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Charles Gadon, Chair  
Old Saybrook Board of Appeals  
302 Main Street  
Old Saybrook, CT 06475-1741

April 9, 2024

Subject:

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 AA-2 District, Coastal Area Management Zone, CT River Gateway Conservation Zone, AE-10 and VE-15 Flood Zones.

Dear Mr. Gadon:

Old Saybrook Zoning Board of Appeals (ZBA) submitted the referenced variance application to Connecticut River Gateway Commission (CRGC) for review pursuant to Section 25-102h of the Connecticut General Statutes. These findings are provided for consideration by Old Saybrook ZBA at the public hearing.

At its March 28, 2024 regular meeting, CRGC reviewed the variance application. The application proposed a large new inground pool construction surrounded by a large terrace in the 100-foot Riparian Buffer and 100-foot Building/Structure Setbacks and a new deck that will partially encroach into these setbacks. A riparian landscape buffer of native vegetation was proposed to replace a portion of lawn adjacent to the CT River. The building height would not change. Impervious material on the basketball court would be replaced with pervious material. The septic system would partially be relocated outside the 100-foot setbacks.

CRGC determined that the proposal for new pool and terrace construction is detrimental to the protection of the Gateway Conservation Zone. It does not comply with Gateway Standards adopted by Old Saybrook Zoning Regulations 58.2 and 58.6, because the structures are within the 100-foot Riparian Buffer Setback and the 100-

foot Structural Setback. CRGC Standards do not support construction of new structures within the 100-foot Structural or 100-foot Riparian Buffer setbacks.

Moreover, CRGC has determined that the “natural and traditional riverway scene” within the setbacks on the Connecticut River and sensitive environmental areas will be significantly degraded by the proposal.

We appreciate the efforts of the property owners to mitigate some of the adverse impacts of the terrace and pool construction by removing impervious materials, using pervious materials and replacing grass for native plants. However, we find that they are not so extraordinary as to offset the impact of a new permanent structure in this critical interface with the river, despite the calculations provided in the 100’ Gateway Buffer Summary, because vegetation is not permanent, and a basketball court is not a large inground pool.

Moreover, the Connecticut River has flooded the site previously and should flood waters reach any pool in the future, chlorine and pool chemicals could be damaging to river habitat. Simply put, the site is not a good place to build a pool from an environmental standpoint.

We do not agree that the proposal leads to a reduction in non-conformity, as claimed in the proposal. The adding of a pool would increase significantly the property’s nonconformity. Removing impervious surface does not reduce non-conformity. Increasing plantings coverage does not reduce structure. The partial removal of the underground septic system is minimal relative to the inground open pool. Whether a hardship exists is not within our purview to consider; that finding is left to ZBA.

We thank Old Saybrook Zoning Board of Appeals for its continued assistance and partnership in the protection and preservation of the “natural and traditional riverway scene” and the ecology of the river within the lower Connecticut River Valley.

For the Commission,

*Susan W. Beckman*

Susan W. Beckman, Regional Planner, RiverCOG  
Staff to the Gateway Commission