand, 4 Latham Street, Mystic, an abutter, expressed concerns about the steep slope, construction, and the drainage system. Additional concerns were raised about the rotten wood pile.

Springsteel gave specifics about the proposed drainage system. He noted that silt fencing and hay bales will be installed.

William O'Donnell/owner stated that he plans to remove the rotten wood pile and spoke about the existing drainage problem, which he plans to address. His plans include renovating and occupying the house.

Mr. Burdick, 12 Latham Street expressed concerns about Ms. Hildebrand's property and referred to a large unhealthy tree that is close to the boundary line. The retaining wall and boundary lines were also discussed. Springsteel explained the plan to redirect the flow of water and will talk to the owners about the possibility of getting a surveyor out to the property.

Russotto stated that the Planning Commission had no comment.

In reference to Mr. Burdick's comments, Springsteel and O'Donnell explained that this is not a financial hardship but is more of a practicality issue.

Staff stated that no other calls had come in to her office except for those present tonight.

Springsteel reiterated the hardship and spoke about topography, the impracticality of the lot, Historic District Commission approval, and this being a pre-existing non-conforming structure. He concluded that the neighborhood is full of similar non-conforming lots.

The Public Hearing closed at 7:49 p.m.

2. ZBA#13-07 – 212 Cedar Road, Mystic, Peter J. Springsteel/Applicant, 214 Cedar Road LLC/Owner, for a variance to Section 5.2 for 20 feet in lieu of 30 feet for a front yard setback and 4 feet in lieu of 12 feet for a side yard setback, both for an attached garage. Also for a variance to Section 5.2 for 3 feet in lieu of 30 feet for a front yard setback and 26 feet in lieu of 30 feet for a rear yard setback, both for the primary residence. PIN 261813041014, RS-12 zone. (CAM)

Acting Secretary Russotto read the Call of the Hearing. Staff noted that all mailings have been received and are in order. Public hearing procedures were reviewed.

Peter Springsteel/Architect, 105 Starr Street, and owner James Maxson were present for this application. Documents and photos were submitted. Springsteel explained the proposal to build a garage and second story additions. He reviewed all setbacks, the steep cliff at the back yard, the steep slope, and the zoning conformance table. He noted that the roof pitch would need to increase.

Inquiries were made about the front setback and the side setback, and concerns were raised about the need for a garage. Springsteel gave specifics about the living space.

Jim Maxson/owner, 43 Stanley Street, New York, stated, for the record, that he has a joint interest in the LLC owned by he and his siblings. He explained that the main reason for the proposal is for he and his siblings to care for their elderly mother. Maxson noted that the house has been in his family for many years. Information was given about the arrangement of the interior stairway, bedrooms, and other common living areas.

Stebbins asked if there was anyone in the audience to speak in favor or against.

Ms. Massick, 232 Cedar Road, an abutter, distributed information and voiced her concerns about the garage and added living space being too close to her property. She spoke about the proposed hardship, the steep slope, the lot size, and zoning regulations. She requested that the Zoning Board of Appeals deny this application since the lot is already a non-conforming lot.

Jeff Palmer, 211 Cedar Road, an abutter, submitted photos and spoke against the variance request to build a garage. He would be okay with renovating the existing home. He referred to the proposed garage and the existing shed. He noted that his grandfather had built the house in 1922.

Lisa Palmer, 211 Cedar Road, spoke against the variance request. She stated that when her house was built 9 years ago, she had to stay within zoning requirements.

Referring to a memo from the Planning Commission, Russotto stated that the Planning Commission reviewed the variance request and had no comment.

Staff noted that a coastal area management review is required.

Russotto explained the role of the Zoning Board of Appeals and its authority.

Mike Massick, 232 Cedar Road, stated that he was required to meet all zoning requirements when his house was built in 1999.

Staff stated that Coastal Area Management requirements have been met. She noted that the roof line has been reviewed by the Building Official and the change in pitch is what is causing the need for a variance on the primary residence.

The public hearing closed at 8:47 p.m.

A recess was called at 8:47 p.m. The meeting reconvened at 8:56 p.m.

### III. MEETING FOLLOWING PUBLIC HEARING

#### 1. Decision on Public Hearing Application

- a. ZBA#13-06 – 8 Latham Street, Mystic, Peter J. Springsteel/  
Applicant, William O'Donnell and Monica Bean/Owners

MOTION: To grant the variance as requested.

Motion made by Russotto, seconded by Kravits, so voted unanimously

- b. ZBA#13-07 – 212 Cedar Road, Mystic, Peter J. Springsteel/  
Applicant, 214 Cedar Road LLC/Owner

Concerns were raised about the front and side yard setbacks. Discussion ensued about the garage and the roofline. There was a consensus that the garage should be denied. Options for a motion were discussed. A decision was made to split the request into two separate motions.

MOTION: To grant a variance to Section 5.2 for 20 feet in lieu of 30 feet for a front yard setback and 4 feet in lieu of 12 feet for a side yard setback, both for an attached garage.

Motion made by Mencer, seconded by Kravits, so voted 2 in favor, 2 opposed (Mencer, Stebbins). MOTION FAILED.

MOTION: To grant a variance to Section 5.2 for 3 feet in lieu of 30 feet for a front yard setback and 26 feet in lieu of 30 feet for a rear yard setback, both for the primary residence.

Motion made by Mencer, seconded by Kravits, so voted unanimously.

MOTION: To approve the CAM application.

Motion made Mencer, seconded by Russotto, so voted unanimously.

2. Correspondence

Staff reminded members of the upcoming Annual Planning Conference scheduled for March 13, 2014.

3. Minutes – Meeting of October 9, 2013 and October 23, 2013

MOTION: To approve the minutes of October 9, 2013

Motion made by Russotto, seconded by Stebbins, so voted 2 in favor, 2 abstentions (Kravits and Mencer). Motion Carried.

MOTION: To approve the minutes of October 23, 2013

Motion made by Mencer, seconded by Russotto, so voted 3 in favor, 0 opposed, 1 abstention (Kravits). Motion Carried.

4. New Business

- a) Election of Officers for 2014

MOTION: To re-elect Edward Stebbins as Chairman

Motion made by Russotto, seconded by Kravits, so voted unanimously.

MOTION: To re-elect Floyd Kravits as Vice-Chairman

Motion made by Stebbins, seconded by Russotto, so voted unanimously.

MOTION: To re-elect Tom Manning as Secretary

Motion made by Mencer, seconded by Kravits, so voted unanimously.

b) New Applications – None

5. Report of Staff

Staff stated that the Director of Planning will be retiring on March 21, 2014.

IV. ADJOURNMENT

Motion to adjourn at 9:34 p.m. was made by Russotto, seconded by Mencer, so voted unanimously.

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Scott Russotto, Acting Secretary  
Zoning Board of Appeals

Prepared by Robin Silsby  
Office Assistant II