
Zoning Board of Appeals Minutes 05/10/2017

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, May 10, 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, Kevin Danby, alternate, Carl VonDassel, Jr., alternate and Catherine Purcell, alternate

Present: Christina Costa, Zoning Enforcement Officer, Kim Barrows, Clerk

Absent: Adam Boyd

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 Chairman then proceeded to read the Legal Notice into the record.

Seated: D. Alexander, R. McCall, P. Broadhurst, K. Danby, C. Purcell

16/17-31 - Lisa M. Gradzewicz, seeks a variance of Par. 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/15.1' proposed); Par 24.5.3 (other yard setback/15' required/8.3' proposed to the north and 10.7 proposed to the south); Par 24.6.1 (gross floor area/40% allowed/59.2 proposed); and Par 24.4.1 (maximum stories/2 ½ allowed/3 ½ proposed) of the Zoning Regulations to permit the construction of a 1,036 s.f. 2nd story dormer addition at 22 Cypress Road, Map 4/Lot 5, Residence A District, Coastal Area Management Zone.

After lengthy discussion it was decided that the Public Hearing would be continued to next month so that the applicant could find a way to reduce the gross floor area percentage and to scale back the height/pitch of the roofline. The combined first and second floor totals equaled 2,088 s.f. which equals 42% gross floor area and that does not include the square footage in the lower portion of the structure which in accordance with Section 9 of the Old Saybrook Zoning Regulations constitutes a half story.

A **Motion** was made by R. McCall, seconded by D. Alexander to **CONTINUE the Public Hearing on Application 16/17-31 - Lisa M. Gradzewicz to the June 14, 2017 Regular Meeting** at 7:00 p.m. in the First Floor Conference Room, Town Hall. No discussion and a vote was taken: In favor: D. Alexander, R. McCall, P. Broadhurst, K. Danby, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Seated: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, C. Purcell

16/17- 32C - M&F Realty, LLC, seeks a variance of Par. 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 58.2 & 58.6 (riparian buffer/structure setback/100' required/27' proposed); Par 68.1.2.B.9 (tidal wetlands setback/50' required/27' proposed); Par 24.4.2 (maximum height/35' allowed/36' proposed); Par 9 (definition of story/doors & terrace not permitted/ 312 s.f. rooftop terrace & door proposed) of the Zoning Regulations to permit the construction of a new peaked roof and 314 s.f. 1st floor deck, 219 s.f. 2nd floor waterside deck and 312 s.f. rooftop terrace at 38 College Street, Map 23/Lot 40-1, Residence A District, Coastal Area Management Zone, Gateway Conservation Zone.

Discussion with respect to the public hearing that closed this evening. The lot is a 62,000 s.f. lot with only 21, 000 s.f. of upland area. It is located in the CAM zone and Gateway. The applicant wants to get rid of the flat roof in order to make the structure more aesthetically pleasing. The entire structure is in the riparian buffer area. The existing footprint of the house will remain the same. Due to the renovations, the structure will need to be elevated to meet the FEMA requirements plus the additional one foot by the Town. The structure due to the height calculation in the Gateway Zone which uses the basis of the lowest point, the structure will exceed the 35' allowed by Zoning. Further discussion ensued with respect to keeping the structure at 35' and not

requiring a height variance even though the Gateway Commission didn't oppose the project since it did not add "visual bulk" to the river scene. It was finally decided that the applicant would take the height variance off the table and keep the height at 35'.

A **Motion** was made by R. McIntyre, seconded by R. McCall **GRANT Application 16/17- 32C - M&F Realty, LLC**. The application is granted with the modification that the building height be maintained at 35 feet. The rooftop terrace even though not permitted should be granted based on the information presented and also with the application reducing other decks on the site. 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, R. McIntyre, C. Purcell Opposed: P. Broadhurst Abstaining: None The motion passed. 4-1-0

Seated: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, K. Danby

16/17-33C - James R. Daly, seeks a variance of Par 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/26.4' proposed) and 68.1.2.B.9 (tidal wetlands setback/50' required/22' proposed) of the Zoning Regulations to permit the construction of a 1678 s.f. two-story house; a 528 s.f. attached garage, a 177 s.f. porch and a 240 s.f. deck at 40 South Cove Road-1, Map 4/Lot 282-1, Residence A District, Coastal Area Management Zone.

Discussion with respect to the public hearing that closed this evening. The new structure will be on top of the existing foundation that will be raised to meet the FEMA flood elevation 11. The hardship is the imposition of the narrow street setback and the tidal wetlands setback. The existing decks to the rear will be removed and a smaller deck will be constructed.

A **Motion** was made by K. Danby, seconded by R. McIntyre **GRANT Application 16/17-33C - James R. Daly**. The variances are granted as per the plans submitted. There will be a lessening of the existing nonconformities by the removal of the decks in the rear. 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: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Seated: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, K. Danby

16/17-34 - Stephen Bengtson, seeks a variance of Par 24.5.1 as modified by 68.1.2B(4) (narrow street setback/40' required/16.5' proposed) of the Zoning Regulations to permit the construction of a 360 s.f. garage at 7 Sunset Road, Map 20/Lot 145, Residence A District, Coastal Area Management Zone.

The applicant would like to place a garage on the property by the road. The existing house placement on the lot is odd since the front door [i.e. front of the house] does not face the road but the sideyard. The lot is long and narrow with a wider portion on Sunset which tapers in going towards the rear. The Board would like to see the placement of the septic system and the reserve area in accordance with the B-100a shown on the site plan, the topography of the lot and if a retaining wall can be built to allow vehicles to the rear of the property and also the turning radius for a truck to have the garage placed in the rear of the property.

There was discussion of abutting the garage up to the house in the front, actually side but there are bedroom windows there and the Board asked the applicant to contact the Building Office and the Fire Marshal to see if this was allowed. Also the applicant should obtain letters from abutting neighbors on whether or not they were in favor of the placement of the garage as shown on the plan submitted.

A **Motion** was made by R. McCall, seconded by D. Alexander to **CONTINUE the Public Hearing on Application 16/17- 34 - Stephen Bengtson to the June 14, 2017 Regular Meeting** at 7:00 p.m. in the First Floor Conference Room, Town Hall in order to obtain the information requested by the Board in order to make a decision. No discussion and a vote was taken: In favor: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Seated: D. Alexander, R. McCall, P. Broadhurst, C. Purcell, K. Danby

16/17-35 - Lini Holdings, LLC, seeks a variance of Par. 10.7.1 & 10.7.2 (nonconformity enlargement/change) and Par 24.6.2 (structure coverage/20% allowed/21.3% proposed) of the Zoning Regulations to permit the construction of 91.2. s.f. addition at 2 Pennywise Lane, Map 30/Lot 003, Residence A District, Coastal Area Management Zone.

Discussion with respect to the public hearing that closed this evening. In March of 2017 variances were granted one was to construct a 61.2 s.f. addition to the rear of the property and to construct an additional spiral second floor egress stair. This new application involves removal of a second floor egress stair and an addition of 29.8 square feet to be added to the approved addition in the rear. It appears that the proposed circular stair was not allowed as an adequate egress stair. The expansion of the 61.2 s.f. approved addition by adding the new 29.8 s.f. will allow expansion of the kitchen. D. Alexander has a problem with this since every new owner comes in wanting to expand/change the historic structure.

A **Motion** was made by R. McCall, seconded by K. Danby to **GRANT Application 16/17-35 - Lini Holdings, LLC**. The hardship in this instance can be considered as unusual in order to preserve and maintain this historical site for the Town. At the March meeting over 100 people signed a petition to support the original proposal. No discussion and a vote was taken: In favor: R. McCall, P. Broadhurst, C. Purcell, K. Danby Opposed: D. Alexander, Abstaining: None The motion passed. 4-1-0

Seated: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, C. Purcell

16/17-36 - Aaron M. & Christina P. Deems, seek a variance of Par. 24.5.5C (minor accessory other yard setback/10' required/5' proposed) of the Zoning Regulations to permit the construction of a 80 s.f. shed at 63 Plum Bank Road, Map 6/Lot 12, Residence A District, Coastal Area Management Zone.

Discussion with respect to the public hearing that closed this evening. The applicants were before the Board in April, 2017 requesting variances for a deck and a shed. The variances were not granted because it was a 3 in favor 2 against and they needed 4 affirmative votes to grant a variance. The deck has been placed on the lot where it does not require a variance but the shed, due to the narrowness of the lot needs a variance. This proposal is moving the shed an additional 2 feet in for a total of 5 feet from the sideline setback. The neighbor who had a concern last month is fine with this placement.

A **Motion** was made by D. Alexander, seconded by R. McCall to **GRANT Application 16/17-36 - Aaron M. & Christina P. Deems**. The shed is now being placed 5' from the side property line. The hardship is the narrowness of the lot. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

REGULAR MEETING

Seated: D. Alexander, R. McCall, P. Broadhurst, R. McIntyre, K. Danby

Minutes: A **Motion** was made R. McCall, seconded P. Broadhurst to **approve the April 12, 2017 Regular Meeting Minutes** as submitted. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Adjournment: A **Motion** was made by R. McCall, seconded by D. Alexander to adjourn the May 10, 2017 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, R. McIntyre, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 9:45 p.m.

Rexford H. McCall, Chairman

THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS
WEDNESDAY, JUNE 14, 2017 AT 7:00 P.M., FIRST FLOOR CONFERENCE ROOM