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# Zoning Board of Appeals Minutes 06/14/2017

## MOTIONS

Town of Old Saybrook  
Zoning Board of Appeals

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Old Saybrook at its Regular Meeting that was held on **Wednesday, June 14, 2017 at 7:00 p.m.** at the Town Hall, First Floor Conference Room, 302 Main Street, heard and decided the following appeals:

**Seated** for this evenings meeting and voting were the following members: Rexford McCall, Chairman, Dorothy Alexander, Vice Chairman, Philip Broadhurst, Robert McIntyre, Adam Boyd, Kevin Danby, alternate, and Catherine Purcell, alternate

**Present:** Christina Costa, Zoning Enforcement Officer, Kim Barrows, Clerk

**Absent:** Carl VonDassel, Jr., alternate

The meeting was then called to order at 7:00 p.m. The following public hearings were conducted, as well as the decision making sessions. The meeting has been recorded and the following actions were taken:

The Chairman introduced the Board members who were seated for this evenings meeting. The Chairman then proceeded to read the Legal Notice into the record.

*Seated: D. Alexander, R. McCall, P. Broadhurst, K. Danby, C. Purcell*

**16/17-31 - Lisa M. Gradzewicz**, seeks a variance of Par. 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/15.1' proposed); Par 24.5.3 (other yard setback/15' required/8.3' proposed to the north and 10.7 proposed to the south); Par 24.6.1 (gross floor area/40% allowed/59.2 proposed); and Par 24.4.1 (maximum stories/2 ½ allowed/3 ½ proposed) of the Zoning Regulations to permit the construction of a 1,036 s.f. 2<sup>nd</sup> story dormer addition at 22 Cypress Road, Map 4/Lot 5, Residence A District, Coastal Area Management Zone.

The public hearing was continued from last month so that the applicant could re-work the existing plan to eliminate some of the gross floor area square footage in the "third story" so that it would become a half-story instead of a third floor by definition of the Zoning Regulations, Section 9. New plans were submitted showing that the new square footage on the "third story" was not 646 s.f. of gross floor area. The "second story" square footage is now 1,011 sf. which excludes the sunroom that is being removed.

The new gross floor percentage is now 50.2%. P. Broadhurst felt the hardship was the unique characteristic of the lot and a stipulation could be placed on the variance that the garage space will not be habitable space. K. Danby stated the height of the house is 30'. R. McCall stated that the lot is a steep sloping area, but technically it is a 3 story house in the front. Discussion about the actual dimensions of the third story, if it is to be a true half story the square footage should be 500.5 s.f. or less. After lengthy discussion the Board made the following motion.

A **Motion** was made by R. McCall, seconded by D. Alexander to **DENY Application 16/17-31 - Lisa M. Gradzewicz**. Since the proposal does not conform to the Zoning Regulations and sufficient hardship has not been shown to grant the variances requested. No discussion and a vote was taken: In favor: D. Alexander, R. McCall, P. Broadhurst, K. Danby, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

*Seated: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, K. Danby*

**16/17-34 - Stephen Bengtson**, seeks a variance of Par 24.5.1 as modified by 68.1.2B(4) (narrow street setback/40' required/16.5' proposed) of the Zoning Regulations to permit the construction of a 360 s.f. garage at 7 Sunset Road, Map 20/Lot 145, Residence A District, Coastal Area Management Zone.

The public hearing was continued from last month so that the applicant could get letters from the neighbors, the Building Official and the CRAHD for the location of a reserve septic system on the property. The applicant provided a drawing and a square for the garage and a rectangle for the truck to show the Board the turning radius. The property is unique since the house does not face the street, it faces the neighbor next door. D. Alexander stated that a garage is not an essential thing to everyone.

A **Motion** was made by K. Danby, seconded by R. McIntyre to **GRANT w/ a condition Application 16/17- 34 - Stephen Bengtson**. The proposal is in harmony with the neighborhood and there is no other place to locate the garage on the lot. The

condition is from Don Lucas, P.E., Building Official's letter dated May 25, 2017 “. . .this office would strongly recommend that the interior wall of the garage that is adjacent to the residence be covered with a minimum of one layer of 5/8” Type X fire resistant gypsum board (sheetrock).” No discussion and a vote was taken: In favor: R. McCall, P. Broadhurst, R. McIntyre, K. Danby Opposed: D. Alexander Abstaining: None The motion passed. 4-1-0

*Seated: All 5 Regular Members*

**16/17-37 - Phillip & Carla Tougas** seek a variance of Par. 22.3.1.B (minimum lot area/40,000 s.f. required/39,829 s.f. (total upland) existing) of the Zoning Regulations to permit the construction of a 5,860 s.f. single family dwelling with an attached garage at 210 Essex Road, Map 58/Lot 52, Residence AA-1 District, Coastal Area Management Zone, Gateway Conservation Zone.

Discussion with respect to the public hearing that closed this evening. The lot is an existing 39,829 s.f. vacant lot in a zone that requires 40,000 s.f. The applicant in November of 2012 was granted a variance for the lot size to construct a residential dwelling. The variance granted expired and the applicant is before the Board to obtain another approval.

A **Motion** was made by R. McCall, seconded by R. McIntyre to **GRANT Application 16/17-37 - Phillip & Carla Tougas**. The same exact variance was granted in November of 2012 but has expired. The applicant is not ready for construction. No discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, A. Boyd Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

**16/17-38 - Wayne & Joanne Hurd** seek a variance of Par. 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.3 (other yard setback/15' required/8.8' proposed to the east and 9.1' proposed to the south); and Par 24.6.2A (structure coverage within Gateway Conservation Zone/15% allowed/18.1% proposed) of the Zoning Regulations to permit the construction of a 426 s.f. addition to existing garage at 20 North Cove Road, Map 23/Lot 28, Residence A District, Coastal Area Management Zone, Gateway Conservation Zone.

Discussion with respect to the public hearing that closed this evening. The proposal is to expand the existing one story, one car garage to a 1 ½ story, two car garage, replace the existing septic system with a code compliant septic system and make other associated improvements. The stated hardship is included in the motion below.

A **Motion** was made by R. McIntyre, seconded by D. Alexander to **GRANT Application 16/17-38 - Wayne & Joanne Hurd** The hardship is as presented by the applicant which is “The existing lot is legally non-conforming since it is less than 20,000 s.f. but more than 12,500 s.f. (lot area=13,489 s.f.). The house was constructed in 1938 just a few years after the adoption of the original town zoning regulations in 1935. The property is a corner lot with two front yard setbacks and, due to this, 57% of the lot is consumed by restricted setback areas. Since the property is located within the CT River Gateway Conservation Zone (GCZ), the allowable building/structure coverage is reduced from 20% to 15%. Because of this, the existing lot is non-conforming to coverage (16.3%) and a variance is required for coverage for the proposed condition since coverage is increased to 18.1% which exceeds 15% but does not exceed the Residence A district allowable coverage of 20%. The reason that the allowable coverage is decreased to 15% in the CGZ is to reduce visual bulk from the CT River, however, the 7.9' proposed garage addition is not visible from the CT River.” No discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, A. Boyd Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

*R. McIntyre left at 8:35 p.m. and C. Purcell was seated*

**16/17-39 - Stephen C. & Laurie E. Correll**, seek a variance of Par. 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/8.3' proposed to Hartlands Dr. and 19.3' proposed to Clearwater Dr.) and Par. 9 (half story/no balcony allowed/ 135.2 s.f. 3<sup>rd</sup> story deck proposed) of the Zoning Regulations to permit the construction of a 427.5 s.f. third floor dormer addition with 135.2 s.f. third story deck at 16 Hartlands Drive, Map 3/Lot 58, Residence A District, Coastal Area Management Zone.

Attorney Cassella began his presentation by stating that this is a half-story to an existing two story structure. The applicants want to work from home and are converting attic space into rooms and adding a deck to the half-story. Attorney Cassella stated that the stairs to this floor are existing. Debate ensued as to whether this was a half-story or a full story. Attorney Cassella stated there is a certain area that would house “mechanicals” and the ceiling height in one area leading to the dormers across the front was six feet or less. The lot is a triangular shape and has two narrow street setbacks to contend with. Ms. Costa, the Zoning Enforcement Officer discussed the letter from the Zoning Commission to the Zoning Board of Appeals about half-story versus a full third story and also about decks on a half story. Attorney Cassella and Mike Satmary, the applicants builder tried to rework the plan for the Board to vote on. After lengthy discussion all involved decided to continue the public hearing so that a cohesive plan clearly showing a half story could be presented next month.

A **Motion** was made by R. McCall, seconded by P. Broadhurst to **CONTINUE the PUBLIC HEARING on Application 16/17-39 - Stephen C. & Laurie E. Correll to the JULY 12, 2017 Regular Meeting at 7:00 p.m.** No discussion and a vote was taken.

In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

## **REGULAR MEETING**

**Staff Report:** Zoning Enforcement Office, Christina Costa wanted to bring to the Board's attention a modification to the plan approved by the ZBA for Gunts, 27 and 29 Fenwick Street at the November 9, 2016 ZBA Meeting. The applicant's agent, Joe Wren, P.E., described the modification to the Board. The screened in porch is on pilings and the applicants want to place granite slab steps in stair formation to go down to the yard. A rendering of the granite step placement is in the file. The Board approved the slight modification to the original plan.

**Minutes:** A **Motion** was made R. McCall, seconded P. Broadhurst to **approve the May 10, 2017 Regular Meeting Minutes** as submitted. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

**Adjournment:** A **Motion** was made by R. McCall, seconded by C. Purcell to adjourn the June 14, 2017 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, A. Boyd, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 9:50 p.m.

Rexford H. McCall, Chairman

THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS  
WEDNESDAY, JULY 12, 2017 AT 7:00 P.M., FIRST FLOOR CONFERENCE ROOM