



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

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

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Alternate Members
*Catherine J. Purcell
Charles Gadon
Brenda Dyson*

MINUTES
REGULAR MEETING
April 10, 2019 at 6:00 p.m.
Town Hall, 1st 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, March 13, 2019 at 6:00p.m. at the Town Hall, First Floor Conference Room, 302 Main Street, heard and decided on the following appeals:

I. CALL TO ORDER 6:00 p.m.

II. ROLL CALL

Attendant Members

Robert McIntyre
Dorothy Alexander
Catherine Purcell
Jacqueline Prast
Charles Gadon

Absent Members

Adam Boyd

Staff and Representatives

Christine Costa, ZEO
Attorney Mark Branse, Zoning Legal Council
Bridget Riordan, Recording Clerk

III. CONTINUED PUBLIC HEARINGS

PEOPLE IN THE AUDIENCE: 17

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. 2nd story deck, and 366 s.f. 2nd story addition at 11 Barnes Road, Map 14/Lot 84, Residence A District, Coastal Area Management Zone.

Attny Terry Lomme began by summarizing the issues that resulted in a continuance. The first question being whether or not a variance of overall lot coverage is needed. Having confirmed with Chris Costa and Atty Cronin he stated that they do not need a variance for total lot coverage, with the exception of the two additional feet for the deck they are requesting, but they do need a variance for the expansion of the non-conforming use. The second question was the issue of DEEP/FEMA jurisdiction over the project and their request to remove the existing interior wall (that the engineers are planning to use to support the deck) allowing unimpeded water flow. In response to FEMA's recommendation and in an attempt to comply with building code he presented their **new plan** to decrease the height of the wall to 20 inches by taking the top off and insert drain pipes. Photo of wall with proposed changes was submitted.

D. Alexander, Secretary asked if alternates had been announced. The Chairman stated that 2 alternates were seated.

Attny Terry Lomme continued, offering further description of the proposed reduction in the size of the wall by the project engineer and concluded by stating that the new plan will make the property more conforming at the coverage at 13% reduction in total coverage.

Questions and deliberation on this process, additional construction, how much of the wall will be removed, erosion, free flow of water, etc.

C. Gadon questioned removal of patio during construction, read aloud #10-11 of the Flood Plain Compliance regulation asked C. Costa to clarify relative to issuance of the Flood Permit.

D. Alexander expressed her concern again about the lack of clarity around what DEEP/FEMA actually want. Request or requirement/will there be a letter approving the project? Continued discussion followed about emails from DEEP/FEMA, their jurisdiction, including agreement that changing regulations will ultimately force change on all homes in the neighborhood and that DEEP doesn't like "armoring of the shoreline".

D. Alexander commented that the Commission should have a letter from DEEP/FEMA substantiating applicants claim in the file before project is voted on.

R. McIntyre moved on to the next topic, being the deck, and asked how much of a variance is being requested/how much applicant is "entitled to", is the Commission "allowed" to grant a variance, etc.

Atty Mark Branse redirected by clarifying that the Applicant had applied for a variance of height in the front of the house and a deck w/reduction in non-conformity which lead to a discussion on change in total coverage from start of project to proposed finish, incorrect calculations on plans submitted along the way and much confusion on what changes to the deck dimensions were currently being proposed. Commission requested to see Applicants most updated plan but they didn't have one. Does new proposal include total square footage of deck being larger than what was advertised, if so it cannot be entertained/more questions about legal notice, square footage, setbacks, whether or not stairs should be included in the square footage, etc, etc. Audio recording provides additional detail.

Applicant requested a five minute break then returned and withdrew the application with the intent of refile in the future.

B. McIntyre announced to the public that the application was withdrawn/dead. Public will be informed via a certified mailing when the new application is filed.

PUBLIC HEARINGS

18/19-24C Salvatore R. Carabetta seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change) and Par 24.5.3 (side yard setback/15' required/ 10.2' proposed to west and 6.2' to east) of the Zoning Regulations to permit a 2' elevation of existing home and construction of steps and landings at 8 Belaire Manor, Map 12/Lot 125. Residence A District, Coastal Area Management Zone.

WITHDRAWN by applicant 3/21/2019.

18/19-25 Sydney C. Waller, Trustee, seeks a (nonconformity enlargement/change); Par 24.6.2 (building structure coverage/20% allowed/22% proposed) of the Zoning Regulations to permit the construction of a 64 s.f. addition with steps and a 200 s.f. deck at 6 South View Terrace, Map 21/Lot 38, Residence A District, Coastal Area Management Zone.

Brian Buckley of BB Design in Chester prepared architectural drawings/is representing applicant. Not asking for increase in non-conformity only variance requested is from 19.4% to 22%. Small bump out beside the Bilko door was an existing patio at grade level built on a slab not a footing is rotted and needs to be torn down. While doing this they would like to bring it up to ground level. That's why they are asking for the variance for additional steps. When enclosed it produced a room that was not usable so they would like to increase the space by 4 feet. The one story ranch house is compliant as is. They are not asking for additional living area however the proposed deck solves a seasonal wetness problem in the back yard which is a hardship.

R. McIntyre asked for clarification on "wet" back yard. Confirmed house is not in flood zone.

Commission discussed and deliberated on why the back yard is wet/can problem be solved by adding top soil/dimension of the steps/can shed be removed to reduce overall coverage/can deck become an at level patio instead to maintain 20% coverage. Various alternatives were discussed.

D. Alexander suggested that if the problem exists because the old septic system was abandoned then it can be fixed by re-grading the back yard.

B. McIntyre stated that the Commissions charter is to reduce non-conformities. In the absence of any hardship it is difficult to approve an increase on a conforming lot. Alternatives were offered by the Commission and worked through calculations including possible deduction if dimensions of house included overhang of eaves.

B. McIntyre invited the public opinion.

George and Phyllis Kinser, 8 South View Terrace, spoke on behalf of the project and B. McIntyre read a letter in favor of the project from Carol Mawhinney of 7 South View Terrace.

MOTION was made by D. Alexander, **SECONDED** by R. McIntyre to **DENY** appeal #18/19-25 **Sydney Waller Trustee**. Insufficient hardship was shown. Building/structure coverage can be reduced to allow for the proposed additions and avoid the creation of a new non-conformity. **VOTING IN FAVOR:** D. Alexander, R. McIntyre, J. Prast, C. Purcell, C. Gadon. **OPPOSED:** None **ABSTAINING:** None
The motion passed unanimously. 5-0-0

18/19-26 Gerald Macari seeks a variance of Par 24.6.2 (building structure coverage/20% allowed/22.6% proposed) of the Zoning Regulations to permit the construction of a 550 s.f. 14' high patio at 490 Maple Avenue, Map 5/Lot 82, Residence A District, Coastal Area Management Zone.

Attorney Ed Cassella requested a continuance of Opening of Public Hearing to the May 8th meeting was made by on behalf of the Applicant.

VI. **REGULAR MEETING**

- A. **New Business** None
- B. **Minutes**

MOTION was made by R. McIntyre, **SECONDED** by C. Gadon to **APPROVE** the March 13, 2019 Regular Meeting Minutes **as amended**. D. Alexander questioned exclusion of discussion conflicting opinions in DEEP/FEMA letters re; **18/19-17C Anne Nghiem**, C. Purcell clarified that the discussion was summarized on page 2 of the minutes and a vote was taken: **IN FAVOR:** R. McIntyre, D. Alexander, J. Prast, C. Purcell, C. Gadon **OPPOSED:** None **ABSTAINING:** None
The motion passed unanimously. 5-0-0

- C. **Correspondence & Announcements:**
Nothing to report.
- D. **Committee, Representative & Staff Reports**

VII. **ADJOURNMENT**

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

Respectfully submitted,

Bridget Riordan, Recording Clerk

NEXT REGULAR MEETING
**Wednesday, MAY 8th, 2019 at
6:00 P.M.**
Town Hall, 1st Floor Conference Room
302 Main Street
Old Saybrook, CT
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