



TOWN OF OLD SAYBROOK  
**Zoning Board of Appeals**

*Phillip Broadhurst, Chairman*  
*Robert J. McIntyre, Vice Chairman*  
*Dorothy T. Alexander, Secretary*  
*Adam Boyd*  
*Kevin Danby*

302 Main Street • Old Saybrook, Connecticut 06475-1741  
Telephone (860) 395-3131 • FAX (860) 395-1216  
[www.oldsaybrookct.org](http://www.oldsaybrookct.org)

**Alternate Members**  
*Catherine J. Purcell*  
*Jacqueline Prast*  
*Charles Gadon*

**MINUTES**  
**REGULAR MEETING**  
**November 14, 2018 at 7:00 p.m.**  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street, Old Saybrook

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 14, 2018 at 7:00 p.m.** at the Town Hall, First Floor Conference Room, 302 Main Street, heard and decided the following appeals:

*Robert McIntyre said a few words and asked for a moment of silence in honor of the passing of Philip Broadhurst, Chairman of the Board earlier this week.*

**I. CALL TO ORDER**

Vice Chairman McIntyre called the meeting to order at 7:06 p.m.

**II. ROLL CALL**

Attendant Members:

Robert McIntyre  
Dorothy Alexander  
Kevin Danby  
Catherine Purcell  
Jacqueline Prast  
Charles Gadon

Absent Members:

Adam Boyd

Attendant Staff:

Christina Costa, Zoning Enforcement Officer

There were approximately 10 people in the audience.

**Seated** for this evenings meeting were the following members: Robert McIntyre, Dorothy Alexander, Kevin Danby, Catherine Purcell and Jacqueline Prast

**III. PUBLIC HEARINGS** (Voting Session after each Public Hearing)

The following public hearings were conducted, as well as the decision-making sessions. The following actions were taken:

*Robert McIntyre amended the order of hearing to allow for 18/19-13 M & F Realty, LLC to be heard first at the request of Attorney Edward Cassella so that Attorney Cassella could attend a meeting in Westbrook this evening.*

**18/19-13 M & F Realty, LLC**, seeks a variance of Par 10.8.2 & 10.8.3 (non-conforming lot size/12,500 s.f. required/7,455 s.f. proposed); Par 24.5.1 as amended by 68.1.2b4 (narrow street setback/30' required for Mohican

Tr./ proposed 19.5' to chimney, 19.7' to house, 23.2' to deck) Par 24.5.1 as amended by 68.1.2b4 (narrow street setback/29.6" required for Nehantic Trail/24.8' proposed); Par 24.5.3 (other line setback/15' required/13/1' proposed) to permit the construction of a 2,019 s.f. house at 3 Mohican Trail, Map 19/Lot 354, Residence A District, Coastal Area Management Zone.

*R. McIntyre opened the public hearing.*

Attorney Cassella gave an overview of the project and variances requested. The proposal to demolish the existing home and construct a new flood compliant home with a slight reduction in footprint. The new house will result in a reduction of number of non-conformities with setbacks while retaining the existing code compliant septic system. The hardship is the property is a corner lot with two narrow street setbacks, the reduction of non-conformities and that the existing septic system prohibits the relocation of the house in a more conforming matter.

*The ZEO left the meeting briefly to attend the Architectural Review Board meeting.*

Craig Laliberte gave an overview of the architectural plans and Joe Wren, P.E. further discussed reductions of non-conformities, setbacks and how the slight reduction in footprint will improve drainage. Southern other line setback will be reduced from 12.7' to 13.1' and structure coverage from 1,499 s.f. to 1,481 s.f.

*R. McIntyre opened the hearing for public comment.*

Gary Crawford of 5 Mohican Trail questioned why the deck was not located to the back of the house and the elevated deck is in clear view of his bedroom windows. He asked why the address is on Mohican Trail if the front door to the house is located on Nehantic Trail. Craig Laliberte responded that all houses will be elevated in the future per FEMA requirement and it is up to the Postmaster to designate addresses. The deck can only be located in the side yard due to setbacks from the existing septic system.

John Henry of 4 Mohican expressed his concerns about the size of the house. The property is located on a corner lot with two narrow streets. The lot is more appropriate for a smaller house and could meet more setbacks if the size is reduced. Mr. Henry discussed how the location of the driveway, final grading and drainage could negatively affect all of the neighbors. Craig Laliberte responded that the elevated homes have more volume and appear larger than others. Joe Wren advised the slight reduction in footprint will improve drainage.

Dave Barry of 121 Nehantic Trail asked if the house is being completely torn down why the septic was not relocated to meet the setback requirements. Joe Wren responded that removing and replacing the code complaint septic installed in 2010 would be an unnecessary expense.

*The public comment portion of the hearing was closed at this time.*

Dorothy Alexander commented that it was part of the job of the ZBA to see a reduction in non-conformities when houses are torn down. The house could have been designed in a different shape or a smaller size so that it could have completely eliminated some of the setback non-conformities. Joe Wren responded that there are only 5 variances requested and that there are reductions in non-conformities. the septic area and corner lot reduce the footprint area to only 12-15%

Charles Gadon inquired about steps and a landing to access the electric meter. The Applicant indicated that Eversource could reach over the deck to access the meter. The ZEO commented that the meter is located to the side of the deck and that Eversource may not allow a service connection. An extension of the deck will further encroach into the setback tripping a new variance request. The Applicant responded that they will shift the meter

or reduce the size of the window to allow for meter access.

*The public hearing was closed and the Board began deliberations.*

**MOTION** was made by K. Danby, seconded by R. McIntyre to **GRANT Application 18/19-13 M & F Realty, LLC. with the condition** that a minimum of five, 6' high arborvitae are planted and maintained for 24' along the southern property line behind the deck to provide the neighbor with a privacy buffer. The new structure is FEMA compliant and does not affect the health, safety and general welfare of the neighborhood. The hardship is reasons presented by the Applicant and included in the application.

**VOTING IN FAVOR:** R. McIntyre, K. Danby, C.Purcell, J.Prast; **ABSTAINING:** None. **OPPOSED:** D. Alexander. **APPROVED:** 4-0-1.

**18/19-12 Michael Katzman**, seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 68.1.2B9 (tidal wetlands setback/50' required/30' proposed) of the Zoning Regulations to permit the construction of a 264 s.f. roof structure over an existing deck at 12 Bliss Street, Map 12/Lot 102-1, Residence A District, Coastal Area Management Zone.

R. McIntyre opened the public hearing.

Craig Laliberte presented on behalf of the Applicant. This property was in front of the ZBA in April of 2018. The Board granted variances for the construction of a 288 s.f. 2<sup>nd</sup> story addition and 187 s.f. 2<sup>nd</sup> story deck. Construction is underway and the property owner is in front of the Board this evening to add a roof over the 264 s.f. deck to create an open air porch. No change to building/structure coverage proposed, only to gross floor area. The property owner will remove the large second floor attached deck and stairs located within the 50 ft. tidal wetlands setback. The hardship is the dwelling was constructed prior to the adoption of the tidal wetlands setback requirements and as an alternative to hardship, the deck is being removed to reduce coverage and increase the tidal wetland buffer to 30 ft.

R. McIntyre opened the hearing to public comments. No comments were made, the public hearing was closed and the Board began deliberations.

R. McIntyre discussed how the reduction in coverage and additional setback reduced the non-conformities. The other members agreed and had no additional comments.

**MOTION** was made by K. Danby, seconded by R. McIntyre to **GRANT Application 18/19-12 Michael Katzman** as presented. The proposal does not affect the health, safety and general welfare of the neighborhood. The hardship is the reductions non-conformities.

**VOTING IN FAVOR:** R. McIntyre, K. Danby, C.Purcell, J.Prast and D.Alexander; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

**18/19-14 Charles Keefe**, seeks a variance of Par 10.8.1 (non-conforming lot size/owner will not own contiguous land/owner owns contiguous land with another house); Par 10.8.2 & 10.8.3 (non-conforming lot size/12,500 s.f. required/17 Town Beach 5,656 sf & 21 Town Beach 8,700 s.f. proposed) to permit property line relocation at 17 & 21 Town Beach Road, Map 3/Lots 149 & 150, Residence A District, Coastal Area Management Zone.

R. McIntyre opened the public hearing.

Gerry Karpuska presented on behalf of the Charles Keefe who was in attendance. Mr. Keefe owns two houses located at 17 & 21 Town Beach Road. The reserve area for the septic system at 17 Town Beach Road is located on 21 Town Beach Road. The proposal is to modify the lot line to provide 1,452 to 17 Town Beach Road to allow

for septic system to be code complaint and reduce non-conformities. The minimum frontage will be increased from 40' to 50' and the other line setback from the existing residence will be reduced increase from 3.7' to 18'. The structure at 21 Town Beach Road will not have any increases in non-conformities relating to setbacks and bulk regulations. The only increase will the reduction in lot size from 10,252 s.f. to 8,710 s.f.

R. McIntyre opened the hearing to public comments. No comments were made, the public hearing was closed and the Board began deliberations.

D. Alexander commented that this is a practical way to solve a number of problems.

K. Danby stated that the proposal was good long term planning to have the septic reserve on the same lot.

**MOTION** was made by K. Danby, seconded by R. McIntyre to **GRANT Application 18/19-14 Charles Keefe** as presented. The proposal makes the property more compliant, reduces non-conformities and is good long term planning. The hardship is the reductions non-conformities.  
**VOTING IN FAVOR:**, R. McIntyre, K. Danby, C.Purcell, J.Prast and D.Alexander; **ABSTAINING:** None.  
**OPPOSED:** None. **APPROVED:** 5-0-0.

#### IV. REGULAR MEETING

**A. New Business:** None

**B. Minutes:**

**MOTION** was made by K. Danby, seconded by R. McIntyre to **APPROVE** the regular meeting minutes of October 11, 2018 as presented. **VOTING IN FAVOR:**, R. McIntyre, K. Danby, C.Purcell, J.Prast and D.Alexander; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

#### C. Correspondence & Announcements

None.

#### D. Committee, Representative & Staff Reports

ZEO and the Board discussed having a Special Meeting in December or January with Attorney Cronin for annual legal review and procedures.

**MOTION** was made by K. Danby, seconded by R. McIntyre to **ADJOURN** the November 14, 2018 at 9:15 p.m. **VOTING IN FAVOR:** R. McIntyre, K. Danby, C.Purcell, J.Prast and D.Alexander; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully submitted,

Christina M. Costa, CZEO, CFM  
Acting Recording Clerk

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS  
WEDNESDAY, December 12, 2018 AT 7:00 P.M.  
FIRST FLOOR CONFERENCE ROOM**