



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

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

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

**MINUTES**  
**REGULAR MEETING**  
**October 09, 2019 at 6:00 p.m.**  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street, Old Saybrook

I. **CALL TO ORDER** 6:00pm

II. **ROLL CALL**

**Attendant Members**

Robert McIntyre  
Kevin Danby  
Dorothy Alexander  
Jacqueline Prast  
Catherine Purcell – seated

**Absent Members**

Charles Gadon  
Brenda Dyson

**Staff & Representatives**

Bridget Riordan, Recording Clerk

There were 16 members of the public in attendance. R. McIntyre began by reading through the agenda.

III. **REQUEST FOR SUBSTANTIAL CHANGE DETERMINATION**

**19/20-05 Ronald & Sheila Powers DENIED 8/14/19,**

A review of the application of Ronald & Sheila Powers to determine whether or not, under the provisions of General Statutes Section 8-6(a) (3), that there is a substantial change in their request for a variance from their earlier appeal 19/20-05 that was denied on August 14, 2019. The Board will make a determination as to whether or not the proposed plan modification is or is not the same or substantially the same as the earlier application so that it may be heard by the Board within six months. The earlier decision by the Board was a denial of Appeal 19/20-05 which requested a variance of Par. 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (side yard setback/15' required/6.5' proposed) of the Zoning Regulations to permit the construction of a 97.2 s.f. (199 g.f.a) dormer addition to an existing 480 s.f. detached garage at 39 Maple Avenue, Map 22/Lot 174, Residence A District, Coastal Area Management Zone, AE-11 Flood Zone.

Sheila Powers presented proposed changes made to the 8/14/19, #19/20-05 application. The Board agreed that the changes were significant enough for a new application to be heard within six months.

A **MOTION** was made by R. McIntyre, **SECONDED** by K. Danby to **ALLOW** a new application to be heard within six months based on there being a substantial change in their request from the earlier appeal 19/20-05 that was denied on August 14, 2019. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast, and C. Purcell. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

#### IV. CONTINUED PUBLIC HEARINGS

**19/20-10C Peter Budwitz, Trustee**, seeks a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 24.5.3 (side yard setback/15' required/6.06' proposed to south and 13.53' proposed to north) and Par 24.6.1 (gross floor area/40% allowed/43.5% proposed) of the Zoning Regulations to permit the construction of a 308 s.f. second story addition and 463 s.f. second story deck at 6 West Shore Drive, Map 1/Lot 142, Residence A District, Coastal Area Management Zone.

Atty. Cassella, presenting for the applicant, began by explaining that the variance request is for a 140 square feet, that a 20 x 8 addition would be permissible w/o a variance but because of the varied plains (levels) of the current footprint there is nowhere to put it. He explained that this plan is FEMA compliant, the proposed additional square footage is 100% within the current footprint and it will make a better looking house.

R. McIntyre asked Atty. Cassella to confirm that the building coverage will remain the same. Atty. Cassella confirmed.

J. Prast asked about the septic. Atty. Cassella confirmed that the new septic accommodates 4 bedrooms was approved by WPCA and CRAHD in August 2019.

D. Alexander asked if a bedroom was being added. Atty. Cassella confirmed that 1 additional bedroom and a deck on the front will be added.

R. McIntyre invited Public Comment and/or questions from the Board. There were none.

A **MOTION** was made by K. Danby, **SECONDED** by J. Prast to **APPROVE** appeal **#19/20-10C** and **CAM** application based on it being more conservative than past applications, it being in harmony w/ the neighborhood, not exceeding the current footprint or presenting a safety issue to the neighborhood. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast, and C. Purcell. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

#### V. PUBLIC HEARINGS

**19/20-13C David & Jennifer Arcesi** seek a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 24.5.3 (side yard setback/15' required/8.7' to south and 6.8' to north proposed) and Par 24.6.2 (building structure coverage/20% allowed/31.4% proposed) of the Zoning Regulations to permit the construction of a 2,664 s.f. house and 572 s.f. garage at 21 West Shore Drive, Map 1/Lot 102, Residence A District, Coastal Area Management Zone, VE Flood Zone.

Atty. Cassella, presenting for the applicant, explained that as a result of the DEEP letter regarding the previous application (#19/20-06C) to renovate the house the new application proposes tearing down and rebuilding a home that will reduce the number of non-conformities and make the home 100% flood compliant. He went on to address the points made by the DEEP in their letter regarding the previous application #19/20-06C to say that either they are no longer relevant based on 100% flood compliant new construction and / or they have been satisfied by the revised plan. In closing, Atty. Cassella stated that the Residence A District set back of 15 feet on a 45 foot wide lot is a hardship and that lot coverage and non-conformities will be reduced.

Architect Craig Laliberte presented the building plan, designed to be in keeping with the neighborhood, including a first floor elevation of 18ft resulting in increased stairs which are located within the decreased footprint, compliant in height and GFA, a septic approved for 5 bedrooms and the original 1 story garage.

R. McIntyre invited additional questions by the Board: None

R. McIntyre invited Public Opinion:

Speaking in FAVOR:

- Richard Perry – 25 West Shore Dr. – will increase the value of the neighborhood

Speaking AGAINST:

- Jonathan Ingalls – 23 West Shore Dr. – expressed concerns about past applications being rejected, the slop of the roof towards the south side of the property, DEEP comment on “potential increase of living area square footage”, the potential of fill being used in the VE Zone and concluded by stating that wanting a bigger house is not a hardship.

C. Laliberte responded to these concerns by stating that the new plan requires no fill and is completely FEMA compliant.

- Kenneth Alsback – 21 & 23 Billow Rd. – stated that he was not opposed to the plan but had questions about DEEP advice on this CAM application relative to increased square footage and their expansion policy. He asked whether or not the ZBA takes this advice into account when considering the safety of residents and the neighborhood during a storm.

R. McIntyre responded by stating that the DEEP letters are advisory and that they are taken into consideration by the ZBA. A discussion on this topic followed.

- Kenneth Alsback - also questioned the size of the eaves on the new house design.

C. Laliberte responded by stating that the existing house has 3 ft. eaves. The eaves on the new house will be 12 inches and clarified that the perimeter of the new house will be smaller than that of the existing.

R. McIntyre requested to see a photo of the property line.

K. Danby questioned the distance between 23 West Shore and 21 West Shore - property lines and houses. Measurements were taken using the site plan to estimate a distance of 26 ft. A discussion between the ZBA, J. Ingalls, and Atty. Cassella followed about water views, location of master bedrooms, and distance between property lines vs. distance between houses followed.

Speaking in FAVOR:

- Diane Perry – 25 West Shore Dr. – added to the conversation by stating that 23 West Shore Dr. house is 3 inches from their property line because on large lot was subdivided between family members at one point, that most of the 23 West Shore Dr. land is on the side of 21 West Shore Dr. and that the applicants are great neighbors that take care of their property and will be year round Old Saybrook residents.

Speaking AGAINST:

- Francis Wilcox – 19 West Shore Dr. – submitted a copy of the original survey of the beach community neighborhood with small lots and 350 houses as well as photos illustrating erosion caused by the hurricane of 1938.

C. Purcell asked Ms. Wilcox her how big her home is. She responded that it is 1500 sq. ft.

- Peter Karalekas -27 Billow Rd. –mentioned the DEEP concern about significant increases in the size of a home seeking CAM approval. He denied that there exists a hardship that should be considered by the ZBA, he applauded the ZBA of 1970 that approved the plan for the existing home because it is the correct size for the lot and asked that the current ZBA be thoughtful and Veto this application.

Speaking in FAVOR:

- Applicant Jennifer Arcesi – 21 West Shore Dr. – addressed the ZBA and responded to the public comment by stating that while redesigning their house was not their first choice it is

necessary in order to meet local and state requirements. The hardship is that they are in the VE zone where FEMA requires the house to be at 16 feet plus the additional 1 foot that Old Saybrook adds. The proposed design eliminates two preexisting non-conformities (coverage and setbacks), is two stories rather than three stories like some houses in the neighborhood and is FEMA compliant.

- Peter Karalekas -27 Billow Rd – responded by stating that the Government is not asking them to build a new house.

R. McIntyre asked if there was any additional Public Comment – there was none.

Atty. Cassella – added that the “right size” house standard is in the regulations and that this plan justifies approval.

R. McIntyre closed the Public Comment.

R. McIntyre closed the Public Hearing.

There was discussion among the Board followed by a vote.

A **MOTION** was made by D. Alexander, **SECONDED** by C. Purcell to **APPROVE** appeal #19/20-13C and **CAM** application based on the hardship of Residence A District, reductions in non-conformities and new plan bringing the house into conformity as much as is possible where in this case getting additional space onto the lot is difficult. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast, and C. Purcell. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

**19/20-14 Patricia Mayer-Ference**, seeks a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 24.5.1 as amended by 68.1.2b4 (narrow street setback/30’ required/ 17.5’ proposed to addition/9.7’ proposed to porch); Par 24.5.3 (side yard setback/15’ required/2.7’ proposed) and Par 24.6.2 (building structure coverage/20% allowed/26.13% proposed) of the Zoning Regulations to permit the construction of a new concrete wall foundation, a 152 s.f. first floor addition, 107 s.f. second story porch additions and 16 s.f. second story addition at 24 Pratt Road, Map 1/Lot 75, Residence A District, Coastal Area Management Zone.

Atty. Cassella presenting for the applicant submitted a sketch illustrating a few small additions to the 1943 cottage which are necessitated by the applicant’s desire to reconstruct the existing stairway so it is code compliant. Currently the risers, treads and headroom are not code compliant. The hardship is the Building Code for stairs.

D. Alexander questioned the “need” for a new stairway if the applicant has been in the house for 15 years. Atty. Cassella responded that the Code drives the need for new stairs.

A discussion followed regarding “need” vs. “hardship”.

R. McIntyre invited additional questions by the Board: None

R. McIntyre invited Public Opinion:

- Wallace Suffish – 4 Uncas Rd. asked Atty. Cassella to confirm that the proposed work will be within the existing footprint because Pratt Road. Atty. Cassella confirmed this.

Speaking in FAVOR:

- Jenna McCarron – 15 Gates Rd. had no objections.
- Joan Broadhurst – 23 Gates Rd is in favor of the improvements to the house.

R. McIntyre read letter from J. Broadhurst into the record.  
R. McIntyre Closed the Public Hearing.

R. McIntyre – commented that the Board normally defends 20 percent coverage but also takes each application individually as in this case where the non-code compliant steps present a safety issue.

K. Danby – added that the plan for this home situated on two small lots is well thought out and creates a safe living environment.

C. Purcell – agreed.

A **MOTION** was made by K. Danby, **SECONDED** by J. Prast to **APPROVE** appeal #19/20-14 based on the hardship being safety related to stair run not being building code compliant.. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, J. Prast and C. Purcell. **OPPOSED:** D. Alexander **ABSTAINING:** None, the motion passed, 4-1-0.

## VI. REGULAR MEETING

Minutes: A Motion was made by R. McIntyre, seconded by D. Alexander to approve the September 11th, 2019 Regular Meeting Minutes with correction of a typographical error in 19/20-14 vote (corrected from 6-0-0 to 5-0-0). A vote was taken: In favor: R. McIntyre, K. Danby, D. Alexander, J. Prast, C. Purcell. Opposed: None. Abstaining: None. The motion passed unanimously. 5-0-0

## VII. NEW BUSINESS

- a) R. McIntyre read in the record a letter from Atty. H. Gould re: 19/20-09 Wakim decision which originally included the word “reluctantly” but had since been removed before the Motions were filed.
- b) 2020 Meeting Calendar

A Motion was made by R. McIntyre, seconded by K. Danby to approve the 2020 Meeting Calendar as presented. A vote was taken: In favor: R. McIntyre, K. Danby, D. Alexander, J. Prast, and C. Purcell. Opposed: None. Abstaining: None. The motion passed unanimously. 5-0-0

## VIII. ADJORNMENT

A Motion was made by R. McIntyre, seconded by C. Purcell to adjourn the October 9th, 2019 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R. McIntyre, K. Danby, D. Alexander, C. Purcell, and J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 8:15p.m.

Bridget Riordan, Recording Clerk

NEXT REGULAR MEETING  
**Wednesday, November 13, 2019 at 6:00 P.M.**  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street  
Old Saybrook, CT  
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