

MINUTES

RECEIVED FOR RECORD
WATERFORD, CT

2024 JAN 11 P 3:17
January 10, 2024

5:30 PM
TESTE: *[Signature]*
TOWN CLERK

Zoning Board of Appeals
Waterford Town Hall

Members Present: Cathy Gonyo, Michele Kripps, Anne Darling, John Morgan,
William Herzfeld
Alternates Present: Greg Gallup, Jason Kohl (1 vacancy)
Staff Present: Jonathan Mullen, Planning Director; Wayne Scott, Zoning
Official; Mark Wujtewicz, Planner; Dawn Choisy, Recording
Secretary
Also Present: Town Attorney Robert Avena, Esq.

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairwoman Gonyo called the meeting to order at 5:30. No alternates were appointed.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Morgan, seconded by M. Kripps, to approve the minutes of the November 1, 2023 special meeting as written.

VOTE: 4-0-1, A. Darling abstaining

3. OLD BUSINESS

Application #ZBA-23-6 - Appeal of Angel Eyes Construction, LLC owner, Todd Pezzelosi applicant at 8 Point Comfort, R-20 zone. Variance is requested from zoning regulations: Section 4.4.1, Front Yard Setback as shown on plans titled "CAM Site Plan" dated August 19, 2023, revised to October 1, 2023. A Coastal Site Plan Review is required in accordance with the Coastal Management Act.

MOTION: Motion made by W. Herzfeld, seconded by M. Kripps to approve Application #ZBA-23-6.

The Board discussed the information presented during the public hearing, noting that the proposed activity reduces the non-conformity on the site. A. Darling stated that she was not satisfied with the size of the structure. Attorney Avena stated that the Board can condition the variance to note that the applicant needs to follow the approved plan.

MOTION: Made by W. Herzfeld, seconded by M. Kripps, to amend the motion to state that construction must comply with the approved plans.

J. Mullen stated that the approval should note that all sections of 27.5 have been met.

MOTION: Made by W. Herzfeld, seconded by M. Kripps, to amend the motion to add that all sections of Section 27.5 of the Zoning Regulations have been met.

VOTE ON AMENDED MOTIONS: 4-1, A. Darling opposing.

Chairwoman Gonyo reviewed the CAM report submitted by Staff.

MOTION: Motion made by J. Morgan, seconded by W. Herzfeld, to approve the CAM portion of Application #ZBA-23-6 with conditions 1 through 4 of the CAM Report (attached).

Kelly Sisk of Sprigs & Twigs reviewed the proposed planting plan with the Board.

VOTE: 4-0-1, A. Darling abstaining.

5. NEW BUSINESS

Election of Officers:

MOTION: Motion made by J. Morgan, seconded by A. Darling, to nominate C. Gonyo as Chair of the Zoning Board of Appeals.

VOTE: 5-0

MOTION: Motion made by J. Morgan, seconded by M. Kripps, to nominate A. Darling as Vice-Chair of the Zoning Board of Appeals.

MOTION: Motion made by W. Herzfeld, seconded by M. Kripps to nominate himself as Vice-Chair of the Zoning Board of Appeals.

VOTE ON A. DARLING AS VICE-CHAIR: 3-0-2, Motion carries.

Attorney Avena discussed scheduling a special meeting as a workshop with the Board to review ZBA policies and procedures.

6. CORRESPONDENCE

No correspondence was received.

7. ADJOURNMENT

MOTION: Motion made by J. Morgan, seconded by A. Darling, to adjourn the meeting at 6:25.

VOTE: 5-0

Respectfully Submitted,



Dawn Choisy
Recording Secretary

TOWN OF WATERFORD



COASTAL SITE PLAN REVIEW WRITTEN FINDINGS & DECISIONS

ORIGINAL TO:

Todd Pazzolesi
49 Cross Road
Waterford, CT 06385

COASTAL SITE PLAN REVIEW TRIGGER:

- ☐ Zoning Compliance (Site Plan)
- ☐ Subdivision
- ☐ Special Exception or Permit
- ☒ Variance
- ☐ Municipal Improvement

APPLICANT NAME: Todd Pazzolesi

MAILING ADDRESS: 49 Cross Road Waterford, CT 06385

PROJECT ADDRESS: 8 Point Comfort

PROJECT DESCRIPTION:

The application as presented to the Zoning Board of Appeals is to demolish an existing single family structure and construct a new single family dwelling. The developed site contains 13,366 sf of lot area and is located in the R-20 zoning district adjacent to the upper Niantic River. The dwelling will be connected to existing municipal water and sewer service and utilities. A subsurface storm water infiltration system is proposed to be installed to infiltrate roof water runoff. Coastal resources located on and adjacent to the property are a coastal embankment and a FEMA designated Flood Zone AE-12. As stated in the application narrative and shown on the plan submitted into the record as Exhibit #3, the proposed structure and all site improvements will be located landward of the coastal embankment and outside of the FEMA regulated flood zone. While the existing structure is located at the crest of the coastal embankment, the new single family dwelling will be located approximately 20 feet further back from the top of the embankment. The proposed location places the front of the house within the minimum required front yard setback. As a result, in addition to the Coastal Site Plan Review, the Zoning Board of Appeals is also acting on a front yard variance request.

Plan title: "Property Survey Land Belonging to: Angel Eyes Construction, LLC, 8 Point Comfort Road, Waterford, Connecticut" dated August 19, 2023, Revised October 1, 2023.

COASTAL RESOURCES AND RESOURCE POLICIES:

	ON-SITE	ADJACENT TO SITE	POTENTIALLY INCONSISTENT	NOT APPLICABLE
General Coastal Resources*	☒	☒	☐	☐
Beaches and Dunes	☐	☐	☐	☒
Bluffs and Escarpments	☒	☒	☐	☐
Coastal Hazard Area	☒	☒	☐	☐
Coastal Waters and/or Estuarine Embayments	☒	☒	☐	☐
Developed Shorefront	☐	☐	☐	☐
Freshwater Wetlands and Watercourses	☒	☒	☐	☒
Intertidal Flats	☐	☐	☐	☒
Islands	☐	☐	☐	☒
Rocky Shorefront	☐	☐	☐	☒
Shellfish Concentration Areas	☐	☐	☐	☒
Shorelands	☐	☐	☐	☒
Tidal Wetlands	☒	☐	☐	☐

ADVERSE IMPACTS ON COASTAL RESOURCES:

	Appears Acceptable	Potentially Unacceptable	Not Applicable
Degrades tidal wetland, beaches and dunes, rocky shorefronts, or bluffs and escarpments	☐	☐	☒
Degrades existing circulation patterns of coastal waters	☐	☐	☒
Increases coastal flooding hazard by altering shoreline or bathymetry	☐	☐	☒
Degrades natural or existing drainage patterns	☐	☐	☒
Degrades natural shoreline erosion and accretion patterns	☐	☐	☒
Degrades or destroys wildlife, finfish, or shellfish habitat	☐	☐	☒
Degrades water quality	☐	☐	☒
Degrades visual quality	☐	☐	☒

COASTAL USE POLICIES:**

	Applies	Potentially Inconsistent
General Development*	☒	☐
Boating	☐	☐
Coastal Recreation and Access	☐	☐
Coastal Structures and Filling	☐	☐
Cultural Resources	☐	☐
Fisheries	☐	☐
Fuels, Chemicals, or Hazardous Materials	☐	☐
Ports and Harbors	☐	☐
Sewer and Water Lines	☐	☐
Solid Waste	☐	☐
Transportation	☐	☐
Water-dependent Uses	☐	☐

* General Coastal Resources and General Development policies are applicable to all proposed activities.

** Policies that are not applicable are not checked in this chart.

ADVERSE IMPACTS ON FUTURE WATER-DEPENDENT DEVELOPMENT ACTIVITIES AND OPPORTUNITIES:

	Appears Acceptable	Potentially Unacceptable	Not Applicable
Replaces an existing water-dependent use with a non-water-dependent use	☐	☐	☒
Reduces existing public access	☐	☐	☒
Locates a non-water-dependent use at a site that is physically suited for a water-dependent use for which there is a reasonable demand	☐	☐	☒
Locates a non-water-dependent use at a site that has been identified for a water-dependent use in the plan of development or zoning regulations	☐	☐	☒

ISSUES OF CONCERN (SEE SUMMARY AND RECOMMENDATIONS BOX FOR ADDITIONAL DETAIL):

- ☐ Insufficient information
- ☐ Potential increased risk to life and property in coastal hazard area
- ☐ Adverse impacts on future water-dependent development opportunities
- ☐ Proximity of disturbance to sensitive resources/need for additional vegetated setback
- ☒ Potential to cause erosion/sedimentation; need for adequate sedimentation and erosion control measures
- ☐ Water quality and/or stormwater impact
- ☐ Other coastal resource impacts:
- ☐ Other:

SUMMARY AND RECOMMENDATIONS:

The construction and use of a single family residential structure within the R-20 Zone District is consistent with the Town of Waterford Zoning Regulations and the 2012 Plan of Conservation and Development. The placement of the structure as far from the coastal resource as practical reduces the effect of proposed grading onto the coastal resources.

All work and associated site improvements in support of the single family dwelling occur landward from the top of the embankment and outside of the FEMA designated flood hazard area.

Potential to cause erosion/sedimentation; need for adequate sedimentation and erosion control measures:

The project as presented identifies the proximity of site disturbance to the coastal resource. This disturbance is of a temporary nature during the construction of the single family dwelling. Erosion controls shall be incorporated at the top of the slope and landward in order to mitigate any erosion that may occur from surface runoff during construction. The erosion controls shall be constantly inspected and left in place until the site has been permanently stabilized.

Water quality and/or storm-water impact:

There is a potential for a temporary negative impact to water quality during the construction phase of the project. This potential will be mitigated through the installation and maintenance of erosion control measures as identified on the plan. The applicant proposes to install a subsurface storm-water infiltration system which will be designed to infiltrate the runoff from the roof drains thereby mitigating any adverse impacts that would contribute to point source discharge of storm water. The implementation of storm-water low impact development measures to mitigate the effect of concentrated surface flow generated from roof runoff will reduce the potential for negative impact to coastal resources.

Subsequent to application submission, unauthorized clearing of vegetation had taken place along the coastal embankment. As a result of this activity, the applicant has submitted a restoration planting plan in order to mitigate any future adverse impacts from erosion negatively impacting the coastal resources of the Niantic River,

This project as approved with conditions 1 thru 4 is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

1. Erosion control measures during construction shall be installed and remain on site for the duration of the project and until the establishment of vegetative cover on disturbed areas.
2. A Coastal Embankment vegetation restoration plan shall be required to be submitted as a condition of Zoning Compliance Permit Approval at the time the application for a building permit is submitted.
3. A signed agreement with the landscaping company to proceed with the implementation and completion of the slope restoration plan shall be provided to the Town of Waterford. This guarantee shall be provided as a condition of the Zoning Compliance Permit Approval.
4. An as-built survey shall be submitted and approved by the Zoning Official prior to issuance of a Certificate of Zoning Compliance. This requirement is to verify that all improvements, including the slope restoration have been constructed in accordance with the approved site plan.

FINDING: (Please see summary and recommendations section on page 3 for discussion)

- ☒ CONSISTENT WITH ALL APPLICABLE COASTAL POLICIES, COMMENTS INCLUDED
- ☐ CONSISTENT WITH MODIFICATIONS OR CONDITIONS
- ☐ ADDITIONAL INFORMATION NEEDED PRIOR TO COMPLETE CSPR EVALUATION

SUPPORTING DOCUMENTATION ATTACHED TO THIS CHECKLIST:

- ☐ Copies of photographs of the site dated:
- ☐ Copies of aerial photographs dated:
- ☐ GIS maps depicting:
- ☐ Coastal resources maps dated:
- ☐ OLISP Fact Sheet(s):
- ☐ Other:

Please be advised that, separate from the municipal review, the following Department of Environmental Protection permits may be required:

- ☐ Structures, Dredging, and Fill in Tidal Coastal or Navigable Waters
- ☐ Tidal Wetlands
- ☐ Stormwater General Permit (construction / industrial / commercial)
- ☐ Other

For more information, contact:

copies provided to