

1. Agenda & Minutes

Documents:

[JANUARY 7 2026 ZBA AGENDA.PDF](#)  
[NOVEMBER 5 2025 ZBA MEETING MINUTES.PDF](#)

2. ZBA-25-4 37 Oswegatchie Road

Documents:

[ZBA-25-4 APPLICATION\\_REDACTED.PDF](#)  
[ZBA-25-4 APPLICATION FORM2.PDF](#)  
[ZBA-25-4 SITE PLAN\\_RED.PDF](#)  
[ZBA-25-4 FLOOR PLANS.PDF](#)  
[ZBA-25-4 NARRATIVE.PDF](#)  
[ZBA-25-4 OCTOBER 10 2025 PHOTOS.PDF](#)  
[ZBA-25-4 VARIANCES REQUESTED.PDF](#)  
[ZBA-25-4 37 OSWEGATCHIE ROAD CSPR COMMENT LETTER\\_DECEMBER 2025.PDF](#)  
[ZBA-25-4 COASTAL PLAN REVIEW\\_REDACTED.PDF](#)  
[ZBA-25-4 37 OSWEGATCHIE ROAD STAFF REPORT.PDF](#)

FIFTEEN ROPE FERRY ROAD  
WATERFORD, CT 06385-2886



PHONE: 860-442-0553  
[www.waterfordct.org](http://www.waterfordct.org)

## AGENDA

**Zoning Board of Appeals  
Waterford Town Hall**

**January 7, 2025  
5:30 PM**

- 1. CALL TO ORDER/APPOINTMENT OF ALTERNATES**
- 2. APPROVAL OF THE November 5, 2024 MEETING MINUTES**

- 3. PUBLIC HEARING**

**Application #ZBA-25-4** - Appeal of 1 Point Comfort, LLC, owners and applicants at 37 Oswegatchie Rd, R-20 zone. Variances are requested from zoning regulations: Section 4.4.2 Side Setback and Section 4.4.3, Rear Yard Setback, as shown on plans titled "Coastal Site Plan Prepared for 1 Point Comfort LLC, 37 Oswegatchie Road, Map 102 lots 5856 Waterford, Connecticut" dated September 19, 2024 last revised 11/4/2025. A Coastal Site Plan Review is required in accordance with the Coastal Management Act.

- 4. OLD BUSINESS**

- 5. CORRESPONDENCE**

- 6. ADJOURNMENT**

RECEIVED FOR RECORD  
WATERFORD, CT

2025 JAN - 5 P 1:32

ATTEST: *[Signature]*  
TOWN CLERK

**Special Meeting  
M I N U T E S**

RECEIVED FOR RECORD  
WATERFORD, CT

Zoning Board of Appeals  
Remote Access Only

2025 NOV 11 2025  
4:00 PM

Members Present: Chairwoman Cathy Gonyo, Michelle Kripps, John Morgan  
Members Absent: Anne Darling and William Herzfeld  
Alternates Absent: Evan Brown, Greg Gallup and Jason Kohl  
Staff Present: Mark Wujtewicz, Planner and Katrina Kotfer, Recording Secretary

ATTEST: *Patricia K. Kotfer*  
TOWN CLERK

**1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES**

Chairwoman Gonyo called the meeting to order at 4:03. No alternates were appointed.

**2. APPROVAL OF MINUTES**

**MOTION:** Motion made by J. Morgan, seconded by M. Kripps, to approve the minutes of the June 4, 2025 meeting as written.

**VOTE:** 3-0

**3. NEW BUSINESS**

Draft 2026 Meeting Schedule

**MOTION:** Motion made by J. Morgan, seconded by M. Kripps, to approve the Draft 2026 Meeting Schedule.

**VOTE:** 3-0

Draft 2024/2025 ZBA Annual Report

**MOTION:** Motion made by J. Morgan, seconded by M. Kripps, to approve the Draft 2024/2025 Annual Report.

**VOTE:** 3-0

Draft FY 2027 ZBA Budget

**MOTION:** Motion made by J. Morgan, seconded by M. Kripps, to approve the Draft FY2027 ZBA budget.

**VOTE:** 3-0

New Applications

M. Wujtewicz informed the Board that a new application including variances and a Coastal Area Management Site Plan for property located at 37 Oswegatchie Road has been received and will be scheduled for a public hearing within the statutory time frames.

**4. ADJOURNMENT**

**MOTION:** Motion made by J. Morgan, seconded by M. Kripps, to adjourn the meeting at 4:06 PM.

**VOTE:** 3-0

Respectfully Submitted,

*Katrina Kotfer*

Katrina Kotfer  
Recording Secretary



**Town of Waterford** **REVISED**  
Department of Planning and Development  
www.waterfordct.org

**Variance Application to the  
Zoning Board of Appeals**

Property Address: 37 Oswegatchie Road



Office Use Only

Date Submitted: \_\_\_\_\_

Processed By: \_\_\_\_\_

App. No.: ZBA-25-4

Total Fee: \$ \_\_\_\_\_

**1. Type of Variance Application(s) (Check all that apply)**

Residential  
 Other Residential  
 Non-Residential

CAM Residential  
 CAM Non-Residential

Location of Approval DMV  
 Other: \_\_\_\_\_

**2. Owner(s) of Record (As listed on deed)**

Name: 1 Point Comfort LLC Telephone#: \_\_\_\_\_

Address: \_\_\_\_\_ Cell Phone#: \_\_\_\_\_

City/State: \_\_\_\_\_ Email: \_\_\_\_\_

**3. Applicant Information**

Name: Owner Telephone#: \_\_\_\_\_  
Address: \_\_\_\_\_ Cell Phone#: \_\_\_\_\_  
City/State: \_\_\_\_\_ Email: \_\_\_\_\_

**4. Agent Information**

Name: Amy Souchuns, Esq. HSSK LLC Telephone#: \_\_\_\_\_  
Address: \_\_\_\_\_ Cell Phone#: \_\_\_\_\_  
City/State: \_\_\_\_\_ Email: \_\_\_\_\_

**5. Application Request Type**

I/We hereby apply for:

Variance from the Zoning Regulations

Repairer's/Dealer's License

## 6. Parcel Information

Map/Block/Lot: 102 /585/ 103/585/ Street No. & Name: 37 Oswegatchie Road  
Approximate Size SF/AC: 10,571 SF .27 ac. Date acquired: 7/1/24 Zone(s): R-20W  
Deed recorded in Waterford Land Records Volume Number: 1863 Page(s): 196  
Located on the side W of Oswegatchie Rd, 0 feet  
(*N, S, E, W*) (*STREET*)  
NW from the intersection of Oswegatchie Rd and Point Comfort  
(*N, S, E, W*) (*STREET*) (*STREET*)  
The variance relates to (*please check one*):  
Use:  Area:  Frontage:  Yards/Setbacks:  Signs:  Dealer/Repairer:

## 7. Zone District

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE			
MINIMUM FRONTAGE	See attached chart		
MINIMUM FRONT YARD			
MINIMUM SIDE			
MINIMUM REAR YARD			
MAXIMUM BUILDING COVERAGE			
MAXIMUM BUILDING HEIGHT			
MINIMUM PARKING SPACES			

## 8. Under what section(s) of the Zoning Regulations is the appeal based?

*Attach additional sheet if necessary*

See attached narrative.

## 9. Specifically state amount of variance or action Board is requested to take:

*Attach additional sheet if necessary*

See attached narrative.

## 10. What is the hardship claimed? See Sections 27.4 and 27.5 of the Zoning Regulations

See attached narrative.

**11. Has/Have any previous appeal(s) been filed in connection with these premises during the past ten calendar years?**

Yes  No

If yes, \_\_\_\_\_ and \_\_\_\_\_  
*Date(s)* \_\_\_\_\_ *Appeal Number(s)* \_\_\_\_\_

**12. Coastal Area Management Boundary**

Is the property within the Coastal Area Management Boundary?

Yes  No

Is a CAM report required?

Yes

No

If yes, is the report attached?

Yes

No

If No, note the exempt section(s) of Zoning Regulations \_\_\_\_\_

**13. Owner, Applicant and/or Agent Acknowledgement**

By signing below, the Owner and Applicant hereby grant the Waterford Zoning Board of Appeals and its authorized agents, including the Zoning Enforcement Officer, and Town Public Works Staff, the right to enter the premises, subject of the application, to inspect and verify the information contained in the variance application.

I/We hereby depose and say that all the above statements and the statements contained in any papers submitted herewith are true to the best of my knowledge and belief.



Signature of Owner  
10/21/25  
Date



Signature of Applicant/Agent  
10/21/25  
Date



**Town of Waterford** **REVISED**  
Department of Planning and Development  
www.waterfordct.org

Office Use Only

Date Submitted: \_\_\_\_\_

Processed By: \_\_\_\_\_

App. No.: ZBA-25-4

Total Fee: \$ \_\_\_\_\_

**Variance Application to the  
Zoning Board of Appeals**

Property Address: 37 Oswegatchie Road



**1. Type of Variance Application(s) (Check all that apply)**

Residential

CAM Residential

Location of Approval DMV

Other Residential

CAM Non-Residential

Other: \_\_\_\_\_

Non-Residential

**2. Owner(s) of Record (As listed on deed)**

Name: 1 Point Comfort LLC Telephone#: 860-227-6440

Address: 114 Mill Rock Road East Cell Phone#: \_\_\_\_\_

City/State: Old Saybrook, CT 06475 Email: epotts@geomatrixllc.com

**3. Applicant Information**

Name: Owner Telephone#: \_\_\_\_\_

Address: \_\_\_\_\_ Cell Phone#: \_\_\_\_\_

City/State: \_\_\_\_\_ Email: \_\_\_\_\_

**4. Agent Information**

Name: Amy Souchuns, Esq. HSSK LLC Telephone#: 203-877-8000

Address: 135 Broad St. Cell Phone#: \_\_\_\_\_

City/State: Milford, CT 06460 Email: asouchuns@hssklaw.com

**5. Application Request Type**

I/We hereby apply for:

Variance from the Zoning Regulations

Repairer's/Dealer's License

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Map/Block/Lot: 102 /585/ 103 /585/ Street No. & Name: 37 Oswegatchie Road  
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Located on the side W of Oswegatchie Rd, 0 feet  
(*N, S, E, W*) (*STREET*)  
NW from the intersection of Oswegatchie Rd and Point Comfort  
(*N, S, E, W*) (*STREET*) (*STREET*)  
The variance relates to (*please check one*):  
Use:  Area:  Frontage:  Yards/Setbacks:  Signs:  Dealer/Repairer:

## 7. Zone District

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE			
MINIMUM FRONTAGE	See attached chart		
MINIMUM FRONT YARD			
MINIMUM SIDE			
MINIMUM REAR YARD			
MAXIMUM BUILDING COVERAGE			
MAXIMUM BUILDING HEIGHT			
MINIMUM PARKING SPACES			

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See attached narrative.

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Yes  No

If yes, \_\_\_\_\_ and \_\_\_\_\_  
*Date(s)* \_\_\_\_\_ *Appeal Number(s)* \_\_\_\_\_

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Is the property within the Coastal Area Management Boundary?

Yes  No

Is a CAM report required?

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If yes, is the report attached?

Yes

No

If No, note the exempt section(s) of Zoning Regulations \_\_\_\_\_

**13. Owner, Applicant and/or Agent Acknowledgement**

By signing below, the Owner and Applicant hereby grant the Waterford Zoning Board of Appeals and its authorized agents, including the Zoning Enforcement Officer, and Town Public Works Staff, the right to enter the premises, subject of the application, to inspect and verify the information contained in the variance application.

I/We hereby depose and say that all the above statements and the statements contained in any papers submitted herewith are true to the best of my knowledge and belief.



Signature of Owner  
10/21/25  
Date



Signature of Applicant/Agent  
10/21/25  
Date



# Town of Waterford

*Building, Conservation, Planning and Zoning*

[www.waterfordct.org](http://www.waterfordct.org)



**PZC Form 2:**

Office Use Only

Date Submitted: \_\_\_\_\_

Processed By: \_\_\_\_\_

App. No.: \_\_\_\_\_

Rev: 07/24/14

## *Application for Coastal Area Management Site Plan Permit*

**Property Address:** 37 Oswegatchie Road

### **1. General**

- a. This form must be submitted in conjunction with *PZC Form 1: Planning and Zoning Application* or, in the case of minor activities and if permitted by the Zoning Enforcement Officer, *Zoning Compliance Permit*.
- b. This form does not supersede or take the place of any state or federal permits. The applicant shall consult with the necessary agencies to review the possibility of additional permits, including general or individual permits that may be required for specific activities.

### **2. Authority**

Consistent with Connecticut General Statutes ,Chapter 444, Secs. 22a-90 to 22a-113j, Waterford's Planning and Zoning Commission, acting in the capacity of the Town's Zoning Commission, regulates certain activities upon properties which lie completely or partially within the coastal area as defined by CGS §22a-94(b). Specifically, the Commission's is authorized, cited in part, by the following:

Sec. 22a-105. Coastal site plan reviews. (a) Coastal municipalities shall undertake coastal site plan reviews in accordance with the requirements of this chapter.

(b) The following site plans, plans and applications for activities or projects to be located fully or partially within the coastal boundary and landward of the mean high water mark shall be defined as "coastal site plans" and shall be subject to the requirements of this chapter: (1) Site plans submitted to a zoning commission in accordance with section 22a-109; (2) plans submitted to a planning commission for subdivision or resubdivision in accordance with section 8-25 or with any special act; (3) applications for a special exception or special permit submitted to a planning commission, zoning commission or zoning board of appeals in accordance with section 8-2 or with any special act; (4) applications for a variance submitted to a zoning board of appeals in accordance with subdivision (3) of section 8-6 or with any special act, and (5) a referral of a proposed municipal project to a planning commission in accordance with section 8-24 or with any special act.

### 3. Coastal Resources and Policies

a. By placing a check mark in the appropriate box(es), identify the coastal resources and their policies for each that is located on and adjacent to the property or that may be influenced by the activities associated with the application. Note: A resources may be located on site, adjacent and be off-site but influenced by the activities. Refer to CGS §22a-92(a) for General Coastal Resource Policy, CGS§221-92(b)(2) and CGS §22a-93(7) for definitions of each corresponding policy's coastal resource.

Coastal Resource	On-site	Adjacent	Off-site but within Influence
General Coastal Resources	X		
Beaches and Dunes	X		
Bluffs & Escarpments	X		
Coastal Hazard Area	X		
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters	X		
Development Shorefront			X
Freshwater Wetlands and Watercourses			X
Intertidal Flats			X
Islands			X
Rocky Shorefront			X
Shellfish Concentration Area		X	
Shorelands	X		
Coastal Hazard Area ID Type (i.e. VE, A, etc.)	AE	NA	NA
Base Flood Elevation	12	NA	NA
Tidal Wetlands			X

b. Consistency with Coastal Resources and Policies.

Attached a typed and briefly statement of how the resources checked are consistent or inconsistent with coastal resource policies.

c. 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.

<u>Potential Adverse Impacts on Coastal Resources</u>	<u>Applicable</u>	<u>Not Applicable</u>	<i>Mitigation</i> <u>Proposed</u>
i. Degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or functions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. 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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi. Degrading visual quality through significant alteration of the natural features of vistas and view points	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii. 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii. 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 4. Coastal Use and Activities Policies and Standards

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

<input checked="" type="checkbox"/> General Development	<input type="checkbox"/> Sewer and Water Lines
<input checked="" type="checkbox"/> Water-Dependent Uses	<input type="checkbox"/> Energy Facilities
<input type="checkbox"/> Ports and Harbors	<input type="checkbox"/> Fuel, Chemicals and Hazardous Materials
<input type="checkbox"/> Coastal Structures and Filling	<input type="checkbox"/> Transportation
<input type="checkbox"/> Dredging and Navigation	<input type="checkbox"/> Solid Waste
<input type="checkbox"/> Boating	<input type="checkbox"/> Dams, Dikes and Reservoirs
<input type="checkbox"/> Fisheries	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Coastal Recreation and Access	<input type="checkbox"/> Open Space and Agricultural Lands

b. Consistency With Applicable Coastal Use Policies And Standards

Attach an explanation of 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:

#### 5. Mitigation of Adverse Impacts and Overall Consistency *(all applications)*

Attach a summary addressing each of the following:

- a. Describe the methods proposed to mitigate any adverse impacts.
- b. Explain why adverse impacts are not being mitigated, if applicable.
- c. Summarize why the project as proposed is consistent with the Connecticut Coastal Management Act

## 6. Potential Adverse Impacts on Water-dependent Uses (for project or activity is proposed at a waterfront site)

- a. Identification of existing and/or proposed Water-dependent Uses: Attach a description of 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.)\*:
- b. 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.

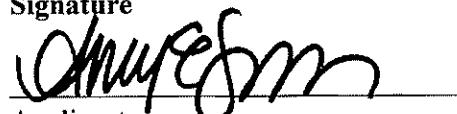
<i>Potential Adverse Impacts on Future Water-dependent Development Opportunities and Activities</i>	<i>Applicable</i>	<i>Not Applicable</i>	<i>Mitigation Proposed</i>
i. Locating a non-water-dependent use at a site physically suited for or planned for location of a water-dependent use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Replacing an existing water-dependent use with a non-water dependent use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 7. Acknowledgements; All applications

### *Application Content*

The undersigned hereby acknowledges that this application and statements submitted herewith are true to the best of my knowledge and approval of the application is contingent upon compliance with all requirements of said regulations.

Signature



Applicant



Agent

Printed Name

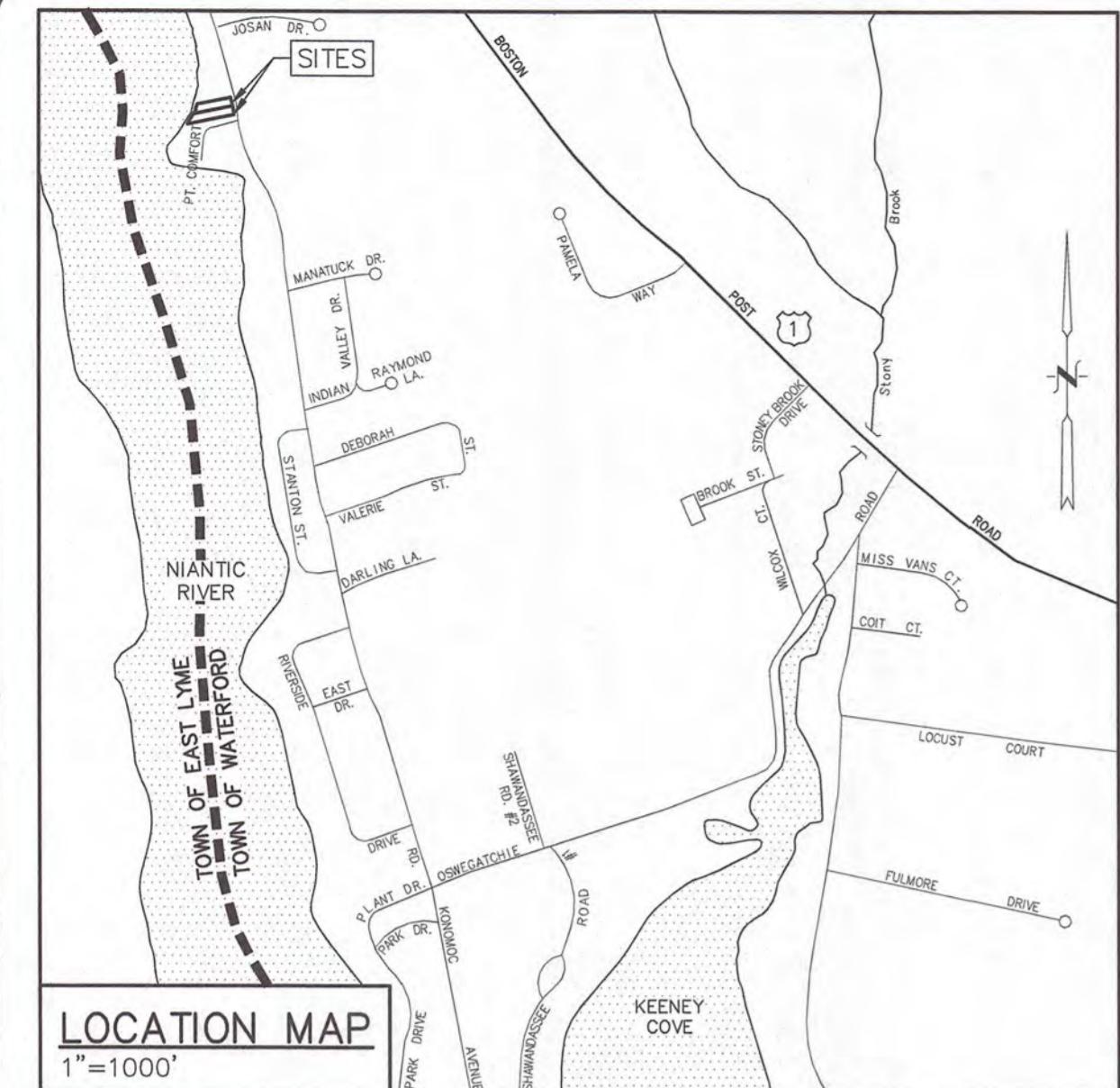
Amy E. Souchuns, Esq., Agent

Date

10/21/25

Land Owner

Land Owner



### LOCATION MAP

1"=1000'

### GENERAL NOTES:

1. THIS PLAN WAS COMPILED USING THE FOLLOWING REFERENCE INFORMATION:
  - A CLASS A-2 SURVEY MAP ENTITLED "LOT LINE REVISION, PROPERTY SURVEY OF 35 & 37 OSWEGATCHIE ROAD, WATERFORD, CONNECTICUT, PREPARED FOR ELIZABETH POTTS", SCALE: 1"-20', DATED: JULY 31, 2024, PREPARED BY GESICK & ASSOCIATES, P.C.
  - B) ARCHITECTURAL PLANS ENTITLED "NEW BUILD AT THE HILLSIDE BOAT HOUSE, 35 OSWEGATCHIE RD, WATERFORD, CT 06385", SCALE: 1/4"-1', DATED: JUNE 25, 2024, AND UPDATED THROUGH JUNE 21, 2025, PREPARED BY ABARA DESIGN & BUILD, LLC.
  - C) SEWER CONNECTION CARD FOR 37 OSWEGATCHIE ROAD.
  - D) A CLASS A-2 SURVEY MAP ENTITLED "TOPOGRAPHIC SURVEY OF 35 & 37 OSWEGATCHIE ROAD, WATERFORD, CONNECTICUT, PREPARED FOR ELIZABETH POTTS", SCALE: 1"-20', DATED: JANUARY 31, 2023, AND REVISED THROUGH JANUARY 31, 2023, PREPARED BY GESICK & ASSOCIATES, P.C.
2. THE APPLICANT IS ELIZABETH POTTS OF 100-2 JOSHUATOWN ROAD LYME, CT 06371.
3. THE SUBJECT PARCEL IS IDENTIFIED AS LOT 5856 ON TAX ASSESSOR'S MAP 102. THE DEED REFERENCE IS ON THE PROPERTY SURVEY VOLUME 1841 PAGE 247. THE AREA OF THE PARCEL IS 10,570.894 S.F. OR 0.24 ACRES.
4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE "R-20W" ZONING DISTRICT. THE PARCEL LIES WITHIN THE COASTAL AREA MANAGEMENT ZONE. THE PARCEL LIES WITHIN FEMA FLOOD HAZARD ZONE AE (EL. 12) AND THE WATERFORD FLOOD ORDINANCE ADDS TWO FEET TO THE FEMA FLOOD ELEVATION TO 14 (NAVD-88).
5. THE APPLICANT IS PROPOSING TO DEMOLISH THE EXISTING 2-BEDROOM RESIDENCE AND ASSOCIATED FEATURES (SHADeD YELLOW) AND CONSTRUCT A NEW 3-BEDROOM FEMA FLOOD COMPLIANT RESIDENCE ON THE LOT, ALSO A LOT LINE MODIFICATION IS PROPOSED, AND OTHER ASSOCIATED IMPROVEMENTS TO MAKE BOTH MORE CONFORMING.
6. THE PURPOSE OF THIS PLAN IS FOR REVIEW BY THE WATERFORD ZONING BOARD OF APPEALS FOR NECESSARY VARIANCES AND THE WATERFORD PLANNING AND ZONING COMMISSION FOR A COASTAL AREA MANAGEMENT PLAN REVIEW.
7. THIS PROPERTY IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.
8. REFER TO ARCHITECTURAL DRAWINGS (REF. B) FOR ADDITIONAL PROPOSED BUILDING INFORMATION.
9. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD-88 DATUM PER REF. A & D.

### CONSTRUCTION NOTES:

1. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND INFORMATION PROVIDED BY OTHERS. THEIR ACTUAL LOCATION MAY VARY FROM THOSE INDICATED AND ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. THE CONTRACTOR SHALL CONTACT "CALL BEFORE YOU DIG" AT 800-922-4455 TO MARK OUT ALL UNDERGROUND UTILITIES A MINIMUM OF 3 DAYS PRIOR TO COMMENCING ANY CONSTRUCTION ACTIVITY. CONTRACTOR SHALL VERIFY ALL LOCATIONS, DIMENSIONS, AND ELEVATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL ADHERE TO ALL APPLICABLE TOWN OF WATERFORD STANDARDS AND REGULATIONS.
2. ALL UTILITIES SHALL BE INSTALLED IN CONFORMANCE WITH THE REQUIREMENTS AND SPECIFICATIONS OF THE TOWN OF WATERFORD, VEOIA WATER, AND THE CUSTODIAL UTILITY COMPANIES.
3. ALL PROPERTY LINES SHALL BE VERIFIED IN THE FIELD. NO PRIVATE PROPERTY SHALL BE DISTURBED UNLESS PROPER RIGHTS ARE OBTAINED PRIOR TO CONSTRUCTION. ALL TREE REMOVAL SHALL BE COORDINATED WITH ALL AFFECTED PROPERTY OWNERS PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CONFIRM AND ABIDE BY ANY APPLICABLE "NO HAMMER" TIME PERIODS OF THE COMMUNITY.
5. THE CONTRACTOR SHALL OBTAIN REVIEW AND ADHERE TO ALL REQUIREMENTS AND ANY CONDITIONS OF APPROVAL OF THE TOWN OF WATERFORD.
6. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PROTECT ADJACENT PROPERTIES AND THE NIANTIC RIVER FROM EROSION AND/OR SEDIMENTATION. SILT FENCE AND STAKED HAYBALES SHALL BE INSTALLED AND SHALL BE INSPECTED WEEKLY AND AFTER ALL RAINFALL EVENTS. E&S CONTROLS SHALL BE REPAiRED OR REPLACED AS NECESSARY WITHIN 24 HOURS THROUGHOUT THE CONSTRUCTION DURATION. ALL ACCUMULATED SEDIMENTS AT ALL EROSION AND SEDIMENT CONTROLS SHALL BE PERIODICALLY REMOVED AND SPREAD IN AREAS THAT ARE NOT SUBJECT TO ADDITIONAL EROSION. E&S CONTROLS MAY BE REQUIRED BY THE TOWN AND SHALL BE INSTALLED AND MAINTAINED BY THE CONTRACTOR. THE CONTRACTOR IS ALSO RESPONSIBLE FOR THE PROPER REMOVAL AND DISPOSAL OF ALL EROSION AND SEDIMENT CONTROLS ONCE THE SITE IS COMPLETELY STABILIZED.
7. ALL EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED. THE CONTRACTOR SHALL GRADE THE PROPERTY IN SUCH A MANNER TO MAINTAIN EXISTING LOCAL DRAINAGE PATTERNS AND TO PREVENT EXCESS RUNOFF AND/OR DROWNING ON ADJACENT PROPERTIES BOTH DURING AND AFTER CONSTRUCTION.
8. GENERAL LOT GRADING AND THE FINISHED FLOOR ELEVATION OF THE PROPOSED HOUSE ARE BASED ON AVAILABLE INFORMATION. THESE ELEVATIONS SHALL NOT BE ADJUSTED BY THE CONTRACTOR WITHOUT PRIOR REVIEW AND APPROVAL OF THE DESIGN ENGINEER.
9. THE DRIVEWAY SHALL BE CONSTRUCTED WITH PERMEABLE PAVERS OR DECORATIVE CRUSHED STONE.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTING THE BUILDING AND IMPROVEMENTS IN THE EXACT LOCATION SHOWN AND SHALL BE CONSTRUCTED TO THE EXACT DIMENSIONS SHOWN ON THE LATEST SITE AND ARCHITECTURAL PLANS IN ACCORDANCE WITH VARIANCES GRANTED. ALL DIMENSIONS SHALL ACCOUNT FOR ANY SIDING OR CLADDING.
11. ALL EXISTING VEGETATION OUTSIDE OF THE CLEARING LIMITS SHALL BE PROTECTED. EXISTING VEGETATION SHALL BE REMOVED ONLY IN AREAS NECESSARY FOR SITE CONSTRUCTION ACTIVITIES. ANY ADDITIONAL CLEARING OUTSIDE OF THE PROPOSED CLEARING LIMITS SHALL BE APPROVED BY TOWN STAFF PRIOR TO CLEARING.
12. ALL AREAS SHALL REMAIN UNDISTURBED UNTIL IMMEDIATELY PRIOR TO SITE DEVELOPMENT.
13. ALL TREES, BRUSH, STUMPS, WOOD CHIPS OR OTHER ORGANIC MATTER SHALL BE DISPOSED OF PROPERLY OFF-SITE. WOOD CHIPS MAY BE USED AS A SILTATION BARRIER DURING CONSTRUCTION AND SPREAD AFTER SITE IS STABILIZED. NO ORGANIC MATTER INCLUDING TREES, BRUSH AND DUMPS SHALL BE BURIED ON SITE.
14. THE DISTURBED COASTAL SLOPE AREA SHALL BE REPLANTED AND ENHANCED IN ACCORDANCE WITH THE CONNECTICUT COASTAL PLANTING GUIDE (2021) OR AS AMENDED. PLANT SPECIES SELECTION, INSTALLATION METHODS, AND MAINTENANCE PRACTICES SHALL FOLLOW THE GUIDANCE OUTLINED IN THE DOCUMENT TO PROMOTE NATIVE VEGETATION, EROSION CONTROL, AND COASTAL HABITAT RESTORATION.

APPROXIMATE COASTAL BLUFF ENHANCEMENT AREA = ±1,100 S.F.  
APPROXIMATE AREA OF VEGETATION TO BE PROTECTED = ±1,950 S.F.

WATERFORD RESIDENCE 'R-20W' DISTRICT					
ITEM	REQUIRED	EXISTING (#37 OSWEGATCHIE)	PROPOSED (#37 OSWEGATCHIE)	EXISTING (#35 OSWEGATCHIE)	PROPOSED (#35 OSWEGATCHIE)
MIN. LOT AREA	20,000 S.F.	10,570.89 S.F. (1)	10,570.89 S.F. (NO CHANGE) (1)	12,691.46 S.F. (1)	12,691.46 S.F. (NO CHANGE) (1)
MIN. FRONTAGE	85 FT.	174.1 FT.	148.1 FT. (-26.0 FT.)	50.07 FT. (1)	76.11 FT. (+26.04 FT.) (2)
STREET LINE SETBACK (OSWEGATCHIE ROAD & POINT COMFORT)	50 FT.	22.2 FT. (EX. GARAGE) (1) 46.2 FT. (EX. BUILDING) (1) 86.1 FT. (EX. ENTRY PORCH) 88.7 FT. (EX. HOUSE)	22.2 FT. (NO CHANGE) (EX. GARAGE) (1) 62.5 FT. (PR. SKY BRIDGE STEPS) 83.1 FT. (PR. EAVE) (3) 84.7 FT. (PR. HOUSE)	1.9 FT. (EX. GARAGE) (1) 26.2 FT. (EX. EAVE) (1) 27.7 FT. (EX. HOUSE) (1)	1.9 FT. (NO CHANGE) (EX. GARAGE) (1) 26.2 FT. (NO CHANGE) (EX. EAVE) (1) 27.7 FT. (NO CHANGE) (EX. HOUSE) (1)
SIDE YARD SETBACK (NORTH BOUNDARY)	20 FT.	0.0 FT. (EX. CONCRETE SHELF) (1) 0.2 FT. (EX. HOUSE) (1) 0.2 FT. (EX. STAIRS) (1) 6.0 FT. (EX. GARAGE) (1)	0.0 FT. (NO CHANGE) (EX. CONCRETE SHELF) (2) 7.1 FT. (+1.1 FT.) (EX. GARAGE) (2) 17.2 FT. (+19.7 FT.) (PR. DECK STAIRS) (2) 17.5 FT. (PR. DECK)	0.1 FT. (EX. SHED) (1) 3.9 FT. (EX. EAVE) (1) 3.9 FT. (EX. HOUSE) (1) 12.4 FT. (EX. WELL HOUSE) (1)	0.1 FT. (NO CHANGE) (EX. SHED) (1) 3.9 FT. (NO CHANGE) (EX. EAVE) (1) 3.9 FT. (NO CHANGE) (EX. HOUSE) (1) 12.4 FT. (NO CHANGE) (EX. WELL HOUSE) (1)
SIDE YARD SETBACK (SOUTH BOUNDARY)	20 FT.	12.0 FT. (EX. HOUSE) (1) 14.4 FT. (EX. DECK) (1) 26.5 FT. (EX. GARAGE)	7.9 FT. (PR. EAVE) (2)(3) 7.6 FT. (-4.0 FT.) (PR. DECK) (2) 16.4 FT. (+2.0 FT.) (PR. DECK) (2) 26.5 FT. (EX. GARAGE)	0.9 FT. (EX. GARAGE) (1) 6.9 FT. (EX. DECK) (1) 9.6 FT. (EX. REAR DECK) (1) 11.3 FT. (EX. EAVE) (1) 12.9 FT. (EX. HOUSE) (1)	26.9 FT. (+26.0 FT.) (EX. GARAGE) 18.0 FT. (+11.1 FT.) (EX. DECK) (1) 10.3 FT. (+0.7 FT.) (EX. REAR DECK) (1) 16.1 FT. (+4.8 FT.) (EX. EAVE) (1) 18.1 FT. (+5.2 FT.) (EX. HOUSE) (1)
REAR YARD SETBACK (NANTIC RIVER)	50 FT.	0.0 FT. (EX. CONCRETE SHELF) (1) 3.3 FT. (EX. DECK) (1) 6.5 FT. (EX. HOUSE) (1) 8.5 FT. (EX. STAIRS) (1)	0.0 FT. (NO CHANGE) (EX. CONCRETE SHELF) (2) 0.4 FT. (-2.9 FT.) (PR. DECK) (2) 4.4 FT. (PR. EAVE) (2)(3) 6.5 FT. (NO CHANGE) (PR. HOUSE) (2)	38.0 FT. (EX. WELL HOUSE) (1) 108.2 FT. (EX. DECK) 117.8 FT. (EX. EAVE) 119.6 FT. (EX. HOUSE)	38.0 FT. (NO CHANGE) (EX. WELL HOUSE) (1) 108.2 FT. (NO CHANGE) (EX. DECK) 117.8 FT. (NO CHANGE) (EX. EAVE) 119.6 FT. (NO CHANGE) (EX. HOUSE)
MAX. BUILDING HEIGHT	35 FT.	<35 FT. (EX. HOUSE)	35.0 FT. (PR. HOUSE) (4)	<35 FT. (EX. HOUSE)	<35 FT. (NO CHANGE) (EX. HOUSE)
MAX. BUILDING/STRUCTURE COVERAGE	25% (±2,642 S.F.)	11.8% (±1,247 S.F.)	17.5% (±1,855 S.F.) (+5.7%) (+608 S.F.)	16.9% (±2,139 S.F.)	16.9% (±2,139 S.F.) (NO CHANGE)

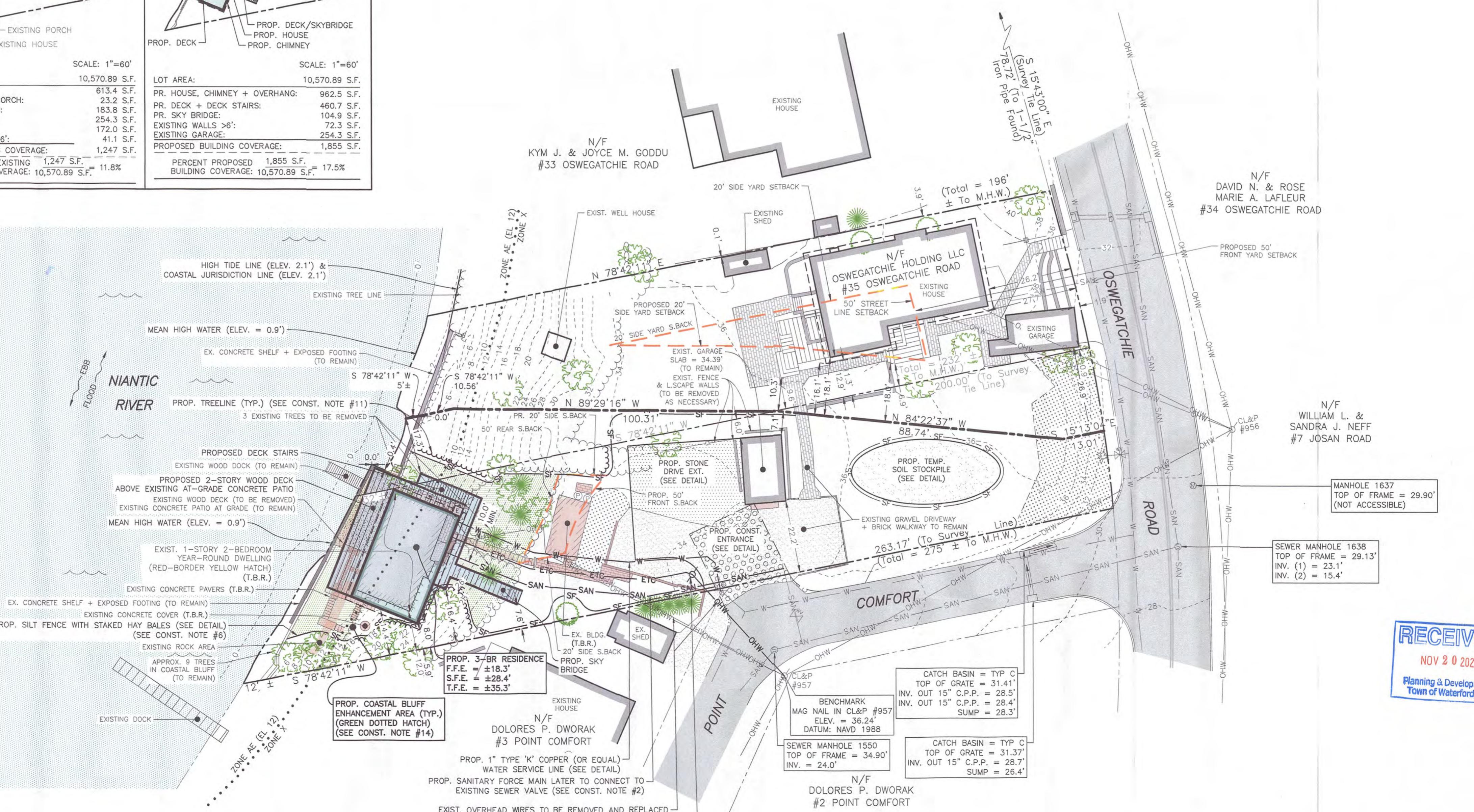
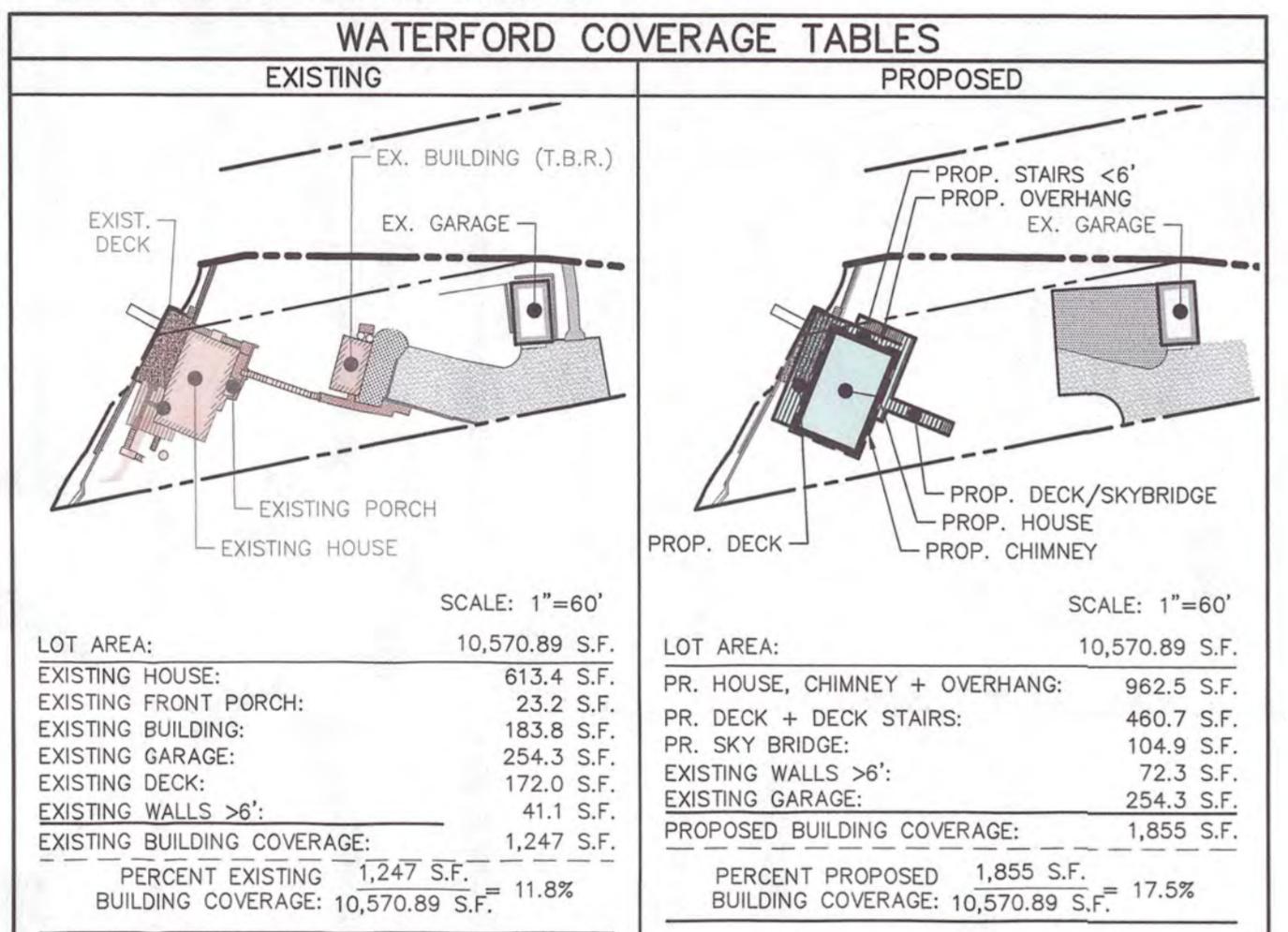
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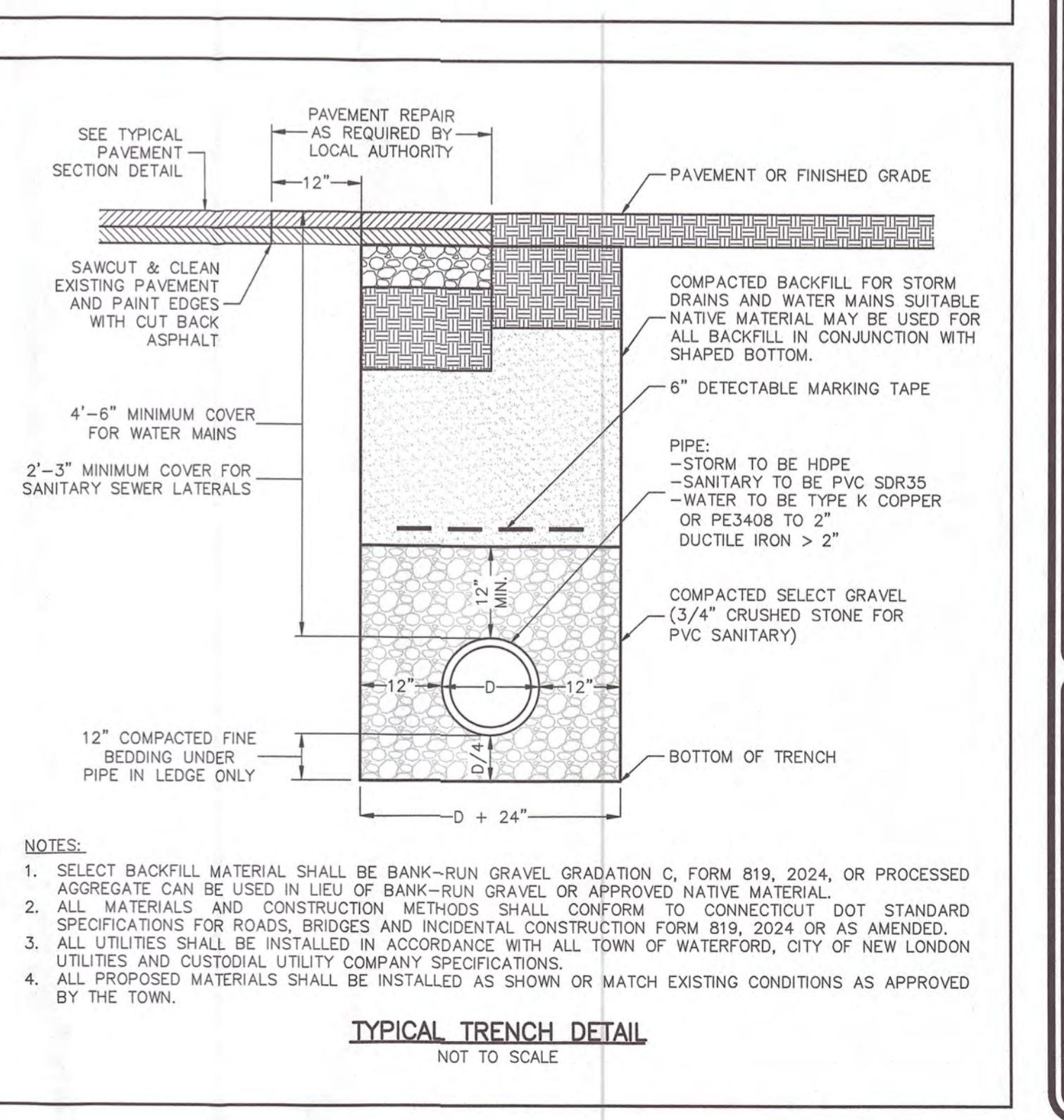
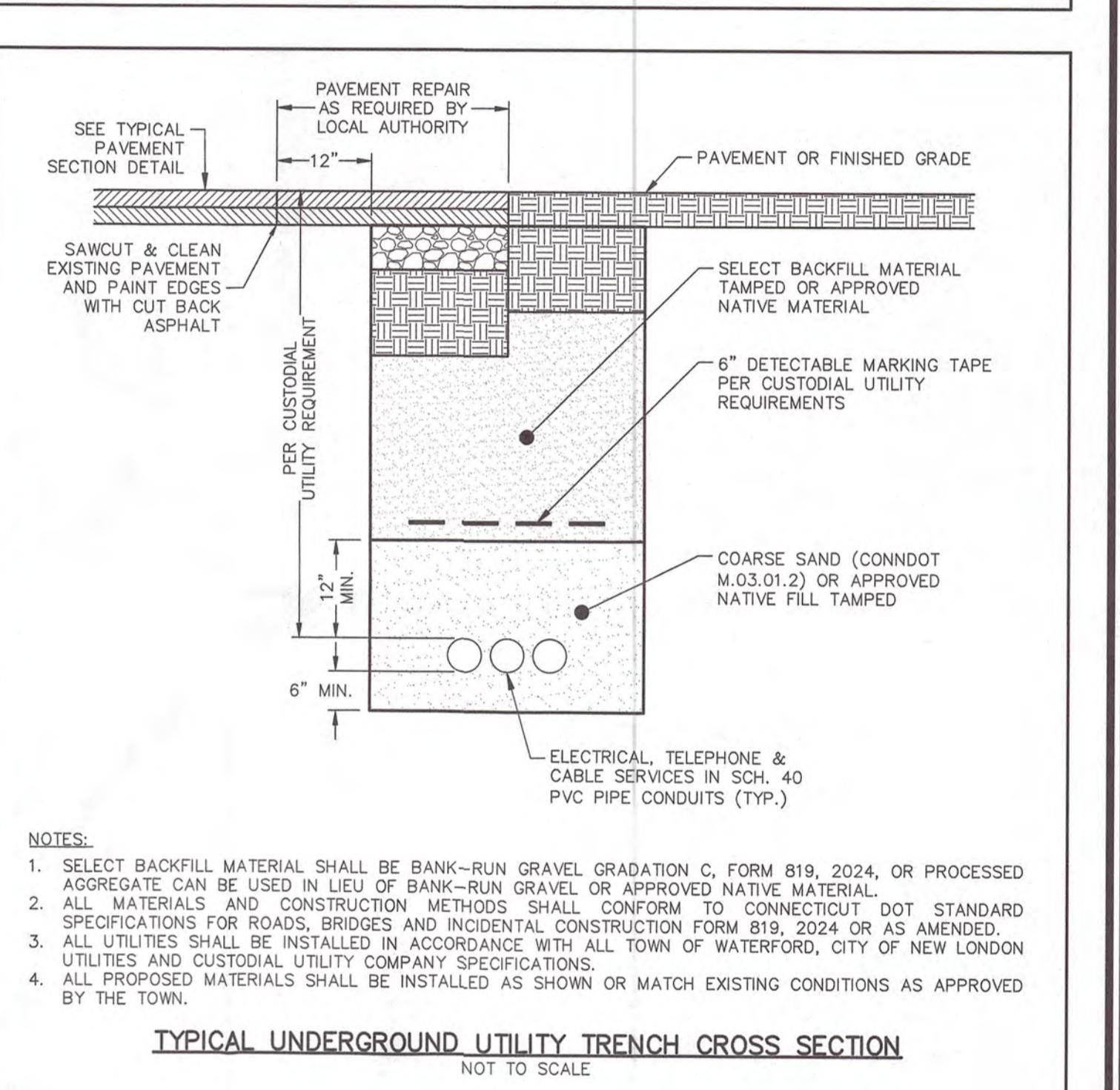
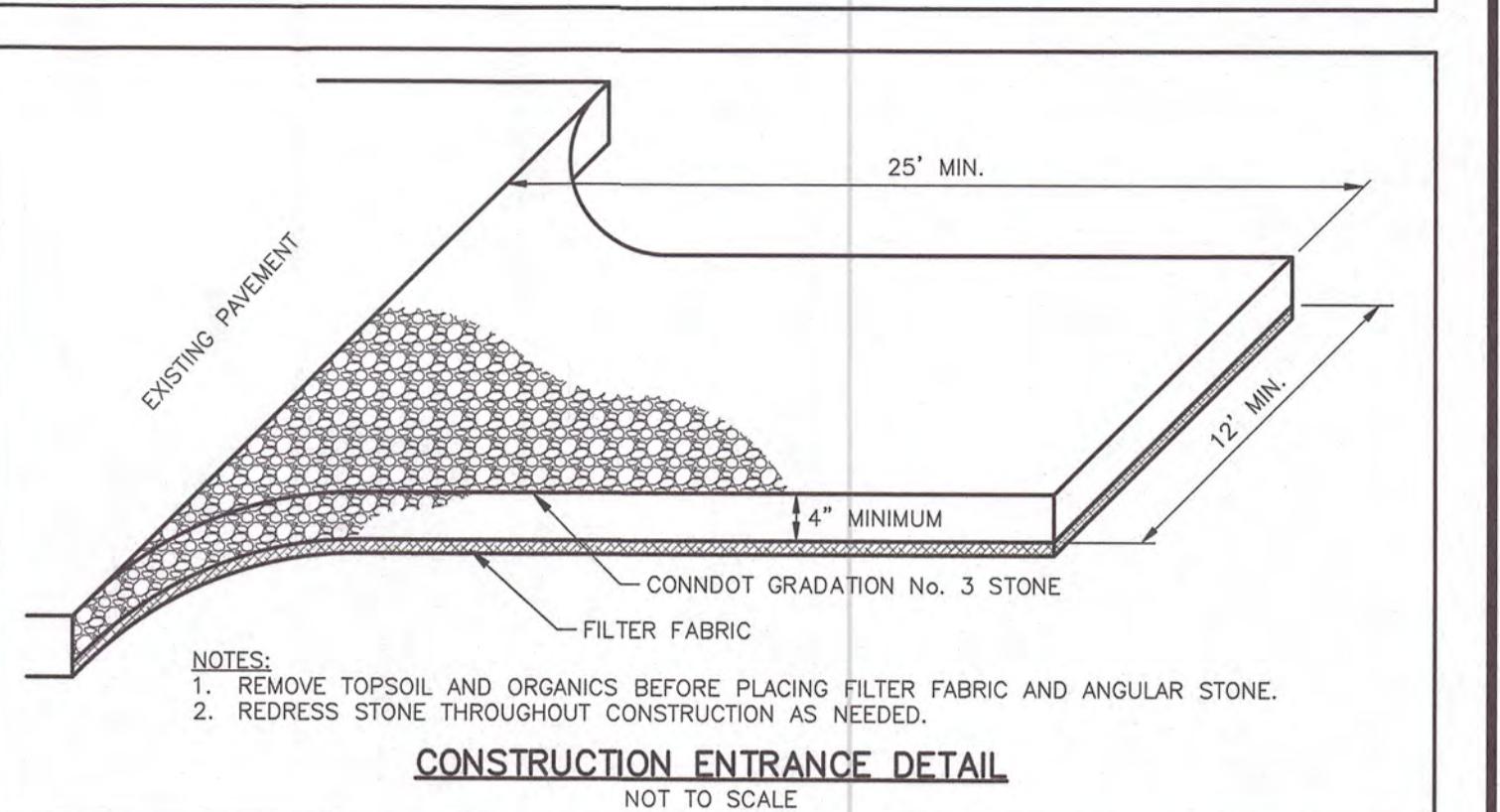
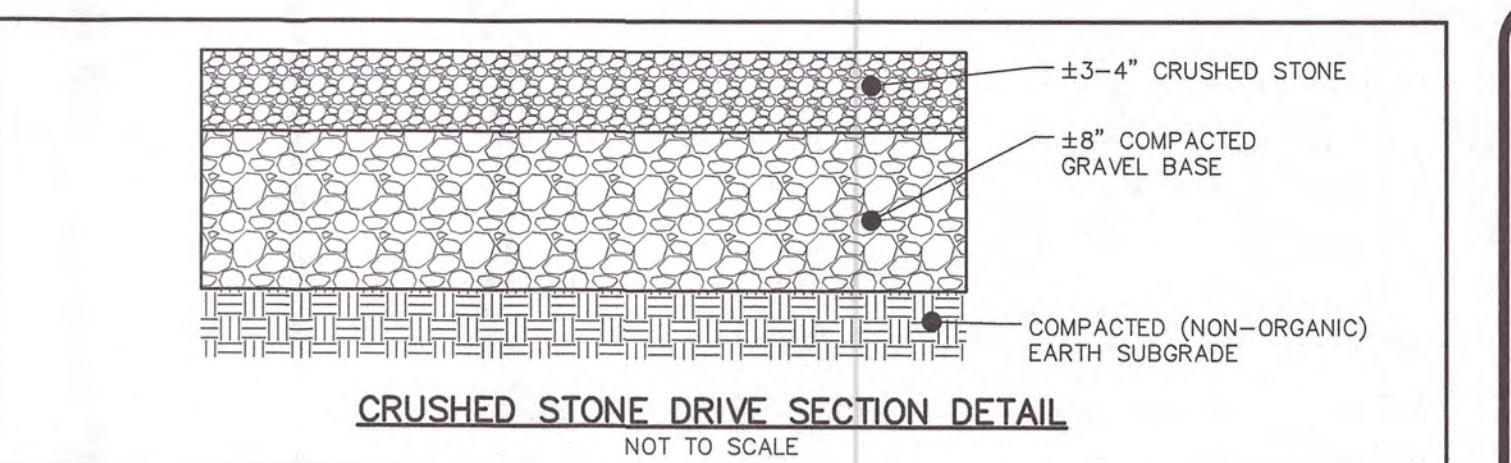
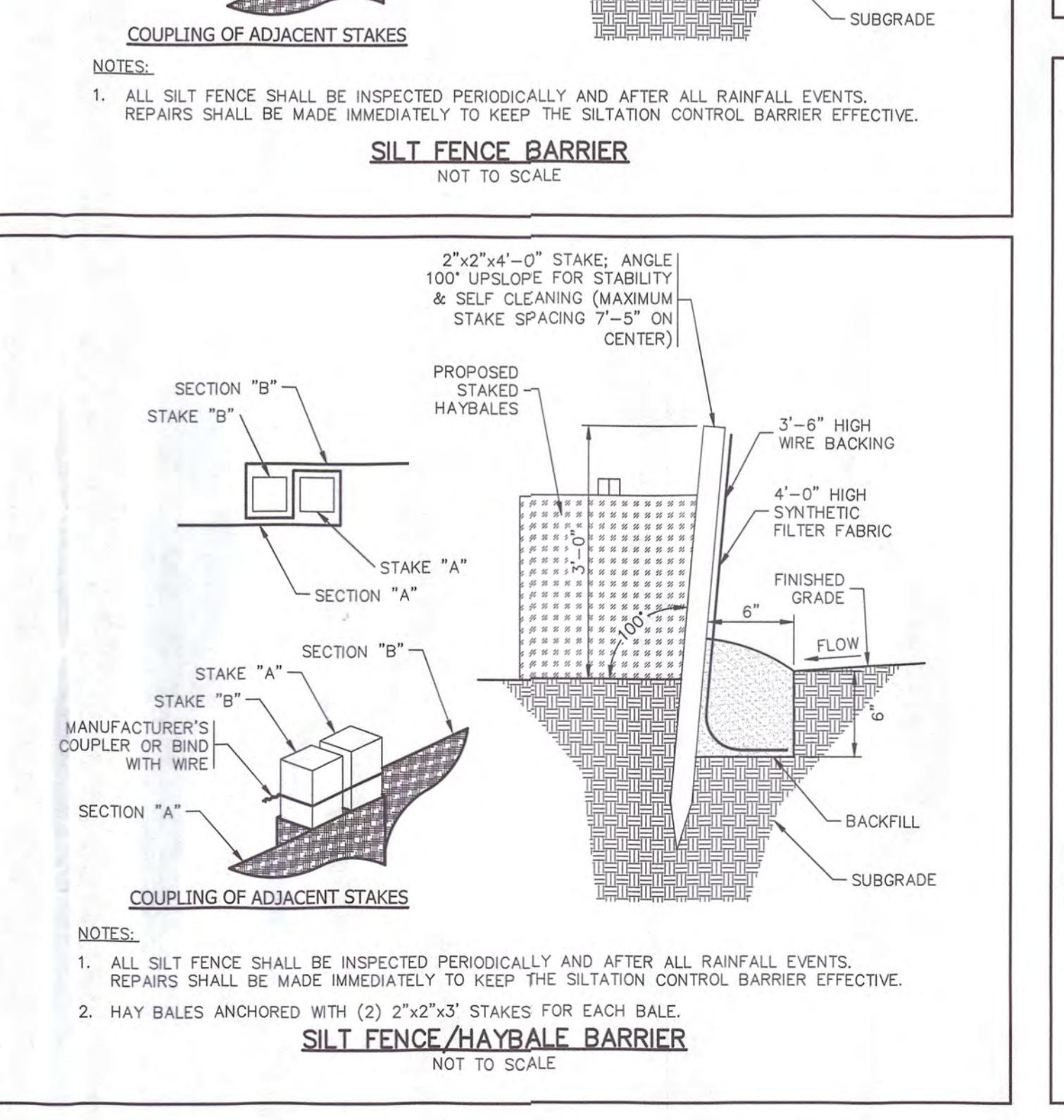
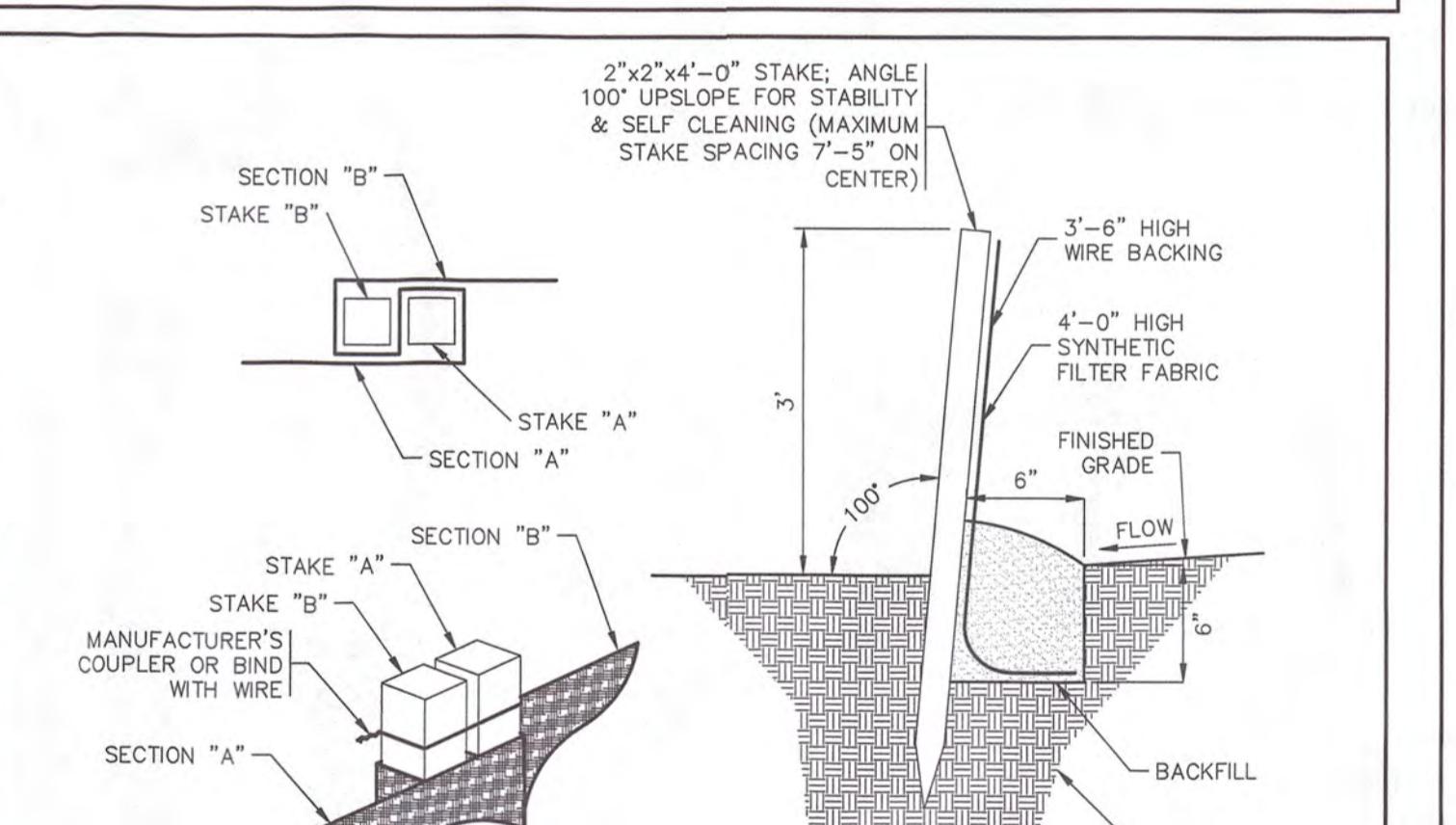
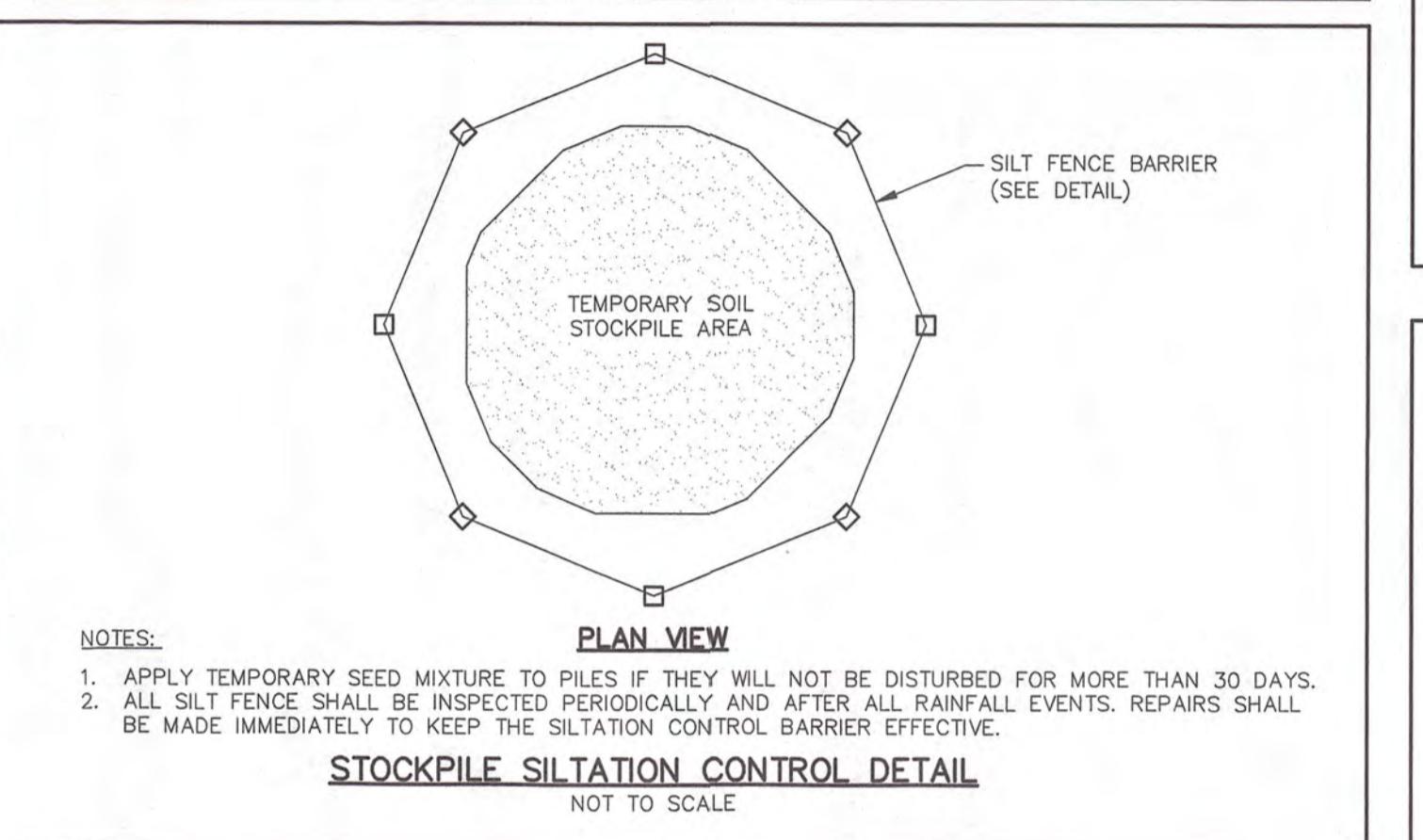
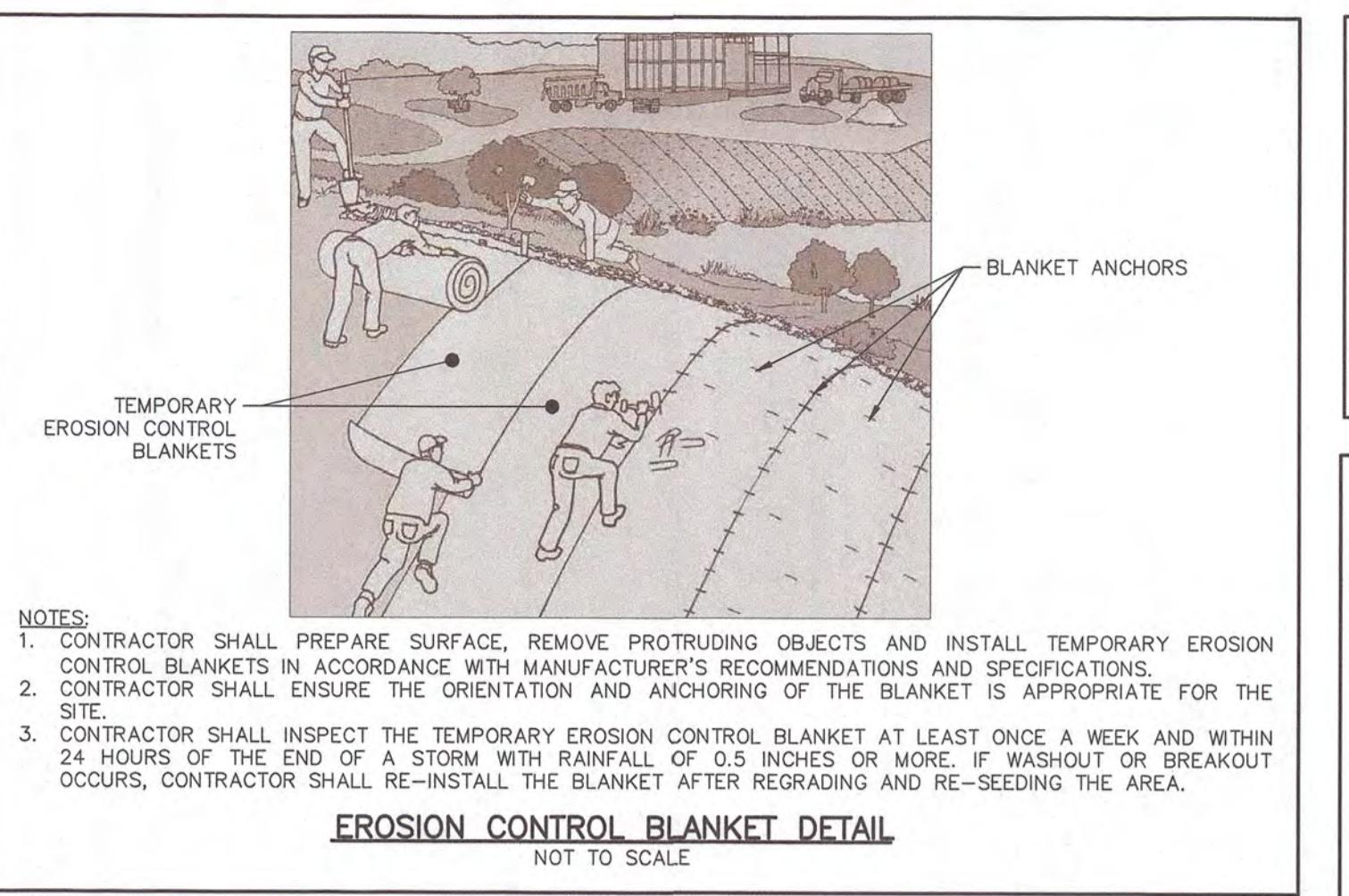
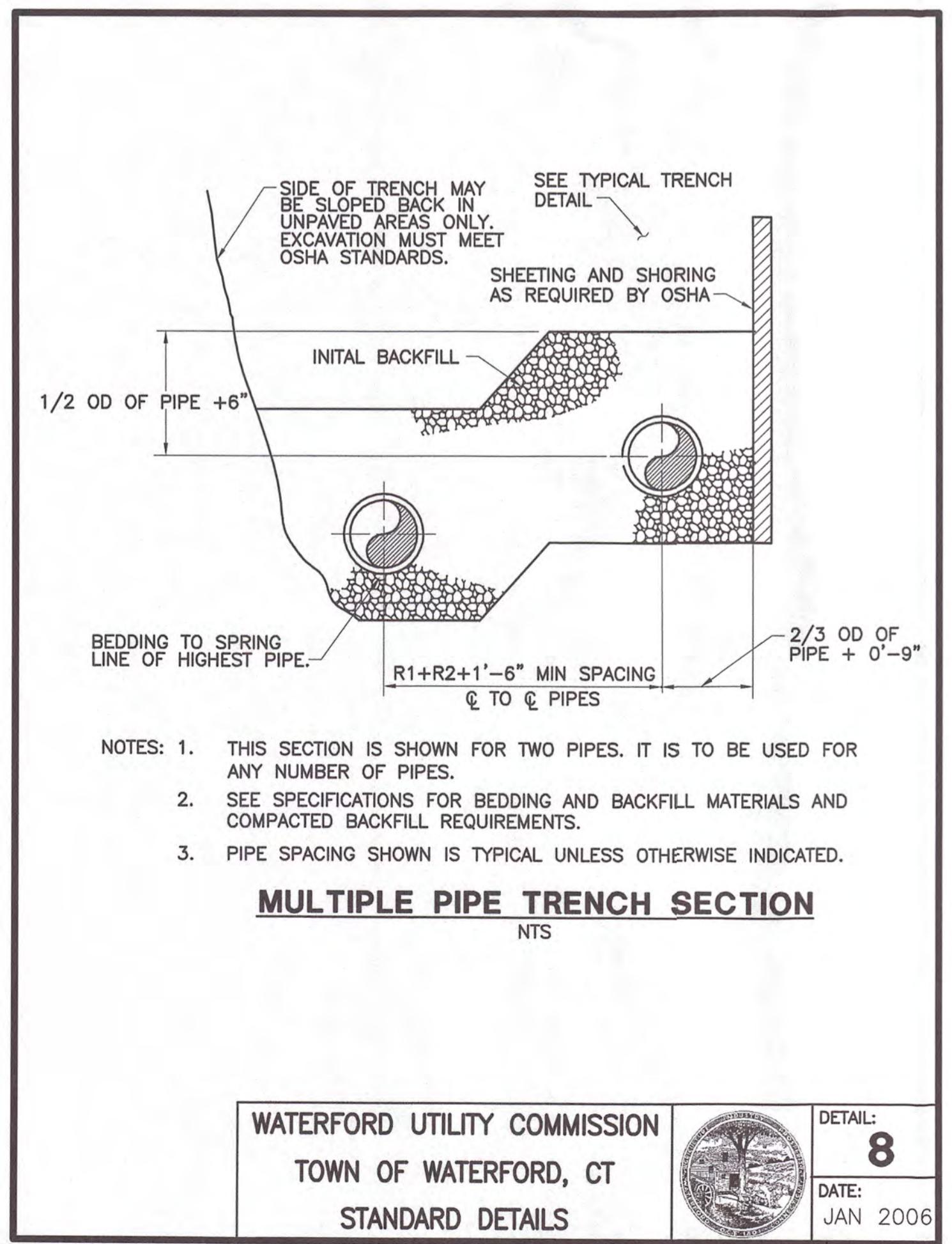
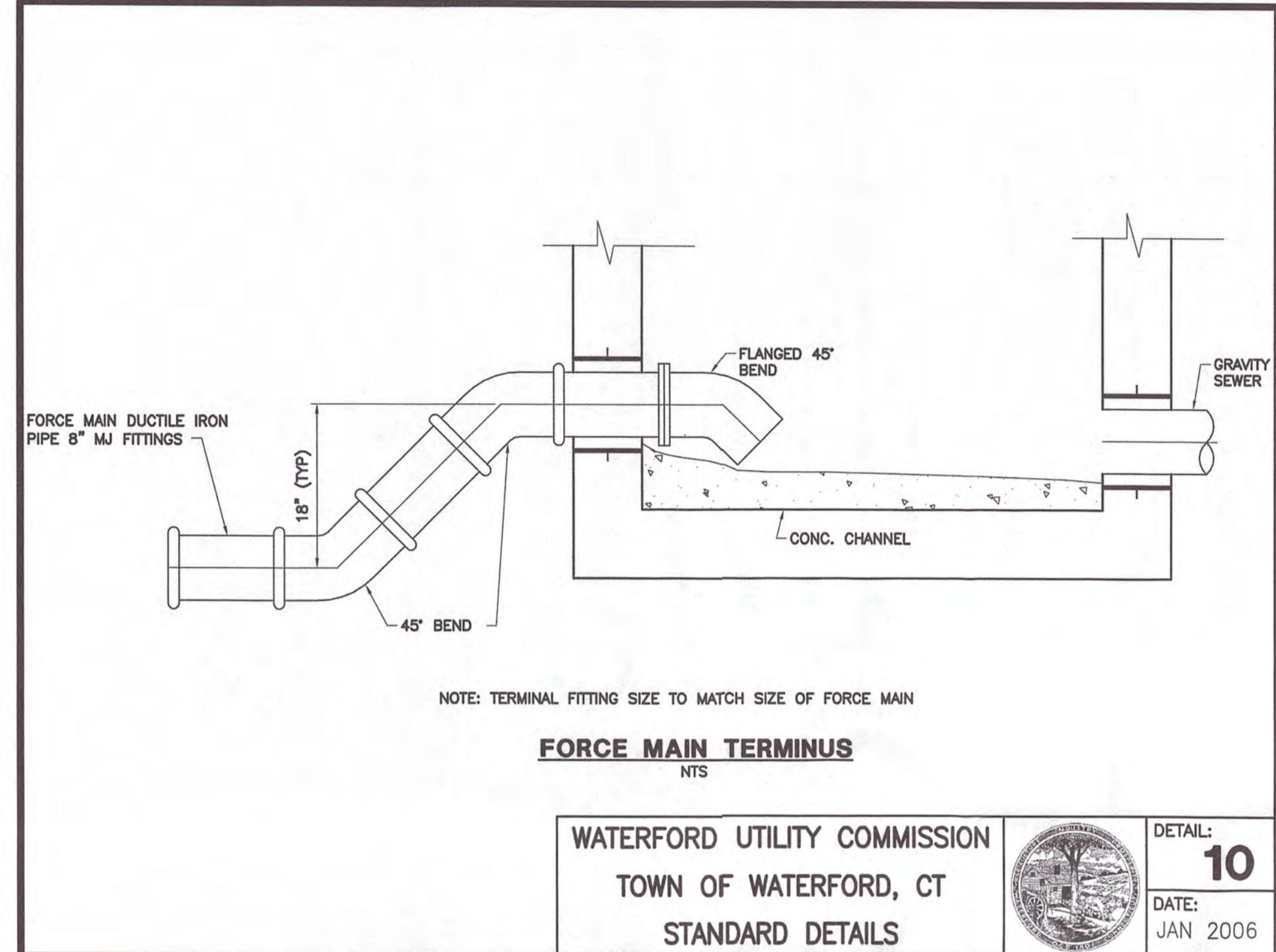
### LEGEND

- EXISTING PROPERTY/STREET LINE TO BE DISSOLVED PER REF. 1.A.
- EXISTING PROPERTY/STREET LINE PER REF. 1.A.
- PROPOSED PROPERTY/STREET LINE PER REF. 1.A.
- BUILDING SETBACK LINE
- FEMA FLOOD ZONE LINE
- EXISTING OVERHEAD WIRES
- EXISTING WATER LINE
- EXISTING DRAINAGE LINE
- EXISTING SANITARY LINE
- PROPOSED SILT FENCE W/ HAY BALES
- EXISTING CONTOUR
- EXISTING BUILDING TO REMAIN
- EXISTING BUILDING TO BE REMOVED
- PROPOSED BUILDING
- PROPOSED OVERHEAD WIRES
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER LINE
- EXISTING WATER VALVE
- EXISTING HYDRANT
- UTILITY POLE/GUY ANCHOR
- CONCRETE MONUMENT
- IRON PIPE/PIN
- GRADE TO DRAIN
- EXISTING DECIDUOUS TREE
- EXISTING BUSH/SHRUB
- EXISTING CONIFEROUS TREE

PLAN PREPARED BY:  
INDIGO LAND DESIGN, LLC  
40 ELM STREET, 2ND FLOOR  
OLD SAYBROOK, CT 06475  
PHONE: (860) 388-9343  
WEB: INDIGO-LAND.COM

REVISIONS PER PLANNER COMMENTS	MINOR REVISIONS FOR TBA SUBMISSION	MINOR REVISIONS FOR TBA SUBMISSION	REVISIONS PER TOWN COMMENTS
3 11/4/2025	2 10/21/2025	1 8/6/2025	DATE #





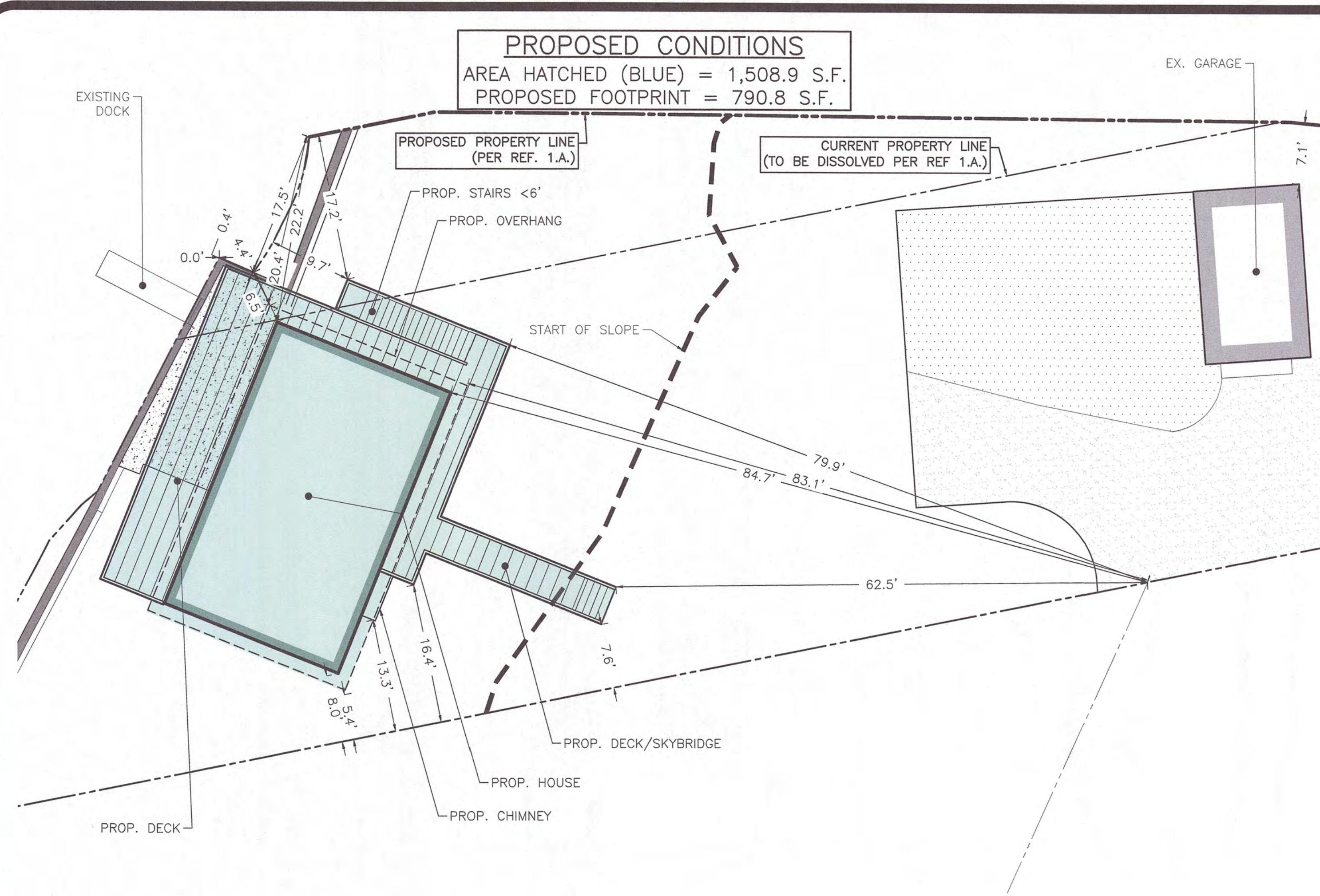
PLAN PREPARED BY:  
INDIGO LAND DESIGN, LLC  
JOSEPH WREN, P.E.  
CT REG. NO. 1290  
40 ELM STREET, 2ND FLOOR  
OLD SAYBROOK, CT 06475  
PHONE: (860) 391-6854  
FAX: (860) 391-6854

THE EMBOSSED SEAL OF  
THE ENGINEER MUST BE  
ATTACHED TO THIS  
MAP TO BE VALID

DATE	MINOR REVISIONS PER PLANNER COMMENTS	MINOR REVISIONS FOR ZBA SUBMISSION	REVISIONS PER TOWN COMMENTS	DESCRIPTION
3 11/4/2025				
2 10/21/2025				
1 8/6/2025				

**CONSTRUCTION DETAILS**  
PREPARED FOR 1 POINT COMFORT LLC  
37 OSWEGATCHIE ROAD, MAP 102 LOTS 5855 + 5856  
WATERFORD, CONNECTICUT

DATE: SEPTEMBER 19, 2024  
SCALE: NOT TO SCALE  
DRAWN BY: RM  
CHECKED BY: JW  
DWG. NO.: ES-1  
SHEET NO.: 2 of 4  
JOB. NO.: 2024-1118

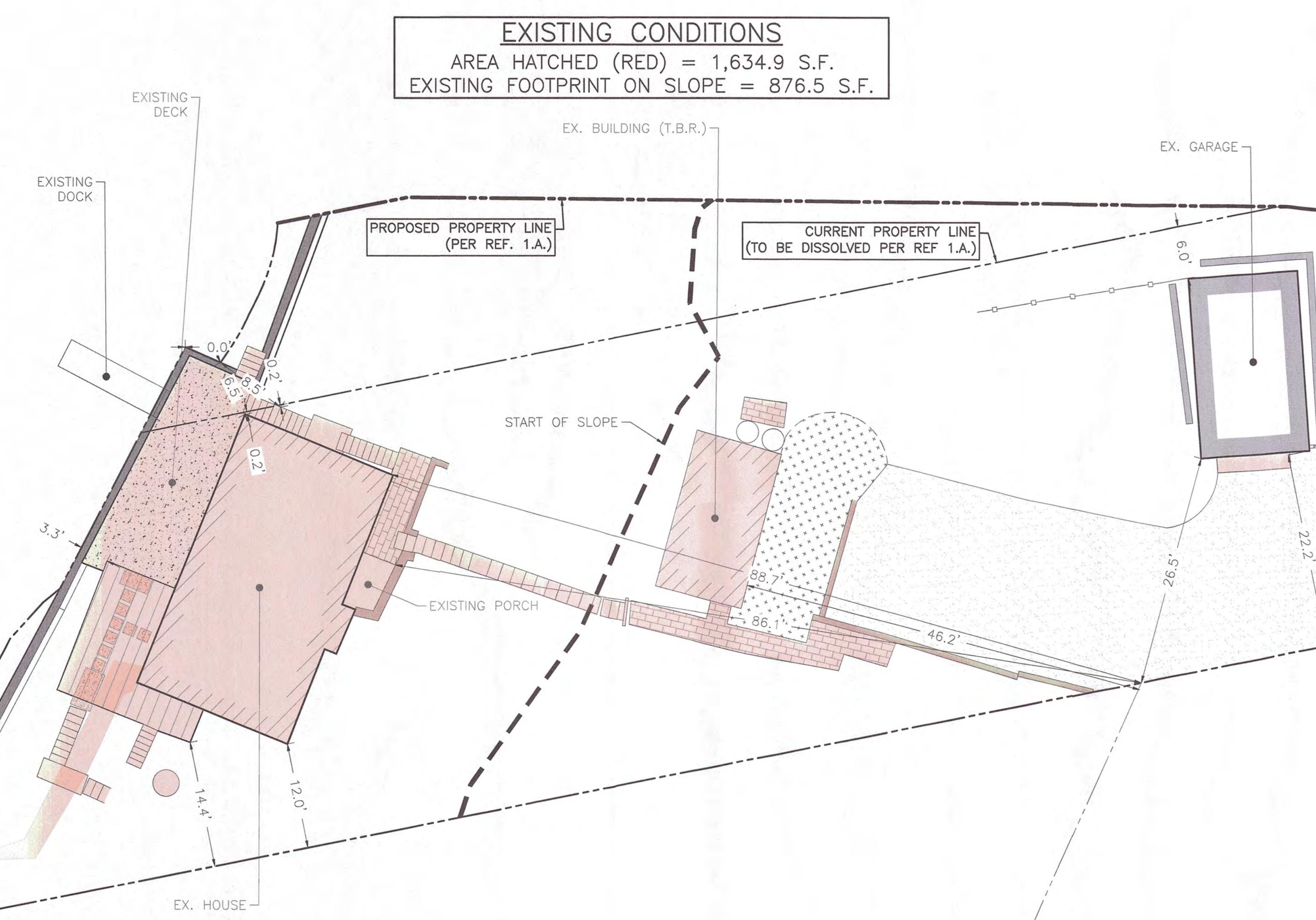
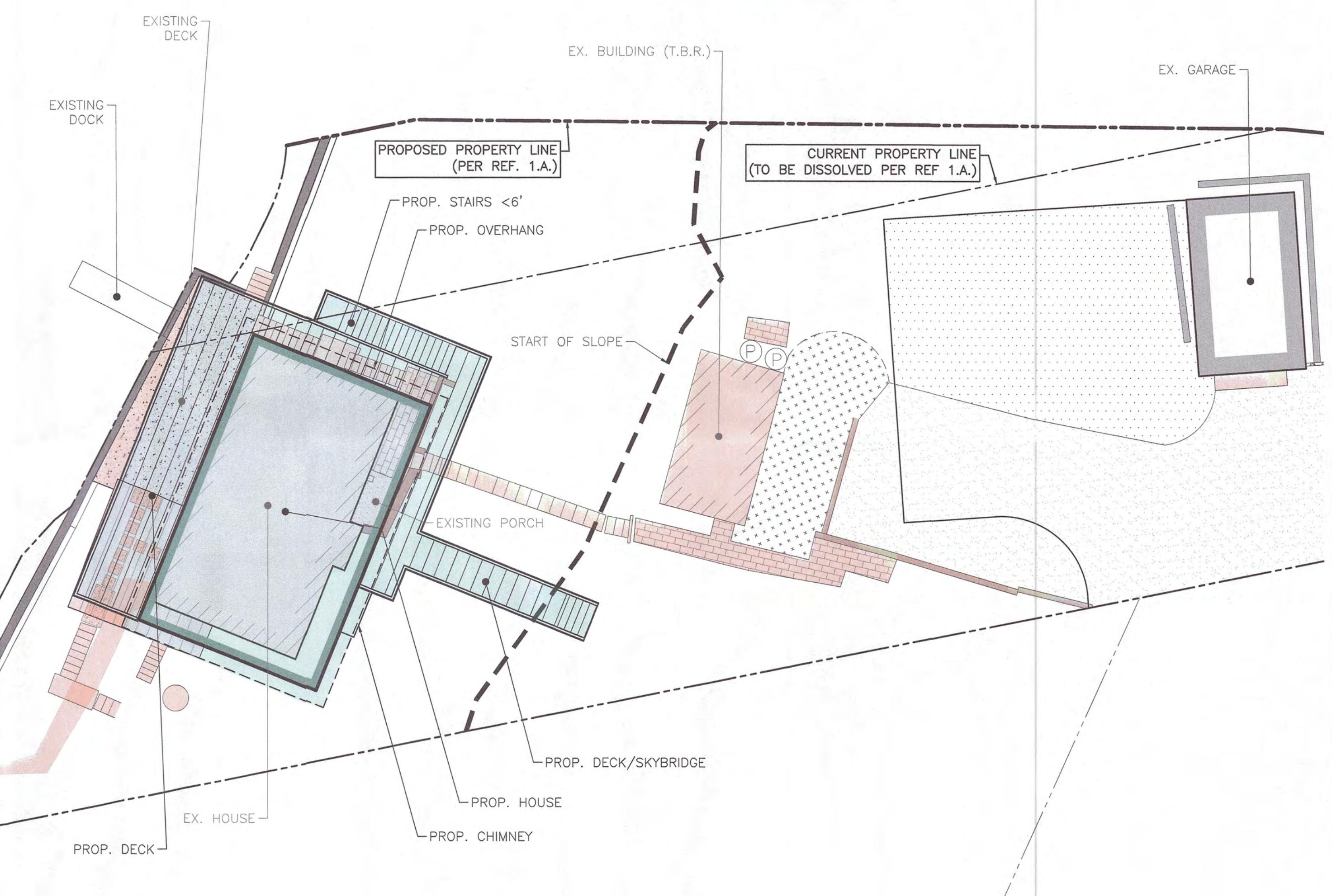


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7.5 2.5  
SCALE IN FEET

**LEGEND**

EXISTING PROPERTY/STREET LINE TO BE DISSOLVED PER REF. 1.A.  
EXISTING PROPERTY/STREET LINE  
PROPOSED PROPERTY/STREET LINE PER REF. 1.A.  
EXISTING BUILDING TO BE REMOVED  
PROPOSED BUILDING  
EXISTING BUILDING TO REMAIN

**OVERLAYED CONDITIONS**



**INSET PLAN**

PREPARED FOR 1 POINT COMFORT LLC  
37 OSWEGATCHIE ROAD, MAP 102 LOTS 5856  
WATERFORD, CONNECTICUT

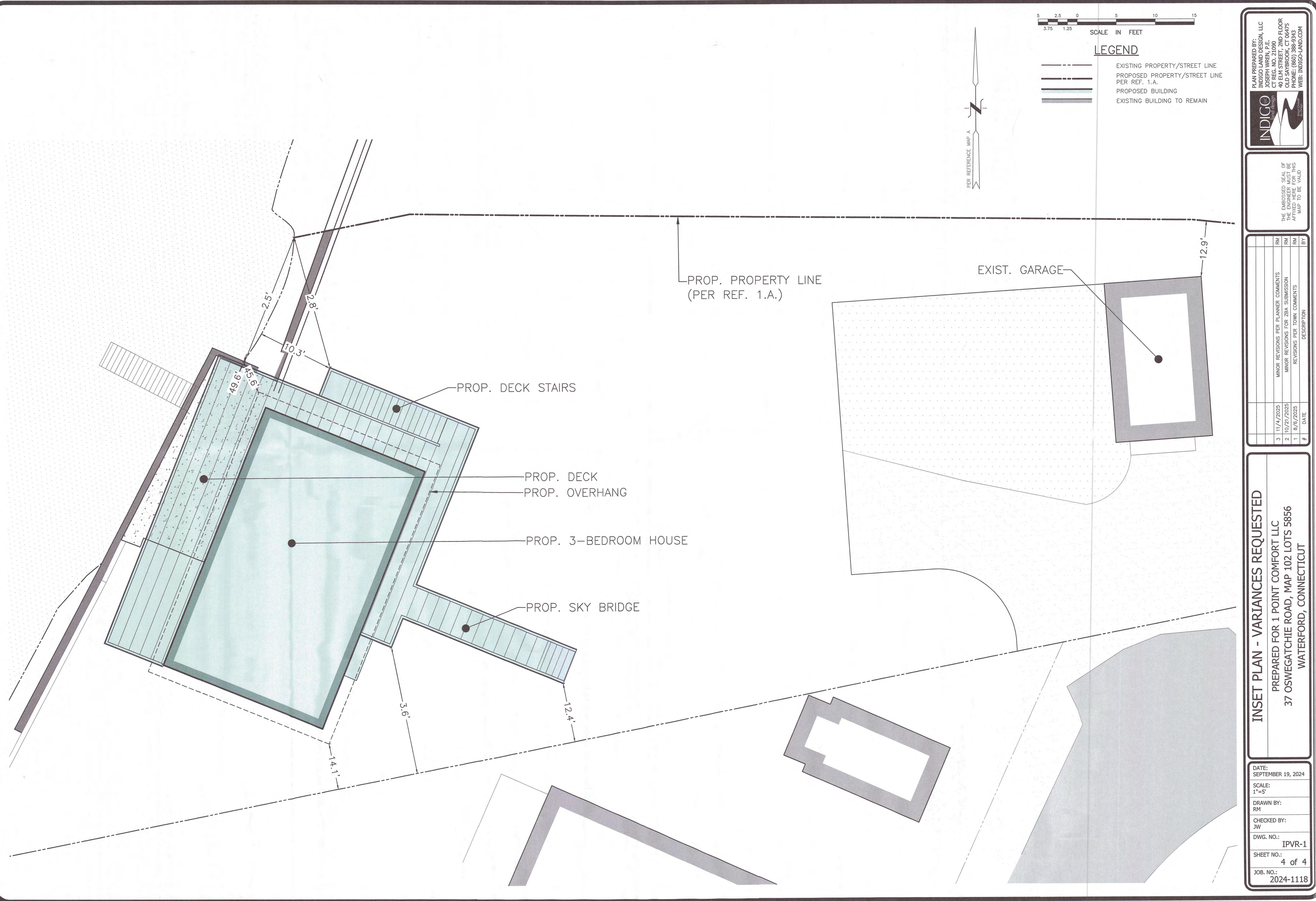
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CHECKED BY: JW  
DWG. NO.: IP-1  
SHEET NO.: 3 of 4  
JOB. NO.: 2024-1118

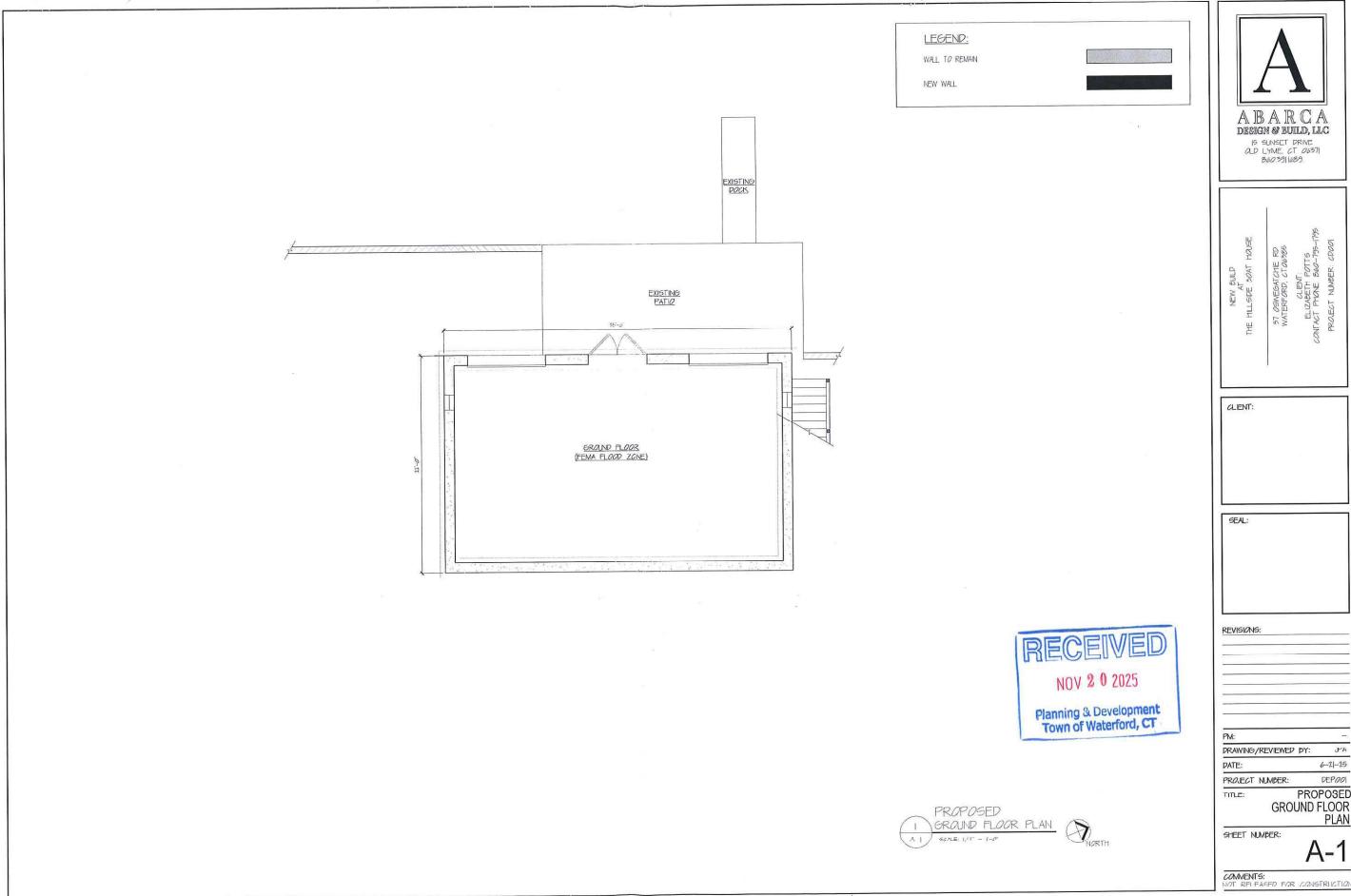
THE EMBOSSED SEAL OF  
THE ENGINEER IN CHARGE  
AND THE SURVEYOR  
FOR THIS  
MAP TO BE VALID  
BY

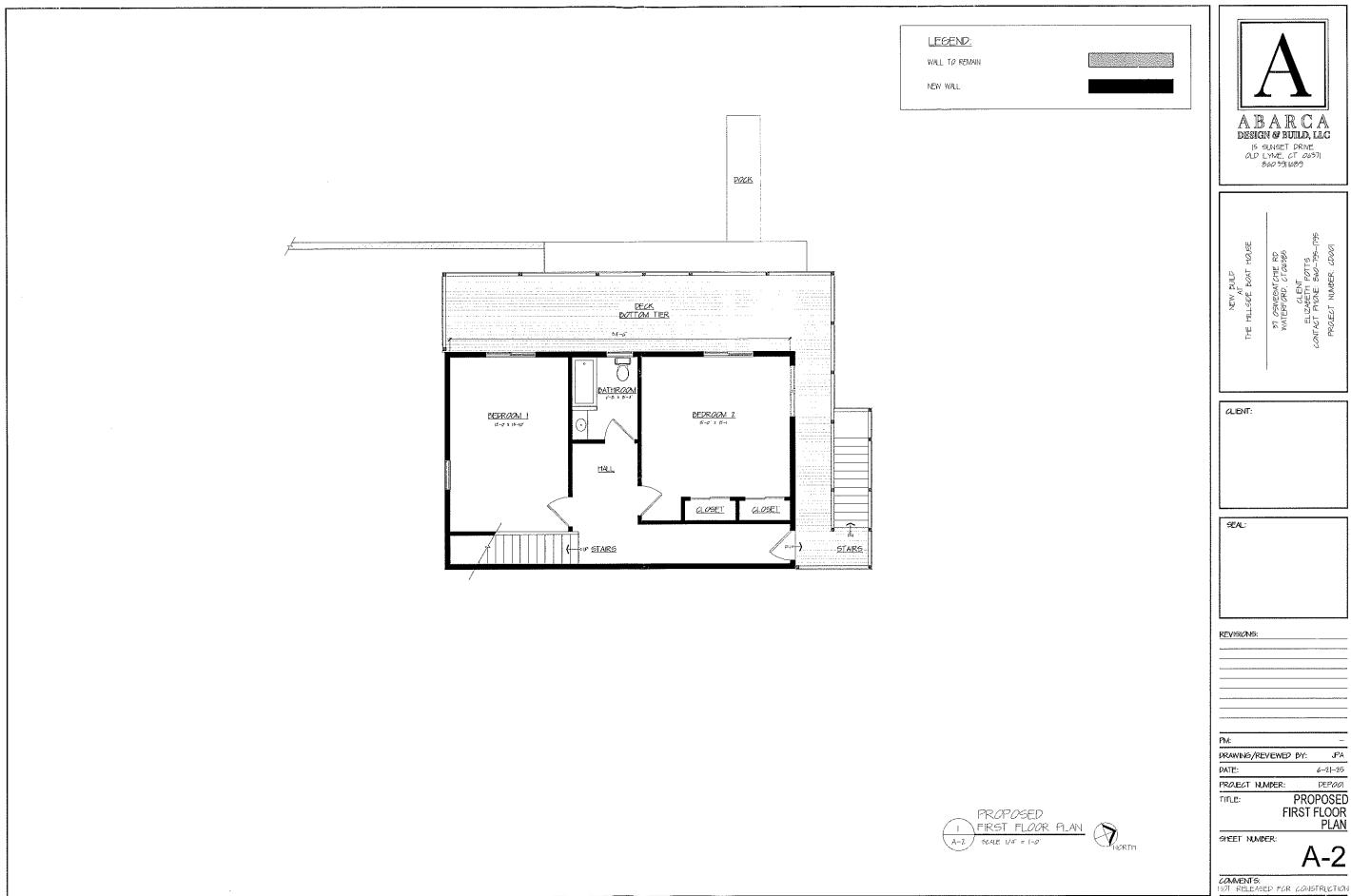


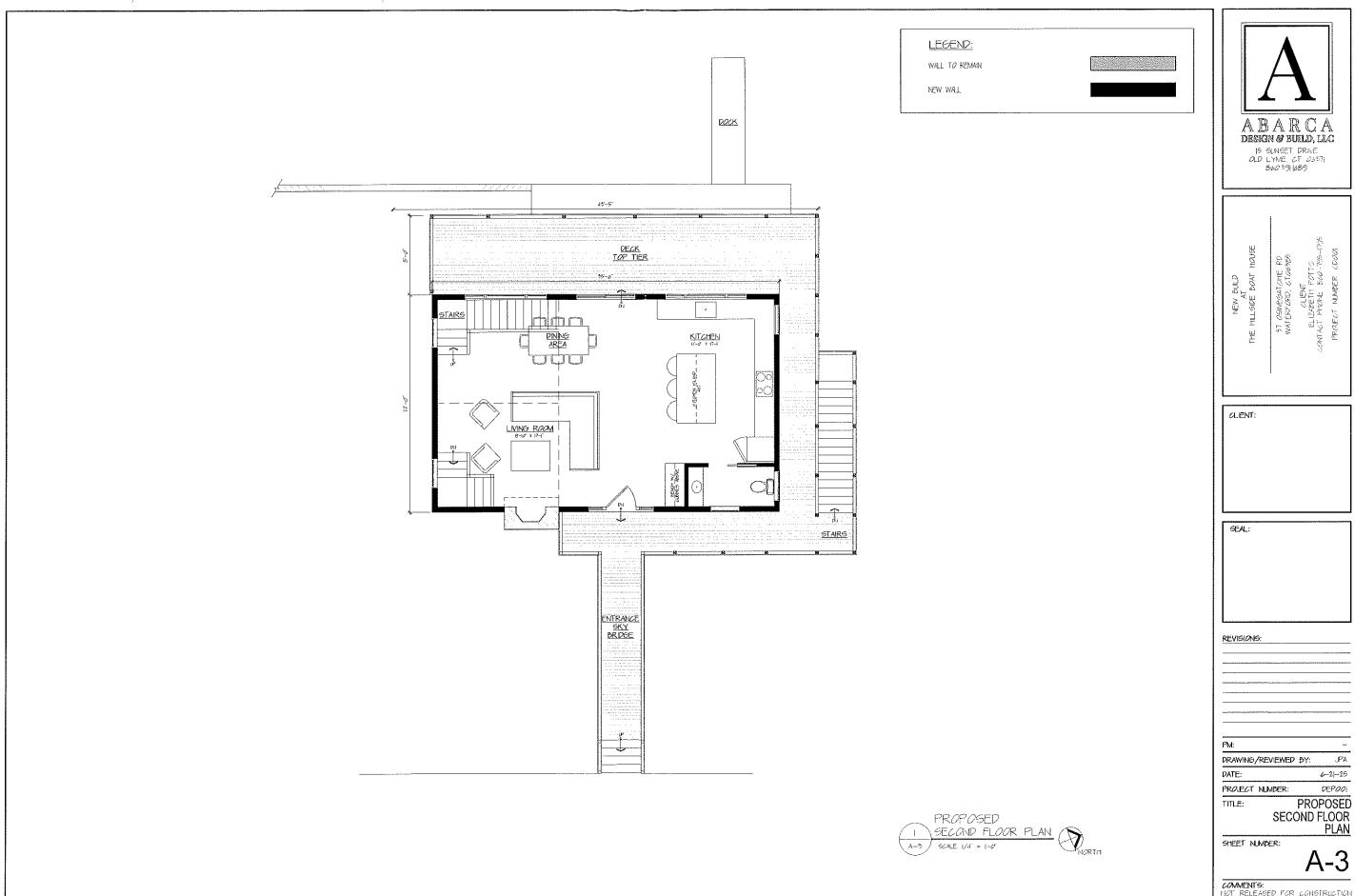
PLAN PREPARED BY:  
INDIGO LAND DESIGN, LLC  
JOSEPH WREN, P.E.  
C.R.C. NO. 21090

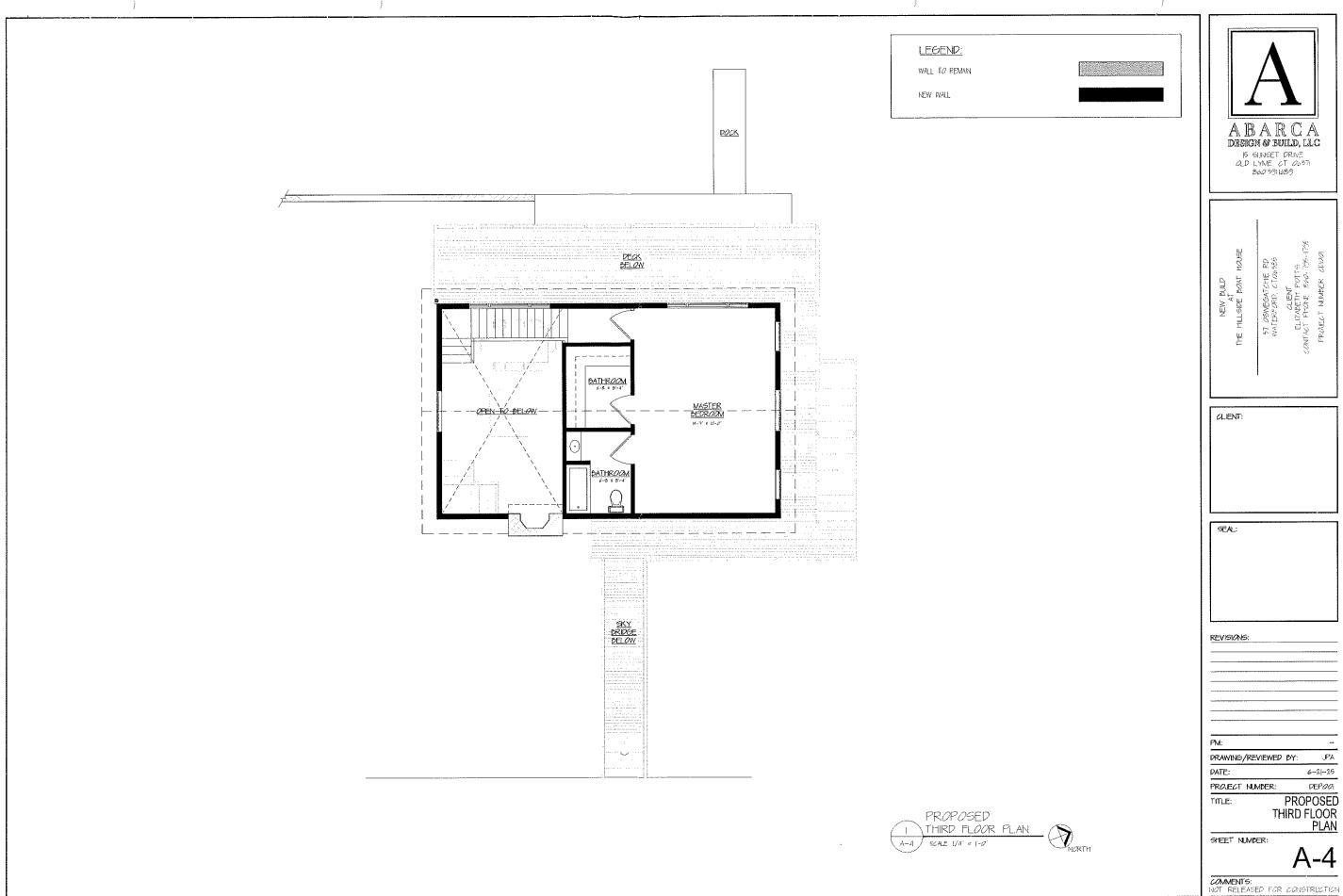
45 ELM STREET, 2ND FLOOR  
OLD SAYBROOK, CT 06475  
PHONE: (860) 288-9433  
WEB: INDIGO-LAND.COM

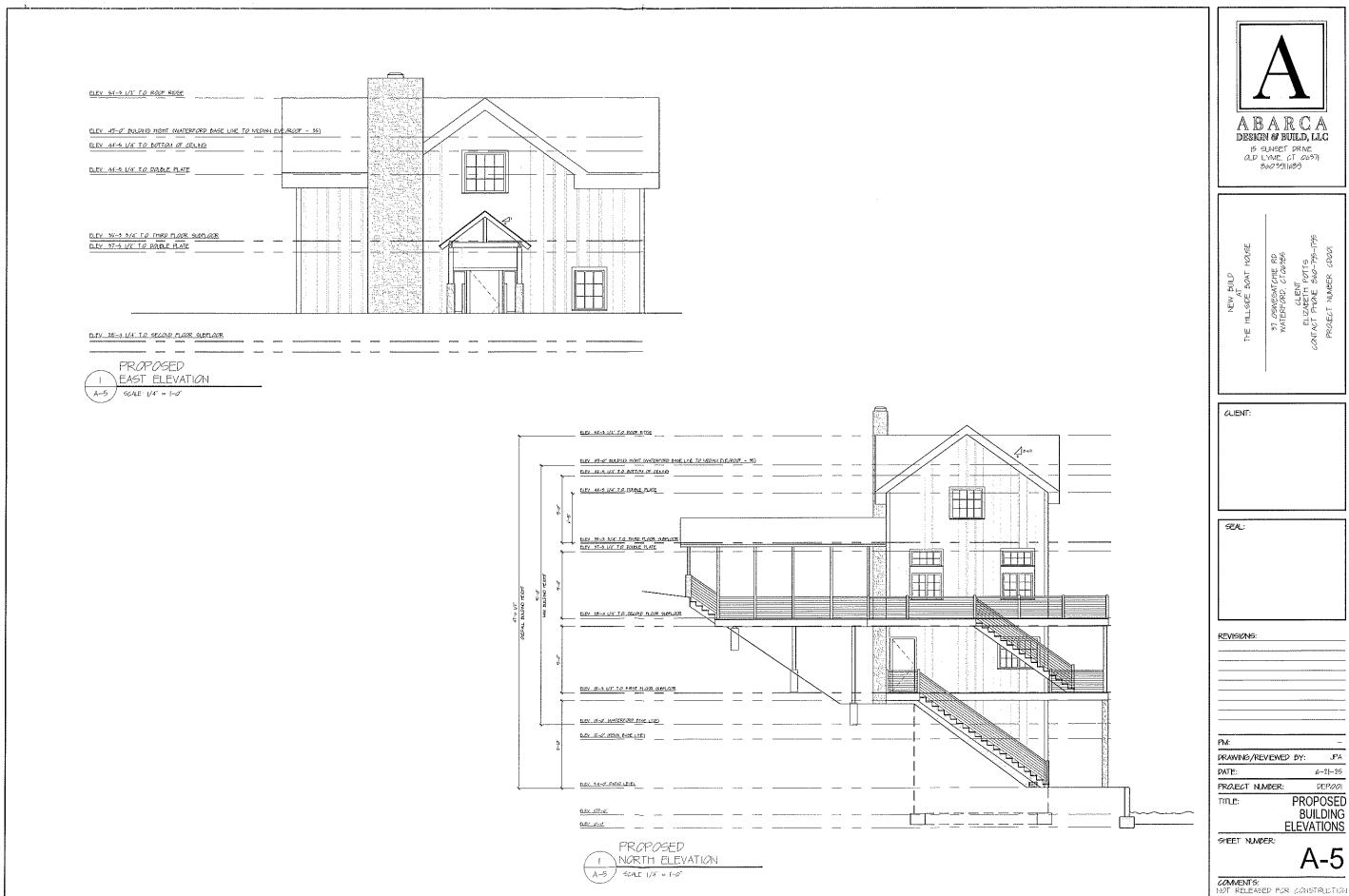














**37 OSWEGATCHIE ROAD  
1 POINT COMFORT LLC**

**APPLICATION NARRATIVE**

Applicant 1 Point Comfort LLC (“Applicant”), as owner of 37 Oswegatchie Road (“Property”), seeks to redevelop the existing non-conforming lot with a new home designed to bring the property into greater compliance with the Waterford Zoning Regulations and Coastal Area Management (“CAM”) goals. To achieve this goal, Applicant requires several variances as set forth in the attached zoning chart.

**Background:**

The Property, approximately 10,571 square feet, is an existing non-conforming corner lot located in the R-20W Zone. The existing house, constructed in 1935, is located directly along the Niantic River. It predates the 1954 adoption of the Zoning Regulations as well as the Zoning Commission’s creation in 1939, and is non-conforming with respect to the Zoning Regulations and coastal management and FEMA regulations.

As shown in the accompanying plans, Applicant seeks to demolish the existing home and rebuild on the existing home’s footprint. Unlike the existing house, the new home will be compliant with modern fire, building and energy codes. The proposed home is consistent with the scale and nature of the surrounding residential uses, many of which have been redeveloped over the years.

**Lot Line Adjustment:**

To minimize the requested variances and address several non-conformities, the Applicant proposes a lot line revision to the existing northerly boundary between the Property and the adjacent property at 35 Oswegatchie Road, which is owned by an affiliate of the Applicant.<sup>1</sup> This adjustment will be an even exchange of land, with both lots continuing to have the same amount of land before and after the adjustment. As an additional benefit, the adjustment will reduce the non-conformities on the 35 Oswegatchie property by increasing the lot width by 26 feet and increasing the side yard setback non-conformity for both the house and garage on that property.

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<sup>1</sup> If the variances are granted, the Applicant will record the lot line revision simultaneously with the recording of the variance notice.

## **Compliance with CAM Goals:**

This development is consistent with CAM policies and the POCD goal of protecting coastal resources, most notably by avoiding new disturbances to the coastal bluff and steep slope. The proposal mitigates any adverse impact to coastal resources and achieves enhancement of the coastal bluff, with additional plantings proposed surrounding the proposed home. Existing trees within the coastal bluff will also be maintained, thereby avoiding further disturbance in an area of steep slopes directly adjacent to the neighboring property at 3 Point Comfort. The current bulkhead and wood dock will be maintained to minimize further coastal disturbance.

## **Requested Variances and Basis for Request:**

As currently developed, the Property contains a wide variety of non-conformities, including lot size, street line setback, both side yard setbacks, and rear yard setback. It is a long narrow lot with steep slopes extending to the waterfront. When the Zoning Regulations are applied to the Property in its current land configuration, 97.1% of the lot is undevelopable – only 307 square feet of developable land – creating a significant hardship unique to this Property.

The Applicant minimizes the scope of its request by proposing a lot line revision that facilitates increased setbacks beyond what could be achieved under the existing lot configuration. The proposed lot line revision also enhances the non-conforming aspects of the adjacent property at 35 Oswegatchie Road, owned by an affiliate of the Applicant. The adjusted boundary increases the side yard setbacks and the lot width, bringing that property into greater conformity with the Zoning Regulations. As the Board is likely aware, the reduction of non-conformities serves as an alternate basis for a variance under Connecticut law.

Finally, the development plan takes the Property's location within the surrounding neighborhood into consideration. By orienting the new house in the existing location, it maintains reasonable setbacks to the adjacent home and shed at 3 Point Comfort. By utilizing the current driveway and maintaining the garage in its current location, Applicant avoid further variance requests and the construction activity associated with relocation of that structure.

FIFTEEN ROPE FERRY ROAD



WATERFORD, CT 06385-2886

## **PLANNING & DEVELOPMENT**

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Date: December 23, 2025

To: Mark Wujtewicz, Planner  
Wayne Scott, Zoning Official

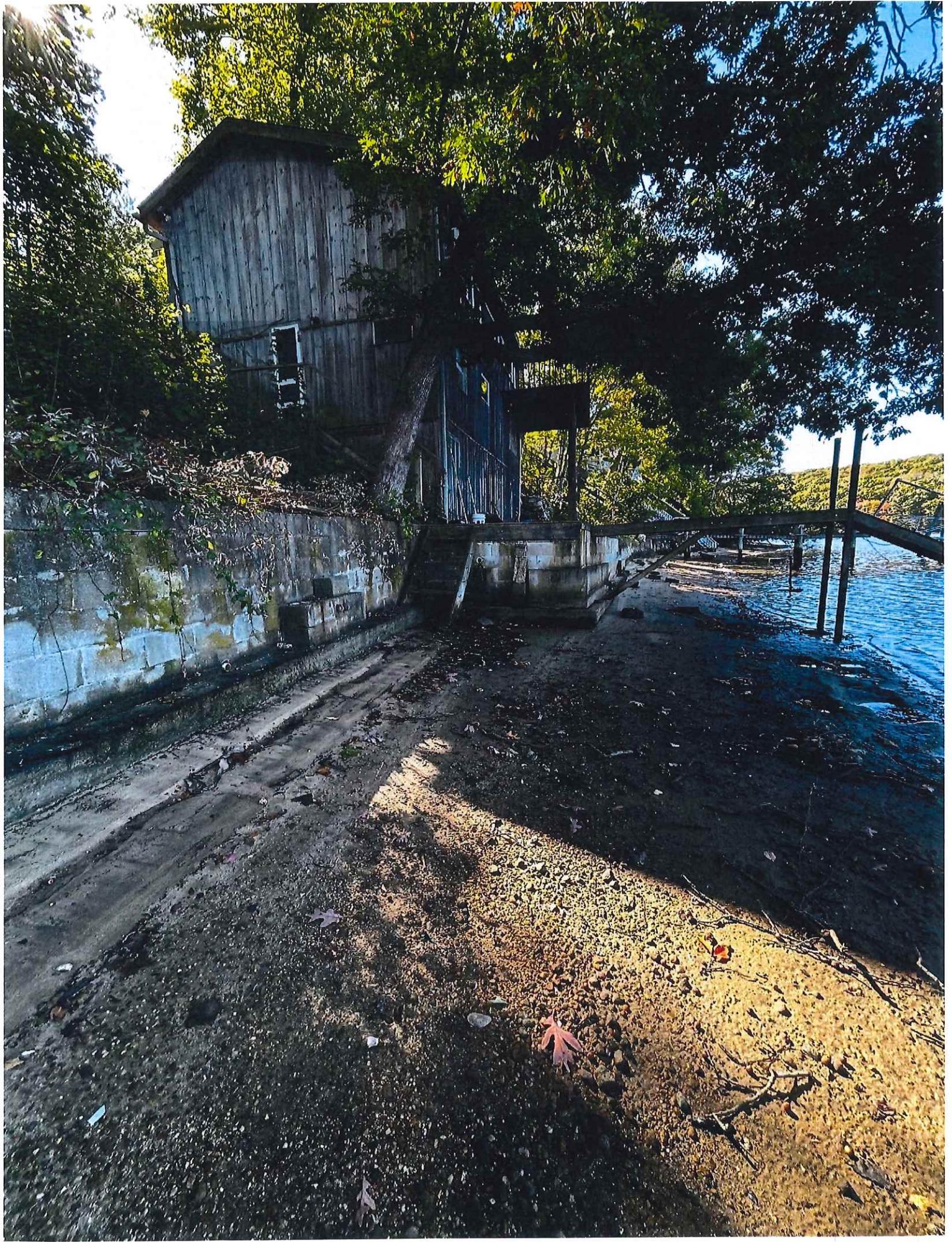
**Re: 35, 37 Oswegatchie Road  
Site Photos – October 10, 2025**

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Attached are photographs of the existing retaining walls along the western front of the building abutting the Niantic River. Photos were taken on October 10, 2025.

  
Maureen FitzGerald  
Environmental Planner

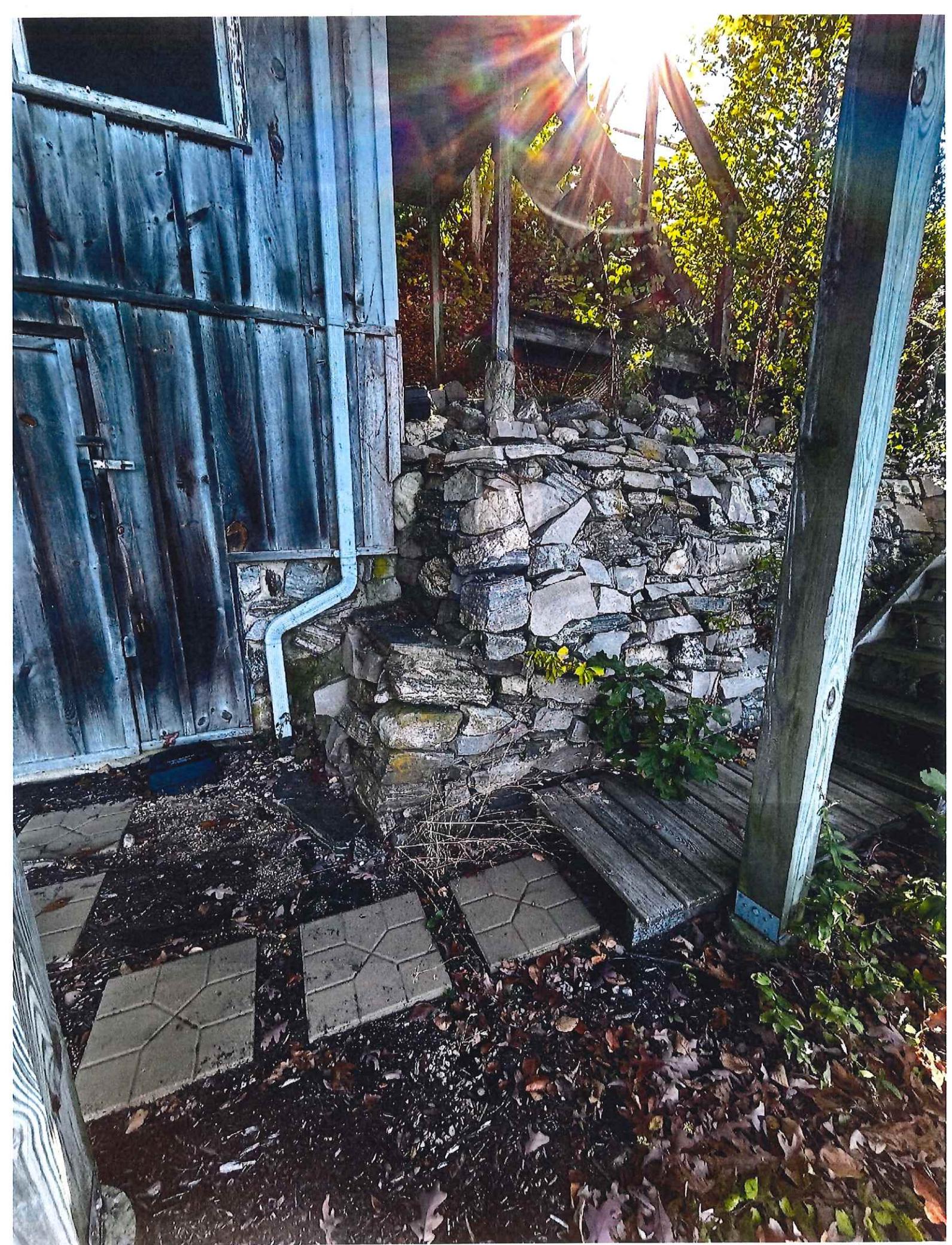
attachments – 6 pp

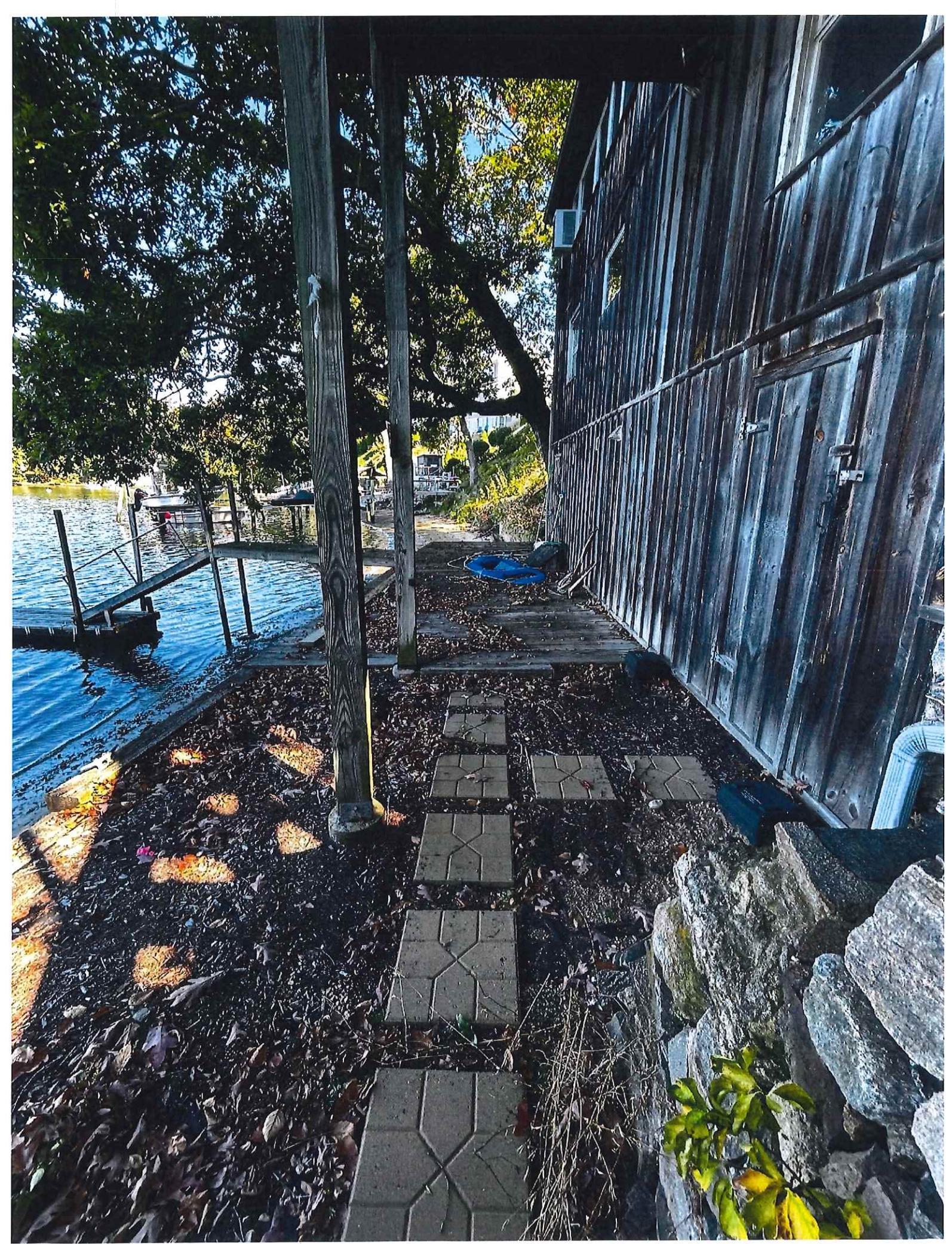












**VARIANCE REQUEST TABLE**  
**(Revised 10.30.25)**

***Side Yard (north side) – 20 feet required (§ 4.4.2)***

<i>Proposed Yard</i>	<i>Requested Variance</i>
17.5 feet (deck)	2.5 feet
17.2 feet (deck stairs)	2.8 feet
7.1 feet (garage)	12.9 feet

***Side Yard (south side) – 20 feet required (§ 4.4.2)***

<i>Proposed Yard</i>	<i>Requested Variance</i>
5.9 feet (eave)	14.1 feet
16.4 feet (deck)	3.6 feet
7.6 feet (sky bridge)	12.4 feet

***Rear Yard (Niantic River) – 50 feet required (§ 4.4.3)***

<i>Proposed Yard</i>	<i>Requested Variance</i>
0.4 feet (deck)	49.6 feet
4.4 feet (eave)	45.6 feet

*Note: Existing garage is legally non-conforming; no changes to that structure are proposed. Requested variances arise from the proposed lot line shift.*



December 19, 2025

Waterford Zoning Board of Appeals  
c/o Mark Wujtewicz, Planner  
15 Rope Ferry Road  
Waterford, CT 06385

Re: Review of CSPR for 37 Oswegatchie Road

Dear Board Members:

Thank you for the opportunity to review the above noted Coastal Site Plan Review (CSPR) application received by the Land and Water Resources Division (LWRD) on December 4, 2025. The project and plans are for a proposed tear down of an existing single-family home and the construction of a new single-family home within the same footprint. The applicant is applying for variances for lot setbacks, including a significant variance from the setback from the Niantic River. LWRD has reviewed the proposal for consistency with the goals and policies of the Connecticut Coastal Management Act (CCMA) and offers the following comments for the Board's consideration.

As you may know, LWRD had received a similar preliminary application on October 16, 2025, and provided comments dated October 24, 2025, for the applicant's consideration. Our review of the variance application now before the Board indicates that this application does not address our concerns. While we recognize that the proposed variances are necessary to allow construction of the new residence within the existing dwelling footprint, our coastal management concerns relate to proper coastal hazard management as well as the potential adverse impacts to the bluff that might occur from new construction if the variance from the Niantic River is granted.

The proposed new residential structure will be partially located within a FEMA delineated AE-12 Special Flood Hazard Area (SFHA) at the top of a bluff adjacent to the Niantic River. Section 22a-92(b)(2)(F) of the CCMA requires the Zoning Board of Appeals "to manage coastal hazard areas to ensure that hazards to life and property are minimized." While the proposed residential structure can be built to meet National Flood Insurance Program (NFIP) requirements, this CCMA policy requires minimizing adverse impacts to life and property beyond conforming to FEMA standards. The construction of a single-family home within the same footprint at the top of the slope on the waterside of the property could represent an increased hazard to people and property in an area of high flood risk, especially if there are alternative locations on the property entirely outside of the flood hazard area.

Prudent coastal management planning and development recognizes the potential hazards of each coastal site and avoids locating uses and placing people in predictable, life-threatening hazardous conditions. In considering whether to grant the variance from the Niantic River setback, the Board must determine whether approving the coastal site plan to allow for the construction of a new single family home in the same footprint of an existing non-conforming structure, even if built to FEMA standards, and where there appears to be a less hazardous alternative, will result in a significant exposure of life and property to flood hazards and will knowingly put people in harm's way.

Furthermore, our office does not generally support variances from sensitive coastal resources, such as the variance from the Niantic River setback requested in this application, especially if the variance would allow construction and associated land disturbance immediately adjacent to and/or along the top and face of a bluff or other sensitive coastal resource. Again, while we recognize the need to vary the Niantic River setback to allow construction of a dwelling on the site, the variance should be the minimum necessary in order to still provide some level of protection to the bluff and the river.

Accordingly, the applicant should be required to demonstrate that it is not feasible to move the location of the new dwelling landward of the top of the bluff slope and entirely outside of the AE portion of the property and into the Unshaded X Zone in order to properly manage coastal hazards and to provide protection to the bluff from construction activities and other land disturbance. This relocation on the property would obviate the need to construct the dwelling to FEMA AE building standards and remove any potential slope stabilization issues which could cause unacceptable adverse impacts to the Niantic River.

Finally, the applicant should be aware that any work proposed waterward of the Coastal Jurisdiction Line (CJL) must receive authorization from DEEP LWRD before the commencement of said work. The proposed wood deck appears to be close to or right on the CJL, which would require DEEP authorization. In addition, a review of CT DEEP's permitting database indicates that the existing dock and existing wood deck do not appear to be authorized. The applicant will need to contact LWRD's Regulatory East Section to confirm whether permits were ever issued or what authorization will be required to bring the existing structures into compliance. It is strongly suggested that the applicant contact Darcy Winther of Permitting East at [Darcy.Winther@ct.gov](mailto:Darcy.Winther@ct.gov) for a further discussion of this issue.

We hope these comments prove useful. Please do not hesitate to contact me with any questions you may have at [Karen.Michaels@ct.gov](mailto:Karen.Michaels@ct.gov).

Sincerely,



Environmental Analyst III  
Land and Water Resources Division

KAM/kam

Cc: Waterford coastal file – 37 Oswegatchie Road  
Darcy Winther, Supervising Environmental Analyst, Permitting East

# TOWN OF WATERFORD



## COASTAL SITE PLAN REVIEW WRITTEN FINDINGS & DECISIONS

**ORIGINAL TO:**

[REDACTED]

**COASTAL SITE PLAN REVIEW TRIGGER:**

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

**APPLICANT NAME:**

**MAILING ADDRESS:** [REDACTED]

**PROJECT ADDRESS:** 37 Oswegatchie Road

**PROJECT DESCRIPTION:**

The applicant proposes to demolish an existing single family dwelling of approximately 877 square feet and construct a new single-family dwelling with a reduced footprint of approximately 791 square feet within the same area of the footprint of the existing dwelling. Based upon the proximity of the work associated with construction of the new dwelling to designated coastal resources, a Coastal Site Plan review is required. The coastal resources identified on the plan are a coastal bluff and the Niantic River Estuarine Embayment. The westerly portion of the parcel is adjacent to the Niantic River. A FEMA designated special flood hazard zone AE-12 occurs within the westerly portion of the parcel. A portion of the proposed structure and site improvements will be located within the FEMA regulated flood zone. Documentation submitted by the applicant indicates that the proposed dwelling will be constructed consistent with FEMA design standards for structures within the designated AE-12 Special Flood Hazard Area. The parcel contains 10,571 square feet of lot area and is located within the R-20 Zone District, which requires a minimum lot size of 20,000 square feet. The parcel is a pre-existing nonconforming lot relative to lot area. In accordance with Section 24.3 of the Zoning Regulations, a single-family dwelling is a permitted use on a nonconforming lot provided it conforms to all other provisions of the zoning regulations. The site plan submitted indicates that the proposed location of the dwelling on the property will require setback variances from the Zoning Board of Appeals (ZBA). An application for variances has been submitted and will be reviewed by the ZBA.

The rear of the existing dwelling is located approximately 9 feet from the existing retaining wall which the plan identifies as mean high water. Grading and vegetative plantings are proposed within the Coastal Embankment as shown on the plans. The dwelling will be connected to existing municipal water and sewer service and utilities.

Plan title: "Coastal Site Plan Prepared for 1 Point Comfort LLC, 37 Oswegatchie Road, Map 102 Lots 58 56, Waterford, Connecticut" dated September 19, 2024, revised November 4, 2025.

<b>COASTAL RESOURCES AND RESOURCE POLICIES:</b>				
	<b>ON-SITE</b>	<b>ADJACENT TO SITE</b>	<b>POTENTIALLY INCONSISTENT</b>	<b>NOT APPLICABLE</b>
General Coastal Resources*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Beaches and Dunes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bluffs and Escarpments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coastal Hazard Area	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coastal Waters and/or Estuarine Embayments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Developed Shorefront	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Freshwater Wetlands and Watercourses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Intertidal Flats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Islands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rocky Shorefront	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shellfish Concentration Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shorelands	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tidal Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ADVERSE IMPACTS ON COASTAL RESOURCES:</b>			
	Appears Acceptable	Potentially Unacceptable	Not Applicable
Degrades tidal wetland, beaches and dunes, rocky shorefronts, or bluffs and escarpments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Degrades existing circulation patterns of coastal waters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Increases coastal flooding hazard by altering shoreline or bathymetry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Degrades natural or existing drainage patterns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Degrades natural shoreline erosion and accretion patterns	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Degrades or destroys wildlife, finfish, or shellfish habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Degrades water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Degrades visual quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>COASTAL USE POLICIES:**</b>		
	Applies	Potentially Inconsistent
General Development*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Boating	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Recreation and Access	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Structures and Filling	<input type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries	<input type="checkbox"/>	<input type="checkbox"/>
Fuels, Chemicals, or Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>
Ports and Harbors	<input type="checkbox"/>	<input type="checkbox"/>
Sewer and Water Lines	<input type="checkbox"/>	<input type="checkbox"/>
Solid Waste	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Water-dependent Uses	<input type="checkbox"/>	<input type="checkbox"/>

\* 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reduces existing public access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 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 Zoning Regulations and 2012 Plan of Conservation and Development. The removal of the existing FEMA non-compliant dwelling and replacement with a FEMA compliant dwelling within the footprint of the existing structure reduces the amount of work on the coastal bluff thereby reducing and mitigating adverse impacts to the coastal resources and coastal hazards identified on and adjacent to the site.

The coastal hazard FEMA designated Flood Zone AE-12 boundary is identified on the site plan. The Zoning Regulations require that the elevation of the first floor be no less than 1 foot above the designated Base Flood Elevation (BFE). The applicant proposes to construct the house by providing a first floor elevation which extends to elevation 18. All enclosed building area below the BFE shall be non habitable space constructed in accordance with the standards and criteria contained within the Waterford Zoning Regulations and the FEMA guidelines. The support material provided with the application indicates that all new construction will be compliant with the standards for construction in a FEMA designated flood hazard area AE-12.

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 resources. This disturbance is of a temporary nature during the construction of the single family dwelling. Erosion controls shall be extended along the top of the edge of the existing concrete shelf in such a manner as to prevent the negative impacts from 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 temporary negative impact to water quality during the construction phase of the project. This potential shall be mitigated through the installation and maintenance of erosion control measures as required to be identified on the site plan. The site plan and building elevation drawings do not indicate the use of roof drains. Any installation of roof drains shall be designed to prevent any erosive impacts from roof water discharge. The use of Low Impact Stormwater Design elements such as rain gardens shall be used. These elements must be shown on the site plan with details. The use of a rain garden is a Low Impact Stormwater element that is supported by the Zoning Regulations and reduces the potential for negative impact to the adjacent coastal resources.

This project as approved with conditions 1 thru 7 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, maintained and remain on site for the duration of the project and until the establishment of a permanent vegetative cover on disturbed areas.
2. Silt fence as depicted on the site plan shall be backed by haybales for its entire length and extended along the concrete shelf/retaining wall. Elevations of existing concrete abutments shall be required to be shown on the site plan. These modifications shall be shown on the final plan prior to filing on the land records.
3. No work covered by this permit including the stockpiling of materials as shown on the site plan shall be conducted outside of the proposed silt fence.
4. All existing trees shown on the site plan within the coastal bluff shall be protected from any damage during construction.
5. A detailed coastal bluff planting plan shall be required at the time of building permit application.
6. A foundation location certification shall be provided to the Zoning Official prior to framing in order to verify the location of the foundation complies with the setback requirements for the Zone District and any variances granted by the ZBA.
7. An as-built survey shall be submitted to and approved by the Zoning Official prior to issuance of a Certificate of Zoning Compliance. This requirement is to verify that all improvements have been constructed in accordance with the approved site plan.

**Proposed Motion:**

To approve with conditions Site Plan CAM Application ZBA-25-4 located at 37 Oswegatchie Road with conditions 1 thru 7 and to find that the project as approved with conditions is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

**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  
**Amy Souchuns, Esq. LLC**  
**Indigo Land Design, LLC**



**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Zoning Board of Appeals

FROM: Wayne Scott, Zoning Official

DATE: December 30, 2025

TITLE: Staff Report: Application #ZBA-25-46

Single Family Residential

Eight (8) Setback Variances & One (1) Lot line Adjustment

**SUMMARY**

The subject property, 37 Oswegatchie Road is a corner lot in an R-20 Medium Density Residential district located at the northwest corner of Oswegatchie Road and Point Comfort and is nonconforming in respect to lot area. In addition, all the existing structures located on the subject lot are nonconforming in respect to front yard, side yard and/or rear yard setbacks as well.

- The minimum lot area requirement in the R-20 district is 20,000 square feet. The existing nonconforming lot size is 10,570.89 square feet.
- The required front yard setback in the district is 50 feet.

*Per zoning regulation Section 3.10: When located on a corner lot, an accessory building shall be no closer to a street lot line than the least depth of any front yard requirement along such street.*

- The front yard setback of the existing garage is 22.2 feet and the front yard setback of the existing (shed) building in the front yard is 46.2 feet.
- The required side yard setback in the district is 20 feet.
  - The existing nonconforming side yard setbacks along the north side boundary are as follows: The side yard setback of the existing concrete shelf located along the easterly side of the property at the Niantic River water's edge is 0.0 feet. The side yard setback of the existing house is 0.2 feet. The side yard setback of the existing stairs is also 0.2 feet. The side yard setback of existing garage is 6.0 feet.
  - The existing nonconforming side yard setbacks along the south side boundary are as follows: The side yard setback of the existing house is 12.0 feet. The side yard setback of the existing deck is 14.4 feet.

- The required rear yard setback in the district is 50 feet.
  - The rear yard setback of the existing concrete shelf located along the easterly side of the property at the water's edge is 0.0 feet. The rear yard setback of the existing deck is 3.3 feet. The rear yard setback of the existing house is 6.5 feet. The rear yard setback of the existing stairs is 8.5 feet.

The applicant is proposing to demolish the existing nonconforming single-family structure and construct a new single family residential structure on the existing nonconforming structure's footprint located at the far west portion of the existing nonconforming lot. The applicant is proposing to remove the existing nonconforming (shed) building currently located in the front yard of the property.

The applicant is also proposing a lot line revision to the existing northerly boundary between the subject property and the adjacent property at 35 Oswegatchie Road. The applicant is proposing the revision would be an even exchange of land, with each of the two lots continuing to have the same amount of land before and after the adjustment. The following are the applicant's proposed front, side and rear yard setbacks contingent upon the proposed lot line revision noted herein.

- The required front yard setback in the district is 50 feet.
  - The proposed front yard setback of the existing nonconforming garage to remain 22.2 feet.
- The required side yard setback in the district is 20 feet.
  - The proposed side yard setbacks along the north side boundary are as follows: The proposed side yard setback of the existing concrete shelf located along the easterly side of the property at the water's edge to remain 0.0 feet. The proposed side yard setback of the existing garage is 7.1 feet. The proposed side yard setback of the proposed deck stairs is 17.2 feet. The proposed side yard setback of the proposed deck is 17.5 feet.
  - The proposed side yard setbacks along the south side boundary are as follows: The side yard setback of the eave of the proposed house is 5.9 feet. The side yard setback of the proposed sky bridge is 7.6 feet. The proposed side yard setback of the proposed house is 8.0 feet. The proposed side yard setback of the proposed deck is 16.4 feet.
- The required rear yard setback in the district is 50 feet.
  - The proposed rear yard setback of the existing concrete shelf located along the easterly side of the property at the water's edge to remain 0.0 feet. The proposed rear yard setback of the proposed deck is 0.4 feet. The proposed rear yard setback of the eave of the proposed house is 4.4 feet. The rear yard setback of the proposed house is 6.5 feet.

A portion of the property lies within the Coastal Flood Hazard Area Zone (AE-12), and much of the proposed work occurs within this designated flood hazard area. The work proposed is subject to a Coastal Area Management review.

Pertinent Regulations

CGS §8-6

Zoning Regulations

Sec. 25.3 – Development in Flood Hazard Areas

Sec 25.4 – Coastal Area Management

Sec 27 – Zoning Board of Appeals

Sections. 4.4.2 – Side Yard Setback Regulations

Sections. 4.4.3 – Rear Yard Setback Regulations

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Request</b>
Side Yard Setback (North Boundary) DECK	20 Feet	N/A	17.5 Feet	2.5 Feet
Side Yard Setback (North Boundary) DECK STAIRS	20 Feet	N/A	17.2 Feet	2.8 Feet
Side Yard Setback (North Boundary) GARAGE	20 Feet	* 6 Feet	17.1 Feet	2.8 Feet

Side Yard Setback (South Boundary) EAVE	20 Feet	* 12 Feet	5.9 Feet	14.1 Feet
Side Yard Setback (South Boundary) DECK	20 Feet	* 14.4 Feet	16.4 Feet	3.6 Feet
Side Yard Setback (South Boundary) SKY BRIDGE	20 Feet	N/A	7.6 Feet	12.4 Feet

Rear Yard Setback DECK	50 Feet	* 3.3 Feet	0.4 Feet	49.6 Feet
Rear Yard Setback EAVE	50 Feet	* 6.5 Feet	4.4 Feet	45.6 Feet

\*- Pre-existing nonconforming

Permitted Use within the District:

Sec 4.1.1 – One-family dwellings

## DISCUSSION

The application presents the following statement of hardship:

*“As currently developed, the Property contains wide variety of non-conformities, including lot size, street line setbacks, both side yard setbacks, and rear yard setback. It is a long narrow lot with steep slopes extending to the riverfront. When the zoning regulations are applied to the Property in its current land configuration, 97.1% of the lot is undevelopable – only 307 square feet of developable land – creating a significant hardship to this Property.*

*The Applicant minimizes the scope of its request by proposing a lot line revision that facilitates increased setbacks beyond what could be achieved under the existing lot configuration. The proposed lot line revision also enhances the non-conforming aspects of the adjacent property at 35 Oswegatchie Road, owned by an affiliate pf the Applicant. The adjusted boundary increases the side yard setbacks and the lot width, bringing that property into greater conformity with the Zoning Regulations. As the board is likely aware, the reduction of non-conformity serves as an alternate basis for a variance under Connecticut law.*

*Finally, the development plan takes the Property’s location within the surrounding neighborhood into consideration. By orienting the new house in the existing location, it maintains reasonable setbacks to the adjacent home and shed at 3 Point Comfort. By utilizing the current driveway and maintaining the garage in its current location, Applicant avoids further variance requests and the construction activity associated with relocation of the structure.”*

To justify the granting of a variance, the Board must first determine whether a legal hardship exists. Per CT State Statues 8-6 and Section 27.2.3 of the Town of Waterford Regulations, one of the powers and duties of the ZBA is:

27.2.3 To determine and vary the application of provisions of these Regulations, in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not generally affecting the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

Once the board has determined a legal hardship exists the following criteria for decisions from the Town of Waterford Zoning Regulations Section 27.5 must be applied and included in the board's findings:

### **27.5 CRITERIA FOR DECISIONS**

In addition to other requirements established within these Regulations, the Zoning Board of Appeals, prior to making its decision regarding any application for a variance or any other matter requiring Board action in accordance with the provisions of these Regulations, shall consider, at a minimum, the following factors:

- a. The size and intensity of the proposal under consideration and its potential impact on the surrounding neighborhood including consideration of past ownership patterns involving the property in question and adjacent properties and changes in the Zoning Regulations, which have occurred since the lot in question was created.
- b. The existence of conditions of the same kind and/or character on other properties within the surrounding neighborhood.
- c. The impact the proposed request will have on the capacity of adjacent streets to handle peak traffic loads without causing congestion and without creating any traffic hazards.
- d. The possible obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, or vibration in noxious or offensive quantities which might be caused by the proposal under consideration and the impact such conditions might have on adjacent properties.
- e. The resultant effect the proposal under consideration would have on the value and utilization of other properties within the surrounding neighborhood.
- f. The existence of unusual topography on the property in question and the nature, location and height of all existing and proposed buildings, walls, fences, and landscaping on the site in question.
- g. The extent, nature and arrangement of all existing and proposed parking facilities, driveways and roadways on the site in question.
- h. Any problems which might be created with regard to providing fire and/or police protection to the site in question or to adjacent properties.
- i. The preservation of the character of the neighborhood.
- j. The location of existing water and sewerage systems serving the subject site and the adequacy of such systems to support any additional construction on the property.

- k. All other standards prescribed by these Regulations.

## **27.6 TERMS AND CONDITIONS**

In granting any variance under these Regulations, the Board may attach such additional terms, conditions and safeguards as are deemed necessary to protect the neighborhood such as, but not limited to, the following:

- a. Requirement of front, side or rear yards greater than the minimum required by these Regulations.
- b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
- c. Modifications of the exterior features or appearance of any structure, where necessary to preserve property values.
- d. Limitation of size, number of occupants, method of time of operation or extent of facilities.
- e. Regulation of number, design, and location of access drives or other traffic features.
- f. Requirement of off-street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations.

27.6.1 Failure to comply with any such condition or safeguard shall constitute a violation of these Regulations.