

# Planning Commission Minutes 04/04/2018



## TOWN OF OLD SAYBROOK Planning Commission

*Kenneth W. A. Soudan, Chairman  
Kathleen A. Sugland, Vice Chair  
Trevor D. Ladd, Secretary*

302 Main Street  
Old Saybrook, Connecticut 06475

[oldsaybrookct.gov](http://oldsaybrookct.gov)

*Robert D. Missel  
Paula S. Kay  
Douglas S. McCracken  
Thomas R. Cox, Alternate  
Vacancy, Alternate*

### MEETING MINUTES

Wednesday, April 4, 2018 at 7:00 P.M.  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street, Old Saybrook

#### I. CALL TO ORDER

Chairman Ken Soudan called the meeting to order at 7:05pm.

#### II. ROLL CALL

Members present: Ken Soudan, Paula Kay, Thomas Cox seated for  
Kathleen Sugland, Trevor Ladd, Doug McCracken

Members Absent: Kathleen Sugland, Robert Missel

Staff: Christine Nelson, Town Planner; Meryl Moskowitz, Recording Clerk  
Also in attendance, Town's Attorney Mathew Willis, Halloran & Sage

Thirteen members of the public were present in the audience.

#### III. REGULAR BUSINESS

##### A. Minutes

**MOTION** to approve the minutes of March 28, 2018 as presented;  
**MADE** by K. Soudan; **SECONDED** by T. Cox; **VOTED IN FAVOR:**  
K. Soudan, T. Ladd, P. Kay, T. Cox; **OPPOSED:** None; **ABSTAINED:**  
none; **APPROVED:** 4-0-0.

##### B. Correspondence

**MOTION** to pay invoice #87074 dated March 22, 2018 for \$154.15 to  
Nathan L. Jacobson & Associates, **MADE** by P. Kay; **SECONDED** by T.  
Ladd; **VOTED IN FAVOR:** K. Soudan, T. Ladd, P. Kay; **OPPOSED:**  
none; **ABSTAINED:** T. Cox; **APPROVED:** 3-0-1.

**MOTION** to pay invoice #11258060 dated March 21, 2018 for \$92.50  
to Halloran & Sage, LLP, **MADE** by Paula Kay; **SECONDED** by T.  
Ladd; **VOTED IN FAVOR:** K. Soudan, T. Ladd, P. Kay, T. Cox;  
**OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 4-0-0.

C. **Committee, Representative & Staff Reports**

Town Planner Christine Nelson reported on two grants that have recently closed, a storm Sandy disaster recovery grant, the other the Brownsfield Area-Wide Revitalization (BAR) grant for Mariner's Way. She also reported that:

- the Town has hired a consultant to put together a business plan for a Tax Increment Financing (TIF),
- the Town has applied for a grant (under BAR) for streetscape improvements in the area of Mariner's Way,
- Cypress Cemetery is being nominated to the National Registry of Historic Places,
- the Conservation Commission is hosting a film series with screenings at the community room at Denali, which have been well attended,
- Eversource has reached out to stakeholders in Essex, Westbrook and Old Saybrook prior to replacing transmission lines across The Preserve

IV. **NEW BUSINESS**

A. **"Saltaire" Resubdivision—Remove Portion of Public Easement over 2 Lots 6 & 8 Billow Rd (Assessor's Map 1 / Lots 82-1 & 82-2)**  
*Residence A District, Coastal Area Management Zone*

C. Nelson gave a status of the application, stating it qualifies for resubdivision because it affects a public way. Notices have gone out to adjacent property owners and letters were received from:

- Foy, 6 Billow Rd.
- Ziely, 165 Plum Bank Rd.
- Bates, 3 Billow Rd.
- Coty, 32 Pratt Rd.
- Brewer, 19 Gates Rd.
- Perry, 4 West Shore Dr.
- Forbes, 65 Town Beach
- Pietrycha, 26 Pratt Rd.
- Schonberg, 34 Pratt Rd.
- Herbert, 4 Billow Rd.
- Meighan, 7 Billow Rd.

Advisory letters were sent to standard agencies, and received from the Conservation Commission, DEEP's Land & Water Resources Division, the O.S. Board of Selectman, Zoning Commission, and Harbor Management Commission. A request was received to modify the application, and those materials are in member packets.

The public hearing opened at 7:22pm.

Applicant Richard Vicino, property owner of 8 Billow Road, addressed the Commission. R. Vicino explained that the resubdivision is looking to

eliminate 156 square feet and a 4' walkway on lot #6 (Foy property) and 206 sq ft at 8 Billow Road. Over time, erosion has occurred along the embankment, below the walkway, and after hurricane Sandy further erosion occurred, such that the Town closed the walkway, having determined it to be unsafe. The property owners at 6 & 8 Billow Road own to the top of the embankment. The Cornfield Point Homeowners Association owns another parcel of the land in question. There's been differing viewpoints as to what to do with the walkway. He questioned whether the walkway is even needed, since it is closed and unsafe. He questioned whether there is any gain in having the scenic overlook when there is already an area there affording a view. Elimination of the walkway would eliminate a public hazard.

Tom Cox asked for clarification of the arborvitaes. R. Vicino explained that the arborvitaes were removed, per agreement with the Foy's.

Doug McCracken asked if there is any opportunity to rebuild the seawall. Town Planner Christine Nelson explained that it's owned by the Cornfield Point Association and there is no jurisdiction by the State.

Lynn Brewer of 19 Gates Road stated that the owners of #6 Billow Road have not lived there for maybe 4 four years, and she understands the house is being sold. She asked if the new owners have any input into the situation.

Attorney Willis stated that the prospective owners are welcome to be part of this process.

Attorney Valerie Votto, representing the Foy's of #6 Billow Road, stated the new buyers are well aware of the application.

Tim Conklin, president of the Cornfield Point Association addressed the Commission. It's his opinion that the Cornfield Point Association would not do anything with the embankment. He sees the problem being the decay of the walkway, which has not been maintained. He sees a problem with the parking that's been allowed at the site, people parking along Hartland Drive, as well as the activities and garbage left behind. He asked the Commission if the Town would remove the parking spaces. K. Soudan advised that that is not the jurisdiction of the Planning Commission and that the Association is welcome to bring the request before the Town.

K. Soudan asked for clarification as to who was the party responsible for maintenance when the subdivision was created. C. Nelson stated the Town was responsible for the parking spaces and the walkway. The town closed the easement after hurricane Sandy, and did not maintain the area that they had closed.

Members discussed how it was determined to close a portion of the easement. R. Vicino stated that a civil engineer examined the area, conferred with the Town's attorney, and the Town made the determination to close a portion of the area. D. McCracken queried if the walkway is recoverable. K. Soudan emphasized that once the property is given up by the Town, it will not be given back. He referred to a letter from the CT Energy & Environment's Land & Water Resources Division, that points out how this

land is a source of public enjoyment with access to the waterfront, and he is cognizant of this responsibility to the protect public access.

P. Kay remarked that the ocean view can still be enjoyed, and doesn't see much harm being done if the land is ceded.

Attorney Votto pointed out that the non-maintenance of the easement could potentially be a liability for the two property owners.

**MOTION** to close the public hearing for “Saltaire” Resubdivision” at 7:55 p.m. **MADE** by T. Cox; **SECONDED** by P. Kay; **VOTED IN FAVOR:** K. Soudan, T. Ladd, P. Kay, T. Cox; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 4-0-0.

K. Soudan thanked the public for their input and thanked those who sent letters.

D. McCracken asked if a Town engineer is needed to make the determination of safety; he understands the civil engineer's view is that the property in question is unsafe, however he would like a Town engineer to make a conclusive recommendation.

Attorney Willis stated that it was the determination of the Board of Selectman to declare the walkway unsafe.

P. Kay stated that the Town has had the benefit of sixteen years of a trial with this easement, that it has become a public nuisance and does not serve the public. She expressed concern for the property owners' ability to enjoy the property, and pointed out that the public can walk along the street and still enjoy views of the Sound.

T. Cox asked for clarification of the safety issues and would like to know what the Board of Selectman based their decision on. He too would like the Town engineer to examine the embankment and provide his recommendation.

The Commission directed staff to: a) obtain background information from the Board of Selectman for why a portion of the easement was closed, b) to ask the Town engineer to review materials and give an opinion, and c) to obtain information from the Director of Public Works about maintenance of the area.

**MOTION** to continue deliberations of “Saltaire” Resubdivision—Remove Portion of Public Easement over 2 Lots 6 & 8 Billow Rd (Assessor's Map 1 / Lots 82-1 & 82-2) *Residence A District, Coastal Area Management Zone* to the next regular meeting of the Planning Commission on Wednesday, April 18 at 7:30 p.m., Town Hall, 302 Main Street, 1<sup>st</sup> Floor Conference Room; **MADE** by K. Soudan; **SECONDED** by T. Cox; **VOTED IN FAVOR:** K. Soudan, T. Ladd, T. Cox; **OPPOSED:** P. Kay; **ABSTAINED:** none; **APPROVED:** 3-1-0.



Attorney Willis gave an explanation of ex parte communications.

V. **ADJOURNMENT**

<p><b>MOTION</b> to adjourn the meeting at 9:22 P.M. until the next regularly scheduled meeting of the Planning Commission which will be held on Wednesday, April 18, 2018, at 7:30 P.M., Town Hall, 302 Main Street, 1<sup>st</sup> Floor Conference Room; <b>MADE</b> by P. Kay; <b>SECONDED</b> by T. Cox; <b>VOTED IN FAVOR:</b> K. Soudan, T. Ladd, P. Kay, T. Cox; <b>OPPOSED:</b> none; <b>ABSTAINED:</b> none; <b>APPROVED:</b> 4-0-0.</p>
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Respectfully submitted,

Meryl Moskowitz  
Recording Clerk