



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
December 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
Dorothy Alexander
Alfred Wilcox
Charles Gadon
Brenda Dyson

Absent

Kevin Danby
Jaqueline Prast

Seated for Kevin Danby is Charles Gadon. Seated for Jaqueline Prast is Brenda Dyson.

Attendant Staff

Sarah Makowicki, Recording Clerk

III. CONTINUED PUBLIC HEARING

- 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.

Attorney David Royston went over conservation easement, highlighting the environmental aspects and legal requirements. The conservation easement will be recorded on the land records associated with 35/36 Beach Road E. This easement will run with the property in perpetuity and garage can only be allowed to be used as an accessory to the house on 36 Beach Road E.

A. Wilcox asked that the wording on the easement be clarified as to why and in what capacity the town of Old Saybrook was signing the easement.

D. Royston agreed to add to the easement A. Wilcox's recommendation of "town of Old Saybrook hereby accepts said grant on behalf of the town of Old Saybrook."

D. Royston went over the hardships, pertaining to 35 Beach Road E, the lot cannot be used as a residence because of the soil conditions; and pertaining to 36 Beach Road E, the lot narrows from 50 ft at the far edge to 36.9 ft width at the house only allowing for 7ft of area to make an addition.

R. McIntyre opened the public hearing.

Neighbor Scott Perzanowski expressed concerns about the tidal wetlands being allowed to grow naturally. He expressed his concerns about the possibility of standing water and mosquitos.

Megan Raymond, wetlands scientist explained the intent to conserve the tidal wetlands, the natural growth will not exceed 10-12 inches and would not produce standing water or add to the mosquito population.

R. McIntyre explained that the applicant is trying to comply with town ordinances by allowing the tidal wetlands to go back to their natural state.

R. McIntyre closed the public hearing.

MOTION to APPROVE application as to 35 Beach Rd E and DENY application as to 36 Beach Rd E **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. On the grounds that a hardship was presented for 35 Beach Rd E and not presented for 36 Beach Rd E. **MADE:** by A. Wilcox; **SECONDED:** NONE; **MOTION FAILS.**

MOTION to APPROVE **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 R. McIntyre; **SECONDED:** NONE; **MOTION FAILS**

MOTION to APPROVE application as to 35 Beach Rd E. **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. On the grounds of the hardship that the lot cannot be used for residential purposes because of the soil condition, with the condition that wording be added to the ease and restriction letter clarifying information as to town acceptance **MADE:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** R. McIntyre, D.Alexander, B. Dyson, A. Wilcox; **OPPOSED:** C. Gadon **ABSTAINING:** NONE; **MOTION PASSES: 4-1-0.**

MOTION to APPROVE application as to 36 Beach Rd E. **20/21-07C Michael & Carol Ann Fedele** 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. On the grounds that there was a hardship of lot size and with the condition that wording be added to the ease and restriction letter clarifying information as to town acceptance. **MADE:** R. McIntyre; **SECONDED:** D. Alexander; **VOTING IN FAVOR:** R. McIntyre, D.Alexander; **OPPOSED:** C. Gadon, B. Dyson, A. Wilcox **ABSTAINING:** NONE; **MOTION FAILS: 2-3-0**

IV. PUBLIC HEARINGS

- A. **20/21-15 Meegan & Rodney J. Bunch, III** seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback/40' required/16.2' proposed) of the Zoning Regulations to allow the construction of 168 s.f. second story dormer addition at 360 Maple Avenue, Map 3/Lot 347, Residence A Zoning District, Coastal Area Management Zone.

Ed Cassella agent for the applicant went over the application explaining the variance, asking for a 16.4 ft setback instead of the regulation 40 ft, on the grounds that the lot is non-conforming because it is a corner lot with frontage on two sides.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

MOTION to APPROVE **20/21-15 Meegan & Rodney J. Bunch, III** seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback/40' required/16.2' proposed) of the Zoning Regulations to allow the

construction of 168 s.f. second story dormer addition at 360 Maple Avenue, Map 3/Lot 347, Residence A Zoning District, Coastal Area Management Zone. On the grounds of a hardship of the lot being nonconforming because lot has frontage on two roads. **MADE:** C. Gadon; **SECONDED:** B. Dyson; **VOTING IN FAVOR:** R. McIntyre, D. Alexander, C. Gadon, B. Dyson, A. Wilcox; **OPPOSED:** NONE; **ABSTAINING:** NONE; **MOTION PASSES: 5-0-0**

B. 20/21-16 Hartford County Home Improvement, LLC seeks a variance of Par 10.7.1 & 10.7.2 (non- conformity enlargement/change); Par 24.5.1 as amended by Par 68.1.2B4 (narrow street setback/30' required/8.6' proposed); Par 24.5.3 (side yard setback/15' required/4' proposed) and Par 24.6.2 (structure coverage/20% allowed/22.3% proposed) of the Zoning Regulations to permit the construction of a front porch overhang at 12 Belleaire Drive, Map 3/Lot 91, Residence A Zoning District, Coastal Area Management Zone.

Ed Cassella agent for the applicant went over the application asking for a variance on front and side yard and 22.3% coverage. Applicant removed shed and moved hot tub to reduce the nonconformities on the property. The applicant seeks a variance on the hardship that the house is situated on the far southwestern portion of the property.

E. Cassella sited that neighboring properties have closed in porches that are consistent with the porch/overhang that the applicant is asking for.

Letter of opposition from 9 and 11 Belleaire Dr was read into the record. The neighbors felt that the porch was not in harmony with the neighborhood and would detract from their property value.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

R. McIntyre stated that the structure was not consistent with the rest of the neighborhood and would only add to the non-conformities on the lot.

A. Wilcox stated that there is a feasible alternative to placement of the porch on the side of the house. D. Alexander and C. Gadon also agree with this assessment.

MOTION to DENY 20/21-16 Hartford County Home Improvement, LLC seeks a variance of Par 10.7.1 & 10.7.2 (non- conformity enlargement/change); Par 24.5.1 as amended by Par 68.1.2B4 (narrow street setback/30' required/8.6' proposed); Par 24.5.3 (side yard setback/15' required/4' proposed) and Par 24.6.2 (structure coverage/20% allowed/22.3% proposed) of the Zoning Regulations to permit the construction of a front porch overhang at 12 Belleaire Drive, Map 3/Lot 91, 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:** R. McIntyre, D. Alexander, C. Gadon, B. Dyson, A. Wilcox; **OPPOSED:** NONE; **ABSTAINING:** NONE; **MOTION PASSES: 5-0-0**

V. REGULAR BUSINESS

- A. **New Business** – Approve the proposed meeting calendar for 2021.

MOTION to APPROVE the 2021 Meeting Calendar as presented. MADE BY: A.Wilcox;
SECONDED: D. Alexander; **VOTING IN FAVOR:** R. McIntyre, D.Alexander, B. Dyson, A.
Wilcox, C.Gadon; **OPPOSED:** None; **ABSTAINING:** None; **MOTION PASSES:** 5-0-0.

- B. **Minutes**

Chairman TABLES the November 12, 2020 Regular Meeting Minutes as presented. MADE BY: R. McIntyre.

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

VI. **ADJOURMENT**

MOTION to ADJOURN the December 9, 2020 Regular Meeting of the Zoning Board of Appeals at 8:22 p.m.; **MADE:** R. McIntyre; **SECONDED:** D. Alexander; **VOTING IN FAVOR:** R. McIntyre, D.Alexander, b. Dyson, A. Wilcox, C.Gadon; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Sarah Makowicki, Recording Clerk

NEXT REGULAR MEETING
Wednesday, January13, 2021 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.*