

4/19/76 Adapted
5/1/76 effective

A regular business meeting of the Old Saybrook Zoning Commission was held on Monday, April 19, 1976, in Room #5 of the Town Hall.

The meeting was called to order at 8:05 P.M. by the Chairman, Mr. Byrne, with the following members in attendance: Mr. Byrne, Mrs. Folsom, Mr. McSweegan, Mrs. Ranelli, Mr. Butler sitting for Mr. Steele and Mr. Massa. Also present were: Attorney Richard O'Connell, John Hayes, Attorney Abraham Lubchansky, Peter Kehoe, Zoning Enforcement Officer, and several members of the Environmental Review Team.

Mr. O'Connell stated that, since they have an amendment to the regulations still pending, he assumed that the discussion with Team members was for general and background information for future use. He was informed that the Study was done in regard to the site being used for any sort of future development and that the regulation change would be considered separately. The results of the ERT study will not be used in making a decision on the regulation amendments.

Linda Simkanin, ERT Coordinator, introduced the following members of the Review Team: Barry Cavanna, District Conservationist, SCS; Sid Quarrier, Geologist, DEP; Ed Meehan, Regional Planner, CRERPA. They came before the Commission to summarize the major findings and answer any questions members might have. The site was reviewed in February relative to cluster development, with the understanding that public water and on-site sewage would be available. The report is an environmental analysis of the site and not designed to offer site design or detailed solutions to problems. They mentioned the possibility of tidal flooding and felt that prospective purchasers should understand that there is a flood potential to that area.

A question was raised with reference to the septic systems and Mr. Milkofsky stated that if the systems are communal, they will come under local, State and DEP regulations; if individual systems, they will be governed by local regulations only.

Ms. Simkanin stated that if the Commission has any questions in the future, they should contact her.

Attorney Lubchansky came before the Commission again on behalf of D. L. Patrick Builders and Connecticut Color Lab. The decision on this application had been tabled at the last meeting. Mrs. Folsom moved to take it off the table. The motion was seconded by Mr. McSweegan and unanimously approved. The site plan was reviewed again. Mr. Byrne stated that the bowling alley is a one-business site and, if this is approved, there is nothing to prevent someone else from coming back in a few months with plans for another small building. Mr. Lubchansky stated that this is not part of a major development - that the people from the Color Lab had approached the owner of the bowling alley for permission to put the booth there and that they are in favor of it. He stated that it will be a completely fire-proof building, with one attendant, would be located approximately 60 feet from the Boston Post Road, and would be open only in the daytime as a drop-off point for films to be processed elsewhere. Mrs. Folsom explained that she is objecting on the basis of Section 51.6 and made a motion to deny the application. The motion was seconded by Mr. Byrne. The motion was carried by a four to one vote. Voting in favor of the motion were Mr. Byrne, Mrs. Folsom, Mrs. McSweegan and Mrs. Ranelli. Voting against was Mr. Butler. Mr. Byrne stated that he still felt there would be a traffic problem and that the property is a one-business site. (Lubchansky 4/21/76; cc: D.L. Patrick)

Next on the agenda was a discussion of the proposed changes in the Zoning Regulations. The following change was made:

Under Condominium Regulations - Section 55.5 (b) - Present Regulation reads: No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved at any one time for more than 25% of the total number of dwelling units, and approved under.....

New Regulation will read: No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved at any one time for more than the number of dwelling units allowed according to the attached table, and approved under.....

With reference to Section 8.2.1 to be added, Mr. Kehoe is to check with Mr. Kinsley to see if the term 'Surety' Bond is applicable, or whether another type of bond should be specified. Also, add to this section: 'This may be waived by the Commission'.

The following correspondence was reviewed:

- a) Letter from Senie, Stock & LaChance with reference to the Viggiano-Shipley property. Mrs. Folsom made a motion that the letter be sent to Attorney Kinsley for his perusal and advice. The motion was seconded by Mr. McSweegan and unanimously approved. (Legal - 4/21/76)
- b) Letter from Mr. Kinsley re: Condominiums. No action was taken.
- c) Letter from Mr. Kinsley answering a question from the Commission for an interpretation of Page 26 - Planning & Zoning in Connecticut.
- d) Letter from Inland-Wetlands Commission expressing their desire to attend the Zoning Commission meeting of May 3rd. Mr. Massa explained that what they are looking for is more cooperation between the various commissions. (Inland-Wetlands - 4/31/76)
- e) Letter from the Building Department. It was decided to ask Mr. Kelly to attend the May 17th meeting, if possible, to discuss the matters mentioned in the letter. (Building - 4/27/76)
- f) Copy of letter to Attorney Cronin from the Zoning Board of Appeals. No action.

With reference to gravel pit operations, applications for renewal of permits have been received from Mrs. Maynard, Mrs. Van Epps and Mr. Cutone. To date nothing has been received from Mr. Piontkowski. Commission members will meet at the Town Hall at 6:30 P.M. on May 3rd, weather permitting, to make the inspections.

Mrs. Ranelli made a motion to approve the minutes of the meeting of April 5, 1976 as amended: Page 2, Item 2, 8th line: "legal fees, and apply the balance toward the Sutton Case, then send the remainder of the bill to the Board of Selectmen to be paid out of the contingency fund". The motion was seconded by Mr. Byrne and unanimously approved.

Mr. Kehoe reported that he had written to Mr. Perruccio regarding the defining of his parking area, and Mr. Perruccio has stated that he intends to do this in the future when he feels he can afford it.

Mrs. Folsom moved to pay Mr. Kinsley's bill for \$750.00 for legal services (exclusive of litigation) out of the \$1500.00 in the budget. The motion was seconded by Mr. McSweegan and unanimously approved. The balance of \$750.00 in the budget will be applied to the bill for the Sutton Case.

A discussion ensued with reference to the application from Kirtland Associates for amendment of the Zoning Regulations to allow cluster housing. The possibility of a separate regulation was discussed. Mr. Byrne felt this would not be an improvement, and Mr. Kehoe stated he felt it would work this way, but that anything in the future (apartments, etc.) should be dealt with separately.

With reference to the proposed text for Section 55.2.1:

Mrs. Folsom moved to omit Item (c). The motion was seconded by Mrs. Ranelli and carried with three voting in favor of the motion, one against and one abstained.

Mrs. Folsom moved to change the wording of Item (b). The motion was seconded by Mrs. Ranelli and carried, with four voting in favor and one abstaining.

Section 55.2.1 will now read:

Definition: A "Condominium development" shall mean a) one (1) or more dwellings, each containing not less than four (4) nor more than eight (8) dwelling units, or b) one (1) or more clusters of up to six (6) single detached dwellings per cluster for one family, and otherwise as defined and permitted pursuant to the Unit Ownership Act, Chapter 825 of the General Statutes of the State of Connecticut, as the same may be amended from time to time, and fulfilling all requirements and provisions thereof, together with such parking, recreation and accessory uses customary with and incidental thereto which are limited to the use of the residents of such dwelling units".

With reference to Section 55.6.2:

Mrs. Folsom made a motion to eliminate from Item (b) the words 'excluding from such computation any land devoted to multiple dwellings under Par. 55.6.2a'.

Item (b) will not read: "for single detached dwellings for one (1) family, not exceeding four (4) per acre".

The motion was seconded by Mrs. Ranelli. Four voted in favor and one abstained, and the motion was carried.

With reference to Section 55.6.4:

Mrs. Folsom moved to change the wording of the proposed text as follows: ~~as follows:~~

AMENDMENTS TO ZONING REGULATIONS - SECTION 55 CONDOMINIUM DISTRICT
PUBLIC HEARING HELD ON MARCH 15, 1976

APPROVAL GRANTED: April 19, 1976

EFFECTIVE DATE: May 1, 1976

55.2 Definition: A "condominium development" shall mean (a) one (1) or more dwellings each containing not less than four (4) nor more than eight (8) dwelling units, or (b) one or more clusters of up to six (6) single detached dwellings per cluster for one family, and otherwise as defined and permitted pursuant to the Unit Ownership Act, Chapter 825, of the General Statutes of the State of Connecticut, as the same may be amended from time to time, and fulfilling all requirements and provisions thereof, together with such parking, recreation and accessory uses customary with and incidental thereto which are limited to the use of the residents of such dwelling units.

55.6.2 Dwelling Units: The dwellings shall be located on suitable building land on the lot. The total number of dwelling units on the lot shall not exceed the following per acre of suitable building land as approved by the Zoning Commission:

a. for dwellings containing from four (4) to eight (8) dwelling units, not exceeding five (5) units per acre; and

b. for single detached dwellings for one (1) family, not exceeding four (4) per acre.

c. except that there may be one (1) additional dwelling unit under Par. 55.6.2a for each acre of the lot in the Condominium District that is permanently reserved by deed or covenant for park, recreation, conservation or other open space purposes, for common use of the residents of the condominium development or in the alternative is reserved for such purposes by conveyance to the State of Connecticut, Town of Old Saybrook or a private land trust, provided that the maximum number of such additional dwelling units shall not exceed one (1) per acre of suitable building land, so that the total number of dwelling units under Par. 55.6.2a does not exceed six (6) per acre of such land.

55.6.3 Dwelling Unit Specifications: No dwelling unit shall contain more than two (2) bedrooms. In dwellings containing from four (4) to eight (8) dwelling units, each one-bedroom dwelling unit shall contain not less than 800 square feet of enclosed floor space, and each two-bedroom dwelling unit shall contain not less than 1,200 square feet of enclosed floor space. Each single detached dwelling for one (1) family shall contain not less than 900 square feet of enclosed floor space on the ground floor.

55.6.4. Setbacks: In any condominium development, no building or other structure shall extend within less than 50 feet of any street line or property line. No dwelling containing from four (4) to eight (8) dwelling units shall extend within less than 35 feet of any other such dwelling; no single detached dwelling for one (1) family shall extend within less than 15 feet of any other such single detached dwelling. When one or more single detached dwellings are built in a cluster, each cluster shall be separated by at least 70 feet.

Setbacks: In any condominium development, no building or other structure shall extend within less than 50 feet of any street line or property line. No dwelling containing from four (4) to eight (8) dwelling units shall extend within less than 35 feet of any other such dwelling; no single detached dwelling for one (1) family shall extend within less than 15 feet of any other such single detached dwelling. When one or more single detached dwellings are built in a cluster, each cluster shall be separated by at least 70 feet.

The motion was seconded by Mrs. Ranelli and approved, with four voting in favor and one abstaining.

Mrs. Folsom made a motion to approve the application submitted by Mr. O'Connell for William and John Hayes (Kirtland Associates) as amended by the Zoning Commission and in accordance with text attached. The motion was seconded by Mrs. Ranelli. Four voted in favor and one opposed, and the motion was carried.

The meeting was adjourned at 11:45 P.M.

Respectfully submitted,

Edward F. McSweegan, Jr., Secretary

Marion Carpenter, Clerk

A regular meeting of the Old Saybrook Zoning Commission was held on Monday, May 3, 1976, in Room #5 of the Town Hall. The meeting was called to order at 8:00 P.M. by the Chairman, Mr. Byrne, with the following members in attendance: Mr. Byrne, Mrs. Folsom, Mr. McSweegan, Mrs. Ranelli, and Mr. Massa sitting for Mr. Steele. Also present were Peter Kehoe, Zoning Enforcement Officer; Frank Mathes, a member of the Inland Wetlands Commission; and Peter Vaiuso, Jr. representing J & J Gardens.

The first item on the agenda was a site plan review for a Garden Shop to be opened by J & J Gardens in the former Texaco Gasoline Station on the Boston Post Road. They intend to use the building as it is and will sell only plants, cut flowers and related items at the present time.

Frank Mathes, a member of the Inland Wetlands Commission was present at the meeting to observe parliamentary procedures in order to draft similar procedures for Inland Wetlands to follow. He also wanted to appeal for closer cooperation between Zoning, Planning and Inland Wetlands, particularly where wetlands are involved. He felt the Commission was faced with decisions which had to be made with little or no notice and that if they were advised earlier they would have an opportunity to take appropriate action before permits are issued. As an example, Mr. Mathes referred to Carl Piontkowski's property on Middlesex Turnpike, on which a permit had been issued and where wetlands are involved. Mr. Mathes was given a copy of the Zoning Commission's check list which is referred to in connection with each application received by the Commission.

Mr. Kehoe raised the question as to what constitutes "attached" and "detached", and felt that this should be defined more clearly in the regulations. However, it was decided not to make any changes in the

regulations as it was unlikely this question would ever come up again.

The proposed Condominium Construction Scale and proposed Regulation Changes were reviewed and it was decided to add the following:

Section 51.2.6 Site plan approval shall have a one-year time limit for commencement and a two-year time limit for completion from date of site plan approval. Completion date may be extended with approval of the Zoning Enforcement Officer.

With reference to the bonding of roads not accepted by the town, Mr. Kehoe will write to the Board of Selectmen suggesting an addition to the condominium regulations to cover this. He will also ask that a member of the Board of Selectmen attend a Zoning Commission meeting to discuss this matter.

Mr. Kehoe also submitted a bond 'form' which perhaps could be used in the future when bonding is required.

Mrs. Folsom made a motion to approve the minutes of the meeting of April 19, 1976. The motion was seconded by Mr. Massa and unanimously approved.

A letter was noted from the Connecticut River Gateway Commission listing a revised schedule of meeting dates for 1976.

Mr. Kehoe stated that Black Swan has purchased abutting property and wishes to double the width of their driveway to provide better ingress and egress. He is to advise them that they will have to go to the ZBA for a special exception.

Mrs. Marshall of the Admiral House Motor Inn asked Mr. Kehoe to inquire of the Commission what she can do with her property on Spencer Plains Road. Commission members felt it was not up to them to tell her what she can do.

Mr. Kehoe stated that, in the past, anything that came before him dealing with a non-conformity has gone before the ZBA. Attorneys Cronin and Kinsley have agreed that this is not necessary in all cases and Mr. Kehoe is to get a statement in writing from Mr. Kinsley to this effect.

Mr. McSweegan made a motion to approve the site plan submitted by J & J Gardens as submitted. The motion was seconded by Mr. Massa and unanimously approved.

Mr. Byrne reported that the Commission members had inspected the four gravel pits and found no problems. The only question was with two stakes on the Van Epps property and Mr. Kehoe is to determine if these represent property lines.

Mrs. Folsom made a motion to issue gravel pit permits to Mrs. Mary Jean Maynard, Mrs. Joan Van Epps, Carl Piontkowski and Albert Cutone with notice to the owners that this is contingent upon the bond being renewed in order for the permit to be valid. The motion was seconded by Mr. Massa and unanimously carried.