



TOWN OF OLD SAYBROOK
Zoning Commission

Robert C. Friedmann, Chairman
Mark R. Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary
Ann Marie Thorsen
Marc W. Delmonico

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Alternate Members
Justin Terribile
Vacancy

REGULAR MEETING MINUTES
HYBRID MEETING

Monday, August 16, 2021 – 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

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
Ann Marie Thorsen
Marc Delmonico
Justin Terribile

Absent Members

Geraldine Lewis

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Matt Willis, ZC Commission Attorney, Halloran & Sage
Joanne Galli, Recording Clerk

7 members of the public were in attendance.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the meeting minutes of August 2, 2021 as presented **MADE:** R. Friedmann
SECONDED: M. Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen,
M. Delmonico, J. Terribile **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda items.

IV. PUBLIC HEARINGS

- A. “McFadden” Application for Special Exception Permit** to permit a 376 s.f. pool house and 927 s.f. addition (7,930 s.f. coverage, 9,514 gfa proposed – 3,500 s.f. trips SPEX)
320 Watrous Point Road, Map 64/Lot 17-3, Residence AA-3 Zoning District, Coastal Area Management Zone, Gateway Conservation Zone.

Bob Doane, Engineer, presented on behalf of C. McFadden. The applicant is proposing a 913 square foot (updated footage) addition to the existing house and a 22 x 18 485 square foot (updated footage) pool house. Due to the distance from the addition to tidal wetlands they needed to obtain a variance, which was approved by the ZBA on July 14, 2021. With no public comment, hearing was closed.

MOTION to close Public Hearing as presented **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Delmonico, J. Terribile **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to approve “McFadden” Application for Special Exception Permit to permit a 376 s.f. pool house and 927 s.f. addition [Please see updated square footage of 485 sq. ft and 913 sq. ft respectively] (7,930 s.f. coverage, 9,514 gfa proposed – 3,500 s.f. trips SPEX) with the following conditions 1) A trench with stone will be put in the lawn area to manage the storm water. 2) The wall on either side of the driveway on the west side of the house will not exceed 4 feet in height. 3) No change in landscaping on northern side, no removal of mature vegetation as per Gateway. 4) Updated copy of Statement of Use with new square foot numbers to be submitted along with any revised architectural plans. It is consistent with all applicable coastal policies and makes all reasonable efforts to mitigate adverse impacts as presented **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Delmonico, J. Terribile **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- B. Planned Development District Petition to Amend the Old Saybrook Zoning Regulations** to add new Section 36 to create a new development district as alternative to subdivision of land on 5+ acre lots with 1 residential dwelling unit per acre in the MI District.

Applicant: 91 Sheffield Street, LLC

Agent: Attorney Marjorie Shansky

Applicant has requested continuance of the public hearing to September 8, 2021.

V. OLD BUSINESS

A. Discussion: Recreational marijuana (*continued*)

ZC Commission Attorney Matt Willis presented to the Commission their options for decision-making at this time. The Commission has four options: 1) To do nothing, 2) To prohibit recreational cannabis establishments, 3) To pass a moratorium to allow for the gathering of further information and 4) To regulate the sale of recreational marijuana now. Attorney Willis also explained the process of a referendum. Heather McNeil stated that discussions are ongoing with the community at large. Chris Costa, ZEO, discussed her conversations with Town Planners from Sturbridge and Salisbury Massachusetts about their experiences having allowed recreational marijuana to be sold in their towns. After a lengthy discussion and input from the public the Commission is leading down a path which could result in a moratorium that will end May 31, 2021. October 4, 2021 can be the earliest date for a Public Hearing on the matter.

- B. Discussion: “Ct Cancer Foundation”** options to keep all of portions of pavers in the front landscaping area in violation of Special Exception Permit #16-115 15 N. Main Street, Assessor’s Map 40, Lot 6, Shopping Center B-2 District, Pedestrian Node
Applicant: Ct Cancer Foundation Agent: Attorney Ed Cassella

Attorney Cassella presented. The Ct Cancer Foundation is seeking a way for the plan to be revised so that all or part of the paver area will meet the regulations. ZC Chairman Friedmann quoted a portion of the judge’s summation in the court case of Town of Old Saybrook Zoning Commission vs. Town of Old Saybrook Board of Appeals dated May 5, 2021, stating that the Zoning Commission’s review process would become total chaos if a developer were allowed to deviate from an approved site or building plan and construct whatever they wish, and then when a modification is denied seek a variance to keep the building feature. Having said that, Chairman Friedmann stated that the Commission is not permitted to re-interpret or vary the regulations in any way. He did, however, offer up the suggestion that the entire paver patio be relocated to the rear of the building, which is the main entrance, to comply. He also asked about whether the walkway encroachment had been removed and if the walkways met the required five-foot width as approved.

C. Workshop: Accessory dwelling units and possible regulation fixes (*continued*)

The Commission discussed residential detached accessory units. The ZEO is waiting on feedback from the building official as to the distance allowable between the detached unit and the main structure. The Commission also needs feedback on whether the separate unit will require its own septic system. In addition, the Commission discussed whether regulations needed to be updated regarding the setbacks required by a structure under 400 sq. ft. and narrow-street setbacks.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

The Safe Harbor Marina Ferry Point would like to install a 20 x 36 open-air pavilion over a currently graveled picnic area. The Commission requested a Statement of Use to see if this will be utilized solely for existing uses or if new uses will be added. They also need to determine if the land is “developed” as per Gateway.

VII. ADJOURNMENT

MOTION to adjourn the meeting of August 16, 2021 at 9:26 p.m. to the next regularly scheduled Zoning Commission meeting on Wednesday, September 8, 2021 at 7:00 p.m. **MADE:** M. Delmonico **SECONDED:** J. Terrible **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Delmonico, J. Terrible **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Recording Clerk

**NEXT REGULARLY SCHEDULED
HYBRID MEETING**

Wednesday, September 8, 2021 at 7:00 P.M.

Town Hall, 2nd Floor Conference Room
302 Main Street, Old Saybrook

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

[Zoning Commission web page](https://www.oldsaybrookct.org)

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