East Haddam Zoning Board of Appeals

Municipal Office Complex
1 Plains Road, Moodus, CT

AMENDED
(to change "REGULAR" to "SPECIAL" Meeting Minutes)

SPECIAL MEETING MINUTES
November 12, 2020

1. Call to Order

The Regular Meeting of the East Haddam Zoning Board of Appeals was held on Tuesday, November 12, 2020, at 7:01 PM. The Chairperson being in the Chair and the Secretary being present.

2. Attendance

J. Gregory Daigle, William Smith, Laurie Alt, Diane Quinn, James Ventres – Land Use Officer
Others Present: Roger Nemergut – departed 7:40, Scott Jezek – departed 7:40, Stephen Remmers – departed 7:50

3. Public Hearing

a. New - Appeal #1127 – 56 Laurel Cove Road, Charles Beilman (owner), Roger Nemergut, P.E. (agent), requesting a variance to Section 10.1.5 of the East Haddam Zoning Regulations to construct a single family residence 30' from Bashan Lake where 50' are required and to construct a deck 12' from Bashan Lake where 50' are required. Assessor's Map 48, Lots 46 & 47.

Mr. Nemergut reviewed the existing conditions of the 2 existing lots, and the plans of combining 2 lots into 1 lot upon land use approvals to build the new house. He walked through the topography and rock outcroppings on the property, and outlined why the house would be placed upon the existing location of the seasonal cottage. Moving the house to the required footage required would put the new building into very steep topography, which would result in substantially more disturbance to the land as force the house to be elevated another 10' which would increase the house's visibility from the lake and reduce the neighboring property's view of the lake.

Mr. Nemergut also reviewed side benefits of building the new structure. The existing septic system is within 20' to 25' of the lake and is not code compliant due to its age. As part of the project, the old system would be abandoned and removed and a new system would be installed 100' from the lake. Another side benefit is that there is currently an erosion issue that

would be addressed. There is a ditch in place currently which will be replaced with a pipe, correcting the erosion issue and the sand/sediment issue.

When soil tests were conducted, the better condition was on the vacant lot for the code-compliant system in the north-west corner. It is the only place that is viable for the septic system, and if the house were moved to be a code-compliant distance from the lake, it would put it in violation of code requirements regarding distance to the septic system.

Discussion ensued related to the size of the existing house and the newly proposed house.

Mr. Nemergut answered questions related to why the new structure could not be placed closer to Laurel Cove Road (the footing drains that would impact the new septic system, the steep grade would require additional disturbance and blocking the neighbor's view).

Mr. Jezek walked through the demonstration of hardship for the variance. The property has both ledge and slope issues that are highly acute and severe. Ledge and slope are the two classic hardship elements that are seen in variance appeals. Other lots near this lot do not have the slope issue that this lot has. Mr. Ventres reviewed the photos provided as attachments to show the ledge outcroppings and the slope.

Mr. Daigle asked about the difference in the height of the existing structure to the new structure, which Mr. Nemergut noted is about 10' to 15'.

Mr. Nemergut also reviewed the work being done to the existing retaining walls, and that visually every effort has been made to improve the view.

Mr. Jezek also noted that part of the variance application requires that the application show that there is no material effect on the rest of the neighborhood. Historically this neighborhood has been seasonal cottages, and most have been converted to year-round usage. In addition, there is only 1 lot that can be built on; the neighborhood is established. The new house would be consistent with the rest of the neighborhood and would blend into the existing neighborhood dynamics.

Mr. Daigle asked Mr. Jezek about the character of the changes. Mr. Jezek noted that he lives on the lake across from this property, and he and other lake community members are really mainly concerned that any changes improve the septic systems and the water quality of the lake.

Mr. Ventres noted that the new structure are similar in size and are in character of the neighborhood. Mr. Daigle asked Mr. Ventres to explain the regulations. The Zoning regulations has a regulation of 50' setback from the watercourse. The IWWC has a 100' upland review area and the review zone requires review of the impacted areas for any inland wetland and watercourse impacts. The IWWC reviewed this application and determined the construction, with proper erosion control, will not impact the lake. Having the new septic system further from the lake will help the lake, the piping of the storm water management system was going to improve water quality and the review of the activity along the shoreline

yielded a buffering planting plan for the aesthetics of the site. Mr. Ventres noted that the IWWC approved this application prior.

Discussion ensued to ensure that Mr. Daigle had the level of detail he needed to understand the hardship issue.

There were no questions from the floor, and none from the public.

Motion by Ms. Alt to close the public hearing portion of the review. Seconded by Mr. Smith and unanimously approved.

Motion by Ms. Alt to grant Appeal #1127 – 56 Laurel Cove Road, Charles Beilman (owner), Roger Nemergut, P.E. (agent), requesting a variance to Section 10.1.5 of the East Haddam Zoning Regulations to construct a single family residence 30' from Bashan Lake where 50' are required and to construct a deck 12' from Bashan Lake where 50' are required, as it is the best place to put the house, and they are going to solve the erosion and water quality issues. Seconded by Mr. Smith, unanimously approved.

b. New – Appeal #1128 – 19 Brooke Hill Road, Stephen K. Remmers, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to construct a garage 14' from the side property line where 25' are required. Assessor's Map 37, Lot 80.

Mr. Remmers outlined the hardship to building an attached garage to his house. There is no other place to put the garage on the property, but it is within 14' of the side property line. Mr. Ventres walked through the lot plan and details. The lot is an interior lot, and due to the topography of the wetlands, and where the builder put the house and the septic system has limited where the new garage could possibly go. The plan shows where putting the garage would impact the septic and leaching field. There is also slope issues that impedes putting the garage in another location.

Mr. Ventres read into the record a letter of support from the neighboring property owner, dated Oct. 7, 2020.

There were no comments from the floor or from the public.

Motion by Mr. Smith to close the public hearing portion of the hearing. Seconded by Ms. Alt, unanimously approved.

Motion by Mr. Smith to grant Appeal #1128 – 19 Brooke Hill Road, Stephen K. Remmers, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to construct a garage 14' from the side property line where 25' are required, as that putting the garage any other place would interfere with the septic system. Seconded by Ms. Alt, unanimously approved.

4. Minutes

Motion by Mr. Smith to accept the October 6th minutes as presented. Seconded by Ms. Quinn, unanimously approved.

5. Bills

No bills.

6. Adjournment

Motion by Ms. Quinn to adjourn the meeting at 7:52 pm. Second by Mr. Smith and unanimously approved.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary