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# Zoning Board of Appeals Minutes 09/13/2017

## 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, September 13, 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

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

**Absent:** Catherine Purcell, alternate and 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 five regular members were seated.

## PUBLIC HEARINGS

**17/18-09 Dominic L. & Lucy D. Solari**, seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); and Par 24.5.1 (street setback/25' required/16.8' proposed) of the Zoning Regulations to permit the construction of second story and mudroom additions totaling 1182 s.f. at 84 River Street, Map 49/Lot 21, 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 rebuild the second floor for maximum use and code complying ceiling height. The existing entry and entry porch will remain intact. The house will be connected to the detached garage which will be fully zoning compliant. The hardship is the change in the zoning setback from the original 1935 regulations when the house was originally constructed.

A **Motion** was made by P. Broadhurst, seconded by R. McCall to **GRANT Application 17/18-09 Dominic L. & Lucy D. Solari**. The proposal does not contradict the overall comprehensive zoning plan. The expansion is between the existing house and garage and a second story on the house which does not extend beyond the existing footprint. 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

**17/18-10C Lawrence & Lynda Moses**, seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change) and Par 68.1.2.B.9 (tidal wetland setback/50' required/19' proposed) of the Zoning Regulations to permit the construction of an 85 s.f. second story dormer addition at 35 Cypress Road, Map 3/Lot 374, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. The proposal is to construct a 17' x 5' second story dormer addition on the northern portion of the house which is within the existing footprint. The total gross floor area after the addition will be 1,927 s.f. The hardship is that the property is surrounded by wetlands on three sides.

A **Motion** was made by R. McCall, seconded by R. McIntyre to **GRANT Application 17/18-10C Lawrence & Lynda Moses**. The hardship is the uniqueness of the property since it is surrounded on three sides by the wetlands and there are no further encroachments into the setbacks. Also the **Coastal Site Plan Review Application is approved** as well because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. 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

**17/18-11C David C. & Earla K. Frisbie**, seek a variance of Par 58.2.1 (riparian buffer area/100' required/80.1' proposed to house/51.4' proposed to patio); Par 58.6 ( gateway conservation zone setback/100' required/80.1' proposed to house/51.4' proposed to patio); and Par 68.1.2.B.9 (tidal wetland setback/50' required/35' proposed) to permit the construction of a 5,412.3 s.f.

house and attached garage and a 450 s.f. in-ground pool with a 1,182.2 s.f. patio at 17 Whisper Cove Road, Map 53/Lot 40-1, Residence AA-2 District, Coastal Area Management Zone, Gateway Conservation Zone.

Discussion with respect to the Public Hearing that closed this evening. The historic use of the property has been single family residential. A former 1,910 s.f. footprint residence was razed in 2013 and the owners obtained a variance in October of 2014 for a larger structure. This proposal is to construct a 3,635 s.f. (3,956 s.f. including the overhangs) structure with and in-ground pool, patio, retaining walls, driveway etc. There are several large ledge outcroppings on the property which dictate where the structures can go. Also the driveway, which is an "easement" to pass and repass is very steep. The easement was granted to the homeowners, they do not own that strip of land.

A **Motion** was made by R. McIntyre, seconded by A. Boyd to **GRANT Application 17/18-11C David C. & Earla K. Frisbie**. The granting of the variances are based on the comments from the Gateway Commission in its letter dated August 28, 2017 which also listed five conditions to be applied to the granting of the variance. The homeowner previously was granted variances in October of 2014 for a larger home on the property. The uniqueness of the land itself is the reason for the variances with so many factors such as the wetlands and the Gateway Conservation Zone. Also the **Coastal Site Plan Review Application is approved** as well because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. No discussion and a vote was taken. In favor: P. Broadhurst, R. McIntyre, A. Boyd Opposed: R. McCall, D. Alexander Abstaining: None **The motion failed to pass. 3-2-0 It takes 4 affirmative votes to grant a variance.**

## **REGULAR MEETING**

**Minutes:** A Motion was made by R. McCall, seconded by A. Boyd to **approve the July 12, 2017 Regular Meeting Minutes and the August 9, 2017 Regular Meeting Minutes** as submitted. 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

**Adjournment:** A **Motion** was made by R. McCall, seconded by D. Alexander to adjourn the September 13, 2017 Regular Meeting of the Zoning Board of Appeals. 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 The meeting was adjourned at 8:15 p.m.

Rexford H. McCall, Chairman

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS  
WEDNESDAY, OCTOBER 11, 2017 AT 7:00 P.M.,  
FIRST FLOOR CONFERENCE ROOM**