



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

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

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Alternate Members
*Matt Diamond
Vacancy
Vacancy*

**MINUTES
REGULAR MEETING**
Wednesday, October 11, 2023 at 6:00 p.m.
Hybrid Meeting

I. CALL TO ORDER

Chairman Gadon called the meeting to order at 6:01 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Attendant Members

Charles Gadon, Jacqueline Prast, Alfred Wilcox, Erin Colwell, Matt Diamond (not seated), Frank Keeney (seated)

Absent Members

Kevin Danby

Attendant Staff

Carolina Maharbiz, Recording Clerk

IV. CONTINUED PUBLIC HEARINGS

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.

ACTION: Continue or close by 10/11/2023 (NLT 10/17/2023)

C. Gadon stated that the public comment had been left open. He mentioned that he received a letter from the Gateway Commission, which he summarized as providing that the Commission was pleased with the relocation of the pool and increase to the riparian buffer.

Joe Wren, presented for the applicant and had nothing further to add.

C. Gadon closed the public hearing. Frank Keeney was seated for Kevin Danby for this application.

MOTION to APPROVE 23/24-6C Jessica Pallazzo 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. The imposition of the setback requirements after the house had been constructed is a hardship for a lawful improvement that is a lawful amenity to the house and having satisfied the Gateway concerns. The Coastal Site Plan Application is approved. **MADE:** A. Wilcox. **SECONDED:** E. Colwell. **VOTING IN FAVOR:** C. Gadon, J. Prast, A. Wilcox, E. Colwell, F. Keeney **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

V. PUBLIC HEARINGS

23/24-10C Glynda Beeman requests a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 68.1.2B9 (tidal wetland setback/50' required/28.7' to deck, 34.9' to sunroom, 32.9' to septic tank and 21.8' to D Box proposed) of the regulations to allow for the construction of a 13.6' x 14' sunroom and 115 s.f. deck at 367 Main Street, Unit C41, Map 22/Lot 251-C41, Residence A District, Coastal Area Management Zone.

ACTION: Open ph, continue or close by 11/8/2023 (NLT 11/14/2023)

Frank Keeney was seated for Kevin Danby for this application.

Joe Wren presented. He explained that Banberry Crossing has approximately 50 stand-alone single-family condominium units. He stated that the application includes a master list of all the units identifying existing accessory structures and proposed accessory structures approved by the town. He explained that Units 41 and 42 have full decks along the back. The applicant is proposing a sunroom over the existing deck area, with no increase in the footprint. Unit 41 is proposing a small deck on the west side of the addition. Since the septic tank is currently at the edge of the deck and nonconforming, the applicant will be moving the septic tank further from the wetlands but not more than 50 feet away. Mr. Wren explained that the tidal wetland buffer has changed since the unit was constructed. There are tidal wetlands and inland wetlands on the site. Unit 41 needs variances for expansion of a nonconforming structure because of the tidal wetland setback and for less than 50 feet to the tidal wetlands. He discussed the silt fence and the foundations.

C. Gadon asked if there was a reason why the deck could not be built encroaching away from the wetlands to the right, and could have steps down to a pervious paver. Mr. Wren stated that he is not sure why the expansion did not occur to the east and pointed out that the chimney and landscaping are at that location. He also stated that the lawn is the encroachment and will not be getting any closer than the lawn. C. Gadon stated that he would feel more comfortable if the deck proposed was to the right.

M. Diamond asked about the connection between the deck and the interior room of the unit where C. Gadon is suggesting the deck be placed. Mr. Wren responded that he was not sure. C. Gadon stated that sliders and a chimney are located there.

C. Gadon called for a 10-minute recess so that Mr. Wren could call the applicant to discuss placing the proposed deck to the right, away from the wetlands.

After the recess, Mr. Wren reported that the applicant approved the deck to the right.

C. Gadon opened for public comment. No public comments received. C Gadon closed the public comment and opened for discussion among board members. No discussion.

MOTION to APPROVE WITH CONDITION 23/24-10C Glynda Beeman requests a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 68.1.2B9 (tidal wetland setback/50' required/28.7' to deck, 34.9' to sunroom, 32.9' to septic tank and 21.8' to D Box proposed) of the regulations to allow for the construction of a 13.6' x 14' sunroom and 115 s.f. deck at 367 Main Street, Unit C41, Map 22/Lot 251-C41, Residence A District, Coastal Area Management Zone **WITH THE CONDITION THAT THE DECK BE LOCATED TO THE RIGHT.** The property was built before the tidal wetlands setback was implemented. Applying the setback retrospectively to prevent this small addition constitutes a hardship, especially in light of the Applicant's willingness to reduce the intrusion by relocating the deck. Alternatively, approval can be based on the ground that changing the location of the septic is similar to reducing a nonconformity. The Coastal Site Plan Application is approved. **MADE:** A. Wilcox. **SECONDED:** E. Colwell. **VOTING IN FAVOR:** C. Gadon, J. Prast, A. Wilcox, E. Colwell, F. Keeney **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

23/24-11 Cornfield Point Association requests a variance of Par 24.5.5A (accessory structure streetline setback/35' required/5' proposed) and Par 24.5.5C (accessory structure other line setback/10' required/5' proposed) of the Zoning Regulations to permit the relocation of an existing 112 s.f. shed and construction of a new 240 s.f. shed at 27 Town Beach Road, Map 3/Lot 147, Residence A District, Coastal Area Management Zone. *ACTION: Open ph, continue or close by 11/8/2023 (NLT 11/14/2023)*

Frank Keeney was seated for Kevin Danby for this application. Lewis Perry, Vice President of Cornfield Point Association, presented. He explained that the Association has had a 112 s.f. shed for 10-12 years. Over the years, the Association has done many improvements and acquired more equipment to help improve the comfort and safety of its residents. All of this equipment does not fit in the existing shed and is currently an eyesore. The Association needs to be able to place this equipment into a larger shed and there is no other location on the property for the shed. C. Gadon acknowledged that another location would encroach on the basketball court or the playground area.

C. Gadon opened for public comment.

Ed Domborskas, a resident at 23 Seabreeze Road, stated that he supports the application. He stated that the location of the additional materials is located on the rear of the clubhouse, but at the front of the property for residents on Seabreeze Rd. Over the years, this location has become a collection point for all materials not being used or unwanted at the time. Although the Association has now screened that area, Mr. Domborskas requested that if a new shed is approved, that the area outside the new shed not accumulate with materials.

C. Gadon closed for public comment.

MOTION to APPROVE WITH CONDITIONS 23/24-11 Cornfield Point Association requests a variance of Par 24.5.5A (accessory structure streetline setback/35' required/5' proposed) and Par 24.5.5C (accessory structure other line setback/10' required/5' proposed) of the Zoning Regulations to permit the relocation of an existing 112 s.f. shed and construction of a new 240 s.f. shed at 27 Town Beach Road, Map 3/Lot 147, Residence A District, Coastal Area Management Zone WITH THE CONDITIONS THAT (1) THE SHEDS CAN ONLY BE ON THIS PROPERTY AS LONG AS IT IS A COMMUNITY FACILITY AND NOT A RESIDENCE AND (2) THERE SHOULD BE NO EXTERIOR MATERIALS STORED AROUND THE SHEDS OR WITHIN THE SETBACKS SINCE THE SHEDS ARE BEING ENLARGED. Hardship exists due to relocating a shed and building a larger shed while trying to maintain the basketball court and playground area for the community. **MADE:** C. Gadon. **SECONDED:** J. Prast. **VOTING IN FAVOR:** C. Gadon, J. Prast, A. Wilcox, E. Colwell, F. Keeney **OPPOSED:** None **ABSTAINING:** None **APPROVED: 5-0-0.**

VI. REGULAR MEETING

A. New Business

C. Gadon mentioned the email from Chris Costa regarding the legal requirements, procedures, and roles and responsibilities of reading plans, a class offered by continuing education. C. Gadon also stated that he sent a letter to Zoning regarding rooftop decks because he felt that needed to improve the language on rooftop decks. He received a letter from Zoning stating that rooftop decks were not allowed. He plans write a follow-up letter.

B. Minutes

MOTION to APPROVE Minutes for the Wednesday September 13, 2023 Meeting as presented. MADE: A. Wilcox; **SECONDED:** F. Keeney; **VOTING IN FAVOR:** C. Gadon, J. Prast, A. Wilcox, E. Colwell, F. Keeney; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

C. Correspondence and Announcements – None.

D. Committee, Representative & Staff Reports – None.

VII. ADJOURMENT

MOTION to Adjourn until NEXT REGULARLY SCHEDULED HYBRID MEETING
Wednesday, November 8, 2023 at 6:00 P.M. Town Hall, 1st Floor Conference Room 302
Main Street, Old Saybrook. **MADE:** C. Gadon; **SECONDED:** E. Colwell; **VOTING IN**
FAVOR: C. Gadon, J. Prast, A. Wilcox, E. Colwell, F. Keeney; **OPPOSED:** NONE;
ABSTAINING: NONE; **Motion Passes: 5-0-0.**

Respectfully submitted,
Carolina Maharbiz, Recording Clerk

NEXT REGULAR MEETING
November 8, 2023 at 6:00 P.M.
Town Hall, 1st Floor 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
Subscribe to [*www.oldsaybrookct.org*](http://www.oldsaybrookct.org) for electronic delivery of land use agendas.