

131 SHORE RD

Case 16-18c - Exhibit A - 9/20/16

Location 131 SHORE RD**Assessment** \$323,600**Mblu** 43 / 2 /**Appraisal** \$462,300**Acct#** 00180300**PID** 1965**Owner** SWANEY RONALD J**Building Count** 1**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2015	\$143,700	\$318,600	\$462,300
Assessment			
Valuation Year	Improvements	Land	Total
2015	\$100,600	\$223,000	\$323,600

Owner of Record**Owner** SWANEY RONALD J**Sale Price** \$0**Co-Owner****Certificate****Address** 131 SHORE RD
OLD LYME, CT 06371**Book & Page** 375/ 599**Sale Date** 02/10/2011**Ownership History**

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
SWANEY RONALD J	\$560,000		375/ 599	02/10/2011
SWANEY RONALD J			375/ 406	02/07/2011
WELLS MARION H EST			375/ 402	02/07/2011
WELLS MARION H EST			374/ 852	01/18/2011
WELLS MARION H			372/ 356	10/25/2010

Building Information**Building 1 : Section 1**

Year Built: 1976
Living Area: 1440
Replacement Cost: \$176,588
Building Percent 80
Good:
Replacement Cost
Less Depreciation: \$141,300

Building Attributes

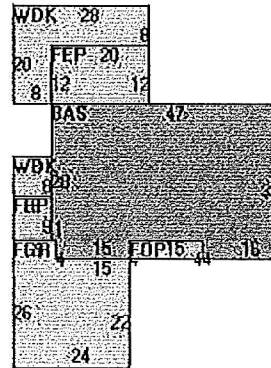
Field	Description
Style	Ranch
Model	Residential
Grade:	Average +10
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Pine/Soft Wood
Heat Fuel	Electric
Heat Type:	Electr Basebrd
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	5 Rooms
Bath Style:	Average
Kitchen Style:	Average

Building Photo



(http://images.vgsi.com/photos/OldLymeCTPhotos//\00\00\58/)

Building Layout



Building Sub-Areas			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1440	1440
FEP	Porch, Enclosed, Finished	312	0
FGR	Garage, Finished	564	0
FOP	Porch, Open, Finished	60	0
WDK	Deck, Wood	384	0
		2760	1440

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 ST	1 UNITS	\$1,800	1

Land

Land Use

Land Line Valuation

Use Code 1010
Description Single Fam MDL-01
Zone RU40
Neighborhood 0050
Alt Land Appr No
Category

Size (Acres) 1.00
Frontage 0
Depth 0
Assessed Value \$223,000
Appraised Value \$318,600

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			128 S.F.	\$600	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2011	\$152,100	\$319,000	\$471,100
2010	\$152,100	\$319,000	\$471,100
2009	\$152,100	\$319,000	\$471,100

Assessment			
Valuation Year	Improvements	Land	Total
2011	\$106,500	\$223,300	\$329,800
2010	\$106,500	\$223,300	\$329,800
2009	\$106,500	\$223,300	\$329,800

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Application Fee: \$60

Permit No. 16-204 Fee Paid: \$ ✓

Please see directions on reverse.

TOWN OF OLD LYME
Zoning Compliance Permit Application

Property Owner of Record: Ron Swaney Phone: agent

Property Address: 131 Shore Rd map: 43 lot: 2 zone: R-40

Mailing Address: same Old Lyme CT 06371
number street town state zip

Builder: N/A

Mailing Address: N/A
number street town state zip

Existing Status: Existing 2-bedroom year-round dwelling noncompliant to zoning + FEMA

seasonal year round dimensions: _____ height: 20± ft. lot size: 44,600 (sq. ft./acres) road width: _____

total footprint area: 2316 sq. ft. 1st floor area: 2316 sq. ft. 2nd floor area: N/A sq. ft. number of bedrooms: 2

Proposal: Demolish existing dwelling + construct new 3-bedroom dwelling, pool, etc (see plan)

seasonal year round dimensions: _____ total footprint area: 44,600 (sq. ft.) height: 235 ft.

1st floor area: 2034 3077 sq. ft. 2nd floor area: 915 sq. ft. number of bedrooms: 3

Plot Plan ☒ / Modified Plot Plan _____ (as described in Section 20.3.4 of the Old Lyme Zoning Regulations) is attached.

By signing this application, the applicant acknowledges that he understands that it is the applicant's responsibility to conform to the Town of Old Lyme's Zoning Regulations and that if the information here provided proves to be false, incomplete, and/or inaccurate, the permit will be revoked. Further, by signing this application, the applicant consents to access to the premises, at reasonable times, by appropriate officials of the Town of Old Lyme for the purpose of evaluating this application prior to its approval; inspections to monitor compliance of any work performed pursuant to any approval of this application; and continuing compliance inspections and monitoring following completion of any work authorized by such approval. This consent shall include the interior of any buildings existing or proposed on the premises, where access to such buildings is reasonably required in order to monitor compliance with applicable regulations of the Town of Old Lyme, any permit issued thereunder, or any conditions of such permit. This consent shall be deemed to run with the land and be binding upon future assignees of the subject permit, and use of such permit by the applicant or its successor(s) shall constitute acceptance of this consent.

Signature of Owner/Applicant: Jac Wron (agent) Date: 8/8/16

Name/Address: Jac Wron - Indigo - 46 Elm St. 2nd Floor - OS 06475 Phone: 860 388 9343

Office Use Only

1. Flood Hazard Permit: panel _____ zone _____ req'd: _____ not req'd: _____ exempt: _____ comment: _____
2. Coastal Site Plan Review: req'd: _____ not req'd: _____ exempt: _____ comment: _____
3. Water Resource District: n/a: _____ complies: _____ Conservation Zone: n/a: _____ complies: _____
4. Historic District: n/a: _____ complies: _____ Driveway Permit: req'd: _____ not req'd: _____ approval: _____
5. Site Development Plan: req'd: _____ not req'd: _____ approval: _____
6. Special Exception: req'd: _____ not req'd: _____ agency: _____ approval: _____
7. Health Review: well permit: _____ well complete: _____ septic permit: _____ number bedrooms: 3

Comment: In accord w/ letter dated 8/22/16

Approved/Denied: J. Perkins Date: 8/22/16 Approved/Denied _____ Date: _____

Zoning Review: (foundation/structure): DENIED

(See Non-Compliance Report)

approved/denied XL date: 8/22/16

Variance Application Number: _____ Effective Date: _____

Zoning Review: (foundation/structure): _____

approved/denied _____ date: _____

Zoning Review: (foundation/structure): _____

approved/denied _____ date: _____

Certificate of Zoning Compliance: _____

approved: _____ date: _____

Date: August 15, 2016

Property address: 131 Shore Road

Zoning District: RU-40

This proposal is to demolish existing and construct house, attached garage, in-ground pool and hot tub.

Section Number:	Requirement:	Provided:
Existing Non-conformities:		
Section 8.8.9	Minimum setback from other property line 35 feet	Non-Conforming (34.1 Feet)
4.3.1	<u>Conservation Zone (Gateway Zone)</u> : No Building or other Structure, including drainage structures, septic systems and wells, shall extend within less than one hundred (100) feet of the mean high tide line (as defined in the Connecticut General Statutes) of the Connecticut River or any of its tributaries or associated wetlands (see Section 4.10.3)	Non-Conforming Existing House (Deck) (43+/- Feet) from Tidal jurisdiction line.
Section 4.10.3	Connecticut River Setbacks: No Building or other Structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within one hundred (100) feet of the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the local commission having jurisdiction may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks and boathouses.	Non-Conforming Existing House (Deck) (43+/- Feet) from Tidal jurisdiction line.

Date: August 15, 2016

Property address: 131 Shore Road

Zoning District: RU-40

This proposal is to demolish existing and construct house, attached garage, in-ground pool and hot tub.

Proposal does not comply with:		
4.3.1	<u>Conservation Zone (Gateway Zone)</u> : No Building or other Structure, including drainage structures, septic systems and wells, shall extend within less than one hundred (100) feet of the mean high tide line (as defined in the Connecticut General Statutes) of the Connecticut River or any of its tributaries or associated wetlands (see Section 4.10.3)	Stone Wall (32+/- Feet), Retaining Wall (36+/- Feet), Pool (41+/-Feet), Hot Tub (58+/- Feet) and House (72+/- Feet) from Tidal jurisdiction line.
Section 4.10.3	Connecticut River Setbacks: No Building or other Structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within one hundred (100) feet of the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the local commission having jurisdiction may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks and boathouses.	Stone Wall (32+/- Feet), Retaining Wall (36+/- Feet), Pool (41+/-Feet), Hot Tub (58+/- Feet) and House (72+/- Feet) from Tidal jurisdiction line.

VARIANCE APPLICATION

ZBA# 16-18C

APPLICATION FOR A VARIANCE IS HEREBY MADE, RELATING TO THE FOLLOWING PROPERTY:

RECEIVED AUG 23 2016

Premises: Street Address 131 Shore Road

Assessor's Map # 43 Lot # 2 Zone RU-40 Area 44,600± sq. ft.
building/structure: 5.8% building/structure: 8.9%
Existing Coverage total coverage: 5.8% Proposed Coverage total coverage: 8.9%

Owner: Name Ronald J. Swaney Tel. # _____

Mailing Address 131 Shore Road, Old Lyme, CT 06371

Applicant: Name <same as Owner> Tel. # _____

(if other than

Owner) Mailing Address _____

Repre- Name Joe Wren, P.E. (Indigo Land Design) Tel. # 860-202-0693

sentative

at hearing: Mailing Address 40 Elm Street, 2nd Floor, Old Saybrook, CT 06475

Prior Appeals: Has any previous appeal been filed relating to these premises?

(x) No () Yes If yes, when and the appeal no. _____

Board Action _____

1. VARIANCE IS REQUESTED OF THE FOLLOWING PROVISIONS OF THE OLD LYME ZONING REGULATIONS:

Section No.	Requirement	Specific Variance Needed
	<see ZEO report>	
<u>4.3.1</u>	<u>100'</u>	<u>63'</u>
<u>4.10.3</u>	<u>100'</u>	<u>60'</u>

2. THE VARIANCE IS NEEDED TO ALLOW:

The construction of a new 3-bedroom year-round dwelling with associated improvements. The project will improve or eliminate existing non-conformities. The proposed dwelling will be located outside of the FEMA VE zone and in compliance with all current building & fire codes and FEMA regulations and town flood ordinances.

(specify use, dimensions and location of any proposed construction)

3. STRICT APPLICATION OF THE ZONING REGULATIONS WOULD PRODUCE AN UNUSUAL, HARDSHIP OR EXCEPTIONAL DIFFICULTY BECAUSE:

The overall buildable area on the property between the required 100' Gateway Riparian Zone buffer and yard setbacks would not be of adequate size or shape to contain a reasonable residential dwelling and associated improvements.

4. THE HARDSHIP WOULD BE UNIQUE AND NOT SHARED BY OTHERS IN THE AREA BECAUSE:

The subject property is surrounded on two sides (south and west) by existing tidal wetlands (Black Hall River) and is located within the Coastal Area Management Zone, FEMA Flood Hazard Zone AE (El. 11) and VE (El. 14) and the Connecticut River Gateway Conservation Zone which requires a 100' setback from coastal resources to buildings, structures and septic systems. Applying the 100' Gateway Conservation Zone and the required yard setbacks essentially would render the property non-buildable. Additionally, several existing non-conformities will be either eliminated or improved as a result of this project which is a basis for determining hardship and overall compliance.

5. THE VARIANCE WILL BE IN HARMONY WITH THE PURPOSE AND INTENT OF THE REGULATIONS BECAUSE:

The building will be in harmony with other properties in the RU-40 district regarding size, scale and architectural style. The proposed dwelling will be raised to be in compliance with FEMA Flood Regulations and local flood ordinances. Elevating the dwelling will conserve public health, safety, convenience, welfare and property values of the residents of Old Lyme. Also, the aesthetics of the proposed construction will be more consistent with CT River Gateway river scene.

(If the hardship is imposed by topographical conditions, support with photographs or a topographical survey of the terrain.)

6. CHECKLIST OF DOCUMENTATION THAT *MUST* ACCOMPANY THIS APPLICATION (In Duplicate):

- | | |
|---|---|
| (x) Variance application | (x) Copy of owner's deed to premises |
| (x) Plot Plan of premises <u>drawn to scale</u> showing lot dimensions, total area; required front, side and rear yards; location and size of existing and proposed buildings; location of well and septic system | (x) Elevation drawings of proposed construction |
| | (x) Photos of premises and area to be altered |
| (x) Floor plan(s) of existing and proposed buildings | (N/A) Sketch map of area showing location and distance of neighboring buildings, wells and septic |
| (x) Copies of assessor's cards from 1960 to present | (x) Copy of Health Dept. approval for proposed application or activity |

- ☒ \$100.00 fee submitted with Special Permit, Site Development, Subdivision and ZBA application
☐ \$410.00 fee submitted alone

Town of Old Lyme
Application Form
Municipal Coastal Site Plan Review
For Projects Located Fully or Partially Within the Coastal Boundary

Please complete this form in accordance with the attached instructions (CSPR-INST-11/99) and submit it with the appropriate plans to the appropriate Town of Old Lyme agency.

Section I: Applicant Identification

Applicant: <u>Ronald J. Swaney</u>		Date: <u>8/05/16</u>
Address: <u>131 Shore Road, Old Lyme, CT 06371</u>		Phone: _____
Project Address or Location: <u>131 Shore Road, Old Lyme, CT 06731</u>		
Interest in Property: <input checked="" type="checkbox"/> fee simple <input type="checkbox"/> option <input type="checkbox"/> lessee <input type="checkbox"/> easement <input type="checkbox"/> other (specify) _____		
List primary contact for correspondence if other than applicant:		
Name: <u>Joe Wren, P.E. (Indigo Land Design)</u>		
Address: <u>40 Elm Street, 2nd Floor</u>		
City/Town: <u>Old Saybrook</u>		State: <u>CT</u> Zip Code: <u>06745</u>
Business Phone: <u>(860) 388-9343</u>		
e-mail: <u>jwren@indigo-land.com</u>		

Section II: Project Site Plans

Please provide project site plans that clearly and accurately depict the following information, and <i>check the appropriate boxes</i> to indicate that the plans are included in this application:	
<input checked="" type="checkbox"/> Project location	
<input checked="" type="checkbox"/> Existing and proposed conditions, including buildings and grading	
<input checked="" type="checkbox"/> Coastal resources on and contiguous to the site	
<input checked="" type="checkbox"/> High tide line [as defined in CGS Section 22a-359(c)] and mean high water mark elevation contours (for parcels abutting coastal waters and/or tidal wetlands only) Coastal Jurisdiction Line (NAVD-88)	
<input checked="" type="checkbox"/> Soil erosion and sediment controls	
N/A <input type="checkbox"/> Stormwater treatment practices	
<input checked="" type="checkbox"/> Ownership and type of use on adjacent properties	
<input checked="" type="checkbox"/> Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.) (NAVD-88)	

Section III: Written Project Information

Please check the appropriate box to identify the plan or application that has resulted in this Coastal Site Plan Review:

- ☒ Site Plan for Zoning Compliance
- ☐ Subdivision or Resubdivision
- ☐ Special Exception
- ☒ Variance
- ☐ Municipal Project (CGS Section 8-24)

Part I: Site Information

1. Street Address or Geographical Description: 131 Shore Road, Old Lyme, CT 06731
City or Town: Old Lyme
2. Is project or activity proposed at a waterfront site (includes tidal wetlands frontage)? ☒ YES ☐ NO
3. Name of on-site, adjacent or downstream coastal, tidal or navigable waters, if applicable:
The subject property contains and is surrounded on two sides (south and west) by existing tidal wetlands (Black Hall River). Tidal wetlands from the Black Hall River are located on the subject property and the Connecticut River is located approximately 3,500' to the west of the subject property.
4. Identify and describe the existing land use on and adjacent to the site. Include any existing structures, municipal zoning classification, significant features of the project site:
Subject property is located within Rural Residence Zone RU-40. Neighboring properties are located within Rural Residential Zone RU-40, Residential Zone R-20 and Waterfront Business District WF-20. Site is surrounded on 2 sides by tidal wetlands from the Black Hall River. Site consists of an existing 2-bedroom year-round residential dwelling with an open porch at the front-entry, an attached 2-car garage, rear decks, an existing sidewalk and paved driveway. The property is served by a private well on the the adjacent property owned by N/F Frank & Suzanne Morelli.
5. Indicate the area of the project site: 1.02 acres or 44,600 +/- s.f. acres or square feet (circle one)
6. Check the appropriate box below to indicate whether the project or activity will disturb 5 acres or more total acres of land area (please also see Part II.B. regarding proposed stormwater best management practices):
 - ☐ Project or activity will disturb 5 or more total acres of land area on the site and may be eligible for registration for the Department of Environmental Protection's (DEP) General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities
 - ☒ Project or activity will not disturb 5 or more total acres of land area

Part II.A.: Description of Proposed Project or Activity

Describe the proposed project or activity including its purpose and related activities such as site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover over existing conditions resulting from the project; phasing, timing and method of proposed construction; and new uses and changes from existing uses (attach additional pages if necessary):

The applicant is proposing to demolish the existing 2-bedroom, year-round, 2,446 s.f. dwelling and construct a new 2-story, 3-bedroom, 3,994 s.f. year-round dwelling on the lot with an attached 3-car garage, two open front porches on the north (front) of the building, a wrap-around open covered porch to the south (rear) side of the building, install a brick paver and paved driveway, a new 100% Connecticut Public Health Code-compliant septic system, a new well and associated improvements. The proposed dwelling will be constructed on a crawlspace foundation and will not have footing drains. The structure is proposed to be in compliance with current FEMA regulations and local flood ordinances. The applicant is also proposing a retaining wall to the south (rear) of the dwelling with an in-ground pool, hot tub, outdoor chimney and associated improvements. The building/structure coverage and total ground coverage will increase from 5.9% (2,565 +/- s.f.) of the lot area to 8.9% (3,983 +/- s.f.) of the lot area and will remain below the maximum allowable coverages in the district.

Part II.B.: Description of Proposed Stormwater Best Management Practices

Describe the stormwater best management practices that will be utilized to ensure that the volume of runoff generated by the first inch of rainfall is retained on-site, especially if the site or stormwater discharge is adjacent to tidal wetlands. If runoff cannot be retained on-site, describe the site limitations that prevent such retention and identify how stormwater will be treated before it is discharged from the site. Also demonstrate that the loadings of total suspended solids from the site will be reduced by 80 percent on an average annual basis, and that post-development stormwater runoff rates and volumes will not exceed pre-development runoff rates and volumes (attach additional pages if necessary):

The proposed building/structure coverage and total ground coverage are conforming to town zoning regulations. The total existing impervious ground coverage is 5,605 s.f. and the total proposed impervious ground coverage is 5,812 s.f. The increase in impervious ground coverage is mostly due to the construction of the new dwelling and pool and will not have a significant increase on stormwater runoff. Native underlying soils on the site are generally well-drained sands and gravels which promotes infiltration. The proposed house will be located further from tidal wetlands (54' +/- south and 67' +/- west). The existing shed on the south property line (7' +/- from tidal wetlands) will be removed.

Part III: Identification of Applicable Coastal Resources and Coastal Resource Policies

Identify the coastal resources and associated policies that apply to the project by placing a check mark in the appropriate box(es) in the following table.

Coastal Resources	On-site	Adjacent	Off-site but within the influence of project	Not Applicable
General Coastal Resources* - Definition: CGS Section 22a-93(7); Policy: CGS Section 22a-92(a)(2)	X	X	X	
Beaches & Dunes - Definition: CGS Section 22a-93(7)(C); Policies: CGS Sections 22a-92(b)(2)(C) and 22a-92(c)(1)(K)				X
Bluffs & Escarpments - Definition: CGS Section 22a-93(7)(A); Policy: CGS Section 22a-92(b)(2)(A)				X
Coastal Hazard Area - Definition: CGS Section 22a-93(7)(H); Policies: CGS Sections 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), and 22a-92(c)(2)(B)	X	X		
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definition: CGS Sections 22a-93(5), 22a-93(7)(G), and 22a-93(7)(K), and 22a-93(7)(L) respectively; Policies: CGS Sections 22a-92(a)(2) and 22a-92(c)(2)(A)	X	X		
Developed Shorefront - Definition: CGS Section 22a-93(7)(I); Policy: 22a-92(b)(2)(G)				X
Freshwater Wetlands and Watercourses - Definition: CGS Section 22a-93(7)(F); Policy: CGS Section 22a-92(a)(2)				X
Intertidal Flats - Definition: CGS Section 22a-93(7)(D); Policies: 22a-92(b)(2)(D) and 22a-92(c)(1)(K)				X
Islands - Definition: CGS Section 22a-93(7)(J); Policy: CGS Section 22a-92(b)(2)(H)				X
Rocky Shorefront - Definition: CGS Section 22a-93(7)(B); Policy: CGS Section 22a-92(b)(2)(B)				X
Shellfish Concentration Areas - Definition: CGS Section 22a-93(7)(N); Policy: CGS Section 22a-92(c)(1)(I)				X
Shorelands - Definition: CGS Section 22a-93(7)(M); Policy: CGS Section 22a-92(b)(2)(I)				X
Tidal Wetlands - Definition: CGS Section 22a-93(7)(E); Policies: CGS Sections 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	X	X		

* General Coastal Resource policy is applicable to all proposed activities

Part IV: Consistency with Applicable Coastal Resource Policies and Standards

Describe the location and condition of the coastal resources identified in Part III above and explain how the proposed project or activity is consistent with all of the applicable coastal resource policies and standards; also see adverse impacts assessment in Part VII.A below (attach additional pages if necessary):

Tidal wetlands are located on site (520 +/- s.f. or 0.01 acres total) and on the adjacent property to the north/west and to the south. The site is located within Coastal Flood Hazard Zones AE (El. 11) and VE (El. 14) and the Old Lyme Flood ordinance adds one foot to the FEMA Flood elevations to 12 and 15 (NAVD-88). The proposed dwelling and garage are completely located within Zone AE (El. 11) and the house is proposed to be raised above elevation 12 (NAVD-88). Appropriate E&S Controls will be established and maintained throughout construction. Therefore, no adverse impacts to any coastal resources are anticipated as a result of this project.

Part V: Identification of Applicable Coastal Use and Activity Policies and Standards

Identify all coastal policies and standards in or referenced by CGS Section 22a-92 applicable to the proposed project or activity:

- ☒ General Development* - CGS Sections 22a-92(a)(1), 22a-92(a)(2), and 22a-92(a)(9)
- ☒ Water-Dependent Uses** - CGS Sections 22a-92(a)(3) and 22a-92(b)(1)(A);
Definition CGS Section 22a-93(16)
- ☐ Ports and Harbors - CGS Section 22a-92(b)(1)(C)
- ☐ Coastal Structures and Filling - CGS Section 22a-92(b)(1)(D)
- ☐ Dredging and Navigation - CGS Sections 22a-92(c)(1)(C) and 22a-92(c)(1)(D)
- ☐ Boating - CGS Section 22a-92(b)(1)(G)
- ☐ Fisheries - CGS Section 22a-92(c)(1)(I)
- ☐ Coastal Recreation and Access - CGS Sections 22a-92(a)(6), 22a-92(c)(1)(j) and 22a-92(c)(1)(K)
- ☐ Sewer and Water Lines - CGS Section 22a-92(b)(1)(B)
- ☐ Fuel, Chemicals and Hazardous Materials - CGS Sections 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
- ☐ Transportation - CGS Sections 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
- ☐ Solid Waste - CGS Section 22a-92(a)(2)
- ☐ Dams, Dikes and Reservoirs - CGS Section 22a-92(a)(2)
- ☐ Cultural Resources - CGS Section 22a-92(b)(1)(J)
- ☐ Open Space and Agricultural Lands - CGS Section 22a-92(a)(2)

* General Development policies are applicable to all proposed activities

** Water-dependent Use policies are applicable to all activities proposed at waterfront sites, including those with tidal wetlands frontage.

Part VI: Consistency With Applicable Coastal Use Policies And Standards

Explain how the proposed activity or use is consistent with all of the applicable coastal use and activity policies and standards identified in Part V. **For projects proposed at waterfront sites (including those with tidal wetlands frontage)**, particular emphasis should be placed on the evaluation of the project's consistency with the water-dependent use policies and standards contained in CGS Sections 22a-92(a)(3) and 22a-92(b)(1)(A) -- also see adverse impacts assessment in Part VII.B below (attach additional pages if necessary):

The subject property is single family residential and will remain unchanged.

Part VII.A.: Identification of Potential Adverse Impacts on Coastal Resources

Please complete this section for all projects. Identify the adverse impact categories below that apply to the proposed project or activity. The "applicable" column **must** be checked if the proposed activity has the **potential** to generate any adverse impacts as defined in CGS Section 22a-93(15). If an adverse impact may result from the proposed project or activity, please use Part VIII to describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts.

Potential Adverse Impacts on Coastal Resources	Applicable	Not Applicable
Degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or functions - CGS Section 22a-93(15)(H)		X
Increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones - CGS Section 22a-93(15)(E)		X
Degrading existing circulation patterns of coastal water through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours - CGS Section 22a-93(15)(B)		X
Degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff - CGS Section 22a-93(15)(D)		X
Degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction - CGS Section 22a-93(15)(C)		X
Degrading visual quality through significant alteration of the natural features of vistas and view points - CGS Section 22a-93(15)(F)		X
Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity - CGS Section 22a-93(15)(A)		X
Degrading or destroying essential wildlife, finfish, or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alterations of the natural components of the habitat - CGS Section 22a-93(15)(G)		X

Part VII.B.: Identification of Potential Adverse Impacts on Water-dependent Uses

Please complete the following two sections **only if the project or activity is proposed at a waterfront site**:

1. Identify the adverse impact categories below that apply to the proposed project or activity. The **•applicable•** column **must** be checked if the proposed activity has the **potential** to generate any adverse impacts as defined in CGS Section 22a-93(17). If an adverse impact may result from the proposed project or activity, use Part VIII to describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts.

Potential Adverse Impacts on Future Water-dependent Development Opportunities and Activities	Applicable	Not Applicable
Locating a non-water-dependent use at a site physically suited for or planned for location of a water-dependent use - CGS Section 22a-93(17)		X
Replacing an existing water-dependent use with a non-water-dependent use - CGS Section 22a-93(17)		X
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS Section 22a-93(17)		X

2. Identification of existing and/or proposed Water-dependent Uses.

Describe the features or characteristics of the proposed activity or project that qualify as water-dependent uses as defined in CGS Section 22a-93(16). If general public access to coastal waters is provided, please identify the legal mechanisms used to ensure public access in perpetuity, and describe any provisions for parking or other access to the site and proposed amenities associated with the access (e.g., boardwalk, benches, trash receptacles, interpretative signage, etc.):

The subject property is single family residential and will remain unchanged.

*If there are no water-dependent use components, describe how the project site is not appropriate for the development of a water-dependent use.

Part VIII: Mitigation of Potential Adverse Impacts

Explain how all potential adverse impacts on coastal resources and/or future water-dependent development opportunities and activities identified in Part VII have been avoided, eliminated, or minimized (attach additional pages if necessary):

There are no potential adverse impacts anticipated as a result of the proposed work as
adequate E&S control measures will be established and maintained throughout
construction.

Part IX: Remaining Adverse Impacts

Explain why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated and why the project as proposed is consistent with the Connecticut Coastal Management Act (attach additional pages if necessary):

There are no remaining adverse impacts.



145 Dennison Road
Essex, CT 06475
Phone: 860-581-8554
FAX: 860-581-8543
www.ctrivergateway.org

Chester
Deep River
East Haddam
Essex
Haddam
Lyme
Old Lyme
Old Saybrook

August 24, 2016

Ms. Judy McQuade, Chairman
Old Lyme Zoning Board of Appeals
52 Lyme Street
Old Lyme, CT 06371

**SUBJECT: Request for Variances, Demolition of and Reconstruction of Residential Dwelling
131 Shore Road (M43, L2)
Ronald J. Swaney, Appellant and Owner**

Dear Ms. McQuade:

The Old Lyme Zoning Board of Appeals has submitted the referenced variance application for review for consistency with the mission of the Gateway Commission. The appeal, if successful, will allow for the demolition of an existing one-story residential dwelling and reconstruction of a two-story dwelling that will have a footprint moved landward from the existing footprint by approximately 25 to 30 feet. The new structure will be elevated to meet FEMA flood requirements in that location. Although the proposed in-ground pool will be located within the 50 foot tidal wetlands setback and 50 foot riparian buffer setback, the dwelling itself will meet the 100 foot structure setback required in Gateway standards. Application materials indicated that existing nonconformities will either be improved or eliminated. These findings are provided for consideration at the upcoming public hearing scheduled to commence on Tuesday, September 20, 2016.

Following review of the application and aerial photographs and a meeting at the site with representatives of the appellant and ZEO Keith Rosenfeld, it was concluded that the approval of the application will likely be consistent with the protective mission of Gateway with the following requests:

1. In order to maximize visual buffering to the greatest degree, Gateway asks that an approval be conditioned so that no mature trees are removed from the area bordering the wetlands, both to the south and west or elsewhere on the site where its not absolutely necessary for construction purposes.
2. To visually buffer the four foot stone wall that is proposed for the wetland side of the development, it is requested that the appellant plant vegetation/shrubbery that will grow to hide that stone wall as much as possible.
3. To visually buffer the residential structure itself, it is requested that landscaping be planted at its westward-facing foundation.
4. To reduce the visual impact of the structure from the Connecticut and Black Hall Rivers, it is requested that the appellant use darker colors and materials to finish the house, both siding and roof materials. Discussions at the site with representatives of the property owner indicated that this was likely acceptable to the property owner.

Protecting the River Since 1973

Discussion with representatives of the property owner indicate that he is planning to plant additional vegetation between the stone wall and the wetlands edge so as to act as a riparian buffer of sorts. The Gateway Commission asks that the Board confirm these plans and include them in an approval.

In summary, with the foregoing modifications and the fact that the property is located a significant distance from the main stem of the Connecticut River, the Gateway Commission would likely not oppose the granting of the requested variances.

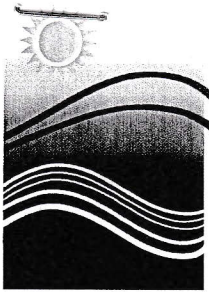
Thank you for submitting the appeal for review. If there are any questions regarding this or any other Gateway-related issue, please feel free to contact me at (860) 581-8554 or tdownes@rivercog.org.

For the Commission,

A handwritten signature in black ink, appearing to read 'J. H. Torrance Downes', with a long horizontal line extending to the right.

J. H. Torrance Downes
Deputy Director, RiverCOG

Copy to:
Joe Wren, Engineer



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

OFFICE OF LONG ISLAND SOUND PROGRAMS

September 14, 2016
(Emailed September 14, 2016)

Judy McQuade, Old Lyme, ZBA
c/o Keith Rosenfeld, Zoning Enforcement Official
52 Lyme St.
Old Lyme CT 06371

Subject: ***CT DEEP Comments on CSPR for 31 Shore Road, Old Lyme CT***

Dear Ms. McQuade and Board Members:

Thank you for notifying this office of the above-noted coastal site plan review (CSPR) application as referenced above and received on September 7, 2016. The application involves tearing down and replacing the home with a larger home, adding a pool, retaining wall and stone wall. The septic will be replaced.

OLISP has reviewed the proposal with the goals and policies of the Connecticut Coastal Management Act (CCMA) and offers the following comments.

Coastal Hazards

The applicant is to be commended for moving the new house further away from the southwestern tidal wetlands boundary to be located fully outside of the Velocity Flood Zone (VE14), the most dangerous of flood zones subject to direct wave action. The new home will be located within the AE11 flood zone, a less dangerous flood zone than the V zone. However, given the proximity of the home to the V flood zone and given the general proximity of LiMWA flood zones nearby, which encourage or require a higher V zone construction, we recommend the applicant voluntarily consider building the new home to higher V Zone construction (on pilings with break away walls etc.). Please see First Floor fact sheet attached for more FEMA NFIP construction information.

Further, while the home is moving to a less dangerous flood zone it is still subject to flooding within the A zone. OLISP generally does not recommend significant addition of living space within flood prone areas over the pre-existing square footage. This is in keeping with the CCMA policy to "minimize threats to life and property."

Variances

While the new house would be placed further east, the large patio and pool structure, surrounded by a new stone wall and retaining wall (Top of Wall-- elevation 14.5), is proposed within 35 feet of tidal wetlands. This does not meet the 50 foot "tidal wetland review area" setback (noted on plans) nor the 100 foot Tidal Wetland Setback per Sec. 4.10.3. While we recognize the existing house is only approximately 50 feet from tidal wetland now, we recommend that the applicant consider reducing the size of the large patio and moving the pool closer to the new home while scaling back or removing stone wall and retaining walls as much as feasible.

Further, the new stonewall with retaining wall may meet the definition of a flood and erosion control structure-- even though approximately 35 feet from the Coastal Jurisdiction Line (CJL). Therefore we recommend the applicant and Board evaluate the walls for this potential effect in diverting the flow of flood waters, and apply CCMA policies accordingly as applicable. These policies generally discourage walls that function as flood and erosion control structures in coastal flood prone areas, especially near resource areas. It is possible that during significant storm events, the new walls within a V-zone may create scour in front of the walls or potentially adversely impact nearby tidal wetlands (see Tidal Wetland Fact sheet for more information). In considering climate change, walls can also stop tidal wetland migration inland as sea level rises over time and wetlands slowly migrate inland. (See Flood and Erosion Control Fact Sheet attached for more detailed information).

Finally, we also recommend that all mature trees be protected at the site and riparian vegetation (native, non-invasive) be added along wetland areas to the maximum extent possible.

We hope these comments prove useful to the Board in their review of the proposal. Please feel free to contact me at Marcy.balint@ct.gov or 860-424-3623 with any questions you may have regarding these comments or any coastal management concern.

Thank you.

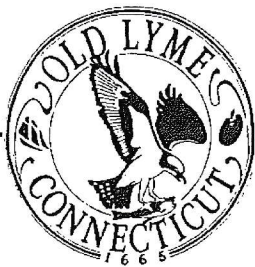
Sincerely,

Marcy L. Balint

Marcy L. Balint, Sr. Coastal Planner
Office of Long Island Sound Programs

CC: Joe Wren, PE, for applicant

Enc.



TOWN OF OLD LYME

ZONING BOARD OF APPEALS

52 Lyme Street
Old Lyme, CT 06371
Tel. (860) 434-1605
Fax (860) 434-5636

October 4, 2016

Certified Mail/Return Receipt Requested

Mr. Joe Wren, P.E.
Indigo Land Design
40 Elm Street, 2nd Floor
Old Saybrook, CT 06475

Re: Case 16-18C – 131 Shore Road, Old Lyme
Assessors Map 43, Lot 2, RU-40

Dear Mr. Wren:

During a Meeting of the Zoning Board of Appeals held on September 20, 2016 at 7:00 p.m. at Memorial Town Hall, the Board voted on the variance application, as follows:

A Motion was made by Mary Stone and seconded by Kip Kotzan to GRANT with conditions the requested variances as the per plans submitted [Coastal Site Plan prepared for Ronald J. Swaney 131 Shore Road – Map 43 Lot 2 Old Lyme, Connecticut dated August 2, 2016 CSP-1 Sheet 1 of 3 revised 8/5/16 revisions to PR Gross Floor area and PR building height, E&S information added, misc., further revised to 8/16/16 revisions per Health Dept comments (Sheet 2 Soil Test Data & Septic Design and Sheet 3 E&S and Construction Details with same revision dates) prepared by Indigo Land Design] to demolish existing structure and construct a new 3-bedroom year-round dwelling which will be FEMA compliant and constructed outside the FEMA VE zone. The conditions are as follows: no mature trees are to be removed from the area bordering the wetlands, both to the south and west or elsewhere on the site where it is not absolutely necessary for construction purposes; the four foot stone wall that is proposed for the wetland side of the development is visually buffered and appellant is to plant vegetation or shrubbery that will grow to hide the stone wall as much as possible and the residential structure itself is visually buffered but that landscaping be planted at its westward-facing foundation. And also that the neighbor, Mr. Morelli's existing view easement is to be fully respected. 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 further discussion and a vote was taken. In favor: J. McQuade, M. Stone, K. Kotzan, M. Hartmann, N. Hutchinson Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Reasons for granting:

- 1. Proposal brings structure into FEMA compliance.*
- 2. Proposal reduces building encroachment into tidal and coastal areas.*
- 3. Proposal reduces non-conformity with respect to tidal line and minimum setback.*

The Legal Notice of the decision was first published in the New London Day on Monday, September 26, 2016 which inadvertently had the wrong date of the September ZBA meeting. The Legal Notice of Decision [corrected copy] was re-noticed on Monday, October 3, 2016 a

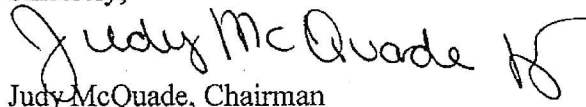
copy of which is enclosed. There is a fifteen (15) day appeal period from the date of publication of the legal notice.

In accordance with ZBA counsel, any appeal taken from the first notice and filed within the 15 day appeal period shall be deemed timely by the Zoning Board of Appeals. The same applies to the second "corrected" legal notice if the appeal is filed within that 15 day appeal period it shall also be deemed timely by the Zoning Board of Appeals. The determination by the Zoning Board of Appeals is not binding upon any other party.

The "Notice of Variance Granted" [copy enclosed] will be recorded once a mylar and three (3) paper copies have been submitted for review and signature. The fee for recording the mylar on the Land Records is \$13.00, please submit a check in the amount of \$13.00 made payable to the Town of Old Lyme when the mylar and copies are dropped off.

Once the "Notice of Variance Granted" and the required mylar are recorded, you must obtain your zoning permit and any applicable building permits. Your variance will expire eighteen months from the date it is recorded if you have not obtained your permits and begun work.

Sincerely,

A handwritten signature in cursive script that reads "Judy McQuade" followed by a stylized flourish.

Judy McQuade, Chairman

Enclosures

Application Fee: \$60

Permit No. 16-204 Fee Paid: \$ ✓

Please see directions on reverse.

TOWN OF OLD LYME
Zoning Compliance Permit ApplicationProperty Owner of Record: Rev. Shoney Phone: agentProperty Address: 131 Shure Rd map: 43 lot: 2 zone: RM-1CMailing Address: same Old Lyme CT 06371
number street town state zipBuilder: N/AMailing Address: 11/A
number street town state zipExisting Status: Existing 2 bedroom year round dwelling non-compliant to zoning 1601dseasonal /year round dimensions: height: 16.2 ft. lot size: 77,000 sq.ft./acres road width: total footprint area: 1,100 sq. ft. 1st floor area: 2,100 sq. ft. 2nd floor area: 1,100 sq. ft. number of bedrooms: 2Proposal: Demolish existing dwelling & construct new 3 bedroom 1.5 bath 1.5 car garage (see plan)seasonal /year round dimensions: total footprint area: 1,100 sq. ft. height: 13.5 ft.1st floor area: 2,100 sq. ft. 2nd floor area: 915 sq. ft. number of bedrooms: 3Plot Plan /Modified Plot Plan (as described in Section 20.3.4 of the Old Lyme Zoning Regulations) is attached.

By signing this application, the applicant acknowledges that he understands that it is the applicant's responsibility to conform to the Town of Old Lyme's Zoning Regulations and that if the information here provided proves to be false, incomplete, and/or inaccurate, the permit will be revoked. Further, by signing this application, the applicant consents to access to the premises, at reasonable times, by appropriate officials of the Town of Old Lyme for the purpose of evaluating this application prior to its approval; inspections to monitor compliance of any work performed pursuant to any approval of this application; and continuing compliance inspections and monitoring following completion of any work authorized by such approval. This consent shall include the interior of any buildings existing or proposed on the premises, where access to such buildings is reasonably required in order to monitor compliance with applicable regulations of the Town of Old Lyme, any permit issued thereunder, or any conditions of such permit. This consent shall be deemed to run with the land and be binding upon future assignees of the subject permit, and use of such permit by the applicant or its successor(s) shall constitute acceptance of this consent.

Signature of Owner/Applicant: [Signature] Date: 8/2/16Name/Address: Rev. Shoney - Judge - 46 Elm St. 2nd Floor - 06375 Phone: 860 378 1243

Office Use Only

1. Flood Hazard Permit: panel zone req'd: not req'd: exempt: comment: 2. Coastal Site Plan Review: req'd: not req'd: exempt: comment: 3. Water Resource District: n/a: complies: Conservation Zone: n/a: complies: 4. Historic District: n/a: complies: Driveway Permit: req'd: not req'd: approval: 5. Site Development Plan: req'd: not req'd: approval: 6. Special Exception: req'd: not req'd: agency: approval: 7. Health Review: well permit: well complete: septic permit: number bedrooms: 3Comment: In accord w/ letter dated 8/22/16Approved/Denied: [Signature] Date: 8/22/16 Approved/Denied Date: Zoning Review: (foundation/structure): DENIED(See Non-Conformity Report)approved/denied KL date: 8/22/16Variance Application Number: 16-18C Effective Date: 7/20/16Zoning Review: (foundation/structure): Certificate Part I dated 4/27/19 5/9/19approved/denied date: Zoning Review: (foundation/structure): OK Certificate Part II 7/24/19 142Add Filings Shown / Returning 13A 4/10Certificate of Zoning Compliance: approved: date: 8/2/19