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# Zoning Board of Appeals Minutes 10/11/2017

## 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, October 11, 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 and Kevin Danby

**Present:** Catherine Purcell, alternate, Carl VonDassel, Jr., alternate and Kim Barrows, Clerk

**Absent:** Adam Boyd

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

**17/18-13C - David Dellaveccia** seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.1 as modified by Par 68.1.2B(4) (narrow street setback/40' required to Sea Lane/20.16' proposed to step and 24.5' proposed to addition) of the Zoning Regulations to permit the construction of a 429.5 s.f. addition at 14 Cottage Road, Map 3/Lot 16, Residence A District, Coastal Area Management Zone.

The Public Hearing opened this evening. Ms. Foulke gave her presentation with respect to the work being done on the existing structure and the proposed addition. The house was built in 1925 in its current location prior to the enactment of the 1948 Zoning Regulations. The existing structure sits outside the setbacks. The property is a corner lot and the existing structure does not meet the front setbacks. Some work is being done within the existing structure but there is a proposed addition on the side that does not meet the setback but is less nonconforming than what already exists. R. McCall wanted to know why the new addition could not be put in the "buildable" area noted on the plan. Ms. Foulke stated that the "buildable" area is where the new septic system and reserve area will be going. There was no documentation in the file stating that the placement of the septic/reserve will be in that area. P. Broadhurst stated that the claim is the "new construction is not any worse than what already exists." There is not an increase in the number of bedrooms just additional living space and a deck with a view. Discussion ensued on large trees and the placement of the new septic. At this time the applicant requested that the Board continue the Public Hearing to next month to resolve some issues.

A **Motion** was made by R. McCall, seconded by K. Danby to **CONTINUE the Public Hearing to the November 8, 2017 Regular Meeting for Application 17/18-13C - David Dellaveccia** in order to get further information from the Connecticut River Area Health District concerning the placement of the new septic system and a reserve area and to iron out other issues. No discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

**17/18-14 - Ketchikan, LLC & Silver Fox, LLC** seek a variance of Par 10.8.2 & 10.8.3 (nonconforming lot); Par 24.3.1 (lot area/20,000 s.f. required/11,400 s.f. proposed at 99 Neptune & 7,600 proposed at 76 Atlantic); Par 24.3.2 (dimension of square/100' required/92.2' proposed at 99 Neptune & 76' proposed at 76 Atlantic); Par 24.3.4 ( minimum width along building line/100' required/76' proposed at Atlantic Dr.) of the Zoning Regulations to permit the adjustment of the boundary line between two parcels at 99 Neptune Drive, Map 8/Lot 60 and 76 Atlantic Dr., Map 8/Lot 62, Residence A District, Coastal Area Management Zone.

A letter dated October 10, 2017 from John S. Bennet, Esquire, attorney for the applicants requesting that the ZBA **POSTPONE THE OPENING of the Public Hearing for 17/18-14 - Ketchikan, LLC & Silver Fox, LLC** until the next Regular Meeting of the Zoning Board of Appeals which will be **November 8, 2017 at 7:00 p.m.** in the first floor conference room, Town Hall

## REGULAR MEETING

**Correspondence:** A letter dated October 11, 2017 from Edward M. Cassella, Esquire regarding David C. and Earla K. Frisbie for property located at 17 Whisper Cove asking the ZBA to give informal consideration on whether the proposed revised plan(s) is enough of a change to warrant re-hearing the application within six months of the September, 2017 denial. Two plans were submitted [Plan A and Plan B]. Plan A shows the house, patio and pool moved one foot further from the CT River and tidal wetlands. This option was made possible by eliminating the large circular drive on the northwest of the property. Plan B shows the house, pool and garage in an area that conforms to the 100-foot Gateway buffer. In order to accommodate the house in this northern most area there would need to be blasting of ledge and removal of trees on the northern most portion of the property.

A **Motion** was made by R. McCall, seconded by R. McIntyre to allow Plan A to be heard at the November 8, 2017 Regular Meeting since the Board finds that Plan A is a substantial change from the plan denied in September, 2017. 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

**Minutes:** A Motion was made by R. McCall, seconded by P. Broadhurst **to approve the September 13, 2017 Regular Meeting Minutes** as submitted. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

**2018 Meeting Calendar:** A Motion was made by R. McCall, seconded by P. Broadhurst **to approve the 2018 Meeting Schedule** as submitted. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, K. Danby 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 October 11, 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, K. Danby 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, NOVEMBER 8, 2017 AT 7:00 P.M.,  
FIRST FLOOR CONFERENCE ROOM**