

MINUTES

Zoning Board of Appeals
Waterford Town Hall

January 7, 2026
5:30 PM

Members Present: Chairwoman Cathy Gonyo, Evan Brown, Michelle Kripps, John Morgan
Members Absent: William Herzfeld
Alternates Present: Anne Darling, Jason Kohl and Warren Mackenzie
Alternates Absent: None
Staff Present: Mark Wujtewicz, Acting Planning Director; Wayne Scott, Zoning Official; Attorney Matt Willis and Katrina Kotter, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairwoman Gonyo called the meeting to order at 5:35pm. A. Darling was seated for W. Herzfeld.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Morgan, seconded by M. Kripps, to approve the minutes of the November 5, 2025 meeting as written.

VOTE: 4-0-1 (A. Darling recused)

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.

Amy Souchens, Attorney for the applicant was present for the application as well as the owners Elizabeth and David Potts. She noted the property owners also own the adjacent lot at 35 Oswegatchie Road and are proposing a lot line adjustment that will result in an even exchange of land with 37 Oswegatchie Road to create a more conforming situation relative to setback requirements. The lot line adjustment minimizes the amount of variances requested. The proposal allows 3 Point Comfort continued screening. Exhibit 15 was submitted into the record.

EXHIBIT 15 - Inset Plan Prepared for 1 Point Comfort LLC, 37 Oswegatchie Road, Map 102 Lots 5856, Waterford, Connecticut dated September 19, 2026, Last Revision January 7, 2026.

Joe Wren, PE, Indigo Land Design, reviewed with the Board the current conditions on the property. He noted that they have worked with town staff to minimize the amount of variances needed to redevelop the property. The current home is built directly into the slope and is located within the FEMA designated Special Flood Hazard Area. The proposed new home will be built in the same location and will be constructed to comply with FEMA flood standards.

JP Abarca, Abarca Design & Build reviewed the proposed house plans. He noted that the proposed house is designed to incorporate measures that will comply with FEMA flood standards. The house has been designed to have a coastal New England look. The ground level will have flood vents and is to be used for low value storage as required. He reviewed the other

levels of the home and noted they would be above the base flood elevation.

J. Morgan asked if the bottom level will remain storage. J. Wren indicated it will remain storage.

A. Darling asked how large the house will be and have any hydrologic studies been done and how will the foundation be constructed. J. Wren stated that the house will be 2,000 square feet, no hydrologic studies have occurred at this time and the foundation has not been designed but may be pilings or reinforced footings.

J. Kohl asked if a barge would be used during construction and if so, would protections be made to protect the eelgrass along the river. J. Wren indicated construction should occur from the land.

E. Brown voiced concerns with potential disruptions to slope during construction and any other analysis made.

J. Morgan questioned if the existing garage plans to be expanded in the future. J. Wren stated there are no plans to expand the garage at this time.

M. Wujtewicz, Acting Planning Director read the exhibit list into the record.

- EXHIBIT 1 - Original Application Package Received October 22, 2025
- EXHIBIT 1a - ZBA Application Received October 22, 2025 (3 pages)
- EXHIBIT 1b - Application Form II Received October 22, 2025 (5 pages)
- EXHIBIT 1c - Variance Request Table Received October 22, 2025
- EXHIBIT 1d - Application Narrative Received October 22, 2025 (2 pages)
- EXHIBIT 1e - Building Plans Received October 22, 2025 (6 pages)

- EXHIBIT 2a - Revised Application Received November 20, 2025 (3 pages)
- EXHIBIT 2b - Application Form II Received November 20, 2025 (5 pages)
- EXHIBIT 2c - Variance Request Table Received November 20, 2025
- EXHIBIT 2d - Application Narrative Received November 20, 2025 (2 pages)
- EXHIBIT 2e - Building Plans Received November 20, 2025 (6 pages)

- EXHIBIT 3 - Lot Line Revision Property Survey of 35 & 37 Oswegatchie Road, Waterford, Connecticut Prepared for Elizabeth Potts, dated July 31, 2024, Last Revision 1/31/2025

- EXHIBIT 4 - Coastal Site Plan Prepared for 1 Point Comfort, LLC, 37 Oswegatchie Road, Map 102 Lots 5856, Waterford Connecticut, dated September 19, 2024, Last Revision 11/4/2025

- EXHIBIT 5 - Notice of Public Hearing advertised in the Day newspaper on Wednesday, December 24, 2025 and Wednesday, December 31, 2025

- EXHIBIT 6 - Notice of Public Hearing to Applicant dated December 12, 2025

- EXHIBIT 7 - Referral letter to DEEP dated November 21, 2025

- EXHIBIT 8 - Responses from DEEP dated December 19, 2025

- EXHIBIT 9 - Certificates of Mailings
- EXHIBIT 10 - Coastal Site Plan Prepared for 1 Point Comfort, LLC, 37 Oswegatchie Road, Map 102 Lots 5856, Waterford Connecticut, dated September 19, 2024, Last Revision 10/21/2025
- EXHIBIT 11 - Town Planner's Staff CAM Report
- EXHIBIT 12 - Zoning Official's Staff Report dated December 30, 2025
- EXHIBIT 13 - Zoning Official's Revised Staff Report dated January 7, 2026
- EXHIBIT 14 - Memorandum dated December 23, 2025 to Mark Wujtewicz, Planner and Wayne Scott, Zoning Official Re: 35, 37 Oswegatchie Road, Site Photos October 10, 2025

C. Gonyo asked three times if anyone from the audience would like to speak for or against the application. No one spoke.

The public hearing was closed at 6:50 pm.

4. OLD BUSINESS

There was no old business.

5. CORRESPONDENCE

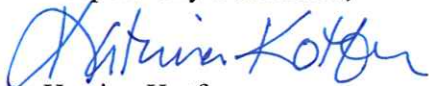
No correspondence was received or discussed.

6. ADJOURNMENT

MOTION: Motion made by J. Morgan, seconded by A. Darling, to adjourn the meeting at 6:52 pm.

VOTE: 5-0

Respectfully Submitted,



Katrina Kotfer
Recording Secretary