



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

*Charles Gadon, Chairman  
Kevin Danby, Vice Chairman  
Jacqueline Prast, Secretary  
Alfred Wilcox  
Erin Colwell*

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**Alternate Members**  
*Matt Diamond  
Frank D. Keeney  
Vacancy*

**REGULAR MEETING MINUTES  
HYBRID MEETING**

**September 13, 2023, at 6:00 p.m.**

Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street, Old Saybrook

**I. CALL TO ORDER**

Chairman Gadon called the meeting to order at 6 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**Attendant Members**

C. Gadon, K. Danby, J. Prast, E. Colwell, A. Wilcox, M. Diamond, F. Keeney

**Absent Members**

None

**Attendant Staff**

C.Costa, ZEO, Town Planner

Nine members of the public attended with two more via Zoom.

**IV. CONTINUED PUBLIC HEARINGS**

**22/23-28 Christopher & Cassandra Clark** request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other line setback/15' required/6.9' proposed to north and 14.2' proposed to west) of the Zoning Regulations to permit the construction of an 84 s.f. mudroom addition at 9 East Street, Map 22/Lot 61, Residence A District, Coastal Area Management Zone.

*Frank Keeney was seated for Kevin Danby for this application.*

Cassandra Clark provided a revised survey and site plan as requested at the last meeting of the Board. The Chairman discussed the revised application and thanked the applicant for making all the changes requested.

C. Gadon requested comments from the public. No public comments received.

C. Gadon closed the public hearing.

**MOTION to APPROVE 22/23-28 Christopher & Cassandra Clark** request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other line setback/15' required/6.9' proposed to north and 14.2' proposed to west) of the Zoning Regulations to permit the construction of an 84 s.f. mudroom addition at 9 East Street, Map 22/Lot 61, Residence A District, Coastal Area Management Zone. The Applicant has complied with application requirements and has revised the plans to minimize intrusion into the setback, so the proposed addition does not extend beyond the size of the existing concrete. The small narrow lot creates a hardship. An addition is infeasible because of the location of the existing septic and house. Requiring the relocation of the house or septic system is unreasonable. **MADE:** A. Wilcox **SECONDED:** F. Keeney **VOTING IN FAVOR:** C. Gadon, J. Prast, E. Colwell, A. Wilcox,, F. Keeney **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

## V. PUBLIC HEARINGS

**23/24-5C Andrew & Cailin Marshall** request a variance of Par 24.5.3 (sideline setback/15' required/11.7' proposed) of the Zoning Regulations to permit the construction of a 1,981 s.f. addition which includes a first-floor addition and two story attached garage addition at 140 Old Boston Post Road, Map 29/Lot 111, Residence A District, Coastal Area Management Zone.

Andrew & Cailin Marshall were in attendance. Mr. Marshall presented the appeal to the Board indicating that the hardship is the location of the wetlands, the uniqueness of the lot as it narrows and is not parallel to the house. The septic in the back precludes a rear addition to the house.

C. Gadon asked if the Applicant was willing to relocate the sheds to be compliant with sideline setbacks. A. Marshall responded that when they bought the house, one of the sheds on the property is owned by their neighbor and they have not requested or want to request the neighbor relocate the shed off the property. The Applicant consented to relocating the larger shed to meet the 10' accessory structure setback.

C. Gadon read Marcy Balint's letter into the record.

C. Gadon requested comments from the public. No public comments received.

C. Gadon closed the public hearing.

**MOTION to APPROVE WITH CONDITIONS 23/24-5C Andrew & Cailin Marshall** request a variance of Par 24.5.3 (sideline setback/15' required/11.7' proposed) of the Zoning Regulations to permit the construction of a 1,981 s.f. addition which includes a first floor addition and two story attached garage addition at 140 Old Boston Post Road, Map 29/Lot 111, Residence A District, Coastal Area Management Zone with the **CONDITION THAT THE LARGER SHED IS RELOCATED TO BE COMPLIANT WITH ZONING SETBACKS.** No hardship is needed since the relocation of the shed will result in a reduction of a non-conformity. The house and addition will be flood compliant and there are no significant impacts to flood. The Coastal Site Plan Application is approved since the proposal is consistent with all applicable coastal policies and makes all reasonable efforts to

mitigate adverse impacts. **MADE:** K. Danby **SECONDED:** E. Colwell **VOTING IN FAVOR:** C. Gadon, K. Danby, J. Praust, E. Colwell, A. Wilcox, **MOPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

**23/24-6C Jessica Palazzo** requests a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par. 58.2 & Par 58.6 (Gateway riparian buffer & structure setback/100' required/30.2' to wall/patio and 31.9' to pool proposed); and Par 68.1.2B9 (tidal wetland setback/50' required/33' proposed to wall/patio) of the Zoning Regulations to permit the construction of a 528 s.f. pool, patio, retaining wall and pool equipment at 25 North Cove Road, Map 23/Lot 13, Residence AA-2 Zoning District, Coastal Area Management Zone, Gateway Conservation Zone.

Joe Wren, P.E. presented the application in detail and discussed how the house was constructed prior to the 100' Gateway riparian buffer/building and tidal wetlands setbacks which made the house non-conforming. Two dead/dying trees will be removed and not replaced. Riparian buffer plantings were added to a section of the property along the tidal wetland where water would drain from higher elevations on the lot. A vegetative buffer was not extended 15' along the entire length of the wetlands as requested by the CT River Gateway Conservation Commission.

C.Gadon asked if the pool could be reduced in size or relocated as requested by Gateway.

Mr. & Mrs. Palazzo discussed revisions to the plan prior to application to reduce the size of the pool. They do not want to reduce the size of the pool any further since their daughter will not be able to practice swimming with her friends. M. Diamond commented that a smaller pool is a cocktail pool which is not appropriate for children to prepare for swimming.

The Commission members discussed possibilities of relocating the septic, shifting the pool and patio areas. C. Gadon read referral responses from the CT River Gateway Conservation and CT DEEP into the record.

A.Wilcox asked for details about the appearance of the wall and type of pool, J. Wren responded that the pool is a traditional pool and not an infinity pool.

C. Costa discussed the CT River Gateway Commission's objection letter, read into the record the definition of riparian buffer and asked why the Applicant could not expand the buffer or replace trees as requested by Gateway. J. Wren and the Applicant explained at length how the plan was modified and why the comments of the Gateway Commission were not all included in a plan revision.

C. Gadon requested comments from the public. No public comments received.

Lengthy discussion continued about alternatives and rather than attempt to redesign the project at the meeting, the Applicant was encouraged to make plan revisions and return to the Gateway Commission as requested. The Applicant agreed.

**MOTION to CONTINUE** the public hearing to the next regular scheduled meeting on Wednesday, October 11, 2023 at 6 :00 p.m for **23/24-6C Jessica Palazzo** requests a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par. 58.2 & Par 58.6 (Gateway riparian buffer & structure setback/100' required/30.2' to wall/patio and 31.9' to pool proposed); and Par 68.1.2B9 (tidal wetland setback/50' required/33' proposed to wall/patio) of the Zoning Regulations to permit the construction of a 528 s.f. pool, patio, retaining wall and pool equipment at 25 North Cove Road, Map 23/Lot 13, Residence AA-2 Zoning District, Coastal Area Management Zone, Gateway Conservation Zone. **MADE:** K. Danby **SECONDED:** J. Prast **VOTING IN FAVOR:** C. Gadon, K. Danby, J. Praust, E. Colwell, A. Wilcox. **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

**23/24-7C Erin M. Voyik** requests a variance of Par 10.8.3 )non-conforming lot/20,000 s.f. required/4,093 s.f. proposed); Par 24.5.1 (street line setback/25' required/12.2' proposed); Par 24.5.3 (other line setback/15' required/2.8' proposed to north & 14.6' to south) and Par 68.1.2.B.9 (tidal wetland setback/50' required/42.5' proposed) of the Zoning Regulations to permit the demolition of existing single story house and construction of a new 1,496 s.f. two story seasonal house and 160 s.f. rear deck with stairs at 12 Cranton Street, Map 012/Lot 077, Residence A District, Coastal Area Management Zone, AE-12 Flood Zone.

Attorney Ed Cassella presented the application on behalf of the applicants who were present via zoom. The project if approved will result in a reduction in non-conformities to coverage and setbacks. The house will be FEMA complaint and a new septic system will be installed.

C. Gadon read letters from Marcy Balint at DEEP and Don Lucas, P.E. and neighbor into the record.

Attorney Cassella discussed how the retaining wall and fill are proposed as part of the septic installation and agreed to extend the retaining wall as recommended in the referral response.

C. Gadon requested comments from the public. No public comments received.

C. Gadon closed the public hearing.

**MOTION to APPROVE WITH CONDITIONS 23/24-7C Erin M. Voyik** requests a variance of Par 10.8.3) non-conforming lot/20,000 s.f. required/4,093 s.f. proposed); Par 24.5.1 (street line setback/25' required/12.2' proposed); Par 24.5.3 (other line setback/15' required/2.8' proposed to north & 14.6' to south) and Par 68.1.2.B.9 (tidal wetland setback/50' required/42.5' proposed) of the Zoning Regulations to permit the demolition of existing single story house and construction of a new 1,496 s.f. two story seasonal house and 160 s.f. rear deck with stairs at 12 Cranton Street, Map 012/Lot 077, Residence A District, Coastal Area Management Zone, AE-12 Flood Zone with the **CONDITION THAT THE RETAINING WALL ON THE SOUTHER BOUNDARY LINE WILL BE EXTENDED 5 FEET** The size of the lot creates an impossible building envelope making it impossible for compliance. Reducing an encroachment on one setback makes encroachment on another setback worse than before. Three non-compliant setbacks will be removed and although there are tradeoffs, much has been done to work within the limits of

the location, elevation, and small lot size. The Coastal Site Plan Application is approved since the proposal is consistent with all applicable coastal policies and makes all reasonable efforts to mitigate adverse impacts. **MADE:** A. Wilcox **SECONDED:** J. Prast **VOTING IN FAVOR:** C. Gadon, J. Prast, K. Danby, E. Colwell, A. Wilcox. **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

**23/24-8 River View Crematory** requests a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 33.6.3 (side yard setback/15' required/11.6' proposed) of the Zoning Regulations to permit the construction of a 2' x 6' addition to the crematory building at 1220 Boston Post Road, Map 28/Lot 10, Restricted Business B-3 District, Coastal Area Management Zone.

C. Gadon informed the Board that the addition has been constructed and that the Board should review the application as though the addition is not there.

Attorney Ed Cassella presented the application for an addition to the existing crematory to accommodate a new blower system inside the existing non-conforming structure. The new blowers are larger than the existing blowers and are required to be separated 2' for maintenance.

Greg McGee of River View explained how cremation rates have increased to 70% from 5%-8% when the existing equipment was installed. The upgrade to a new system increases energy efficiency, reduces emissions which benefits the crematory and the neighborhood.

A. Wilcox commented that the encroachment into the setback is not near any residences and is in a location where neighbors are buffered by the marsh and phragmites.

C. Gadon requested comments from the public. No public comments received.

C. Gadon closed the public hearing.

**MOTION to APPROVE 23/24-8 River View Crematory** requests a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 33.6.3 (side yard setback/15' required/11.6' proposed) of the Zoning Regulations to permit the construction of a 2' x 6' addition to the crematory building at 1220 Boston Post Road, Map 28/Lot 10, Restricted Business B-3 District, Coastal Area Management Zone. The proposal is a small request, the addition is located on an existing concrete pad and benefits the environment and the neighborhood by reducing emission and upgrading to more efficient equipment. **MADE:** K. Danby **SECONDED:** E. Colwell **VOTING IN FAVOR:** C. Gadon, K. Danby, J. Prast, E. Colwell, A. Wilcox. **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

**23/24-9C Guy R. & Katherine Nicastrì** request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 24.6.2 (structure coverage/20% allowed/21.6% proposed) and Par 24.5.1 (street line setback/25' required/21' proposed to Beach Rd. E and 8.5' proposed to Bliss St) of the Zoning Regulations to permit the construction of a 168 s.f. covered porch and 155 s.f. deck at 27 Beach Road East, Map 12/Lot 96, Residence A Zoning District, Coastal Area Management Zone.

Attorney Ed Cassella presented the application on behalf of the applicants who were present at the meeting. In 2003, the property owners hired a contractor to voluntarily elevate their home for flood compliance, repair the foundation and construct decks/stairs to enter the house. The supports for the porch are now failing and when the property owners went to investigate the repair, they discovered the deck was constructed over the septic system and there were no permits for the decks in 2003. The request is to remove/reconstruct/support the porch, reduce the size of the decks to meet structure coverage and and remove deck areas encroaching in the setback.

A.Wilcox commented that the project will remove non-conformities and make the deck structure compliant with setback and coverage.

C. Gadon requested comments from the public. No public comments received. C.Gadon closed the public hearing.

**MOTION to APPROVE 23/24-9C Guy R. & Katherine Nicastrì** request a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 24.6.2 (structure coverage/20% allowed/21.6% proposed) and Par 24.5.1(street line setback/25' required/21' proposed to Beach Rd. E and 8.5' proposed to Bliss St) of the Zoning Regulations to permit the construction of a 168 s.f. covered porch and 155 s.f. deck at 27 Beach Road East, Map 12/Lot 96, Residence A Zoning District, Coastal Area Management Zone. The proposal will reduce coverage and setback non-conformities. The Coastal Site Plan Application is approved since the proposal is consistent with all applicable coastal policies and makes all reasonable efforts to mitigate adverse impacts. **MADE:** K. Danby **SECONDED:** E. Colwell **VOTING IN FAVOR:** C. Gadon, K. Danby, J. Prast, E. Colwell, A. Wilcox. **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

## VI. REGULAR MEETING

A. New Business- None.

### B. Minutes

**MOTION to APPROVE** the meeting minutes of Wednesday, June 14th 2023 as presented. **MADE:** A. Wilcox **SECONDED:** E.Colwell **VOTING IN FAVOR:** C. Gadon, K. Danby, J. Prast,A. Wilcox, E. Colwell. **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

**MOTION to APPROVE** the meeting minutes of Wednesday, July 12th 2023 as presented. **MADE:** A. Wilcox **SECONDED:** E.Colwell **VOTING IN FAVOR:** C. Gadon, K. Danby, J. Prast, E. Colwell. **OPPOSED:** None **ABSTAINING:** A.Wilcox **APPROVED: 4-0-1.**

## C. Correspondence and Announcements

- None.

**D. Committee, Representative & Staff Reports – None**

**VII. ADJOURMENT**

**MOTION to ADJOURN** the meeting of Wednesday, September 19, 2023 at 6 :59 p.m. to the next regularly scheduled meeting of Wednesday, October 11, 2023 at 6:00 P.M. Town Hall, 1st Floor Conference Room 302 Main Street, Old Saybrook. **MADE:** F. Keeney **SECONDED:** A. Wilcox **VOTING IN FAVOR:** C. Gadon, E. Colwell, A. Wilcox, M. Diamond, F. Keeney **OPPOSED:** None **ABSTAINING:** None **APPROVED 5-0-0.**

Respectfully submitted,

Christina M. Costa, CZEO, CFM  
Acting Recording Clerk

**NEXT REGULAR MEETING**

**October 11, 2023 at 6:00 P.M.**

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

Check our website one week in advance for dial in information at

[Town of Old Saybrook Zoning Board of Appeals](#) or

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