



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
Vacancy

REGULAR MEETING MINUTES

Monday, March 15, 2021
Web/Audio Meeting

I. CALL TO ORDER

Chairman R. Friedmann called the meeting to order at 7:00 p.m.

II. ROLL CALL

Attendant Members

Robert Friedmann
Mark Caldarella
Geraldine Lewis
Madeleine Fish
Ann Marie Thorsen
Justin Terribile
Marc Delmonico

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Joanne Galli, Recording Clerk

137 members of the public were in attendance.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the meeting minutes of March 1, 2021 as presented **MADE:** G. Lewis
SECONDED: M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

B. CORRESPONDENCE

Correspondence received was related to agenda items.

IV. CONTINUED PUBLIC HEARINGS

- A. **“Smoke on the Water” Petition to Amend the Zoning Regulations** to include outdoor restaurant definition and standards and to allow temporary non-residential restaurant trailers in the SP-2 District and for Town owned properties located on the CT River or Long Island Sound for a maximum of 180 days per calendar year.
Petitioner: The Point, LLC. Agent: Attorney Edward Cassella

Attorney Edward Cassella and Colt Taylor (who began his cooking career 24 years ago at Dock n’ Dine) presented. The applicant is proposing a new use, Outdoor Restaurant Use, for the Town of Old Saybrook

in its zoning text change application. The regulation change would allow “The outdoor retail sale of food to the general public for consumption on the premises, with food service for customers who are consuming the food and beverage seated at tables or counters located outside.” A take-out area, which needs to be specified in text as only an accessory to the business, will also be available. If this zoning text change is approved it would be for a maximum of 180 days per calendar year and in the SP-2 district only. In seeking out an alternative type of development that utilizes minimum permanent structures and is adaptive and resilient to potential flood hazards, the applicant is seeking this text change to open a restaurant, Smoke on the Water. The restaurant will consist of several trailers for cold prep, refrigeration, office, an ADA-compliant restroom with handicap ramp and dry storage. The lot setbacks will apply and the electric meter will be flood-compliant on a 12-foot high platform. The trailers will have quick-disconnect systems and will be removed during a weather emergency and at season end. According to the ZEO, this text change would be subject to a storm and flood emergency action plan and will need health, building and flood permits.

The ZEO entered referral response letters into the record. Chairman Friedmann referenced the 59 letters and emails that were sent to the Zoning Commission and Land Use Department (inclusive of 49 residents and 10 out-of-towners) in support of this text change. A 70+-signature petition was submitted in opposition to the text change from the North Cove Neighborhood along with 12 other resident emails. The opposition is concerned with any impact there may be on surrounding residential property values due to noise, odors, glare, litter and pollution as well as the ability to have a peaceful enjoyment of their property. Of those in support of, they believe this text change will benefit the town by creating new jobs, bringing in more tourism and would create a destination for everyone to enjoy.

137 participants attended the meeting. Attorney William McCoy and Attorney Evan Seeman spoke in opposition on behalf of neighboring residents, as did Wayne Harms and John Flynn. They feel that the applicant has presented nothing by way of protection to the neighboring residents to ameliorate the adverse impacts that will result from an outdoor restaurant including screening and buffering, limits on hours of operation or music and capacity limitations. The design standards set by Old Saybrook are meant to ensure that development “exemplifies the best of Old Saybrook.” A restaurant made up of trailers with tables for 300 and all that an outdoor venue encompasses they feel does not represent the best of Old Saybrook.

David Predergast, Carolyn Massaro, Michelle Bjorkman, Laura Gray, Sondra Dellaripa, Sheila McPharlin, Jay Beyers, Kim Keinz, Stavey Lion-Gardner, Carolyn Brovero, Quiana Peralta and Don Hunt all spoke in favor of the text change. They feel that the addition of this outdoor restaurant is an innovative alternative that would address storm and wind damage concerns and make this property accessible for development. It will create a tourist attraction within our town, which will lead additional traffic to our businesses, hotels, marinas and other restaurants at a time when businesses could use the boost. Quite a few of these speakers know Colt Taylor and Jon Kodama through their restaurants and believe that their high standards would ensure that this endeavor would be done tastefully and will address the adverse effects as a matter of course. Saybrook Point is a place where people have gathered for many years and after a year of social isolation this would be a great opportunity for a community central space for gathering which will have a positive effect on our town.

The public hearing has been closed and deliberations will take place at a special meeting on Monday, March 22, 2021.

MOTION to close the public hearing for the **“Smoke on the Water” Petition to Amend the Zoning Regulations** in the SP-2 District and for Town owned properties located on the CT River or Long Island Sound and for deliberations to be at a special meeting of the Zoning Commission on March 22, 2021 at 7 p.m. as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

V. PUBLIC HEARINGS

- A. **“215 Elm Street” Application for Site Plan/Coastal Site Plan Review** for a 12,600 s.f. medical office and 13,500 s.f. medical office building.
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.

Attorney Marjorie Shansky and Engineer Michael Ott presented for the applicant. This is phase two of the development of the Atlas Commons commercial park, which will consist of two medical office buildings with associated building utility services, on-site wastewater systems, storm drainage, parking, sidewalk, retaining wall, site lighting, signage, irrigation and landscape improvements. An 11.5 acre portion of the parcel has been offered to the O.S. Land Trust for the purpose of conservation and tidal wetland restoration. Applicant has requested a continuance of the public hearing to a special meeting of the Zoning Commission on Monday, March 29, 2021 to review the engineer's response report.

MOTION to continue the public hearing of **"215 Elm Street" Application for Site Plan/Coastal Site Plan Review at 215 Elm Street**, Assessor's Map 38/Lot 2, Industrial I District, Coastal Management Zone to a special meeting of the Zoning Commission on Monday, March 29, 2021 at 7 p.m. as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

- B. **"Hanford Commons II" Application for Site Plan Review for Affordable Housing (CGS 8- 30g)** Development to construct a three-story 9,280 s.f. apartment building (19 units total/6 affordable) and a three-car 962 s.f. garage.
109 Lynde Street, Assessor's Map 36/Lot 89, Residence A District, Pedestrian Node
Applicant: 109 Lynde Street, LLC Agent: Marjorie Shansky, Esq.

Attorney Marjorie Shansky and Engineer Michael Ott presented for the applicant. 109 Lynde, LLC, proposes to construct a three-story nineteen-unit residential structure, which includes six affordable dwelling units in accordance with the provisions of Conn. Gen. Stat. §8-30g. The site will be served by a two-way driveway and includes 39 parking spaces to serve the nineteen units. The property is served by public water. The site will be fully landscaped and they will replace existing sidewalks. The applicant has requested a continuance of the public hearing to a special meeting of the Zoning Commission on Monday, March 29, 2021 to review the engineer's response report.

MOTION to continue the public hearing of **"Hanford Commons II" Application for Site Plan Review for Affordable Housing (CGS 8-30g)**, Assessor's Map 36/Lot 89, Residence A District to a special meeting of the Zoning Commission on March 29, 2021 at 7 p.m. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

- C. **"Residences at 247 Main" Application for Special Exception** to convert existing second floor office space (1,500 s.f.) to two Accessory Apartments (mixed use) and add a second story 161 s.f. covered porch.
247 Main Street, Assessor's Map 30/Lot 55, Business B-1 District, Pedestrian Node
Owner: New England Conservation Partnership, LLC Contract Purchaser/Agent: Joe Wren, P.E.

Joe Wren is proposing to retain the existing bakery/market on the 1st floor of the existing building and to convert the second-floor office space into two one-bedroom 700 s.f. accessory apartments. Accessory apartments are allowed with a special exception by section 31.2.3 of the zoning regulations. Improvements will include adding a 7' x 23' covered rear porch and a spiral staircase for apartment tenant use, redressing the existing stone driveway and parking lot, remove and replace overgrown trees and improve the landscaping. They will be improving the overall aesthetic of the building by replacing the roof, repainting and cleaning. A new septic system will be installed. The outdoor patio will be replaced, the existing sidewalk closest to the building will be removed and landscaping will be replaced to separate the residence entrance from the business. Two posts will be added with the address to identify the property from the street. A rollaway trash container will be enclosed with a cedar fence at the northwest corner of the parking lot. Existing non-conformities will be removed. Neighbor Bill Marston has sent in a letter of support.

MOTION to close the public hearing of “Residences at 247 Main” Application for Special Exception, Assessor’s Map 30/Lot 55, Business B- I District, Pedestrian Node as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

MOTION to approve “Residences at 247 Main” Application for Special Exception, Assessor’s Map 30/Lot 55, Business B- I District, Pedestrian Node as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- ZEO reported that the Land Use Department is busier than it has been in at least 10 years. Five special meetings have been scheduled in March to accommodate the Commission applications received.
- There has been an uptick of violations.
- No decision yet on the CT Cancer Foundation.
- ZEO to attend pre-trial hearing on Hartford County Home Improvements litigation.
- The owner of 2 Cove Landing has been served.

VII. ADJOURNMENT

MOTION to adjourn the meeting of March 15, 2021 at 10:40 p.m. as presented to the next regularly scheduled meeting of Monday, April 5, 2021 at 7:00 p.m. **MADE:** G. Lewis **SECONDED:** M. Fish **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Recording Clerk

SPECIAL VIRTUAL MEETINGS
Monday, March 22, 2021 at 7:00 P.M.
Monday, March 29, 2021 at 7:00 P.M.

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

[Zoning Commission web page](#)

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NEXT REGULARLY SCHEDULED
VIRTUAL MEETING
Monday, April 5, 2021 at 7:00 P.M.

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

[Zoning Commission web page](#)

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