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WATERFORD, CT

2021 DEC -3 AM 10: 05

MINUTES

Zoning Board of Appeals
Waterford Town Hall

David L. Cypor
TOWN CLERK
December 1, 2021
6:30 PM

Members Present: Catherine Newlin, Michelle Kripps, Ann Darling, Warren Mackenzie, John Morgan
Alternates Present: Greg Gallup, William Herzfeld
Alternates Absent: Jason Maryeski
Staff Present: Jill Pisechko, Zoning Official; Dawn Choisy, Recording Secretary
Also Present: Town Attorney Avena

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Acting Chair Newlin called the meeting to order at 6:30. No alternates were seated.

2. ELECTION OF OFFICERS

MOTION: Motion by A. Darling, seconded by M. Kripps, to nominate C. Newlin as Chairperson of the Zoning Board of Appeals.

VOTE: 5-0

MOTION: Motion made by C. Newlin, seconded by J. Morgan, to nominate M. Kripps as Vice Chairperson of the Zoning Board of Appeals.

VOTE: 5-0

3. APPROVAL OF MINUTES

MOTION: Motion made by A. Darling, seconded by M. Kripps to approve the minutes of the October 27, 2021 special meeting as written.

VOTE: 4-0-1, J. Morgan abstaining

4. WELCOME TO NEW MEMBERS & LEGAL REVIEW OF ZBA ROLE BY TOWN ATTORNEY

Town Attorney Avena reviewed the legal duties of the Board, including when members may need to recuse themselves from review of an application.

5. PUBLIC HEARINGS

Application #ZBA-21-7 - Appeal of Michael J. & Maureen M. McKeon, owners and applicants and at 19 Magonk Point Road, R-40 zone. Variances are requested from Zoning Regulations Section 5.1 – Reduce lot size from 40,000 square feet to 34,109 square feet; Section 5.4.1 – Reduce front yard setback from 50 feet to 26 feet 4.5 inches; Section 5.4.2 – Reduce side yard setback from 25 feet to 8 feet 6 inches and Section 5.4.3 – Reduce rear yard setback from 50 feet to 39 feet 7 inches. Variances are needed to construct a new single family home, as shown on plan titled “Site Plan, McKeon Residence, 19 Magonk

Point Road, Waterford, CT”, dated September 28, 2021.

Chairwoman Newlin read the following exhibits into the record:

- EXHIBIT 1 - Application and supporting documentation.
(Application, Street Card, List of Property Owners Within 150’,
Deed).
- EXHIBIT 2 - Plan titled “Topographic Survey of 19 Magonk Point Road,
Waterford, Connecticut, Prepared for Race Coastal Engineering”
revised through 4/7/21
- EXHIBIT 3 - Letter dated October 4, 2021 to the Zoning Board of Appeals from
Attorney William Sweeney, RE: Application for Variance, 19
Magonk Point Road, Waterford, CT
- EXHIBIT 4 - Hearing notification letter to applicant dated November 1, 2021
along with certificates of mailing received November 22, 2021
- EXHIBIT 5 - Referral letter to DEEP/Land & Water Resources Division dated
October 5, 2021
- EXHIBIT 6 - Coastal Site Plan Review Comments Checklist received from
DEEP/Land & Water Resources Division dated 10/21/21.
- EXHIBIT 7 - Legal notice of Public Hearing published in The Day newspaper on
November 17, 2021 and November 24, 2021.

Attorney William Sweeney, representing the applicants, addressed the Board. The project architect was also present. Attorney Sweeney reviewed the requested variances, and noted that a Coastal Area Management review is part of this application. He entered into the record as Exhibit 8 a three-page document showing photographs of the existing home on the property, the Topographic Survey and the proposed site plan. Attorney Sweeney reviewed the information contained in Exhibit 3. He reviewed the proposed building location, and noted that the building will be outside the VE flood zone. The property has a unique shape due to the cul-de-sac. The proposed house reduces the overall zoning non-conformity on the lot. He noted that under Connecticut law, a variance should be granted for any application that reduces the overall zoning non-conformity of an existing property and/or structure without the need for a hardship.

Attorney Avena requested that Attorney Sweeney address the comments received from DEEP. Attorney Sweeney stated that the applicant will take DEEP’s recommendations into consideration.

Chairwoman Newlin asked if there was anyone in the audience who wished to speak either for or against this application.

There being no further comments or questions, the public hearing was closed at 7:19.

Application #ZBA-21-8 - Appeal of Gwendolyn T. Bosco, owner and applicant at 278 Boston Post Road, C-MF zone. Variances are requested from Zoning Regulations Sections 8.4.1 front Yard Setback, 30 feet; 8.4.2, Side Yard setback, 8 ft; 8.4.3, Rear Yard Setback, 3 ft. Variances are needed to construct an addition on an existing home, as shown on plans titled “Property Survey, Land Belonging to: Gwendolyn T. Bosco, 278 Boston Post Road, Waterford Connecticut” revised to October 19, 2021.

Chairwoman Newlin stated that she has a conflict of interest for this application and is recusing herself. She turned the Chair over to M. Kripps, and G. Gallup was appointed to sit for C. Newlin for this application.

Acting Chairwoman Kripps opened the public hearing and read the following exhibits into the record:

- EXHIBIT 1 - Application and supporting documentation.
(Application, Street Card, List of Property Owners Within 150', Deed).
- EXHIBIT 2 - Plan titled "Property Survey, Land Belonging to: Gwendolyn T. Bosco, 278 Boston Post Road, Road, Waterford, Connecticut" revised through October 19, 2021
- EXHIBIT 3 - Hearing notification letter to applicant dated November 8, 2021 along with certificates of mailing received November 12, 2021
- EXHIBIT 4 - Legal notice of Public Hearing published in The Day newspaper on November 17, 2021 and November 24, 2021

Surveyor Brian Florek, agent for the applicant, addressed the Board. He stated that the applicant is proposing a small addition to the rear of the existing house. The addition is within the existing footprint on the non-conforming lot. He noted that the hardship is the configuration of the property. The proposed addition is for ADA purposes to allow for physical accessibility to easily and safely accommodate a walker, wheelchair or stretcher if and emergency should arise. Applicant Gwendolyn Bosco stated that the variance request is for ADA purposes only.

Acting Chairwoman Kripps asked if there was anyone in the audience who wished to speak either for or against this application.

There being no further comments or questions, the public hearing was closed at 7:29.

Chairwoman Newlin returned to the meeting.

Application #ZBA-21-9 - Appeal of Michael Dishaw, owner and applicant at 8 Race Rock Road, VR-7.5 zone. Variances are requested from Zoning Regulations Section 6a.6 – Increase building height from 20 feet to 31.5 feet and Section 6a.6 – Increase lot coverage from 20% to 28.84%. Variances are needed to construct a new single family home, as shown on plans titled "Property Survey Land Belonging to Michael Dishaw, 8 Race Rock Road, Waterford, CT" Revised through October 19, 2021.

W. Mackenzie stated that due to a conflict of interest, he is recusing himself from this application. Chairwoman Newlin appointed W. Herzfeld to sit in his place for this application.

Chairwoman Newlin opened the public hearing and read the following exhibits into the record:

- EXHIBIT 1 - Application and supporting documentation.
(Application, Street Card, List of Property Owners Within 150',
Deed).
- EXHIBIT 2 - Plan titled "Property Survey, Land Belonging to: Michael Dishaw, 8
Race Rock Road, Waterford, Connecticut" revised through October
19, 2021
- EXHIBIT 3 - Hearing notification letter to applicant dated November 2, 2021
along with certificates of mailing received November 12, 2021
- EXHIBIT 4- Legal notice of Public Hearing published in The Day newspaper on
November 17, 2021 and November 24, 2021

Surveyor Brian Florek, agent for the applicant, addressed the Board. He submitted as Exhibit 8 four pages of GIS mapping of the subject property. He reviewed the requested variances, noting that the applicant wants to construct a home that has the same amount of coverage as other homes in the neighborhood.

A. Darling asked what the hardship was. B. Florek replied that the house needs to be raised to get it out of the flood zone. A. Darling requested that the flood zone be shown on the survey. She asked why drawings of the proposed house were not submitted, and also requested that the square footage of other houses in the neighborhood be submitted.

Applicant Michael Dishaw stated that the house will probably be a cape style.

Chairwoman Newlin asked if there was anyone in the audience who wished to speak either for or against this application.

B. Florek requested that the public hearing be continued until the January meeting so additional information can be submitted. It was the consensus of the Board to continue the public hearing for application #ZBA-21-9 until the January 5, 2022 meeting.

W. Mackenzie returned to the meeting.

5. OLD BUSINESS

No new business was discussed.

6. NEW BUSINESS

Calendar year 2022 schedule

MOTION: Motion made by A. Darling, seconded by M. Kripps, to approve the 2022 meeting schedule as drafted.

VOTE: 5-0

ZBA appeal of Zoning Officer Decision by Filomena's Restaurant

Attorney Avena informed the Board that an appeal of the Zoning Officer's decision had been received and will be scheduled for a public hearing at the Board's next meeting, scheduled for January 5, 2022. He reviewed the process for appeals with the Board.

7. CORRESPONDENCE

No correspondence was submitted.

8. ADJOURNMENT

MOTION: Motion made by W. Mackenzie, seconded by A. Darling, to adjourn the meeting at 8:22.

VOTE: 5-0

Respectfully Submitted,


Dawn Choisy
Recording Secretary