



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
October 14, 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
Dorothy Alexander
Jacqueline Prast
Alfred Wilcox
Charles Gadon

Attendant Staff

Sarah Makowicki, Recording Clerk

III. PUBLIC HEARING

- A. 20/21-06 Cynthia & Jamie Downie, Sr.** seek a variance of Par 23.5.5 (side yard setback/10' required/2' proposed) of the Zoning Regulations to permit the construction of a 180 s.f. storage shed at 5 Briarwood Drive, Map 7/Lot 7, Residence AA-2 District, Coastal Area Management Zone.

Applicant J. Downie was present and explained that he was seeking a variance to allow for his shed to be placed 2ft off the property line instead of the required 10ft. He stated that because of the topography of his back yard, there was no other option as to where to place the shed.

A.Wilcox inquired about placing the shed in any other part of the yard that would conform with the 10ft setback.

J. Downie explained that if the shed was to be moved in to the 10 ft offset that the shed would be on a newly installed patio. He felt he was already compromising by moving the shed from 4" off the property line to the 2' he was asking a variance for.

C.Gadon mentioned that because the shed was a small accessory structure, it is only required to have half of the typical offset.

J. Downie reiterated that he was unable to conform because of the slope of the yard. Stating that the hardship was because of the design of his property and the slope of the yard.

C.Gadon suggested that moving the smaller shed that the large shed abuts may be an easier alternative to moving the large shed.

D. Alexander explained to the applicant that the reason for the 10ft offset to the property line was to conform to orderly development and for fire safety reasons.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

MOTION to DENY 20/21-06 Cynthia & Jamie Downie, Sr. seek a variance of Par 23.5.5 (side yard setback/10' required/2' proposed) of the Zoning Regulations to permit the construction of a 180 s.f. storage shed at 5 Briarwood Drive, Map 7/Lot 7, Residence AA-2 District, Coastal Area Management Zone, because of the following hardship: The property does not permit the shed to be in another location and accessible. **MADE:** A. Wilcox; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** NONE; **OPPOSED:** D. Alexander, J. Prast, C. Gadon **ABSTAINING:** None; **DENIED: 5-0-0.**

- A. 20/21-07C Michael & Carol Ann Fedele** seek a variance of Par 9.1 (requirement for accessory building/same or contiguous lot as principal use/allow as accessory to 36 Beach Rd. E); Par 24.5.1 as amended by Par 68.1.2B4 (narrow street setback/35' required/35' proposed); Par 68.1.2.B.9 (tidal wetlands setback/50' required/35' proposed) of the Zoning Regulations to permit the construction of a 1,346 s.f. two story garage at 35 Beach Road East, Map 12/Lot 105, Residence A Zoning District, Coastal Area Management Zone, AE-12 Flood Zone. The applicants additionally seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other line setback/15' required/9.2' proposed to west and 4.3' proposed to east) to permit the construction of a 283 s.f. addition at 36 Beach Road East, Map 12/Lot 129, Residence A Zoning District, Coastal Area Management Zone, VE-14 Flood Zone.

David Royston will be representing the owners of 35/36 Beach Rd East. He stated that the owners were seeking variances to 1) place an accessory dwelling of a garage on the rear vacant lot that is 35 Beach Rd. 2) obtain variance for 10ft offset from the road to conform to the 50ft tidal wetlands setback. 3) obtain variance for half story addition, main foot print does not change, second floor vertical extension would be not in the 15ft regulation, asking for 9.2' (west side) and 4.3' (east side).

Asking for variance because of hardship related to the house being built before zoning regulations, the non-conforming lot area will be reduced with combining both lots.

R. McIntyre asked if ZBA was being asked to join the two lots. Not sure if ZBA was capable of that.

D. Royston the conjoining of the two lots would be a condition of the approval of the variance that the two lots would be conveyed and treated as one.

Craig Laliberte the architect explained the addition to the house on 36 Beach St and the new garage on vacant lot 35.

There was a discussion about the addition being compliant with the substantial improvement budget of half the appraisal of the house.

Megan Raymond, soil scientist from Milone and Macbroom explained that the new build of the garage would not have adverse effect on the tidal wetland that is adjacent to the property. Only suggestion would be to allow the land between the wetland and the garage to naturalize.

A. Wilcox had questions on how to formalize the two lots being conveyed together.

C. Gadon had concerns that a conforming lot at 35 was being asked to become a non-conforming lot.

R. McIntyre felt there were two issues: 1) the new build of the garage on lot 35. 2) the joining of the two lots. He felt that it was prudent to seek guidance from Michael Cronin. He recommends a continuance of this application.

M. Fedele owner accepts continuance.

MOTION to CONTINUE **20/21-07C Michael & Carol Ann Fedele** seek a variance of Par 9.1 (requirement for accessory building/same or contiguous lot as principal use/allow as accessory to 36 Beach Rd. E); Par 24.5.1 as amended by Par 68.1.2B4 (narrow street setback/35' required/35' proposed); Par 68.1.2.B.9 (tidal wetlands setback/50' required/35' proposed) of the Zoning Regulations to permit the construction of a 1,346 s.f. two story garage at 35 Beach Road East, Map 12/Lot 105, Residence A Zoning District, Coastal Area Management Zone, AE-12 Flood Zone. The applicants additionally seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other line setback/15' required/9.2' proposed to west and 4.3' proposed to east) to permit the construction of a 283 s.f. addition at 36 Beach Road East, Map 12/Lot 129, Residence A Zoning District, Coastal Area Management Zone, VE-14 Flood Zone. **MADE:** by A. Wilcox; **SECONDED:** by R. McIntyre; **VOTING IN FAVOR:** J. Prast; C. Gadon **OPPOSED:** D. Alexander; **ABSTAINING:** None; **APPROVED: 4-1-0.**

A. 20/21-8 John T. & Donna C. Dunn seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 10.6.1 & 10.6.2 (expansion of a nonconforming

use/expanding deck proposed); Par 34.6.1(front yard setback/50' required/19.2' proposed) of the Zoning Regulations to permit the construction of a 160 s.f. deck at 14 Boston Post Road Place, Map 42/Lot 29, Gateway Business B-4 District, Coastal Area Management Zone.

Applicant J.Dunn was present and is asking to replace a deck that was destroyed by a fallen tree. The demolished deck was already removed and is asking to enlarge the deck and make it a more usable space.

R. McIntyre mentioned that the structure became non-conforming when the properties zoning went from residential to commercial.

A.Wilcox asked if the deck was able to be moved further back in the property.

J. Dunn stated that the utilites and the septic system would be blocked if the deck was moved to a different location.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

MOTION to APPROVE 20/21-8 John T. & Donna C. Dunn seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 10.6.1 & 10.6.2 (expansion of a nonconforming use/expanding deck proposed); Par 34.6.1(front yard setback/50' required/19.2' proposed) of the Zoning Regulations to permit the construction of a 160 s.f. deck at 14 Boston Post Road Place, Map 42/Lot 29, Gateway Business B-4 District, Coastal Area Management Zone, because of the following hardship: The original structure was destroyed by fallen tree, deck cannot be relocated because of location of septic system, and zoning restriction were because property went from residential to commercial. **MADE BY:** D. Alexander; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, J. C. Gadon, A. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED: 5-0-0**

- A. 20/21-9 James G. Breen III & Joanne T. Breen seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.3 (other yard setback/15' required/4.4' to house and 3.4' to eave proposed); Par 24.5.1 as amended by Par 68.1.2B4 (narrow street setback/35' required/26' to house, 25' to eave, and 23.3' to entry proposed) and Par 24.5.5a (accessory structure street line setback/ 35' required/21.2' proposed) of the Zoning Regulations to permit the elevation and relocation of existing 780 s.f. 1-story house, construction of 780 s.f. 2nd story addition above existing house footprint, construction of 96 s.f. 2-story addition and 228 s.f. deck/utility platform and relocation of existing 49 s.f. shed at 4 Pelton Avenue, Map 19/Lot 216, Residence A District, Coastal Area Management Zone, AE-11 Flood Zone.

Applicants James and Joanne Breen were present and Joe Wren will be representing them.

J.Wren the house at 4 Pelton is being moved and raised to comply to FEMA flood regulations. This property is going from seasonal to year round. CRAHD has already approved the new septic system. The shed on the property is being moved from non-conforming to more conforming on the property. Asking for a proposed setback of 21.2 ft instead on the regulation

35 ft. House is being moved back for an improvement on the conformity to the streetline. In asking for a variance the hardship is the small size of the parcel.

Craig Laliberte architect explains the raising and the addition to the structure.

There is discussion about where shed is being moved and the placement of utilities.

R. McIntyre opened the public hearing.

Jackie Appleby is representing her mother Sharon Baker that lives on the west side of the Breen property. She is concerned that flooding would impact the property if the elevation and pitch is changed in any way.

J.Wren stated that the plans do not change the grading on the west side of the property and would not affect the Baker property.

R. McIntyre closed the public hearing.

MOTION to APPROVE 20/21-9 James G. Breen III & Joanne T. Breen seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.3 (other yard setback/15' required/4.4' to house and 3.4' to eave proposed); Par 24.5.1 as amended by Par 68.1.2B4 (narrow street setback/35' required/26' to house, 25' to eave, and 23.3' to entry proposed) and Par 24.5.5a (accessory structure street line setback/ 35' required/21.2' proposed) of the Zoning Regulations to permit the elevation and relocation of existing 780 s.f. 1-story house, construction of 780 s.f. 2nd story addition above existing house footprint, construction of 96 s.f. 2-story addition and 228 s.f. deck/utility platform and relocation of existing 49 s.f. shed at 4 Pelton Avenue, Map 19/Lot 216, Residence A District, Coastal Area Management Zone, AE-11 Flood Zone. Reason for granting the variance: The properties non-conformities are being reduced, with the stipulation that the elevation of the yard does not change on the west and south sides of the property. **MADE BY:** A.Wilcox; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, C. Gadon, D. Alexander; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED: 5-0-0**

V. REGULAR BUSINESS

- A. New Business – None.
- B. Minutes

MOTION to APPROVE the September 9, 2020 Regular Meeting Minutes as presented. **MADE BY:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** R. McIntyre, D.Alexander, J. Prast, A. Wilcox, C.Gadon; **OPPOSED:** None; **ABSTAINING:**

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

VI. ADJOURMENT

MOTION to ADJOURN the October 14, 2020 Regular Meeting of the Zoning Board of Appeals at 9:18 p.m.; **MADE:** R. McIntyre; **SECONDED:** C. Gadon; **VOTING IN FAVOR:** R. McIntyre, D.Alexander, J. Prast, A. Wilcox, C.Gadon; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED: 5-0-0.**

Respectfully submitted,

Sarah Makowicki, Recording Clerk

NEXT REGULAR MEETING

Thursday, November 12, 2020 at 6:00 P.M.

Town Hall, 1st Floor 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.