



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

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

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216
www.oldsaybrookct.org

Alternate Members
*Carl Garbe
Charles Gadon
Brenda Dyson*

**MINUTES
REGULAR MEETING
July 14, 2021 at 6:00 p.m.
Hybrid 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
Alfred Wilcox
Charles Gadon
Brenda Dyson

Absent

Jacqueline Prast
Carl Garbe

Attendant Staff

Sarah Makowicki, Recording Clerk

Seated for Jacqueline Prast is Charles Gadon.

III. CONTINUED PUBLIC HEARINGS

- A. **20/21-39 Jason Luciani** seeks a variance of Par 23.6.1A (structure coverage Gateway Conservation Zone/15% allowed/20% proposed) of the Zoning Regulations to permit the construction of a 168 s.f. shed at 200 Cromwell Court North, Map 32/Lot 50, Residence AA- 2 District, Gateway Conservation Zone, Coastal Area Management Zone.

Mr. Luciani presented his application stating that the pool coping would be removed to offset the coverage of the proposed shed.

The Gateway Commission provided a letter stating that there was no opposition to the proposed structure.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

D. Alexander voiced her concern of the initial motion that the Gateway Zone coverage of 15% was being used as a hardship.

A. Wilcox amended the motion to include the offset in coverage by the removal of the pool coping.

MOTION to APPROVE. 20/21-39 Jason Luciani seeks a variance of Par 23.6.1A (structure coverage Gateway Conservation Zone/15% allowed/20% proposed) of the Zoning Regulations to permit the construction of a 168 s.f. shed at 200 Cromwell Court North, Map 32/Lot 50, Residence AA- 2 District, Gateway Conservation Zone, Coastal Area Management Zone. On the grounds that there was a tradeoff in coverage and Gateway Commission had no objection to the application. **MADE:** A. Wilcox; **SECONDED:** C. Gadon; **VOTING IN FAVOR:** A. Wilcox, R. McIntyre, C. Gadon, K. Danby; **OPPOSED:** NONE; **ABSTAINING:** D. Alexander; **Motion Passes: 4-0-1.**

IV. PUBLIC HEARINGS

A. 20/21-31 Derick Gibbs seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /40' required /11.7' proposed); and Par 24.5.3 (other property line setback/15' required/10.9 proposed to east and 6.2' proposed to west) of the Zoning Regulations to permit the construction of a 376 s.f. second story addition at 6 Tucker Road, Map 18/Lot 80, Residence A District, Coastal Area Management Zone, AE-12 Flood Zone.

Joe Wren presented the application to the board stating that the applicant wished to expand a second-floor loft that would expand the vertical nonconformities, while also addressing non code compliant stairs to the loft area and reducing the nonconforming setbacks.

C. Gadon inquired about the use of the loft space, whether it would be used as a bedroom. Would the septic support the use of a third bedroom?

J. Wren addressed this question stating that the house was and still is considered a two-bedroom seasonal structure by the health district. Because the loft space does not provide privacy it does not meet the definition of a bedroom.

Attorney Ed Cassella presented the board with the hardship, stating that because of the size of the lot there is no opportunity for lateral expansion. The increase of height in the loft area will provide the opportunity to fix non code compliant stairs to the loft and create an egress window from the loft area. Mr. Cassella also stated that the size of the lot, tidal wetlands, existing coverage, and this property being one of the smallest houses in Chalker Beach all add to the hardship the owner faces.

R. McIntyre opened the public hearing.

There is one letter of support from the public, William Dunn 86 Chalker Beach Rd.

There are three letters of opposition that were read into the record. Dana Foster 8 Tucker Rd, Justin Duffy 4 Tucker Rd, and Judith Goldfarb 10 Tucker Rd.

R. McIntyre closed the public hearing.

R. McIntyre stated that the board should be focused on the legality of the application as a two-bedroom dwelling with a loft as it is defined by the health district. It was stated by Mr. McIntyre that the hardships provided were on reasonable grounds. The board should not be put in the position to regulate or judge the actions of renters. Those discussions need to be regulated by the town ordinances and by police. Mr. McIntyre stated that if the application is approved it should be on the grounds of safety, not regulating activity within the house.

K. Danby stated that rentals should be regulated by the beach association. He stated that if the application is approved it should be conditioned that the loft area should not be used as a bedroom.

C.Gadon stated that the application is enlarging a nonconformity and he does not believe the reduction of the setbacks is significant enough to warrant approval.

D.Alexander stated that while safety was important, she felt that there was a lack of hardship with the application.

MOTION to APPROVE. 20/21-31 Derick Gibbs seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /40' required /11.7' proposed); and Par 24.5.3 (other property line setback/15' required/10.9 proposed to east and 6.2' proposed to west) of the Zoning Regulations to permit the construction of a 376 s.f. second story addition at 6 Tucker Road, Map 18/Lot 80, Residence A District, Coastal Area Management Zone, AE-12 Flood Zone. On the grounds that there is a reduction overall of the nonconformities and to rectify existing safety issues. **MADE:** K. Danby; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** R. McIntyre, K. Danby; **OPPOSED:** A. Wilcox, C. Gadon, D.Alexander; **ABSTAINING:** NONE; **Motion Fails: 2-3-0. Application is denied.**

B. 21/22-01 Louis Crotta, seeks a Certificate of Location for Automotive Use per CGS 14-54(b), for 123 Spencer Plain Road, Unit 3, Map 46/Lot 4-4, Gateway Business B-4 District.

R. McIntyre opened the public hearing.

No Comment from the public.

R. McIntyre closed the public hearing.

MOTION to APPROVE. 21/22-01 Louis Crotta, seeks a Certificate of Location for Automotive Use per CGS 14- 54(b), for 123 Spencer Plain Road, Unit 3, Map 46/Lot 4-4, Gateway Business B-4 District. **MADE:** A. Wilcox; **SECONDED:** D.Alexander; **VOTING IN FAVOR:** A. Wilcox, R. McIntyre, C. Gadon, K. Danby, D.Alexander; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

C. 21/22-02C Cynthia McFadden seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change), Par 58.6 (setback Gateway Conservation Zone/100' required/70.4' proposed) and Par 58.2.1 (riparian buffer setback Gateway Conservation Zone/100' required/70.4' proposed) of the Zoning Regulations to permit a 376 s.f. pool house and a 927 s.f. addition at 320 Watrous Point Road, Lot 64/Lot 17-3, Residence AA-3 Zoning District, Coastal Area Management Zone, Gateway Conservation Zone.

Robert Doane presented for the applicant stating to the board that the proposed addition of an atrium would fall into the 100 ft riparian buffer required by Gateway Conservation Zone. The addition would be 70.4 ft from the tidal wetlands with no effect on sanitation regulations or coverage. Gateway Commission provided a letter stating that they had no problem with the proposed work on the condition that the vegetation and mature trees were not disturbed. Gateway also stated that they would like the owner to create a berm to manage storm water runoff. Mr. Doane stated that the berm was not possible because it was considered a flood control measure, but there would be a trench with stone put in to manage the storm water. Mr. Doane stated that the hardship is that the house was built in 1937 before the Gateway Conservation Zone and any regulations were in existence.

MOTION to APPROVE. 21/22-02C Cynthia McFadden seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change), Par 58.6 (setback Gateway Conservation Zone/100' required/70.4' proposed) and Par 58.2.1 (riparian buffer setback Gateway Conservation Zone/100' required/70.4' proposed) of the Zoning Regulations to permit a 376 s.f. pool house and a 927 s.f. addition at 320 Watrous Point Road, Lot 64/Lot 17-3, Residence AA-3 Zoning District, Coastal Area Management Zone, Gateway Conservation Zone. On the grounds of a hardship that the setback was imposed long after the house was built, Gateway Commission stated that the small addition does not impose on the riverine views. **MADE:** A. Wilcox; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** A. Wilcox, R. McIntyre, C. Gadon, K. Danby, D. Alexander; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

D. 21/22-03 Stephen Persutti seeks a variance of Par 24.6.2 (structure coverage/20% allowed/22% proposed) of the Zoning Regulations to permit the construction of a 64 s.f. hot tub at 15 Park Avenue, Map 5/Lot 97, Residence A Zoning District, Coastal Area Management Zone.

Robert Doane presented the application for the owner stating to the board that the owner wished to place a hot tub on an already existing at grade patio. Work on the lot was previously approved by ZBA with the coverage of 23.2%. Mr. Doane found during his calculations of coverage that an at grade patio was previously calculated into the coverage. The lot coverage should be at 21.2% instead of 23.2%. The current proposed work would bring coverage to 22%, which is under the already granted 23.2%. Mr. Doane stated that the hardship is that the lot is small in size and existed before zoning.

R. McIntyre opened the public hearing.

There was one anonymous letter of opposition from the public.

R. McIntyre closed the public hearing.

MOTION to DENY. 21/22-03 Stephen Persutti seeks a variance of Par 24.6.2 (structure coverage/20% allowed/22% proposed) of the Zoning Regulations to permit the construction of a 64 s.f. hot tub at 15 Park Avenue, Map 5/Lot 97, Residence A Zoning District, Coastal Area Management Zone. On the grounds that there is no hardship. **MADE:** A. Wilcox; **SECONDED:**

R. McIntyre; **VOTING IN FAVOR:** A. Wilcox; **OPPOSED:** R. McIntyre, C. Gadon, K. Danby, D. Alexander; **ABSTAINING:** NONE; **Motion Fails: 1-4-0.**

MOTION to APPROVE. 21/22-03 Stephen Persutti seeks a variance of Par 24.6.2 (structure coverage/20% allowed/22% proposed) of the Zoning Regulations to permit the construction of a 64 s.f. hot tub at 15 Park Avenue, Map 5/Lot 97, Residence A Zoning District, Coastal Area Management Zone. On the grounds that there was a reduction of nonconformities and overall coverage from 23.2% to 22%. **MADE:** C. Gadon; **SECONDED:** K. Danby; **VOTING IN FAVOR:** R. McIntyre, C. Gadon, K. Danby, D. Alexander; **OPPOSED:** A. Wilcox; **ABSTAINING:** NONE; **Motion Passes: 4-1-0.**

V. NEW BUSINESS

B. Minutes

MOTION to APPROVE June 9, 2021 **Regular Meeting Minutes as presented. MADE:** A. Wilcox; **SECONDED:** D. Alexander; **VOTING IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, A. Wilcox, C. Gadon; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

C. Correspondence & Announcements – None

D. Committee, Representative & Staff Reports – None

VI. ADJOURMENT

MOTION to ADJOURN July 14, 2021 Regular Meeting of the Zoning Board of Appeals at 8:55p.m.; **MADE:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** K. Danby, D. Alexander, C. Gadon, A. Wilcox, R. McIntyre; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

Respectfully submitted,

Sarah Makowicki, Recording Clerk

NEXT REGULAR MEETING

August 11 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.