



TOWN OF OLD SAYBROOK
Planning Commission

*Paula S. Kay, Chairman
Mark Patterson, Vice Chairman
Douglas S. McCracken, Secretary
Norman Prevost, Jr.
Kathleen A. Sugland
Michael K. Bender, Alternate*

302 Main Street
Old Saybrook, Connecticut 06475

oldsaybrookct.gov

**REGULAR MEETING MINUTES
HYBRID MEETING
Wednesday, December 1, 2021 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook**

I. **CALL TO ORDER**

The Chairman called the meeting to order at 7:00 PM

II. **ROLL CALL**

Present:

Paula Kay, Douglas McCracken, Norman Prevost, Michael Bender, Kathleen Sugland,
Mark Patterson- virtual

Staff Present:

Chris Costa, Zoning Enforcement Officer
Sarah Makowicki, Clerk

III. **REGULAR BUSINESS**

A. **Minutes**

Paula Kay advised that the following corrections be made: In adjournment, ... Wednesday (November) 17, 2021...

MOTION to approve the meeting minutes with the amendments for the 12/1/21 regular meeting. MADE by D. McCracken, SECONDED by N. Prevost, VOTING IN FAVOR: D. McCracken, N. Prevost, K. Sugland, P. Kay, M. Patterson; OPPOSED: None; ABSTAINING: NONE, **MOTION PASSES: 5-0-0**

- B. **Correspondence** - None
C. **2022 Meeting Calendar**

MOTION to approve the 2022 meeting calendar. MADE by N. Prevost, SECONDED by D. McCracken, VOTING IN FAVOR: D. McCracken, N. Prevost, K. Sugland, P. Kay, M. Patterson; OPPOSED: None; ABSTAINING: NONE, **MOTION PASSES: 5-0-0**

D. Election of Officers

K. Sugland nominated N. Prevost to be Chairman of the Planning Commission and D. McCracken seconded the nomination. N. Prevost Accepts the nomination.

MOTION to close the nominations for Chairman of the Planning Commission MADE by D. McCracken, SECONDED by K. Sugland, VOTING IN FAVOR: Prevost, Patterson, McCracken, Sugland, Kay; OPPOSED: None; **APPROVED 5-0-0.**

N. Prevost nominated D. McCracken to be Vice Chairman of the Planning Commission and P. Kay seconded the nomination. D. McCracken accepted the nomination. M. Patterson nominated P. Kay to be Vice Chairman, P. Kay declined the nomination.

MOTION to close the nominations for Vice Chairman of the Planning Commission MADE by N. Prevost, SECONDED by K. Sugland, VOTING IN FAVOR: Patterson, McCracken, Kay, Sugland, Prevost; OPPOSED: None; **APPROVED 5-0-0.**

N. Prevost nominates P. Kay to be Secretary of the Planning Commission and D. McCracken seconds. P. Kay accepts the

MOTION to close the nominations for Secretary of the Planning Commission MADE by N. Prevost, SECONDED by M. Patterson, VOTING IN FAVOR: Patterson, McCracken, Prevost, Sugland, Kay; OPPOSED: None; **APPROVED 5-0-0.**

P. Kay stated that she would like to continue as the Representative for the Inland Wetlands Commission. M. Patterson nominated P. Kay to be the representative to the Inlands Wetlands Commission and K. Sugland seconded the nomination. There was a voice vote for P. Kay to continue as Representative of the Inland Wetlands Commission, Kay, Patterson, McCracken, Prevost, Sugland were in favor.

IV. PUBLIC HEARINGS

A . **“Martin”** Application for Resubdivision of Land- 5.93 acres into 2 lots 129 Bokum Road (Map 61/Lot 4), Residence AAA District Applicant/Owner: Theresa & Wayne Martin Agent: Robert L. Doane, Jr., P.E. ACTION: Open ph, continue or close by 12/15/2021 (NLT 1/4/2022)

Robert Doane presented for the applicant. The applicant would like to divide their property, which is a resubdivision that would create a rear lot with a 25 ft access driveway from Bokum Rd. The applicants received approval from Inland Wetland Commission for the driveway and received health approval for both lots. Part of the parcel is in the Natural Diversity Area and the applicant is in the application process for approval with the state. The applicant is also seeking a waiver for “open space,” the lot being created has naturally occurring space with there being wetlands and regulated uplands area on the property. Mr. Doane addressed a letter that the commission received from an abutting neighbor (Chapman), Mr. Doane stated that any issues with the septic on his client’s property or the Chapman’s property would not affect the proposed subdivided parcel.

P. Kay opened the hearing up to the public.

Attorney Jessick for G. Chapman at 123 Bokum Rd. oppose the subdivision because of an ongoing lawsuit with the applicant. Commission members received a letter from the Chapman’s outlining their opposition. Mr. Jessick stated that the current septic system on the Martin’s property is encroaching on the Chapman property, until the issues are resolved the subdivision should be tabled. Mr. Jessick presented the commission with five exhibits.

Warren Morris friend of Kristen Schaffer of 135 Bokum Rd stated that Ms. Schaffer did not have an issue with the subdivision per se, but did have a concern about the placement of the driveway. Mr. Morris stated that the proposed placement of the driveway would force the removal of large mature oak trees that are on the property line. Mr. Morris stated that a better alternative would be to use the deeded right of way on the southside of the property.

Dick Layton of 89 & 93 Bokum Rd. stated the easement located on the southside of the property is deeded for three lots and therefore another lot could not be added to the easement. Mr. Layton stated that what Mr. Morris was suggesting is not feasible.

Claudia Way of 55 Sheffield St. Previous owner of Layton, Martin, and Spera property. Ms. Way stated that when the land was sold to the forementioned gentlemen the right of way stayed with the Martin property and therefor the right of way is deeded to the Spera property and Lot 2 of the Martin property.

Chris Costa asked questions of R. Doane. Ms. Costa asked about the B-100 A approval from CRAHD. Mr. Doane stated that CRAHD approved septic to be code compliant and have a designated relocation area if needed. Ms. Costa also asked Mr. Doane to clarify where the driveway is being proposed. Mr. Doane stated that the driveway is proposed for the north side of the property with access from Bokum Rd and not using the easement on the southside of the property.

Attorney Jerrick took exception to the health district approval of the B-100 application being granted with the existing system on Chapman property with no permission or communication with his client.

Ms. Costa advised the commission that the public hearing should be held over until the December 15, 2021 meeting so that questions can be answered by the Commissions attorney.

MOTION to continue public hearing until December 15, 2021 at 7pm for “Martin” Application for Resubdivision of Land- 5.93 acres into 2 lots 129 Bokum Road (Map 61/Lot 4), Residence AAA District MADE by D. McCracken, SECONDED by N. Prevost, VOTING IN FAVOR: Prevost, McCracken, Sugland, Kay; OPPOSED: M. Patterson; **APPROVED** 4-1-0.

V. NEW BUSINESS

- A. **“633 Middlesex Turnpike, LLC” Petition to amend the Old Saybrook Zoning Regulations** Sections 32.0 and 32.7.2 to allow one building with a max. gross floor area of 35,000 s.f. in the B-2 zone when located on a 5 acre parcel.
Applicant: 633 Middlesex Turnpike, LLC Agent: Attorney Edward M. Cassella

Attorney Cassella presented for the applicant. Mr. Cassella proposed a amendment that would allow buildings in the B-2 zone to be 35,000 s.f. when located on 5+ acres of land.

Mr. Cassella stated that for the property of the applicant the addition would be on the highway side of the building and would not impact nearby residential areas.

M. Bender asked how many properties this would effect in the B-2 district. Mr. Cassella stated that it would be 8 properties.

MOTION to recommend approval to the Zoning Commission of “633 Middlesex Turnpike, LLC” Petition to amend the Old Saybrook Zoning Regulations Sections 32.0 and 32.7.2 to allow one building with a max. gross floor area of 35,000 s.f. in the B-2 zone when located on a 5 acre parcel. Applicant: 633 Middlesex Turnpike, LLC Agent: Attorney Edward M. Cassella. MADE by P. Kay; SECONDED by M. Patterson; VOTING IN FAVOR: Patterson, Prevost, Sugland, Kay, McCracken; OPPOSED: None **APPROVED** 5-0-0.

- B. **“CGCT Old Saybrook, LLC” Petition to Amend the Old Saybrook Zoning Regulations** Section 34.2.2 Gateway Business B-4 District and Section 53.1 Special Standards for Drive-through windows for indoor restaurants to allow drive-through restaurants in the Gateway Business B-4 District.
Property Owner: CGCT Old Saybrook, LLC. Agent: Attorney Edward M. Cassella

Attorney Cassella presented for the applicant stating that drive throughs are allowed in the B-2 district and that applicant is asking for the same in the B-4 Gateway Business District.

MOTION to recommend approval to the Zoning Commission of “CGCT Old Saybrook, LLC” Petition to Amend the Old Saybrook Zoning Regulations Section 34.2.2 Gateway Business B-4 District and Section 53.1 Special Standards for Drive-through windows for indoor restaurants to allow drive-through restaurants in the Gateway Business B-4 District. Property Owner: CGCT Old Saybrook, LLC. Agent: Attorney Edward Cassella. MADE by P. Kay; SECONDED by K. Sugland; VOTING IN FAVOR:

Patterson, Prevost, Sugland, Kay, McCracken; OPPOSED:
None **APPROVED** 5-0-0.

- C. **“Max’s Place, Big Y Foods and Lyman Development Corp.” Petition to Amend the Old Saybrook Zoning Regulations** to amend Section 62.4.6.D.6. to allow a less stringent parking ratio for shopping centers from 1 space per 175 s.f. of gross floor area to 1 space per 225 s.f. of g.f.a. and to allow Applicants of buildings in excess of 10K s.f to allocate the space devoted to storage to 1 space per 1200 s.f.
Applicants: Big Y Foods, Inc., Max’s Place, LLC. and Lyman Development Corp.
Agent: Atty. David M. Royston

Attorney Royston presented for the applicant proposing a reduction in parking spaces per s.f., this would bring the regulations to be in line with other shoreline towns. Mr. Royston stated that shopping habits have changed and require less parking.

P. Kay informed about how the “storage area” will be tracked. Mr. Royston responded that it is a question of enforcement. C. Costa explained that if there is a change of use in the shopping center, the new applicant will have to file a new floor plan with the Land Use Office.

MOTION to recommend approval to the Zoning Commission “Max’s Place, Big Y Foods and Lyman Development Corp.” Petition to Amend the Old Saybrook Zoning Regulations to amend Section 62.4.6.D.6. to allow a less stringent parking ratio for shopping centers from 1 space per 175 s.f. of gross floor area to 1 space per 225 s.f. of g.f.a. and to allow Applicants of buildings in excess of 10K s.f to allocate the space devoted to storage to 1 space per 1200 s.f. Applicants: Big Y Foods, Inc., Max’s Place, LLC. and Lyman Development Corp. Agent: Atty. David M. Royston **MADE** by D. McCracken; **SECONDED** by M. Patterson; **VOTING IN FAVOR:** Patterson, Prevost, Sugland, McCracken; **OPPOSED:** Kay **APPROVED** 4-1-0.

- D. **“Max’s Place & Big Y Foods” Petition to Amend the Old Saybrook Zoning Regulations** to amend Sections 34.2.1 and 51.1 Special Standards to permit retail gasoline sales as an accessory use in the B-4 Zoning District
Applicants: Big Y Foods, Inc. & Max’s Place, LLC. Agent: Atty. David M. Royston

Attorney Royston presented for the applicant.

P. Kay stated that she is concerned with the placement and the traffic in the gateway business zone, which is meant to welcome people into town.

MOTION to recommend approval to the Zoning Commission “Max’s Place & Big Y Foods” Petition to Amend the Old Saybrook Zoning Regulations to amend Sections 34.2.1 and 51.1 Special Standards to permit retail gasoline sales as an accessory use in the B-4 Zoning District
Applicants: Big Y Foods, Inc. & Max’s Place, LLC. Agent: Atty. David M. Royston
MADE by N. Prevost; SECONDED by M. Patterson; VOTING IN FAVOR: Patterson, Prevost, Sugland, McCracken; OPPOSED: Kay **APPROVED 4-1-0.**

IV. **CONTINUED WORKSHOP**

A. **Comprehensive Update to the Plan of Conservation Development**

Discussion with Town Planner about framework for plan update.

C.Costa updated the commission on the PoCD. Ms. Costa and Mr. Guszowski will start work on the open space section in January, and plan to consolidate the redundant sections.

V. **ADJOURNMENT**

MOTION to adjourn the Planning Commission public meeting of December 1, 2021 to the next regular meeting on Wednesday December 15, 2021 at 7:00 P.M. via in person at the Old Saybrook Town Hall First Floor Conference room and Zoom Meeting:
Public Zoom Link:
<https://zoom.us/j/95698333313?pwd=NndIRm1lenJPS0JBcDVyaHhtMERDQT09> MADE by: P. Kay SECONDED by: D. McCracken VOTING IN FAVOR: D. McCracken, N. Prevost, S. Sugland, P. Kay, M. Patterson; OPPOSED: None; ABSTAINING: **MOTION PASSES: 5-0-0.**

Respectfully submitted,
Sarah Makowicki