



TOWN OF OLD SAYBROOK
Zoning Commission

Mark R. Caldarella, Chairman
Geraldine M. Lewis, Vice Chairman
John Henry, Secretary
Robert C. Friedmann
Laura Gray

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Alternate Members
Justin Terribile
Brenda Dyson
Michael Kelly

REGULAR MEETING MINUTES
HYBRID MEETING

Wednesday, February 21, 2024 – 7:00 P.M.
Town Hall, 2nd Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

Chairman M. Caldarella called the meeting to order at 7:07 P.M.

II. ROLL CALL

Attendant Members: M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray, B. Dyson, M. Kelly

Absent Members: J. Terribile

Attendant Staff: C. Costa, ZEO/Town Planner; J. Galli, Recording Clerk

Six members of the public attended with one more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to APPROVE the Regular Meeting Minutes of January 17, 2024 as presented
MADE: G. Lewis **SECONDED:** L. Gray **VOTING IN FAVOR:** M. Caldarella, G. Lewis,
J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:**
5-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda items.

IV. NEW BUSINESS

A. “Toper” Application for Municipal Coastal Site Plan Review

Installation of a Septic System

129 Nehantic Trail, Map 19/Lot 13, Residence A District

Applicant: Lynn Toper

Agent: Joe Wren, P.E.L.S.

Engineer J. Wren presented. Because of no other options, the applicant seeks to install a septic system within 50 feet of tidal wetlands. They received approvals from the health department and DEEP. They agreed to plant trees to make up for any loss of trees.

MOTION to APPROVE “Toper” Application for Municipal Coastal Site Plan Review
Installation of a Septic System 129 Nehantic Trail, Map 19/Lot 13, Residence A District with the **condition** that the 18” tree near the former shed is to remain and the 15” tree removed to the north will be replaced with a salt tolerant Acer maple tree with a minimum height of 6’ and 3.5” diameter at breast height. It is approved with conditions because it is consistent with all applicable coastal policies and makes all reasonable effort to mitigate adverse impacts.
MADE: R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

V. PUBLIC HEARINGS

- A. **“Van Wilgen’s Garden Center” Application for Special Exception Use** for a garden center development with two seasonal greenhouses, shed/outdoor display area and parking on 18,362 s.f. property at 1560 Boston Post Road, Map 26/Lot 30, Gateway Business B-4 District, Coastal Area Management Zone.
Applicant: Stanislaw Szezewczyk Agent: Attorney Edward M. Cassella

At the request of the applicant, the opening of this hearing has been continued to March 18, 2024.

MOTION to CONTINUE opening of Public Hearing for **“Van Wilgen’s Garden Center” Application for Special Exception Use** for a garden center development with two seasonal greenhouses, shed/outdoor display area and parking on 18,362 s.f. property at 1560 Boston Post Road, Map 26/Lot 30, Gateway Business B-4 District, Coastal Area Management Zone to the regularly scheduled meeting of Monday, March 18, 2024 at 7 P.M. in Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room as presented
MADE: R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray, **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

- B. **“Alba Enterprises, LLC” Application for Special Exception Permit/Coastal Site Plan Review** for construction of a 7,518 s.f. house.
15 Mallard Drive, Map 63/Lot 90, Residence AA-1 District, Coastal Area Management Zone, Gateway Conservation Zone.
Applicant: Alba Enterprises, LLC Agent: Attorney Edward M. Cassella

Attorney E. Cassella presented. The applicant is seeking to remove a 2,852 s.f. house but utilize the foundation to rebuild a 7,518 s.f. 4-bedroom house with garage and a living area addition. The property is located on tidal wetlands adjacent to the Ct River. R. Friedmann pointed out that ZBA granted a variance even though Gateway Regulations prohibit further expansion into a setback than what is existing. No trees are being removed and new plantings will be added to the riparian buffer. Two bedrooms will be located on the main floor with 2 slated for future construction on 2nd floor. A 4-bedroom septic will be installed. The height of the dwelling will be 34.6 feet.

MOTION to CLOSE the Public Hearing of **“Alba Enterprises, LLC” Application for Special Exception Permit/Coastal Site Plan Review** for construction of a 7,518 s.f. house. 15 Mallard Drive Map 63/Lot 90, Residence AA-1 District, Coastal Area Management Zone, Gateway Conservation Zone as presented **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to APPROVE “Alba Enterprises, LLC” Application for Special Exception Permit/Coastal Site Plan Review for construction of a 7,518 s.f. house. 15 Mallard Drive Map 63/Lot 90, Residence AA-1 District, Coastal Area Management Zone, Gateway Conservation Zone with the following **conditions:**

1. One story portion of right side of house as viewed from the street is approved as one story only;
2. The site plan needs to be revised with location map.
3. The riparian boundary is to be staked prior to construction and permanently marked after construction (Sec. 58.2);
4. Within the riparian vegetation buffer, the regulations prohibit the application of pesticides or herbicides;
5. No trees in riparian buffer will be removed or disturbed;
6. The lights fixtures are to be dark-sky compliant;
7. Revised plans will be submitted and the gross floor area will be broken out by floor on the architectural plans. The total gross floor area on the architectural plans must correspond with the gross floor area on the site plan;
8. The fill proposed to be brought in to the north be quantified and adequate soil and erosion control measures be installed;
9. Additional native shrubs and/or trees will be planted along the edge of the tidal wetland;
10. There will be no further encroachment of structure into vegetation buffer setback other than that shown on plans.

It is approved with conditions because it is consistent with all applicable coastal policies and makes all reasonable effort to mitigate adverse impacts. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, L. Gray **OPPOSED:** R. Friedmann **ABSTAINING:** None **APPROVED:** 4-1-0.

C. “245 Boston Post Road” Application for Special Exception Use for Office/Retail/Contractor’s Business

245 Boston Post Road, Map 44, Lot 10, Business B-4 District

Applicant: Luis Pugo Agent: Attorney Edward Cassella

Attorney E. Cassella presented. The applicant would like to convert a 625 s.f. storage area into usable office space in the rear of the building to be shared by Amadeus Remodeling and Cocomo Real Estate. Maximum number of employees for each office is two. The building encroaches state right-of-way which is previously existing. The Commission discussed signage and separate address possibilities with Attorney Cassella along with the requirement of six parking spaces in the rear.

MOTION to CLOSE the Public Hearing of **“245 Boston Post Road” Application for Special Exception Use** for Office/Retail/Contractor’s Business. 245 Boston Post Road Map 44/Lot 10, Business B-4 District as presented **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to APPROVE “245 Boston Post Road” Application for Special Exception Use for Office/Retail/Contractor’s Business 245 Boston Post Road, Map 44/Lot 10, Business B-4 District with the following **conditions**:

1. A second sign is not allowed on the property. The sign on the east side of the property along the gravel driveway
2. The Commission recommends coordinating the colors of the directional signs (4 s.f. max each) with the colors of the business signs for the freestanding multi-tenant sign to assist patrons with finding the rear locations for the two businesses;
3. The freestanding sign will not exceed the number of colors permitted or if colors exceeding the allowed are proposed, the applicant will need to return for a special exception permit.
4. A revised site plan will be submitted to the ZEO demonstrating the 6 parking spaces required for the rear building;
5. This permit does not approve any portion of the rear building that is located over the property line on land owned by the State of Ct.

MADE: R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

D. “Daniel’s Energy” Application for Modification of Special Exception Permit

for the addition of four 25,000 gallon oil storage tanks

103 Mill Rock Road East, Map 39/Lot 12, Industrial I District

Applicant: Mill Rock Green Associates, LLC. Agent: Attorney Edward Cassella

Attorney E. Cassella presented. The applicant has a current special exception use permit that includes an area designated for oil tanks. This application is to formally add the four 25,000-gallon heating oil storage tanks.

MOTION to CLOSE the Public Hearing of **“Daniel’s Energy” Application for Modification of Special Exception Permit** for the addition of four 25,000 gallon oil storage tanks. 103 Mill Rock Road East, Map 39/Lot 12, Industrial I District as presented **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to APPROVE “Daniel’s Energy” Application for Modification of Special Exception Permit for the addition of four 25,000 gallon oil storage tanks. 103 Mill Rock Road East, Map 39/Lot 12, Industrial I District as presented **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- C. Costa presented an invoice to the Commission in the amount of \$3,004.57 for counsel related to Fine Fettle litigation.

MOTION to **APPROVE** payment of invoice # 11431737 in the amount of \$3,004.57 to Halloran & Sage for legal counsel as presented **MADE:** G. Lewis **SECONDED:** M. Caldarella **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- C. Costa met with DEEP, town staff and a grant writer for a second attempt at getting a grant for coastal resiliency.

VII. ADJOURNMENT

MOTION to adjourn the meeting of February 21, 2024 at 8:34 P.M. to the regularly scheduled meeting of Monday, March 4, 2024 at 7 P.M. in Town Hall, 1st Floor Conference Room as presented **MADE:** G. Lewis **SECONDED** R. Friedmann **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Henry, R. Friedmann, L. Gray **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Land Use Clerk

NEXT REGULARLY SCHEDULED
HYBRID MEETING

Monday, March 4, 2024 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

Check our website for dial in information and additional meeting documents.

[Zoning Commission web page](#)

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