



**TOWN OF OLD SAYBROOK
Zoning Board of Appeals**

302 Main Street • Old Saybrook, Connecticut 06475
Telephone (860) 395-3131 • FAX (860) 395-1216
www.oldsaybrookct.com

Appeal No.: <u>23/24-28</u>	Hearing Date: <u>5-8-24</u>	
Application \$ 240.00	State DEP \$ 60.00	\$300.00
Decision: _____		Date: _____

Application Form

Appellant Information (Owner of Record)

EMAIL: stasiuszewczyk@yahoo.com

Appellant's Name: White Eagle Enterprise, LLC Tel. No.: 860-969-6400
 Mailing Address: 5 Orchard Lane, Old Saybrook, CT 06475
 Agent's Name: Edward M. Cassella, Esq. Tel. No.: 860-388-3456
 Mailing Address: Cloutier & Cassella, LLC, 29 Elm Street, Old Saybrook, CT 06475

Property Location

Street Address: 1560 Boston Post Road Owned Since (year): 2022
 Neighborhood: _____ Assessor's Map #: 26 Lot #: 30
 Does the Appellant own any adjacent properties? Assessor's Map #: _____ Lot #: _____
If yes, state when acquired: _____
 Zoning District: B-4 Starting Date: ASAP

Property Information

Please identify the water source for the property. Water Supply: Public Well

Please check the box if the answer to the following questions are yes.

- Is the property located in a Coastal Management Zone ?
 If so, the application may require a Coastal Management Application that must be included with this application. (Section 59)
- Are there Inland Wetlands, Watercourses (Section 51.4.4) or Tidal Wetlands (Section 68.1.2B9) located on or within 100 feet of the property? If so, please identify the s.f. of wetlands on the lot/adjacent lot.
- Is the property located in a Gateway Conservation Zone (Section 58)?
- Is the property located in a FEMA Flood Zone? If so, please identify the Flood Zone below. Property is located in Flood Zone _____
Please be advised that if the proposed project is located in a FEMA designated A or V zone, a Flood Review Permit and a Certificate of Flood Elevation may be required (Code of the Town of Old Saybrook, Chapter 128 Flood Plain Management)
- Is the property located within 500 feet of a Contiguous Municipality (C.G.S. 8-7(d)(f)(1))?
- Is the property located within an Aquifer Protection District?
- Is the property located within a Historic District?
 Date of Approval of Certificate of Appropriateness _____
- Has the Connecticut River Area Health District Approved this Project?
APPROVED B-100a form required and APPROVED FORM MUST be submitted as a part of this application or it will be considered an incomplete application.

Project Information

Existing Use: *Clearly identify in detail all existing uses on the property i.e. residential dwelling (year round or seasonal) with (detached/attached) garage, shed, pool, etc.*

Property is presently improved with a 2-bedroom house with 2,397 square feet of gross floor area. Variance previously received for front landscaped area of Section 63.3.1B, and Section 68.1.2.B.2 parking as proposed.

Proposed Use: *Clearly identify all new and expansion of existing uses, new construction and demolition proposed. Include area (in s.f.) as noted below and as much detail as possible.*

Applicant is seeking to relocate the Van Wilgen's Garden Center from 1654 Boston Post Road (Benny's Plaza) to this location. The development will include two 21'W x 54'L x 12'H seasonal greenhouses, shed/outdoor display area and parking on the property. This application is a modification / supplement to the variances approved in March, 2024.

Include:

Building/Structure coverage	From: 2,397 s.f.	15.8 %	To: 2,312 s.f.	12.6 %
Gross Floor Area	From: 2,397 s.f.	15.8 %	To: 2,312 s.f.	12.6 %

Type of Application:

Check which type of application you are applying for and proceed as directed.

- Variance**
An application for the Board to determine and vary the Zoning Regulations, Subdivision Regulations or the Town Flood Plain Management Ordinance of the Town of Old Saybrook.

- Appeal of the Decision of the Zoning Enforcement Officer/Administration**
The Appellant requests the Board to hear and decide an appeal where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer charged with enforcement of the Zoning Regulations.

- Certificate of Location for Automotive Use.**
The Appellant requests the Board to hear and decide if site appropriate for location of automotive use in accordance with the Connecticut General Statutes.

Variance Application

NOT APPLICABLE

Please check appropriate variance type and complete questions

Zoning Regulations

The Appellant requests the Board to determine and vary:

Zoning Regulation requested to be varied. <i>(Example: Section 98.9)</i>	Type of Regulation <i>(Example: setback)</i>	Regulation Requires <i>(Example: 15 ft. required)</i>	Variance(s) Requested: <i>(Example: propose 5 ft from property line)</i>
Section 10.8	Minimum area non-conforming lot	20,000 s.f.	18,474 s.f.
Section 34.6.1 / 68.1.2.B.2	Setback in the pedestrian node	50 ft. or 10 ft.	20 ft. Boston Post Road 20 ft. Orchard Lane
34.7.1	min. Lot Area	20,000 s.f.	18,474 s.f.

Appellant must attach copies of any variance previously granted for the subject property.

Flood Plain Management Ordinance / Flood Plain District Regulations

The Appellant requests of the Board to determine and vary:

Section(s) of Town Code Chapter 128: _____ Variance(s) Requested: _____

Reasons for Variance Requests

BOTH questions must be answered or application will be considered incomplete.

Explain solely with respect to the subject property, how a variance of the Zoning Regulations / Town Ordinance would be in harmony with the general purpose and intent of the Regulations/Ordinance and how the granting of this variance will conserve the public health, safety, convenience, welfare and property values of the residents of Old Saybrook:

See attached.

Certain conditions especially affect this parcel that do not generally affect other properties in this Zoning District. Literal enforcement of the Regulations results in the following "exceptional difficulty" or "unusual hardship":

See attached.

These circumstances legally do not constitute an "exceptional difficulty" / "unusual hardship":

- Ignorance of the Zoning Regulations
- Personal health circumstances
- Financial considerations only.
- Self created hardship

Notice to Adjacent Property Owners

List all property owners within one hundred feet (100') of the subject property.

Assessor's Map #	Lot #	Name	Property Owner of Record Street Address	Mailing Address
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See attached.

Attach sheets as needed to list additional adjacent property owners within 100 feet.

Affidavit of Accuracy and Agency

I declare that, to the best of my knowledge and belief, all information contained in any document or drawing that is submitted, as part of this Application, is true and accurate as presented. I am aware that if this application is granted by the ZBA, it is my responsibility to obtain a Certificate of Zoning Compliance, Building Permit and all other applicable permits. I understand that all variances approved by this Board are conditioned to expire if a Building Permit is not obtained within one year of the approval date.

Signed: _____, Appellant / Agent

Date: 4/15/24

I authorize the party named to act as my Agent in making the requests listed on this Application Form and obtaining, on my behalf, that granted by the Board.

Signed: _____, Owner

Date: 4/11/24

White Eagle Enterprise, LLC
1560 Boston Post Road
Reasons for Variance Request

Explain solely with respect to the subject property, how a variance of the Zoning Regulations / Town Ordinance would be in harmony with the general purpose and intent of the Regulations / Ordinance and how the granting of this variance will conserve the public health, safety, convenience, welfare and property values of the residents of Old Saybrook:

The Applicant, White Eagle Enterprise, LLC, has agreed to a lease with Van Wilgen's Garden Center to have Van Wilgen's relocate their existing garden center, which is located on the Benny's Plaza, to this property at 1560 Boston Post Road. As part of the development, the existing non-conforming house will be removed and the property will be developed in accordance with the proposed plan. In March, 2024, the ZBA granted variances of the front landscape area (10 feet on Boston Post Road and 10 feet on Orchard Lane) and to allow for parking in front of the building as proposed. As part of this development, Szewczyk is completing a lot line modification to transfer land to 1560 Boston Post Road which increases its acreage from 15,163 square feet to 18,362 square feet. Since the parcel will not have 20,000 s.f. an additional variance of section 10.8 is required due to the non-conforming lot size. Also, since the property is in the pedestrian node, the zoning commission has interpreted front yard setback under Section 68.1.2.B.2 so that a building can be either be located 10 feet or must meet the 50-foot front setback. Both lot size and front setback non-conformities are being reduced.

Certain conditions especially affect this parcel that do not generally affect other properties in this Zoning District. Literal enforcement of the Regulations results in the following "exceptional difficulty" or "unusual" hardship:

The basis for the approval of the variance for lot size remains the same. The hardship is the implementation of the B-4 regulations on this non-conforming, undersized parcel of land which severely restricts reasonable commercial development on the property. The Applicant, in seeking permission for the garden center, will be reducing a number of non-conformities.

1. As part of the application, the lot size is being increased from 15,163 square feet to 18,362 square feet. The zone requires a minimum of 20,000 s.f so this is a decrease in the non-conformity.
2. The existing residential use is non-conforming within the B-4 zone, which does not allow any residential use. The non-conforming use will be eliminated.
3. The existing structure on the property is non-conforming with respect to both front and side yard setback. The existing front yard setback is 1.7 feet. The existing side yard setback on the west is also non-conforming. The front setback will be increased to 20 feet on both Boston Post Road and Orchard Land. All other setbacks will be compliant.

STATEMENT OF USE

1560 BOSTON POST ROAD, OLD SAYBROOK, CT

March 18, 2024

Van Wilgen's Garden Center is proposing a yearly seasonal (April 15-July 15) (September 1-October 31) (November 20-December 24) use to install 2 greenhouses (21' x 54' each), process stone pad area 65' x 110', and fencing for storage and sale of nursery products. The hours of operation are proposed to be Monday-Friday 8:30 a.m.-7:00 p.m., Saturday and Sunday 8:30 a.m.-6:00 p.m. Christmas tree sales would occur daily from 9:00 a.m.-5:00 p.m. Greenhouses would be removed during the off-season time of December 25-April 14, the porta-potty would be removed from the site during all off-season times (July 16-August 31; November 1-November 19; and December 25-April 14). There will be no deliveries during business hours after 10 am Monday through Saturday. No deliveries on Sunday.

The proposed shed would be utilized by the employees of Van Wilgen's Garden Center for merchandise check-out purposes during the same operational period as the greenhouses, and would remain on the site during off-season times.

The center will employ no more than 3 people per shift and averages 20 visits per day, with a peak of 60 per day during the spring. Trash removal will take place by dumpster onsite.

Property Owners Within 100 Ft. of 1560 Boston Post Road and 5 Orchard Lane, Old Saybrook

MVJJ LLC
1522 BOSTON POST RD
OLD SAYBROOK, CT 06475

SIXTEEN HUNDRED BOSTON POST RD LLC
106 MARIOMI RD
NEW CANAAN, CT 06840

LESTER GEOFFREY WHIPPLE
37 KEITH CIRCLE
KILLINGWORTH, CT 06419-1453

BOLDUC RONALD JJR
6 ORCHARD LANE
OLD SAYBROOK, CT 06475

JENSEN REAL ESTATE HOLDINGS LLC
26 CINNAMON RIDGE
OLD SAYBROOK, CT 06475

OKI LLC
1550 BOSTON POST RD
OLD SAYBROOK, CT 06475

SZEWCZK STANISLAW & MARIA
5 ORCHARD LA
OLD SAYBROOK, CT 06475

PARDA-ZIOLKO CAROL & JOHN E
267 MIDDLETOWN AVE
COLCHESTER, CT 06415

CONNECTICUT WATER CO
93 WEST MAIN ST
CLINTON, CT 06413-1645

DIBBLE ROBERT J.
P.O. BOX 455
OLD SAYBROOK, CT 06475



Connecticut River Area Health District
 455 Boston Post Rd. Suite 7, Old Saybrook, CT 06475
 Phone 860-661-3300 Fax 860-661-3333

Application #: 052811

Fee: \$125.00

Payable to: CRAHD

B-100a: Application

Note: A diagram of the proposed addition or accessory structure in relation to existing structures, property lines, septic system and water source must be shown on attached detailed plot plan. Proposed building plans must be submitted with this application.
 Submit any/all septic system information and soil testing available for the subject property.

Town: Old Saybrook Clinton Deep River Haddam Chester Killingworth

Property Address: 1560 Boston Post Road

Owners Name: Stanislaw Szewczyk Map 026 Lot 030

Applicant Name: Edward M. Cassella, Esq. Address: Cloutier & Cassella, LLC
29 Elm Street, Old Saybrook, CT 06475

Applicant Phone #: 860-388-3456 Email: ecassella@saybrooklaw.com

Existing Structure: Residential: EXISTING # of Bedrooms: 2

Non-Residential: EXISTING Use: _____

Water Service: Well Public

Type of Application:

- Building Conversion
(Winterization/ Change in Use (Addition of Bedrooms, etc.))
- Building Addition
- Accessory Structure
(Garages, Pools, Sheds, Decks, etc.)
- Lot Division, Lot Line Change, Lot Reduction
- Other _____

RECEIVED

Describe Application: Owner is proposing to use the property for seasonal Van Wilgen's garden center which will include two 21x54 foot long greenhouses and 6'x8' shed. There will be a temporary porta potty on the property and no indoor bathrooms.

Print Name: Edward M. Cassella Date: 11/1/21
 Signature: [Signature]
 (Owner or authorized agent name and signature required to process application)

This 2nd Page of the Application is ONLY for CRAHD Staff to Complete

Address 1560 Boston post road Check # 10492 Cash _____

Building Conversion/Change in Use:

Applicable

Has a Code Complying Area been determined for this property?

Will the proposed change result in greater than a 50% increase in design flow?

Yes No

o If YES, will the property be required to expand the existing septic system?

Yes No

Building Addition:

Applicable

Has a Code Complying Area been determined for this property?

If a Code Complying Area is not found, does the application meet the following conditions?

Yes No

1. Replacement area provides 50% of the Effective Leaching Area,
2. Replacement area provides 50% of the MLSS requirement,
3. No exception(s) to well separation distances is required,
4. The addition does not reduce the Potential Repair Area,
5. The addition does not increase the design flow of the building.

Yes No

Will the proposed addition result in a greater than 50% increase in design flow?

Yes No

o If yes, will the property owner be required to expand the existing septic system?

Yes No

Accessory Structure:

Applicable

Has a Code Complying Area been determined for this property?

If a Code Complying Area is not found, does the application meet the following conditions?

Yes No

1. Accessory structure, etc. does not reduce the Potential Repair Area and the separation distances between the accessory structures, et. And any part of the existing septic system shall comply with Technical Standard requirements.

Yes No

Lot Division, Lot Line Change, Lot Reduction: Applicable

Has a Code Complying Area been determined on the lot containing the existing building and has a Code Complying Primary and Reserve area been determined for the new lot?

Yes No

Will the Septic System be repaired? Yes No

Approved Not Approved

Applicable ONLY to Old Saybrook

Is this property within the Wastewater Management District?
Is this property an AT or W Lot?

Yes No
 Yes* No

*Send AT agreement notification letter to property owner if applicable

Commenter: Non flow generating structures proposed - existing septic to be properly abandoned per public health code.

Signed: Melvin Bunsley

Date: 11/6/23

Notification: eMail USPS FAX Phone Voicemail Text

Connecticut River Area Health District

SITE INVESTIGATION FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM

Location 5 Orchard Lane Town Old Saybrook

Requested By Daonies Septic Contact Phone # 860-399-6055

Sanitarian Gregory Mattus

Number of bedrooms 3 or Design flow _____

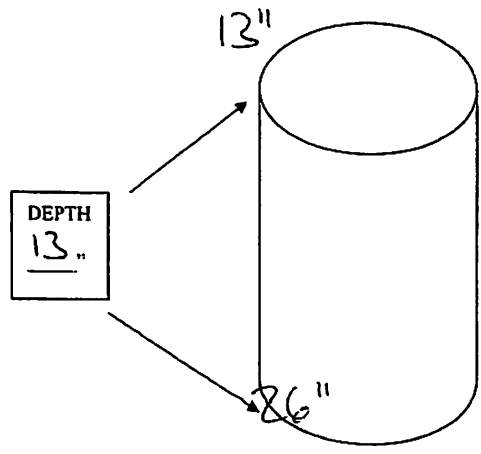
Reason for testing: New _____ Repair _____ Subdivision _____ B100A

DATE: 7/12/23 DEEP TEST PIT(s) Lot line change

TEST PIT: #	TEST PIT:
0-9" Top Soil	
9-26' Brown fine Sandy loam	
26-89" med. + coarse sand + gravel	
Mottles: <u>not apparent</u>	Mottles:
GW: <u>89"</u>	GW:
Ledge: <u>no</u>	Ledge:
Other:	Other:

DATE: 7/13/23 PERCOLATION TEST(s)

TIME	READINGS	
9:54	12.5"	10:02 16"
9:55	13.5"	10:03 16.25"
9:56	13.75"	10:04 16.50"
9:57	14.25"	
9:58	14.75"	
9:59	15.25"	
10:00	15.50"	
10:01	15.75"	
PERC RATE	<u>1/ min / inch</u>	

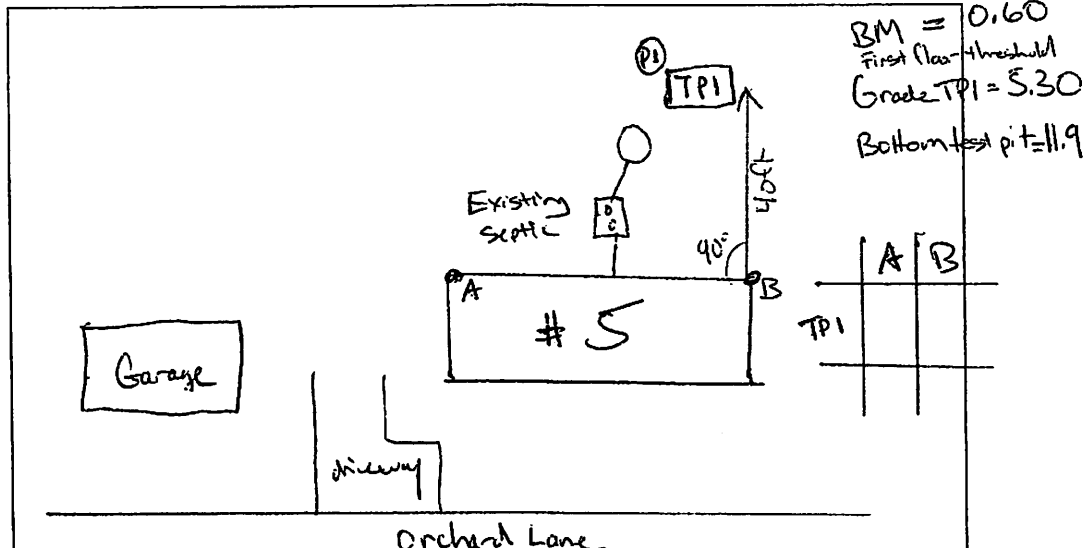


Connecticut River Area Health District

SITE INVESTIGATION FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM

Address: S Orchard Lane

Town: old Saybrook



SPECIAL CONDITIONS		CONCLUSIONS	
Design Flow > 2000 GPD		Suitable for Sewage Disposal	✓
Public Water Supply Watershed		Unsuitable for Sewage Disposal	
Probable High Groundwater		Additional Investigation Req'd	
Slope > 25 percent		Wet Season Monitoring Req'd	
Perc Rate < 1 min/inch		Retest During Wet Season	
Perc Rate > 30 min/inch		Licensed Engineer Plan Req'd	
Ledge < 5 feet below grade		Other:	
Limited Suitable Area			
Open Watercourse or Wetlands			
Flood Plain / Seasonal Flooding			
Max. G.W. < 36 inches below grade			

DESIGN RECOMMENDATIONS/COMMENTS restrictive 89' Groundwater
1-10 feet

Sanitarian: [Signature] Date 7/12/23

Engineer: _____ Installer/Machine Operator Duncan Downie

Soil Scientist: _____ Other: _____

SEPTIC SYSTEM REPAIR PROPOSAL

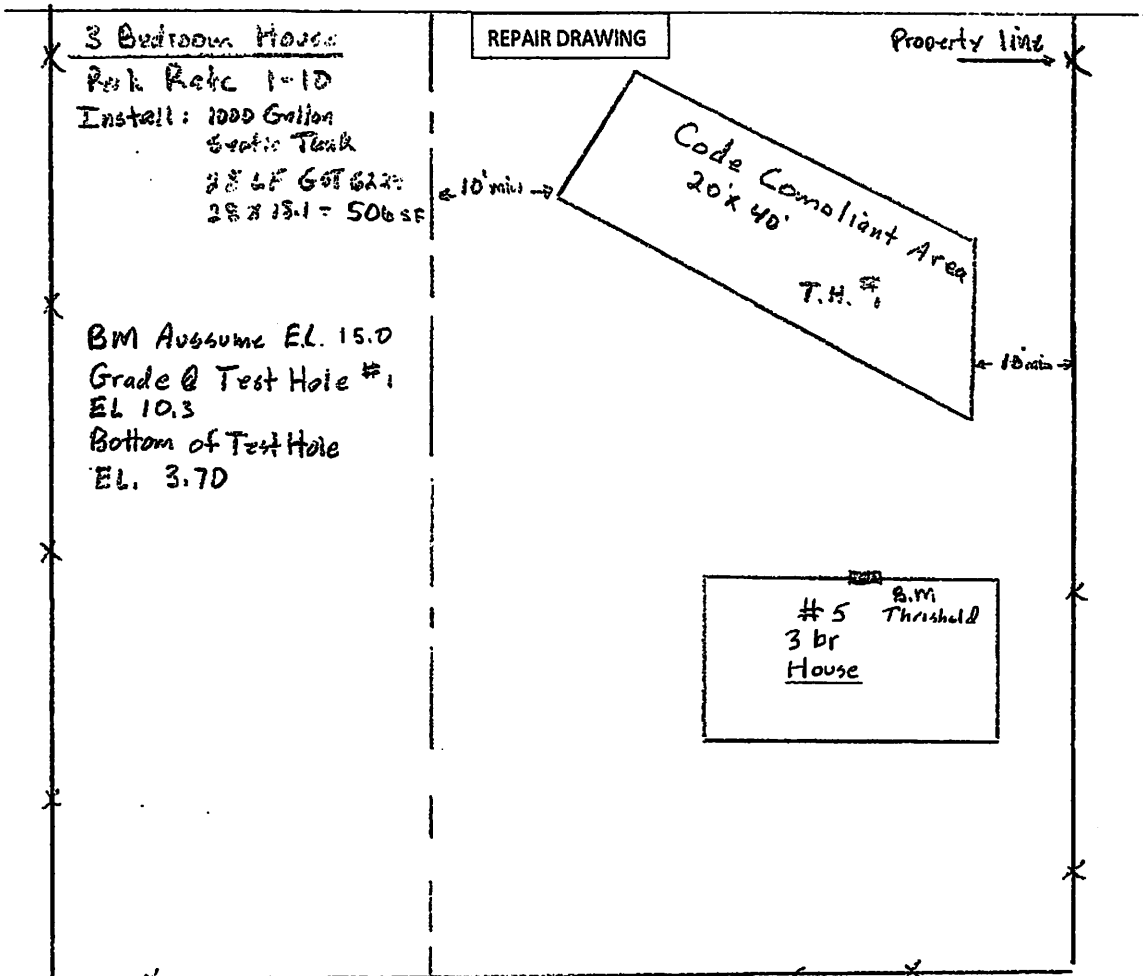
Address: 5 Orchard Ln Town: Old Saybrook

Each repair drawing shall include at a minimum: Location of building sewer(s), tank(s), leaching system, property lines, building served, watercourses, drain(s), well(s) and/or water service line(s).

REQUIRED if the depth to restrictive layer is <60 inches

Benchmark location: _____

Difference between benchmark and restrictive layer: _____ Proposed bottom of system elevation: _____



Orchard Ln

Name: Duncan Downie Sign: [Signature] Date: 7/17/23

Installer certifies that there are no design conflicts with separation distances to wells on the property and neighboring properties and all code required separation distances are maintained unless an exception is granted.



Connecticut River Area Health District
 455 Boston Post Rd. Suite 7
 Old Saybrook, CT 06475
 Phone: 860-661-3300 Web: www.crahd.info

Application #: DS2744
 Fee: \$125.00
 Payable to: CRAHD

B-100a: Application

Note: A diagram of the proposed addition or accessory structure in relation to existing structures, property lines, septic system and water source must be shown on attached detailed plot plan. Proposed building plans must be submitted with this application.
Submit any/all septic system information and soil testing available for the subject property.

Town: Old Saybrook Clinton Deep River Haddam Chester Killingworth

Property Address: 5 Orchard Lane

Owners Name: Stan Chetzik Map _____ Lot _____

Applicant Name: Downie's Septic & Excavation LLC Address: 6 Center Rd West, Old Saybrook CT 06475

Applicant Phone #: 860.399.6055 Email: chris@duncandownies.com

Existing Structure: Residential: EXISTING # of Bedrooms: 3
 Non-Residential: EXISTING Use: _____

Water Service: Well Public

Type of Application:

- Building Conversion
(Winterization/ Change in Use (Addition of Bedrooms, etc.))
- Building Addition
- Accessory Structure
(Garages, Pools, Sheds, Decks, etc.)
- Lot Division, Lot Line Change, Lot Reduction
- Other lot line modification

RECEIVED

JUL 15 2023

CONNECTICUT RIVER AREA
HEALTH DISTRICT

Describe Application: _____

Print Name: Duncan Downie Date: 7/6/23
 Signature: *Duncan Downie*
(Owner or authorized agent name and signature required to process application)

This 2nd Page of the Application is ONLY for CRAHD Staff to Complete

Address 9 Orchard Lane

Check # _____

Cash _____

Building Conversion/Change in Use:

Applicable

Has a Code Complying Area been determined for this property?

Will the proposed change result in greater than a 50% increase in design flow?

Yes No

• If YES, will the property be required to expand the existing septic system?

Yes No

Yes No

Building Addition:

Applicable

Has a Code Complying Area been determined for this property?

If a Code Complying Area is not found, does the application meet the following conditions?

Yes No

1. Replacement area provides 50% of the Effective Leaching Area.

Yes No

2. Replacement area provides 50% of the MLSS requirement.

3. No exception(s) to well separation distances is required.

4. The addition does not reduce the Potential Repair Area.

5. The addition does not increase the design flow of the building.

Will the proposed addition result in a greater than 50% increase in design flow?

Yes No

• If yes, will the property owner be required to expand the existing septic system?

Yes No

Accessory Structure:

Applicable

Has a Code Complying Area been determined for this property?

If a Code Complying Area is not found, does the application meet the following conditions?

Yes No

1. Accessory structure, etc. does not reduce the Potential Repair Area and the separation distances between the accessory structures, et. And any part of the existing septic system shall comply with Technical Standard requirements.

Yes No

Lot Division, Lot Line Change, Lot Reduction: Applicable

Has a Code Complying Area been determined on the lot containing the existing building and has a Code Complying Primary and Reserve area been determined for the new lot?

Yes No

Will the Septic System be repaired? Yes No

Approved Not Approved

Applicable ONLY to Old Saybrook

Is this property within the Wastewater Management District?
Is this property an AT or W Lot?

Yes No
 Yes* No

*Send AT agreement notification letter to property owner if applicable

Comments: Reduction in land area. Code complying area determined and on file ✓

Signed: Melvin Bentley

Date: 11/16/2023

Notification: eMail USPS FAX Phone Voicemail Text

Connecticut River Area Health District

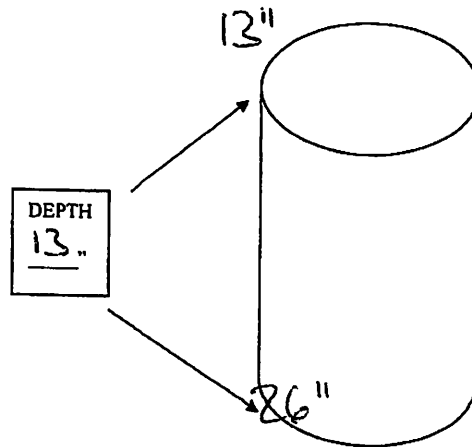
SITE INVESTIGATION FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM

Location 5 Orchard Lane Town Old Saybrook
 Requested By Dacries Septic Contact Phone # 860-399-6055
 Sanitarian Gregory Mattus
 Number of bedrooms 3 or Design flow _____
 Reason for testing: New _____ Repair _____ Subdivision _____ B100A
 DATE: 7/12/23 DEEP TEST PIT(s) Lot line change

TEST PIT: #	TEST PIT:
0-9" Top soil	
9-26' Brown fine Sandy loam	
26-89" med. + coarse sand + gravel	
Mottles: <u>not apparent</u>	Mottles:
GW: <u>89"</u>	GW:
Ledge: <u>no</u>	Ledge:
Other: _____	Other:

DATE: 7/13/23 PERCOLATION TEST(s)

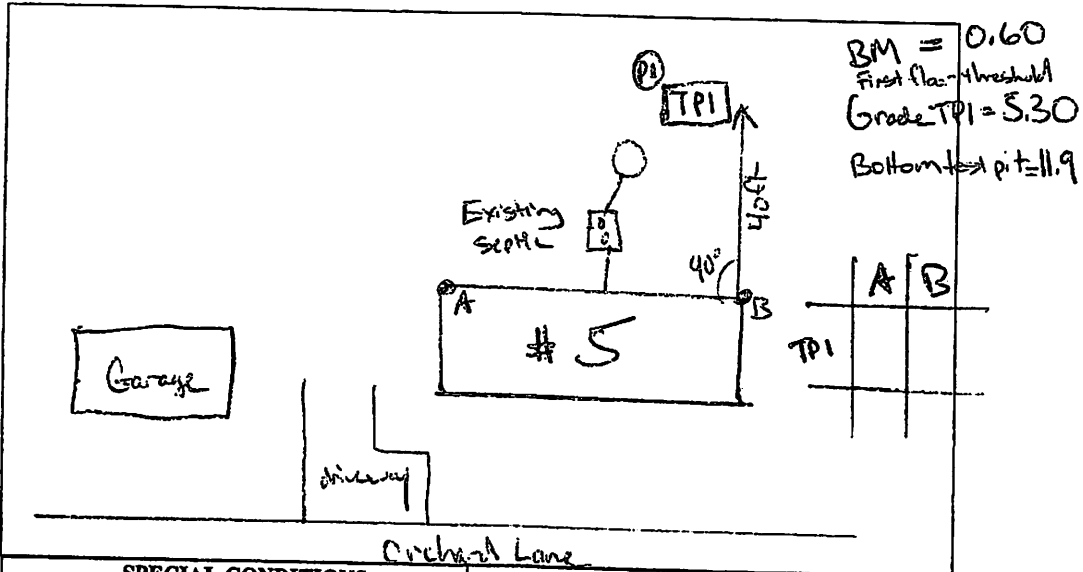
TIME	READINGS	
9:54	12.5"	10:02 16"
9:55	13.5"	10:03 16.25"
9:56	13.75"	10:04 16.50"
9:57	14.25"	
9:58	14.75"	
9:59	15.25"	
10:00	15.50"	
10:01	15.75"	
PERC RATE	<u>4 min/in</u>	



Connecticut River Area Health District

SITE INVESTIGATION FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM

Address: S Orchard Lane Town: old Saybrook



SPECIAL CONDITIONS	CONCLUSIONS
Design Flow > 2000 GPD	Suitable for Sewage Disposal <input checked="" type="checkbox"/>
Public Water Supply Watershed	Unsuitable for Sewage Disposal
Probable High Groundwater	Additional Investigation Req'd
Slope > 25 percent	Wet Season Monitoring Req'd
Perc Rate < 1 min/inch	Retest During Wet Season
Perc Rate > 30 min/inch	Licensed Engineer Plan Req'd
Ledge < 5 feet below grade	Other:
Limited Suitable Area	
Open Watercourse or Wetlands	
Flood Plain / Seasonal Flooding	
Max. G.W. < 36 inches below grade	

DESIGN RECOMMENDATIONS/COMMENTS Restrictive 89" Groundwater
1-10-22

Sanitarian: [Signature] Date: 7/12/23

Engineer: _____ Installer/Machine Operator: Duncan D'Amico

Soil Scientist: _____ Other: _____

SEPTIC SYSTEM REPAIR PROPOSAL

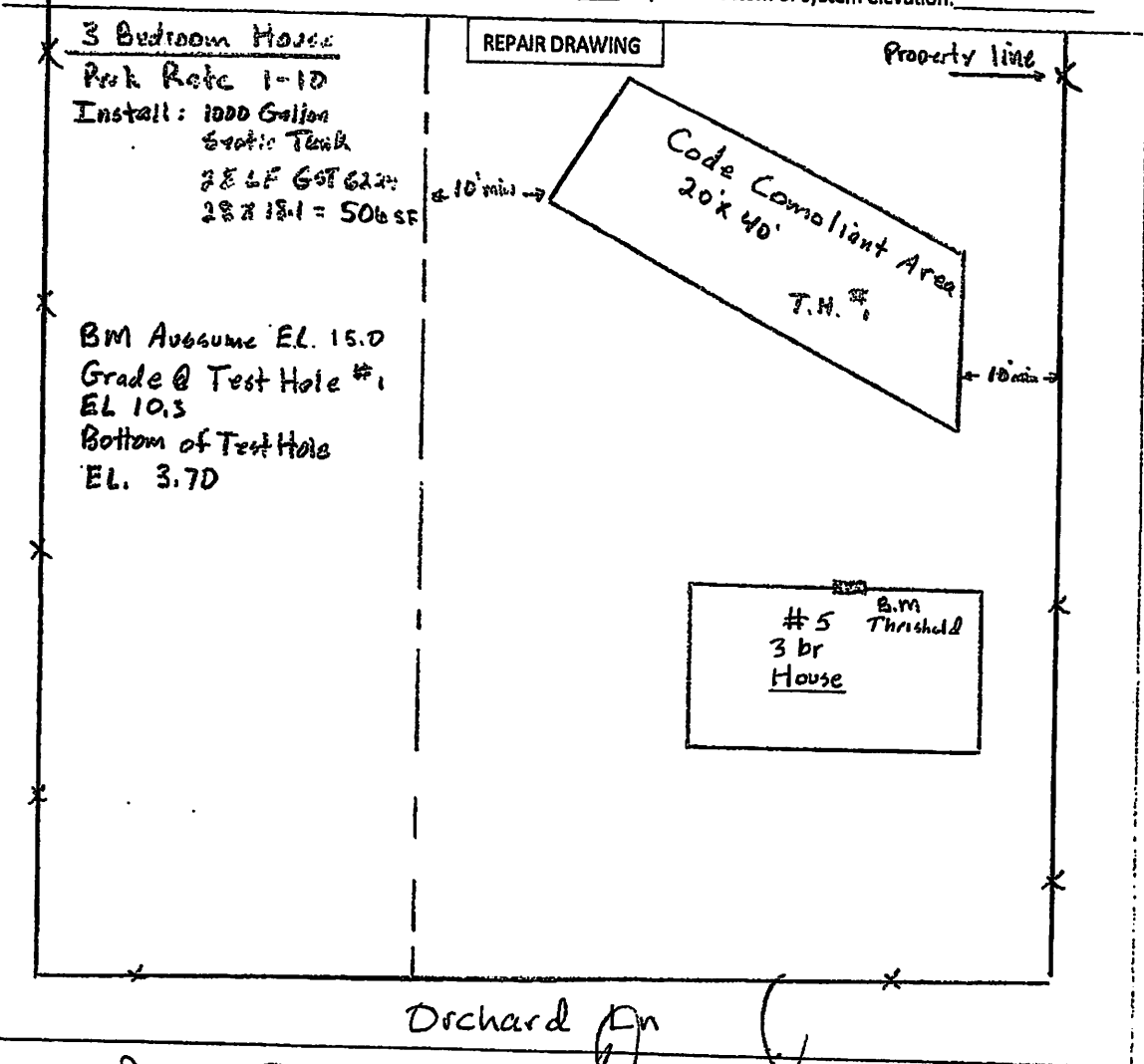
Address: 5 Orchard Ln Town: Old Saybrook

Each repair drawing shall include at a minimum: Location of building sewer(s), tank(s), leaching system, property lines, building served, watercourses, drain(s), well(s) and/or water service line(s).

REQUIRED if the depth to restrictive layer is <60 inches

Benchmark location: _____

Difference between benchmark and restrictive layer: _____ Proposed bottom of system elevation: _____



Name: Duncan Downie Sign: Duncan Downie Date: 7/17/23

Installer certifies that there are no design conflicts with separation distances to wells on the property and neighboring properties and all code required separation distances are maintained unless an exception is granted.