



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

*Charles Gadon, Chairman
Kevin Danby, Vice Chairman
Alfred Wilcox
C. Marston Ladd
Erin Colwell*

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Alternate Members
*Andrew Morosky
Jonathan Miles
Laurie Deneen*

**MINUTES
SPECIAL HYBRID MEETING
Thursday, April 11, 2024 at 6:00 p.m.**

I. CALL TO ORDER

Chairman Gadon called the meeting to order at 6:00 pm

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Attendant Members

Charles Gadon, Alfred Wilcox, C. Marston Ladd, E. Colwell, Laurie Deneen

Absent Members

Kevin Danby, Andrew Morosky, Jonathan Miles

Attendant Staff

Karen Dooley, Recording Clerk

Laurie Deneen was seated for Kevin Danby

IV. PUBLIC HEARINGS

23/24-20C North Cove Associates, LLC request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 23.4.2 (structure height/35' maximum/37.9' proposed); Par 23.5.1 (streetline setback/35' required/34.2' to entry/29.5' to west addition/34.5' to east addition proposed); Par 23.5.3 (other yard setback/15' required/6.9' to addition and 7.3' to utility platform proposed); and Par. 58.2 & Par 58.6 (Gateway riparian buffer & structure setback/100' required/93' to deck/86' to pool/78' to terrace and 99' to retaining wall proposed) of the Zoning Regulations to permit the construction of a 161 s.f. addition on west side, a 623 s.f. addition on north east side, a 562 s.f. deck and a new pool with pervious paver terrace at 201 North Cove Road, Map 32/Lot 11, Residence AA2 District, Coastal Area Management Zone, CT River Gateway Conservation Zone, AE-10 and VE-15 Flood Zones.

Attorney Ed Cassella represented the applicant. Joe Wren (Engineer), and Joseph Bergin (Architect) presented for the applicant.

Ed Cassella presented most of the house is within the setbacks. The yard is sloping, therefore restricting the buildable area. The bottom level of the house will now be storage.

Joe Wren presented that they will be reducing the nonconformities by moving the leaching fields away from the river and rebuilding them near the driveway. He also presented there will be native plantings near the pool and river. A. Morosky inquired about what type of plantings. J. Wren stated they would be from the Gateway list.

Joe Bergin stated the plantings would be native ones, all over six inches. He stated under the six inches does not count as coverage. He also stated the property would now be reducing a story and gross floor area. He also presented the plans as keeping a more historic feel to comply with the neighborhood. The exterior would be a muted cream to be less visible from the river.

C. Gadon inquired about the lighting. Attorney Cassella responded Gateway required it to be Night Sky compliant.

C. Gadon was concerned with flooding going into the pool and leaching chemicals into the river. J. Wren stated it is above the flood level. Homeowner, Andrew, stated the photo was not flooding water from the river, it is pipes that run from the street and under the old trolley tracks to the river.

E. Colwell inquired why the deck would be detached. E. Cassella stated if it was attached to the house then the whole house would need to be in the Velocity Flood Zone.

C. Gadon opened the public comment.

E. Colwell read a letter submitted by the neighbor into the record. The neighbor is concerned about the flooding and the changes.

C. Gadon closed the public comment.

A. Wilcox does not see the “utility” of the extra bathroom on the side of the house since there is a pool bathroom already. C. Wilcox asked what the need is for this bathroom. J. Bergin stated it is a changing room with direct access to the dock. C. Gadon wanted to know if there is a way to fit this bathroom in the existing footprint of the building.

Attorney Cassella Tabled the hearing to consult with his client.

The presenters needed to consult further with their client to discuss changes and would like to continue this application to the next meeting.

MOTION TO CONTINUE UNTIL THE NEXT REGULARLY SCHEDULED MEETING, 23/24-20C

North Cove Associates, LLC request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 23.4.2 (structure height/35’ maximum/37.9’ proposed); Par 23.5.1 (streetline setback/35’ required/34.2’ to entry/29.5’ to west addition/34.5’ to east addition proposed); Par 23.5.3 (other yard setback/15’ required/6.9’ to addition and 7.3’ to utility platform proposed); and Par. 58.2 & Par 58.6 (Gateway riparian buffer & structure setback/100’ required/93’ to deck/86’ to pool/78’ to terrace and 99’ to retaining wall proposed) of the Zoning Regulations to permit the construction of a 161 s.f. addition on west side, a 623 s.f. addition on north east side, a 562 s.f. deck and a new pool with pervious paver terrace at 201 North Cove Road, Map 32/Lot 11, Residence AA2 District, Coastal Area Management Zone, CT River Gateway Conservation Zone, AE-10 and VE-15 Flood Zones. Applicant requested to continue until the next regularly scheduled meeting to correct several issues. Applicant will send a letter for extension..

MADE: C. Wilcox; **SECONDED:** E. Colwell; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

23/24-19 Charles E. & Jacqueline Appleby request a variance of Par 10.8.3 (non-conforming lot/no changes allowed/changes proposed); Par 24.6.2 (structure coverage/20% allowed/21.9% proposed); Par 24.5.1 (streetline setback/25’ required/12’ proposed to porch and 16’ proposed to house); and Par 24.5.3 (other yard setback/15’ required/4.4’ proposed to house and 7.8’ proposed to AC) of the Zoning Regulations to permit the construction a 2,314 s.f. house with front porch and deck and 435 s.f. garage at 99 Middletown Avenue, Map 13/Lot 119, Residence A District.

Attorney Cassella and Joe Wren (Engineer) presented for the applicant.

Attorney Cassella stated they would be removing the hatchway and sheds to reduce nonconformities. The house will be torn down and rebuilt to become FEMA compliant. The old deck was nonconforming but the new deck will be fully compliant.

Denise Vondassel (Architect) along with J. Wren presented the Site Plan of the house.

C. Gadon opened the public comment.

C. Gado closed the public comment.

MOTION TO APPROVE, 23/24-19 Charles E. & Jacqueline Appleby request a variance of Par 10.8.3 (non-conforming lot/no changes allowed/changes proposed); Par 24.6.2 (structure coverage/20% allowed/21.9% proposed); Par 24.5.1 (streetline setback/25' required/12' proposed to porch and 16' proposed to house); and Par 24.5.3 (other yard setback/15' required/4.4' proposed to house and 7.8' proposed to AC) of the Zoning Regulations to permit the construction a 2,314 s.f. house with front porch and deck and 435 s.f. garage at 99 Middletown Avenue, Map 13/Lot 119, Residence A District. Motion to approve on the grounds that there is nothing but reductions in nonconformities and it is consistent with the overall plan of the town. C. Gadon added a friendly amendment that it is also making the property FEMA compliant. **MADE:** C. Wilcox; **SECONDED:** E. Colwell; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

23/24-23C Lyndsey & Richard Paradis request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other yard setback/15' required/3.1' proposed) of the Zoning Regulations to permit the construction of a 51 s.f. addition at 1 West Shore Drive, Map 1/Lot 150, Residence A District, Coastal Area Management Zone, AE-13 & VE-18 Flood Zone.

Attorney Ed Cassella represented the applicant. The addition, within the side yard setbacks, was built previously without permits. The applicant would like the addition to remain. Attorney Cassella presented that the house was previously a nonconforming three-story house. By adding the additional square footage, it changed the house from a three story to a conforming two and a half story house. He also stated the house did not meet the fifty percent improvement of the FEMA budget.

Joe Wren presented for the applicant. He stated the applicants needed to repair a roof leak. During the roof repair the contractor added the addition to assist in the water leak problem.

Letters of neighbors' support were presented into the record.

Craig Laliberte, architect, was hired to measure the interior of the house to confirm the square footage be compliant with converting the house from a three-story structure to a two and a half story.

C. Gadon opened the public comment.

C. Gadon closed the public comment.

C. Gadon commented he would have not approved the application on its own since it was a self imposed hardship and adding bulk. He would have however approved it based on it changing from a three-story house to a two and a half story one, reducing the nonconformity.

MOTION TO APPROVE, 23/24-23C Lyndsey & Richard Paradis request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other yard setback/15' required/3.1' proposed) of the Zoning Regulations to permit the construction of a 51 s.f. addition at 1 West Shore Drive, Map 1/Lot 150, Residence A District, Coastal Area Management Zone, AE-13 & VE-18 Flood Zone. Motion to approve based on "if this would have come before us we would have approved it.. When you consider the rationale behind setbacks here the most relevant one is fire protection and this is really not affecting fire protection. So I base it on the fact that I independently would have granted it." **MADE:** C. Wilcox; **SECONDED:** E. Colwell; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

MOTION TO APPROVE THE CAM, 23/24-23C Lyndsey & Richard Paradis request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other yard setback/15' required/3.1' proposed) of the Zoning Regulations to permit the construction of a 51 s.f. addition at 1 West Shore Drive, Map 1/Lot 150, Residence A District, Coastal Area Management Zone, AE-13 & VE-18 Flood Zone. Motion to approve based on if this would have come before us we would have approved it.. When you consider the rationale behind setbacks here the most relevant one is fire protection and this is really not affecting fire protection. So I base it on the fact that I independently would have granted it. **MADE:** C. Wilcox; **SECONDED:** C. M. Ladd; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

23/24-24 Mary Tokar requests a variance of the Flood Plain Management Ordinance Chapter 128, Section 7.5.1 for houses exceeding the 50% substantial improvement threshold but on the National Register of Historic Places provided the proposed changes will not result in the structure losing its historical designation. 500 Main Street, Map 23/Lot 3, Residence A District, Coastal Area Management Zone, CT River Gateway Conservation Zone, AE-11 Flood Zones.

Joe Wren, Engineer, represented the applicant. There are many period details remaining in the home. The house is on the National Historic Registry.

Jenny Fields Scofield, AICP (The Deputy State Historic Preservation Officer and National Register and Architectural Survey Coordinator at the Connecticut State Historic Preservation Office) wrote a letter to Ms. Tokar stating that if the house was raised to become FEMA compliant then it could potentially lose its place on the National Historic Registry. She also recommended that the second floor addition could jeopardize it as well. Ms. Tokar responded that she would remove the breezeway addition, eliminating the second floor addition.

Jeff Klausen, Klausen Construction, presented regarding the renovations. He is experienced with remodeling historic properties. C. Gadon inquired about what needed to be preserved in the interior to maintain the historic value. J. Klausen responded some of the period details and some of the interior walls need to remain.

C. Gadon and A. Wilcox wanted to make sure that the exact dimensions and changes be presented to J. Fields Scofield to verify the structure will remain on the National Historic Registry.

C. Gadon opened the public comment.

C. Gadon closed the public comment.

MOTION TO APPROVE WITH CONDITIONS, 23/24-24 Mary Tokar requests a variance of the Flood Plain Management Ordinance Chapter 128, Section 7.5.1 for houses exceeding the 50% substantial improvement threshold but on the National Register of Historic Places provided the proposed changes will not result in the structure losing its historical designation. 500 Main Street, Map 23/Lot 3, Residence A District, Coastal Area Management Zone, CT River Gateway Conservation Zone, AE-11 Flood Zones. Motion to approve on the condition that elevations clearly

reflecting the ridgeline of the connection between the garage and the house be presented to Jenny Scofield and that she affirmatively approve those. **MADE:** C. Wilcox; **SECONDED:** C. M. Ladd; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

23/24-25C Kristin & Klarn DePalma request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other yard setback/15' required/9.7' proposed) of the Zoning Regulations to permit the construction of a 1,259 s.f. two story garage including breezeway expansion, new 164 s.f. covered entry and 64 s.f. mudroom expansion at 9 Club House Lane, Map 4/Lot 151, Residence A District, Coastal Area Management Zone.

Attorney Ed Cassella represented the applicant. They are reducing nonconformities, including a nonconforming deck, and eliminating bulk.

Letter from Thomas Doyle, the neighbor who is the direct owner of the property that the setback is violating, wrote a letter of support for the project.

Denise Vondassel, Architect, presented the new Site Plans. She stated that an addition was going to be done on another part of the house but there was a problem with the garage. It cannot fit the property owner's cars so it needs to be rebuilt. Therefore, they added the addition above the garage.

C. Gadon stated you are essentially eliminating a nonconformity, adding an entryway and adding additional bulk above the garage.

C. Gadon opened the public comment.

C. Gadon closed the public comment.

A. Wilcox expressed concern about the house appearing to tower over the other properties. He asked why the addition cannot be built in the back. D. Vondassel stated the owner would like to install a pool in the back eventually. C. Gadon mentioned that the garage would need to be elevated anyway adding the bulk, even without the addition above it.

MOTION TO APPROVE, 23/24-25C Kristin & Klarn DePalma request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other yard setback/15' required/9.7' proposed) of the Zoning Regulations to permit the construction of a 1,259 s.f. two story garage including breezeway expansion, new 164 s.f. covered entry and 64 s.f. mudroom expansion at 9 Club House Lane, Map 4/Lot 151, Residence A District, Coastal Area Management Zone. Motion to approve based on the elimination of the nonconformity and keeping the same footprint. **MADE:** E. Colwell; **SECONDED:** L. Deneen; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

MOTION TO APPROVE CAM, 23/24-25C Kristin & Klarn DePalma request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other yard setback/15' required/9.7' proposed) of the Zoning Regulations to permit the construction of a 1,259 s.f. two story garage including breezeway expansion, new 164 s.f. covered entry and 64 s.f. mudroom expansion at 9 Club House Lane, Map 4/Lot 151, Residence A District, Coastal Area Management Zone. Motion to approve based on the elimination of the nonconformity and keeping the same footprint. **MADE:** C. Gadon; **SECONDED:** C. M. Ladd; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

24/24-26C Jeffrey D. & Lynn P. Shimelman request a variance of Par 10.7.1/10.7.2 (nonconformity enlargement/change) and Par 24.5.1 (front yard setback/25' required/12.4' proposed to porch and 19.9' proposed to dormer) of the Zoning Regulations to permit the construction of a screened porch, front covered porch, dormer and other additions at 41 Clearwater Road, Map 3/Lot 53, Residence A Zoning District, Coastal Area Management Zone.

E. Cassella represented the applicant. Hope Proctor, Project Engineer, presented the Site Plans.

The hardship is that the classic houses in this area are built close to the road anyway. The hardship is that the house is on a corner lot proposing two street setbacks. The applicants are trying to keep the same cottage feel with the additions.

C. Gadon opened the public comment.

Doctor Salvatrice F. Keating spoke in support of the applicant.

Patrick Clifford submitted a letter in opposition. He is opposed due to the safety, traffic and obstructing his views.

C. Gadon closed the public comment.

MOTION TO APPROVE, 24/24-26C Jeffrey D. & Lynn P. Shimelman request a variance of Par 10.7.1/10.7.2 (nonconformity enlargement/change) and Par 24.5.1 (front yard setback/25' required/12.4' proposed to porch and 19.9' proposed to dormer) of the Zoning Regulations to permit the construction of a screened porch, front covered porch, dormer and other additions at 41 Clearwater Road, Map 3/Lot 53, Residence A Zoning District, Coastal Area Management Zone. The motion to approve is based on the grounds of hardship. "The hardship being this is a corner lot subject to two street setbacks and the house is already built well within one of those setbacks and a sensible screened porch which this is and a sensible dormer which this is and the historic character of the building which this does and certainly in harmony with the neighborhood. I think the hardship justifies the application." And amend the agenda to approve the CAM. **MADE:** C. Wilcox; **SECONDED:** E. Colwell; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0

MOTION TO ADJOURN, MADE: C. Gadon; **SECONDED:** C. M. Ladd; **VOTING IN FAVOR:** C. Gadon, L. Deneen, A. Wilcox, C. M. Ladd, E. Colwell; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

NEXT REGULAR MEETING

May 15, 2024 at 6:00 P. M.

Town Hall, 1st Floor Conference Room, 302 Main Street, Old Saybrook, CT

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