
Zoning Board of Appeals Minutes 11/08/2017

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, November 8, 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 Adam Boyd

Present: Kevin Danby, alternate, Catherine Purcell, alternate, Carl VonDassel, Jr., alternate, Christina Costa, Zoning Enforcement Officer and Kim Barrows, Clerk

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.

CONTINUED PUBLIC HEARING

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 was continued from last month. Ms. Foulke introduced Attorney Depaolo who represents the applicant. Attorney Depaolo stated the hardship is that 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. It was discussed previously that the addition could be constructed in the "buildable" area in the rear. Ms. Foulke and Attorney Depaolo again restated that the "buildable" area is where the new septic system and reserve area will be going. There still is not any documentation stating that the placement of the septic/reserve will be in that area nor is there a timeframe for such work. Mr. Michael Harkin an engineer went over the septic system details. It was noted that the roof design will be going from a shed roof to a Gabel roof. The bedroom from the second floor will be moved to the first floor. P. Broadhurst asked if the applicants asked for an "exception" to have the septic system installed sooner. Exceptions are only granted if the septic is already compromised. Discussion ensued about dry wells and reserve areas. Attorney Depaolo stated that the current septic system is functioning and being used and if the addition is on the side it leaves more room for the new septic system in the rear.

A **Motion** was made by R. McCall, seconded by D. Alexander to **DENY Application 17/18-13C - David Dellaveccia** since sufficient hardship has not been shown to demonstrate approval since the entire location of the new addition is to be constructed in a nonconforming location based upon information as to where, at a later date, the septic may be placed. No discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst Opposed: R. McIntyre, A. Boyd Abstaining: None The motion passed. 3-2-0

PUBLIC HEARINGS

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 November 2, 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 **December 13, 2017 at 7:00 p.m.** in the first floor conference room, Town Hall. The second postponement is still within the 65 statutory period for opening a public hearing.

17/18-15 Jarlath & Celine Carbin seek a variance of Par 10.7.1 (nonconformity enlargement) ; Par 4.5.1 as modified by Par 68.1.2B(4) (narrow street setback/36.5' required/34' proposed) of the Zoning Regulations to permit a lot line modification, addition and portico at 51 and 55 Town Beach Road, Map 3/Lot 139, Residence A District, Coastal Area Management Zone.

The property is in Cornfield Point and in the 1920's consisted of three 40' lots. In the deed they are noted as lots 218, 219 and 220. In 1953, two houses were built on this lot and they were built to the standards at that time. In 1973 they were combined into one lot. The lot in the middle was used for septic. They were then merged from 1 into 2 lots by usage. The lot line modification has been taken care of by the Zoning Enforcement Officer, but a variance needs to be granted for the addition and portico. The variance for the narrow street is required since Town Beach Road is only 27' wide and 36.5' is required for a narrow street. The hardship is that the dormer is within the setback. The dormer is needed for headroom to safely go up the stairs.

A **Motion** was made by P. Broadhurst, seconded by R. McCall to **GRANT Application 17/18 -15 Jarlath & Celine Carbin**. The vast bulk of the construction is within the setbacks the need for an additional 2.5 feet is due to the architecture inside of the building and would enable the inside part of the building to meet current building codes. 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

17/18-16C David C. & Earla K. Frisbie, seek a variance of Par 58.2.1 (riparian buffer area/100' required/81.1' proposed to house/52.4' proposed to patio); Par 58.6 (Gateway Conservation Zone setback/100' required/81.1' proposed to house/52.4' 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 11 & 17 Whisper Cove Road, Map 53/Lot 40-1 and 53/40-7, Residence AA-2 District, Coastal Area Management Zone, Gateway Conservation Zone.

The original house was built in the 1950's close to the tidal wetlands. The applicants previously received variances in 2014 to demolish the existing structure and build a new one. The time elapsed and those variances expired. The applicant was before the Board on September 13, 2017 with another application but the motion to grant did not pass. The applicants presented a plan tonight that results in the least impact to the area. The house can fit in an area that will require removal of several trees and a lot of blasting due to the ledge outcroppings. The hardship is the imposition of the tidal wetlands setback and the Gateway Conservation zone setback. This application still needs to go to the Zoning Commission for a Special Exception.

A **Motion** was made by R. McCall, seconded by R. McIntyre to **GRANT w/conditions Application 17/18 - 16C David C. & Earla K. Frisbie**. The current proposed location is the least invasive and contrary to the Gateway's goals as to preserving the landscape as it exists. A great deal of thought has gone into this and they have come out with the best plan that's available given the limits of the area as to where the house can be placed due to the topography and the goals of the Gateway Commission.

Attached to this motion is the Gateway letter dated November 7, 2017 outlining the five (5) conditions for this project. 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

REGULAR MEETING

New Business: First Selectman, Carl Fortuna thanked Rex McCall for all of his years of service to the Town. This was Chairman McCall's last meeting. Dorothy Alexander also thanked Chairman McCall for his service, he served over 20 years on the Zoning Board of Appeals. He will be missed.

Minutes: A Motion was made by R. McCall, seconded by P. Broadhurst to **approve the October 11, 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 P. Broadhurst to adjourn the November 8, 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 8:30 p.m.

Rexford H. McCall, Chairman

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS
WEDNESDAY, DECEMBER 13, 2017 AT 7:00 P.M.,
FIRST FLOOR CONFERENCE ROOM**

November 7, 2017 Ltr
from Gateway

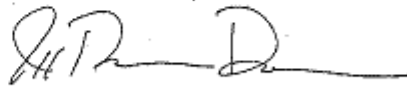
will be agreed upon during a pre-construction site meeting to take place at the site as provided for below. It is understood that this goal is also that of the Frisbies.

The Gateway Commission requests that the following conditions, which have been discussed with representatives of the property owners as a part of this process, should be applied:

1. Prior to any activity taking place at the site, including clearing of any kind, representatives of the property owners, Old Saybrook Zoning Enforcement Officer Chris Costa and Gateway staff J H Torrance Downes shall meet at the site to agree on the installation location of a highly visible construction fence that will delineate the line beyond which no activities other than those specifically authorized will take place. Such fence shall remain in place on-site until all final agreed upon site stabilization has taken place and the fence is approved for removal.
2. At the site meeting, staff of the Gateway Commission and representatives of the property owner will discuss and specifically agree upon the riparian buffer vegetation that can be removed or trimmed and to what extent that such removal and trimming can occur. At no time will heavy equipment be used in locations waterward of the aforementioned construction fencing unless specifically approved beforehand.
3. At the site meeting, representatives of the property owners, Costa and Downes will discuss and agree upon a methodology for the removal of the existing concrete retaining wall so as to minimize site disruption and removal of vegetation. Removal of the wall and stabilization of the hillside afterwards shall be carried out consistent with that agreed upon methodology.
4. In addition to the approved planting of native non-invasive plantings on fill to be placed on the waterside of the proposed retaining wall as shown on plans reviewed and approved by the Gateway Commission at the August 24, 2017 meeting, any areas of riparian buffer clearing caused by removal of the concrete wall or by any other method will be replanted in a manner and with vegetation agreed upon by representatives of the property owners, Costa and Downes.
5. The residential structure, its foundation and any visible retaining walls shall be finished or hidden in a manner so as to be as visually inconspicuous as possible, as offered by builder Michael Picard at the Gateway meeting on August 24, 2017.

Thank you for the Board's ongoing support and vigilance regarding protection of the viewscape of the Connecticut River. In particular, thank you for the Board's support on insuring that this highly visible site is developed with the utmost care through the implementation of the aforementioned conditions of approval. If there are any questions with respect to any Gateway-related issue, please don't hesitate to contact us.

For the Commission,



J. H. Torrance Downes
Deputy Director, LCRVCOG

Copies to:

Michael Ott, Site Engineer
Mr. and Mrs. David Frisbie, Property Owners
Mr. Michael Picard, Builder
Ms. Sarah Burrill-Manco
Mr. Ed Cassella, Attorney

Protecting the River Since 1973

