



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

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

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*  
*Charles Gadon*  
*Brenda Dyson*

**MINUTES**  
**REGULAR MEETING**  
**MARCH 13, 2019 at 6:00 p.m.**  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street, Old Saybrook, CT

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, March 13, 2019 at 6:00 p.m.** at the Town Hall, First Floor Conference Room, 302 Main Street, heard and decided the following appeals:

I. **CALL TO ORDER 6:00 P. M.**

II. **ROLL CALL**

**Attendant Members**

Robert McIntyre  
Dorothy Alexander  
Kevin Danby  
Jacqueline Prast  
Catherine Purcell, Alternate  
Brenda Dyson, Alternate  
Charles Gadon, Alternate, seated for Adam Boyd

**Absent Members**

Adam Boyd

**Staff and Representatives**

Michael Cronin, Town Attorney  
Bridget Riordan, Recording Clerk

There were 9 people in the audience.

III. **EXECUTIVE SESSION**

The Vice Chairman read aloud the Agenda items and stated that Application 18/19-24C Salvatore R. Carabetta has been granted an extension of time to keep the public hearing open at the request of the applicant to the April 10, 2019 Meeting.

IV. **CONTINUED PUBLIC HEARING** (Voting Session after each Public Hearing)

**18/19-17C Anne Nghiem** seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.1 as amended by 68.1.2b4 (narrow street setback/40' required/ 20.2' proposed); Par 24.5.3 (side yard setback/15' required/3.5' proposed to North and 11' proposed to South); Par 24.5.4 (projection into setback/3' allowed/> 3' proposed); Par 24.6.2 (building structure coverage/20% allowed/40.5% proposed) of the Zoning Regulations to permit the construction of a 308 s.f. deck, stairs and landing, a wall to enclose patio, a 53 s.f. 2<sup>nd</sup> story deck, and 366 s.f. 2<sup>nd</sup> story addition at 11 Barnes Road, Map 14/Lot 84, Residence A District, Coastal Area Management Zone.

*Charles Gadon will be seated for Adam Boyd for both applications.*

Atty Terry Lomme representing the Nghiems began by presenting changes made to the building plan since the 1.9.2019 meeting in response to neighbors' concerns. The width of the deck has been reduced from 14ft to 10 ft., the exterior stairs has been moved closer to the house and the loft area has been moved from the offset center location to the rear of the house to make it more visually appealing, which reduces the total coverage by over 100sq/ft.

The Chairmen brought up DEEP letters that had been added to the file earlier that afternoon. There was discussion about contradicting comments in the two letters by DEEP staff regarding flood waters, retaining walls, additional living space and jurisdiction. All members of the Board indicated they had read the letters.

Engineer for the project, Ms. DeBattisto demonstrated proposed design changes with new drawings, photos and expanded explanations. She requested permission to add a concrete wall to the open front of the concrete slab that was cut during the raising of the house to prevent sand from washing away from under the house. There was continued discussion about the overall size of the house, did it increase or decrease, does it include the concrete pad that was destroyed during construction or not? Charles Gadon pointed out an error in the calculation of the square footage from one drawing to the next which makes it difficult for the Commission to make a determination. Ms. Battisto and Atty Lomme acknowledged the error made by the civil engineer on the project. Regarding total lot coverage, Ms. Battisto stated lot coverage was 41.2% when purchased, is currently 40.5% and with the reduction in the size of the deck from 14ft wide to 10ft wide it will be 38.6%

Charles Gadon presented his analysis on lot coverage of all houses on Barnes Rd highlighting that the Nghiem property with the highest percentage of coverage and even at 38.3% would be well above well above the current standard of 20%. Atty Lomme responded by stating that the size of the Nghiem house is consistent with the neighboring houses and submitted supporting aerial photos.

There was discussion about contradictions between the Statute and the Regulation. Both were added to the record.

Kevin Danby asked Atty. Lomme to restate his client's hardships. He clarified that they are presenting a 105ft reduction of non-conformity rather than hardship. First, because the allowed use of the loft is inconsistent with the zoning scheme they would like to work this living space into a design that better suits the zoning scheme. Second, they have reduced the size of the deck [from 14ft to 10ft] and walkway adding 2ft to the width of the original 8ft patio.

Possibilities regarding removing/reducing the length of the 3ft high wall mentioned in the DEEP letter were discussed. Ms. DeBattisto intends to use the wall to support the deck.

*The Chairman asked if there was anyone in the Public to speak for or against. There was no one to speak in favor.*

Steve Pattarini, son of Valentino and Sandra Pattarini, 15 Barnes Rd, reiterated what was written in his parents' letter of opposition to the Commission, he stated that the deck was larger than any other neighboring decks, that the Commission should do what is fair, 38% vs 20% lot coverage is not fair and asked that correspondence from neighbors be read into the record.

Kevin Danby read letters/emails from the following residents into the record:

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| 1. Paul Tarascio - in favor         | 9. Rachel Farley – in favor         |
| 2. Francs Guerrera – in favor       | 10. Jill Cover & Nancy Flachsbart – |
| 3. Virginia Riley– in favor         | opposed                             |
| 4. Elaine Pruchnicki – in favor     | 11. Anne VanLent – opposed          |
| 5. Chris and Laura Stack – in favor | 12. Kathryn Miranda – opposed       |
| 6. Joseph Worthen – in favor        | 13. Virginia Moreno – opposed       |
| 7. Michael Alfano – in favor        | 14. Valentino & Sandra Patarini –   |
| 8. Jim and Donna Queiros - in favor | opposed                             |

The Chainman asked Atty Cronin if the applicant has “the right” to put up an 8ft deck. Atty Cronin denied that they had the “right”. Atty Lomme disagreed and stated the ZEO Chris Costa told them that they had the “right”. Atty Cronin’s opinion differs from Atty Lomme’s/Ms. DeBattista’s understanding of ZEO Chris Costa’s interpretation of the statute. Discussion continued about whether or not decks/multiple elevated decks adding to overall coverage.

The Chairman suggested that the Public Hearing for **18/19-17C Anne Nghiem be kept open and the application be continued to the April 10<sup>th</sup> meeting** in order to get clarification from DEEP regarding their opinion on removal of the 3ft high wall and Chris Costa regarding the “right” to include an elevated deck/decks in place of the original 8ft patio.

Kathryn Miranda of 14 Barnes Rd respectfully requested the Commission deny this application for variance. During construction of their home they engaged neighbors and respected their input, they stuck to the 20% coverage regulation, there have been more floods each year since 2005, this variance will set a bad precedence and is disappointed that this application is being heard while most neighbors are not in town.

*There was no other public input. The Vice Chairman closed the Public portion of the Hearing.*

#### V. **PUBLIC HEARING** (Voting Session after each Public Hearing)

**18/19-23 Steven & Helene Yates** seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change) and Par 24.5.1 as amended by 68.1.2b4 (narrow street setback/30’ required/21.3’ proposed) of the Zoning Regulations to permit the construction of a 3’6” x 10’10” front porch roof over existing stone steps at 93 Fenwood Drive, Map 9/Lot 1, Residence A Zoning District, Coastal Area Management Zone.

John R. Schroeder, AIA presented drawings of 93 Fenwood Dr with proposed simple gable roof at the corner of Fenwood Dr & Fenwood Ave to cover front steps, submits letters of support from neighbors at 5 abutting properties. The hardship is narrow street setbacks.

Charles Gadon pointed out that because chimneys are not considered “a projection” and one side of the gable projects off the chimney the distance of the variance they are requesting is actually smaller than the application states.

The Chairmen read the letters from abutting neighbors in the record.  
John Schroeder read the application for variance into the record.

*The Vice Chairman asked if there was anyone in the Public to speak for or against.*

Owner Helen Yates states that the gable will protect the front of their home from the elements and make the entrance safer.

*There was no other public input. The Vice Chairman closed the Public portion of the Hearing.*

**MOTION** was made By Kevin Danby **SECONDED** by Jacqueline Prast to **APPROVE 18/19-23 Steven & Helene Yates** seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change) and Par 24.5.1 as amended by 68.1.2b4 (narrow street setback/30' required/21.3' proposed) . **VOTING IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast and C. Gadon; **ABSTAINING:** None. **OPPOSED:** None **APPROVED:** 5-0-0.

VI. **REGULAR MEETING**

A. **New Business** None

B. **Minutes**

**MOTION** was made by R. McIntyre, **SECONDED** by Danby to **APPROVE** the regular meeting minutes of February 13th, 2019 as amended. **VOTING IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast; C. Purcell **ABSTAINING:** None. **OPPOSED:** None **APPROVED:** 5-0-0.

C. **Correspondence & Announcements:**  
Nothing to report.

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

VII. **ADJOURNMENT**

**MOTION** was made by K. Danby **SECONDED** by C. Gadon to **ADJOURN** the March 13th, 2019 meeting at 8:35 p.m. to the next regularly scheduled meeting **on Wednesday April 10, 2019 at 6:00 p.m., at the Old Saybrook Town Hall, 1<sup>st</sup> floor conference room, 302 Main Street.** **VOTING IN FAVOR:** R. McIntyre, D. Alexander, K. Danby, J. Prast and C. Gadon; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully submitted,

Bridget Riordan, Recording Clerk

NEXT REGULAR MEETING  
**Wednesday, APRIL 10th, 2019**  
**at 6:00 P.M.**  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street  
Old Saybrook, CT