



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
John Henry
Sandra Dizenzo

REGULAR MEETING MINUTES
HYBRID MEETING

Wednesday, July 6, 2022 – 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

Vice Chairman M. Caldarella called the meeting to order at 7:00 p.m.

II. ROLL CALL

Attendant Members: M. Caldarella, A. M. Thorsen (via Zoom), M. Delmonico, J. Henry (seated for G. Lewis)

Absent Members: R. Friedmann, G. Lewis, J. Terribile, S. Dizenzo

Attendant Staff

J. Galli, Recording Clerk

Eight members of the public were in attendance with three more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the meeting minutes of June 20 2022 as presented **MADE:** M. Delmonico **SECONDED:** J. Henry **VOTING IN FAVOR:** M. Caldarella, A. M. Thorsen, M. Delmonico, J. Henry **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 4-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda items.

IV. PUBLIC HEARINGS

- A. Petition to Amend the Old Saybrook Zoning Regulations for Animal Care Services** as a Special Exception Use in the I Industrial Zone.
Sect. 9 new definition of animal care services, new Sec. 41.2.9 Animal Care Services as Special Exception Use and 53 Special Standards.
Applicants: Janet & Michael Stoner Agent: Attorney Terry Lomme

Attorney T. Lomme presented. The applicants would like to amend the Regulations to clear the way for an Animal Care Facility at 50 River Street. If approved, their Amendment added to the Industrial District Section 41.2.9 will read:

Any Animal Care Services, as defined in these regulations, shall be by special exception and shall be located on a lot of not less than fifty thousand (50,000) square feet. All buildings where the animals are kept shall be not less than 75 feet from a residential building and any outside runs or pens shall be not less than 150 feet from any residential building. If there are animals boarded on the premises, there shall be someone on premises 24 hours a day. The number of animals shall not exceed 125 for daycare and 75 for boarding.

K. Fiorelli submitted a letter to Land Use dated July 5, 2022 in opposition to the amendment, stating that she is concerned that the sound would be “extremely disruptive and diminish our quality of life.” Fiorelli attended the meeting and added that the distance between her home and the animal care center is 84 feet and that “no amount of shrubbery or fencing will diminish the noise.”

Resident R. Olson spoke in favor of the Amendment. He said that this will offer a “significant service to town residents.” As a veterinarian with many years of animal care experience, Olson said the dog volume is less than people think. He added that barking usually occurs when they are unattended.

Applicants M. and J. Stoner explained that the interior space has noise abatement and all three play yards will be supervised as well as having one counselor per fifteen dogs. “Dogs do bark and there’s no getting around that,” M. Stoner said, but he assured Fiorelli that if the dogs get loud, they will bring them in. Commission member A.M. Thorsen requested a sound study to be reviewed by the Commission prior to the next meeting.

MOTION to continue the Public Hearing of the **Petition to Amend the Old Saybrook Zoning Regulations for Animal Care Services** as a Special Exception Use in the I Industrial Zone to the next Zoning Commission meeting on Monday, July 18, 2022 at 7 p.m. **MADE:** M. Caldarella **SECONDED:** M. Delmonico **VOTING IN FAVOR:** M. Caldarella, A. M. Thorsen, M. Delmonico, J. Henry **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 4-0-0.

- B. “Chalker Village” Application to Modify Approved Special Exception Use for Restaurant/Office** Remove offices, add 18 outdoor seats to 1,184 s.f. indoor pizza restaurant. 1550 Boston Post Rd, Assessor’s Map 26, Lot 29, Business B-4 District, Pedestrian Node
Applicant: OKI, LLC. Agent: Attorney Edward Cassella

This application was withdrawn at the request of the applicant.

- C. “Chalker Village” Application for Site Plan Review for Affordable Housing (CGS 8-30G)** to convert 5 office units into 6 residential dwelling apartment units (2 affordable). Assessor’s Map 26, Lot 29, Business B-4 District, Pedestrian Node
Applicant: OKI, LLC. Agent: Attorney Edward Cassella

This application was continued at the request of the applicant to the August 1, 2022 Zoning Commission meeting.

- D. “Olson” Application for Special Exception Permit** for the construction of a 6,394 s.f. house with covered porches and an attached 2 car garage. 39 North Cover Road, Assessor’s Map 31, Lot 17, Residence AA-2 District, Coastal Area Management Zone, Ct River Gateway Conservation Zone
Applicant: Robert & Virginia Olson Agent: Denise VonDassel, Architect

Engineer J. Wren and architect D. VonDassel presented. The applicant has demolished a single-family residence bordering North Cove to construct a new FEMA-compliant home. Because the dwelling will be in excess of 3500 s.f., the applicant needs a Special Exception permit. The proposed house will be out of the 50-ft tidal wetland setback, but a portion will remain within the 100-ft Gateway review area. Vice Chairman Caldarella asked about bringing the home out of the 100-ft Gateway as well but in doing so, quite a few mature trees would have to be eliminated which the applicant would like to avoid. The project received approvals from CRAHD, ZBA and Gateway. With no public comment the hearing was closed.

MOTION to close the Public Hearing of **“Olson” Application for Special Exception Permit** for the construction of a 6,394 s.f. house with covered porches and an attached 2 car garage. 39 North Cove Road, Assessor’s Map 31, Lot 17, Residence AA-2 District, Coastal Area Management Zone, Ct River Gateway Conservation Zone. **MADE:** M. Caldarella **SECONDED:** M. Delmonico **VOTING IN FAVOR:** M. Caldarella, A. M. Thorsen, M. Delmonico, J. Henry **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 4-0-0.

MOTION to approve **“Olson” Application for Special Exception Permit** for the construction of a 6,394 s.f. house with covered porches and an attached 2 car garage. 39 North Cove Road, Assessor’s Map 31, Lot 17, Residence AA-2 District, Coastal Area Management Zone, Ct River Gateway Conservation Zone because it is consistent with all applicable coastal policies and makes all reasonable measures to mitigate adverse impacts as presented **MADE:** M. Caldarella **SECONDED:** M. Delmonico **VOTING IN FAVOR:** M. Caldarella, A. M. Thorsen, M. Delmonico, J. Henry **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 4-0-0.

V. NEW BUSINESS

- A. “Max’s Place & Big Y Foods” Preliminary Discussion to amend the Zoning Regulations Section 53 Standards for Automotive Uses to remove distance between fuel-filling devices. Applicants: Big Y Foods, Inc. & Max’s Place, LLC. Agent: Atty. Davide M. Royston

Attorney D. Royston presented. The applicants obtained an Amendment to allow the retail sale of gasoline and other fuel dispensing facilities to be permitted by Special Exception in the Shopping Center B-4 District January 3, 2022. The plan for the regulation amendment was to construct a vehicle fuel dispensing facility as an accessory use to a Big Y convenience store. They would now like to delete the clause “or within a radius of one thousand feet (1000’) of any other pump or device on any other lot” from the 53.1 Special Standards for Motor Vehicle Uses relating to the distance to other fueling stations. Attorney Royston stated that the clause is an “unlawful restraint on trade.” He also cited a 2019 court case from Norwich regarding the same issue.

Vice Chairman Caldarella responded that it is the “Commission’s duty to uphold the current regulations and amend as needed with the goal of maintaining the atmosphere that is established here in Old Saybrook.” He advised Attorney Royston to submit a formal application so that the Commission as well as legal counsel can review.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- **923 Boston Post Road/Smithland Pet & Garden Center** - Letter sent to remove unpermitted interchangeable letter sign attached to freestanding sign.

- **744 Boston Post Road/Mad Coffee** - Contractors began installing a patio. ZEO requested they stop work and obtain a modification to the Special Exception Permit as they were previously instructed to when they moved in the building.
- **6 Center Road** - Litigation warning letter sent regarding unpermitted dwelling unit above contractor's warehouse.
- **1500 Boston Post Road/ New Age Psychic** - Litigation warning letter sent for continued retail operations out of Heritage Inn, signs all over Town and signs chained to utility poles.
- **78 Neptune Drive/Martel** - Motion for Contempt filed in Superior Court for additions to shoreline flood and erosion control structure violating the Stipulation and the terms of this Court's Order on March 26, 2010.
- **Gateway Commission** has upgraded their minimum regulation standards. ZEO working to incorporate changes into a petition to amend the regulations for the Zoning Commission.
- **302 Main Street/Gazebo** - ZC approved an application for Certificate of Zoning Compliance to replace the gazebo on the Town green. The Town would like to shift the location over to create more green space and to make the location more accessible to meet ADA requirements. The Commission agreed that this is a minor modification and can be handled administratively.
- **300 Main Street/The Kate** - The Kate would like to install a small storage shed in the area behind the Town Hall parking in the area by the generator. The Commission agreed that this is a minor modification and can be handled administratively.

VII. ADJOURNMENT

MOTION to adjourn the meeting of July 6, 2022 at 8:35 p.m. to the next regularly scheduled meeting on Monday, July 18, 2022 at 7 p.m. as presented **MADE:** M. Delmonico **SECONDED:** J. Henry **VOTING IN FAVOR:** M. Caldarella, A. M. Thorsen, M. Delmonico, J. Henry **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 4-0-0.

Respectfully submitted,

Joanne Galli

Recording Clerk

NEXT REGULARLY SCHEDULED
HYBRID MEETING
Monday, July 18, 2022 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

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

[Zoning Commission web page](#)

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