



TOWN OF OLD SAYBROOK
Zoning Commission

Robert C. Friedmann, Chairman
Mark R. Caldarella, Vice Chairman
Geraldine M. Lewis Secretary
Madeleine B. Fish
Ann Marie Thorsen

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Alternate Members
Justin Terribile
Marc W. Delmonico
Ram B. Odedra

REGULAR MEETING MINUTES
Wednesday, February 19, 2020 – 7:00 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

I. **CALL TO ORDER**

Chairman R. Friedmann called the meeting to order at 7 p.m.

II. **ROLL CALL**

Attendant Members

Robert Friedmann
Mark Caldarella
Geraldine Lewis
Madeleine Fish
Mark Delmonico (seated for Ann Marie Thorsen)

Absent Members

Ann Marie Thorsen
Justin Terribile
Ram Odedra

Attendant Staff

Christina Costa, Zoning Enforcement Officer
Joanne Galli, Recording Clerk
Attorney Matthew Willis

7 members of the public were in attendance.

III. **REGULAR BUSINESS**

A. **MINUTES**

MOTION to approve the meeting minutes of February 3, 2020 as presented **MADE:** G. Lewis **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

B. **CORRESPONDENCE**

Correspondence received was related to agenda items.

IV. **OLD BUSINESS**

None.

V. **PUBLIC HEARINGS**

MOTION to modify the order of the meeting agenda to hear Item V. A. **215 Elm Street Assoc., LLC** after Item VI. A. **MADE:** G. Lewis **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- B. **“Connecticut Cancer Foundation” Modification of Special Exception #16-105**
to permit an ornamental plaza with paver bricks in front landscaping area
15 North Main Street, Assessor’s Map 40, Lot 6 (0.8 ac.)
Shopping Center B-2 District, Pedestrian Node
Applicant: CT Cancer Foundation Agent: Attorney Edward Cassella

Chairman Friedmann opened the public hearing at 7:10

Attorney Edward Cassella presented for the applicant who would like to obtain a modification to the previously approved Special Exception Permit to allow the ornamental plaza with paver bricks in the front landscaping area.

Not shown on the original plan, the patio area was constructed without approval. Labor and materials were supplied through donations to allow for the paver bricks to be sold with donor name recognition as a fundraiser for the Connecticut Cancer Foundation.

The Applicant proposed a modification in 2018 to obtain approval for the plaza patio and other deviations from the approved plans. The modification was approved with conditions including the removal of the diamond-shaped patio, as it did not meet the zoning regulations. Applicant received a variance from the Zoning Board of Appeals to allow the existing paver bricks to remain in the 25-foot landscaped area.

The Zoning Commission appealed the decision of the Zoning Board of Appeals to Superior Court for a variety of reasons including failure to demonstrate a hardship. The case is still pending in Hartford Superior Court.

Attorney Casella encouraged the Commission to approve the application to end the litigation. Conversely, he stated that the recently planted flowering dogwood did not comply with the regulations. He added that the walkway encroachment onto the neighboring property had been removed, but the recently submitted plan dated November 12, 2019 still showed it as encroaching. He also drew a comparison detailing how the patio is in keeping with similar patio areas in town. However, as Chairman Friedmann discussed, the patios referred to by Attorney Cassella are located in different zoning districts and permitted under previous versions of the regulations and/or by variance. The patio in question was not permitted, is not landscaping, violated and continues to violate the regulations.

John Ellis, Jane Ellis of the Cancer Foundation and Rich Cersossimo of Pasta Vita spoke in favor of the application.

<p>MOTION to close the public hearing at 8:15 p.m. MADE: R. Friedmann SECONDED: G. Lewis VOTING IN FAVOR: R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Delmonico OPPOSED: None ABSTAINING: None APPROVED: 5-0-0.</p>

MOTION to approve “**Connecticut Cancer Foundation**” **Modification of Special Exception #16-105** to permit an ornamental plaza with paver bricks in front landscaping area, 15 North Main Street, Assessor’s Map 40, Lot 6 as presented **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** M. Delmonico **OPPOSED:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish **ABSTAINING:** None **MOTION DENIED:** 4-1-0.

VI. **NEW BUSINESS:**

A. **“Revitalize Medspa & Skincare Center” Application for Minor Modification to Special Exception Permit 14-219**

40 Elm Street, Assessor’s Map 36/Lot 109, Central Business B-1 District

Applicant: Indigo Properties, LLC

Owner: Indigo Land Design, LLC

Lauren Cardone, NP and Attorney Edward Cassella presented. The Zoning Commission previously determined that a minor modification to the Special Exception Permit is required to change the retail-designated space back to office space for a proposed medical spa. Ms. Cardone, a nurse practitioner, will provide medical aesthetic treatments to patients including laser hair removal and Botox. She will also provide retail products that will only be sold to her patients. At the present time she won’t be hiring any employees, but in the future may add a receptionist. The amount of parking spaces meets the requirements and the stacked parking is meant for employees. The interior space will remain as built using existing walls. The Zoning Commission has recommended that the applicant meet with the ZEO and the Architectural Review Board for sign permitting.

MOTION to approve the “**Revitalize Medspa & Skincare Center**” **Application for Minor Modification to Special Exception Permit # 14-219** **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

B. **“215 Elm Street Assoc., LLC” Application for Site Plan/Coastal Site Plan Review**

Outdoor business/contractor storage yard

215 Elm Street, Assessor’s Map 38/Lot 2, Industrial I District, Coastal Management Zone

Owner: 215 Elm Street Associates, LLC

Agent: Michael Ott, P.E.

The ZEO indicated that there was an error on the agenda and the application was not a public hearing.

Engineer Michael Ott and landscape designer Susan Fields presented the application. Mr. Ott explained that the property owner, who also owns Atlas Fence, plans to construct phase one of a commercial park development that will provide contractor business and storage, warehousing and manufacturing space. Phase one improvements will include excavation and grading of the site with removal of trees and vegetation with effort to maintain the 50-foot buffer and minimize cutting of trees to the extent possible as per the DEEP recommendations, the construction of two driveways with a lane in between, both permanent and temporary outdoor storage areas for custom outdoor buildings, stormwater management, retaining wall, 2-rail fencing with driveway gates and landscaping improvements. Atlas Fence currently leases space on Mill Rock Road East and that will remain their retail space, therefore no customers will be at the

storage site. 45.6-foot trailers will only use the Western driveway to deliver and pick-up buildings once a day, 2-3 deliveries per week mostly in early Spring and Fall. A 20-foot pedestrian easement is proposed but with phragmites it isn't a safe site for public access. Susan Fields added that 3.5-inch caliper trees 14 feet tall will be planted every three feet across the front as well as taller trees in a 20 feet wide buffer on the westerly side spaced 10 feet apart. They will add drought resistant plantings, perennials that will bloom at different times of year and ornamental grasses. As a condition of approval, the Zoning Commission requests that the perimeter buffer at the western curb cut be widened to the full-required 20 feet. They also recommend a 1 x 4 foot sign at this location to designate where the retail space is located.

The ZEO reviewed referrals responses and entered them into the record.

MOTION to approve **“215 Elm Street Assoc., LLC” Application for Site/Plan Coastal Site Plan Review** for an outdoor business/contractor storage yard at 215 Elm Street, Assessor's Map 38, Lot 2 because it is consistent with all applicable coastal policies and makes all reasonable measures to mitigate adverse impacts with the condition that the Applicant addresses all remaining comments in the February 18, 2020 letter from Nathan L. Jacobson & Associates to the satisfaction of the Town Engineer. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

2020 Sign Letters – The ZEO reported that annual sign regulation letters were mailed in February.

Spencer 95 LLC. 47 Spencer Plain Road – The ZEO discussed a request to modify the approved landscaping plan due to the location of gas and water lines are running where the perimeter plantings and fencing are supposed to go. 34 trees have been removed from the plans and the Zoning Commission is concerned that they won't meet the buffer requirements. The Commission discussed fencing, arborvitaes and other planting alternatives. The Commission directed the ZEO to have the Applicant submit a revised plan.

VIII. ADJOURNMENT

MOTION to adjourn the meeting of February 19, 2020 at 9:45 as presented **MADE:** M. Fish **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.



NEXT REGULAR MEETING
Monday, March 2nd, 2020 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

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