



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

*Robert J. McIntyre, Chairman  
Kevin Danby, Vice Chairman  
Dorothy T. Alexander, Secretary  
Jacqueline Prast  
Alfred Wilcox*

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**Alternate Members**  
*Vacant  
Charles Gadon  
Brenda Dyson*

**MINUTES  
REGULAR MEETING  
September 9, 2020 at 6:00 p.m.**  
Virtual Zoom Meeting

**I. CALL TO ORDER**

Chairman McIntyre called the meeting to order at 6:00 p.m.

**II. ROLL CALL**

**Members**

Robert McIntyre

Kevin Danby

Dorothy Alexander (left meeting at 6:16 due to problems connecting to the virtual meeting)

Jacqueline Prast

Alfred Wilcox

Charles Gadon (seated for D. Alexander)

Brenda Dyson

**Attendant Staff**

Lynette Wacker, Recording Clerk

**III. CONTINUED PUBLIC HEARING**

**20/21-02 Stephen and Viola Tagliatela**, seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.6.2 (structure coverage/15% allowed/21.9% proposed) and Par 58.2 & 58.6 (riparian buffer setback/100' required/66' proposed) of the Zoning Regulations to permit the construction of a 257 s.f. deck extension at 10 Cove Street, Map 24/Lot 71, Residence A District, Coastal Area Management Zone, CT River Gateway Zone.

B. Dyson was seated. The applicants Mr. and Mrs. Tagliatela were present and expressed their appreciation for the work of the ZBA. They stated that they provided a letter from their doctor attesting to a permanent physical disability, as requested by the board members at the last meeting.

A. Wilcox stated that the requested variance would be a reasonable accommodation for the physical limitations the applicant faces, and would increase the amount of accessible outdoor living space under the Americans with Disabilities Act.

R. McIntyre expressed that the variance would also allow for improved egress from the house in case of emergency.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

A. Wilcox stated that the sole justification for the variance is the Americans with Disabilities Act.

**MOTION** to APPROVE **20/21-02 Stephen & Viola Tagliatela**, variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.6.2 (structure coverage/15% allowed/21.9% proposed) and Par 58.2 & 58.6 (riparian buffer setback/100' required/66' proposed) of the Zoning Regulations to permit the construction of a 257 s.f. deck extension at 10 Cove Street, Map 24/Lot 71, Residence A District, Coastal Area Management Zone, CT River Gateway Zone, because of the following hardships and reasons: safety, an irregularly-shaped lot, no other property is available to add onto this property, and the property would become more ADA compliant for the residents. Further, neither the building inspector nor the Gateway Commission had any problems with the application. **MADE:** K. Danby; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox, B. Dyson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED: 5-0-0.**

#### IV. PUBLIC HEARING

- A. **20/21-03 Kimberly Beek** seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.1 (streetline setback/25' required/19' proposed) of the Zoning Regulations to permit the construction of a 208 s.f. covered front porch at 70 Fenwood Drive, Map 5/Lot 29, Residence A District, Coastal Area Management Zone.

D. Alexander had difficulty connecting to the virtual meeting so C. Gadon was seated for her. B. Dyson was no longer seated.

Applicant K. Beek was present and stated that her husband Robert Talbot would be representing her. Mr. Talbot explained that they are seeking a variance to allow for safer ingress/egress from their front door which currently has no overhead shelter to protect them from the elements. They would also like to have a place to sit and watch their young child play. He stated that when the lots were subdivided they were conforming, but since then new regulations were established. Their lot meets all the current requirements of the Residence A zone other than minimum lot size. The town right-of-way also extends about 15' into the front lawn so they feel their house meets the intent of the setback requirements. The porch would also add to the aesthetics and property value.

K. Danby asked if the steps would be the only nonconformity. R. Talbot replied that it would be 19' to the porch. K. Danby asked what the hardship is. R. Talbot replied that the property line being so far into their front lawn gives a misleading off-set and is not consistent with the rest of the street, and that it was an approved lot at one time.

C. Gadon stated that he did not see a lot of other projections or patios in the neighborhood similar to what they are proposing and asked R. Talbot if that was accurate. R. Talbot replied that there are other homes in the development that have similar porches, porticos and patios. C. Gadon stated that he also observed that their house is one of the closest homes to the street. R. Talbot stated he thinks there are a couple of homes that are closer.

J. Prast asked if it would be an open porch with no railings. R. Talbot confirmed that.

K. Danby asked whether the addition would make the property safer for his family in inclement weather. R. Talbot stated that it would.

C. Gadon asked if there was access to the house through the attached garage. R. Talbot replied that there is access but that they tend to use the front door.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

A. Wilcox stated that the one of the things the Board should not be doing is increasing nonconformities. The safety issue does not require a porch that runs along the face of the house, so this is a much larger increase in the non-conformance than it needs to be for safety. C. Gadon agreed that the variance would enlarge a nonconformity which is something they try not to do, and added that they have access to the house through the garage in bad weather so there is not a hardship due to safety.

**MOTION to APPROVE 20/21-03 Kimberly Beek** variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.1 (streetline setback/25' required/19' proposed) of the Zoning Regulations to permit the construction of a 208 s.f. covered front porch at 70 Fenwood Drive, Map 5/Lot 29, Residence A District, Coastal Area Management Zone, with the hardship being safety. **MADE:** K. Danby; **SECONDED:** J. Prast; **VOTING IN FAVOR:** K. Danby, J. Prast; **OPPOSED:** R. McIntyre, C. Gadon, A. Wilcox; **ABSTAINING:** None; **DENIED:** 2-3-0.

**B. 20/21-04 MVJJ, LLC** seeks a variance of Par 34.1 & 34.3 (permitted uses & prohibited uses/dwelling prohibited/1 bedroom dwelling proposed) to the Zoning Regulations to permit the conversion of the second floor of existing building into a one-bedroom apartment at 1522 Boston Post Road, Gateway Business B-4 District, Coastal Area Management Zone.

B. Dyson was seated in place of C. Gadon.

Attorney Ed Cassella was in attendance representing the applicants. He gave an explanation of the property and a brief history of the use of the property, and stated that the property is also subject to Special Exception Permit approval from the Zoning Commission. Atty. Cassella stated that based on septic capacity and parking, a one-bedroom dwelling unit would be an improvement over retail or office space. He outlined the hardships associated with the variance request, which are: the fact that this is a corner lot limits the development ability of the property; the existing drainage swale is essentially an inland wetland which cuts off the ability to use the eastern half of the property, and creates a nice grassy area which is unique to a property in this zone and more in keeping with a residential property, and; parking area is limited on this site. He stated that the proposed use would be consistent with other uses in the immediate area and would not require additional parking or septic capacity.

K. Danby asked about other residential uses in the area. Attorney Cassella replied that there are other residential uses nearby. K. Danby asked whether any businesses were interested in locating in

the second floor space. Attorney Cassella replied that it was marketed for business use unsuccessfully.

A. Wilcox asked if the other residential uses in the area were non-conforming. Attorney Cassella replied that he does not know whether they are non-conforming, but that it is likely since they have been there for a long time.

J. Prast asked about the septic system and whether there would be assigned parking for the tenant. Attorney Cassella replied that there is more septic capacity available since the previous deli use is no longer there, and that office or retail use would require more parking than a one-bedroom apartment. The tenant would have a dedicated parking space.

R. McIntyre stated that he would prefer to see the resident parking space closest to the dwelling for safety reasons. Attorney Cassella stated that resident parking would be close to the access stairs.

B. Dyson asked if the B-4 Zoning Regulations prohibit residential uses. Attorney Cassella confirmed that.

R. McIntyre asked if the state's plan for housing calls for mixed use. Attorney Cassella replied that the state and the town do support mixed-use development. J. Prast asked if the development on Lynde Street would be mixed use and Attorney Cassella replied that it is. J. Prast asked if the ladders and things on the property would be cleaned up. Attorney Cassella replied that the applicant would like to create more storage area in the back to contain those things.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

A. Wilcox stated that he is troubled by specifically granting a prohibited use without more evidence showing the property has been adequately marketed for allowed uses with no success, or that it is not economically feasible to have an allowed commercial use there.

**MOTION** to APPROVE 20/21-04 variance of Par 34.1 & 34.3 (permitted uses & prohibited uses/ dwelling prohibited/1 bedroom dwelling proposed) to the Zoning Regulations to permit the conversion of the second floor of existing building into a one-bedroom apartment at 1522 Boston Post Road, Gateway Business B-4 District, Coastal Area Management Zone, because of the following hardships and reasons: constraints due to wetlands and a corner lot, the property has been marketed for commercial uses with no response, the use is less intense than previous uses, the use requires less parking than other uses, and the use is consistent with the area. **MADE:** by K. Danby; **SECONDED:** by R. McIntyre; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast; **OPPOSED:** A. Wilcox, B. Dyson; **ABSTAINING:** None; **APPROVED:** 3-2-0.

**C. 20/21-05C Laura Chiulli, Trustee** seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change), Par 24.5.3 (side yard setback/15' required/1.6' proposed NW, .6' proposed SW, 2.4' proposed NE, and 3.4' proposed SE), Par 24.6.2 (structure coverage/20% allowed/41.2% proposed) and Par 24.6.1 (gross floor area/40% allowed/42.6% proposed) of the Zoning Regulations to allow a 580 s.f. staircase with decking, on a residence being reconstructed after fire loss, relocated to the west side of the property at 29 Beach Road West, Map 12/Lot 155, Residence A District, Coastal Area Management Zone.

Attorney Cassella, representing the applicant, explained that this proposal is a necessary rebuild due to a fire loss, and will bring the house into FEMA compliance, will eliminate an encroachment, and will reduce a number of nonconformities.

The applicant, L. Chiulli, stated that they have done everything they can to make their new home as close to meeting the zoning regulations as they could and offered to answer any questions.

C. Gadon asked if they had three egresses previously, as they are now proposing. Attorney Cassella answered that they did have three egresses, and explained that due to the increase in elevation for FEMA compliance there is a necessary increase in coverage to accommodate the extra stairs. There was a discussion of the stair configuration. The applicants stated that they would be willing to reduce the width of the beach side stairs from 4' to 3.5' to reduce coverage. There was a discussion of the location of the electric meter and A/C.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

R. McIntyre stated that it appears the applicant has gone to a lot of effort to make the house conforming while still being accessible. The reduction of encumbrance could be considered a hardship. They have further reduced nonconformance by agreeing to reduce the beach access stair width.

**MOTION** to APPROVE **20/21-05 Laura Chiulli, Trustee**, variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change), Par 24.5.3 (side yard setback/15' required/1.6' proposed NW, .6' proposed SW, 2.4' proposed NE, and 3.4' proposed SE), Par 24.6.2 (structure coverage/20% allowed/41.2% proposed) and Par 24.6.1 (gross floor area/40% allowed/42.6% proposed) of the Zoning Regulations to allow a 580 s.f. staircase with decking, on a residence being reconstructed after fire loss, relocated to the west side of the property at 29 Beach Road West, Map 12/Lot 155, Residence A District, Coastal Area Management Zone, with the condition the beach access stairs be reduced to 3.5' wide and coverage not to exceed 41%. Reasons for granting the variance are the elimination of non-conformities and elimination of an encroachment. **MADE BY:** K. Danby; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, D. Danby, J. Prast, C. Gadon, A. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0

**MOTION** to APPROVE the Application for Coastal Site Plan Review for Appeal **20/21-05 Laura Chiulli, Trustee**, for a residence being reconstructed after fire loss at 29 Beach Road West, Map 12/Lot 155, Residence A District, Coastal Area Management Zone, because the application is consistent with all applicable coastal policies and makes all reasonable measures to avoid adverse impacts. **MADE BY:** K. Danby; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** R. McIntyre, D. Danby, J. Prast, C. Gadon, A. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

## V. REGULAR BUSINESS

A. New Business – None.

B. Minutes

**MOTION** to APPROVE the August 12, 2020 Regular Meeting Minutes as presented. **MADE BY:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox, B. Dyson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 5-0-0.

- C. Correspondence & Announcements – None
- D. Committee, Representative & Staff Reports – None

## VI. ADJOURNMENT

**MOTION to ADJOURN** the September 9, 2020 Regular Meeting of the Zoning Board of Appeals at 7:56 p.m.; **MADE:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox, B. Dyson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Lynette Wacker, Recording Clerk

### NEXT REGULAR MEETING

**Wednesday, October 14, 2020 at 6:00 P.M.**

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

If the COVID19/Corona Virus State of CT Public Health Emergency remains effective, a dial in public meeting may be held. Check our website one week in advance for dial in information at

*Town of Old Saybrook Zoning Board of Appeals* or

Subscribe to *www.oldsaybrookct.org* for electronic delivery of land use agendas.