



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

REGULAR MEETING MINUTES
HYBRID MEETING

Monday, May 15, 2023 – 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: R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen,
J. Terribile (seated for M. Delmonico), J. Henry

Absent members: M. Delmonico

Attendant Staff: M. Willis, Halloran & Sage, Zoning Commission Attorney,
C. Costa, Zoning Enforcement Officer/Town Planner;
J. Galli, Recording Clerk

Ten members of the public attended with ten more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the meeting minutes of May 1, 2023 as presented **MADE:** G. Lewis
SECONDED: M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G.
Lewis, A.M. Thorsen, J. Terribile **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda items.

IV. CONTINUED PUBLIC HEARINGS

- A. “Old Glory” Application for Special Exception and Coastal Site Plan Review**
to construct a 1055 s.f. addition and 148 s.f. enclosed entry to existing 3,280 s.f.
retail store and demolish 2nd building.
1804 Boston Post Road, Assessor’s Map 17/Lot 4, Gateway Business B-4 District,
Coastal Area Management Zone
Applicant: Glenn Morelli *Agent: Attorney David M. Royston*

Due to unforeseen circumstances Attorney Royston was unable to attend. Engineer J. Wren presented. Continued from May 1st, the applicant submitted updated plans and a revised Statement of Use tonight. Two and a half feet were taken off the side of the building to comply with setbacks and the building's entry was recentered to maintain symmetry. Wren reviewed G. Jacobson's report. The hearing was continued to give the Commission needed time to digest the material submitted.

MOTION to continue the **Public Hearing** of **“Old Glory” Application for Special Exception and Coastal Site Plan Review** to construct a 1055 s.f. addition and 148 s.f. enclosed entry to existing 3,280 s.f. retail store and demolish 2nd building. 1804 Boston Post Road, Assessor's Map 17/Lot 4, Gateway Business B-4 District, Coastal Area Management Zone to the next regularly scheduled meeting of Monday, June 5, 2023 at 7 p.m. in the 1st Floor Conference Room as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, J. Terrible **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

V. NEW BUSINESS

- A. **91 Sheffield, LLC. v Old Saybrook Zoning Commission** - Discussion of possible regulation amendments in an effort to find resolution to pending litigation. The Zoning Commission denied petitioner's application on October ,18, 2021 for a proposed “Planned Development District” to add a new section 36 to the Old Saybrook Zoning Regulations 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

Attorney M. Willis explained that this discussion is due to Judge Shah's suggestion to find resolution of the issue in the pending zoning appeal regarding a Planned Development District.

Attorney M. Shansky reviewed the concerns the Commission expressed during the initial application proceedings in October, 2021. She shared the applicant's plan of a living shoreline which included phragmite removal, walking path, erosion and flood control. First Selectman C. Fortuna spoke in favor of developing the land that he said is in a beautiful spot but is blighted, stating that he “would like to see a change for this piece of property to not be what it is.” Developer M. Picard spoke as to the evolution of this idea to build residential. Commission member M. Caldarella said that they needed to find middle ground as to what would work for both the Commission and the applicant. Picard will return with a new plan for developing the property.

- B. **“2023 Comprehensive Update to the Plan of Conservation & Development”**

Petitioner: Old Saybrook Planning Commission

The Planning Commission is in the process of updating their Plan of Conservation & Development into one consistent format. The Commission was asked to send individual comments for consideration to the ZEO to be compiled in a report. ZEO C. Costa will complete reformatting the comments into a final document.

VI. WORKSHOP: Accepting public comment regarding drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments (Section 53).

Moratorium ends: December 31, 2023

At this session, the Commission opened up the workshop to public comment. Ron Lyman and his son were in attendance along with their traffic engineer and planning consultant to make presentations to the Commission. Mr. Lyman requested that Attorney Royston and Dave Ziaks, P.E. who were unavailable could speak at the next workshop. The Commission agreed.

Planning consultant D. Poland presented a brief review/rebuttal to what the Commission is considering in their draft. He discussed the importance of drive-throughs and explained how we can improve regulations for the good of economic development. Traffic Engineer S. Hesketh agreed with Poland. He felt that the draft is “limiting and restrictive.” They both felt that multiple drive-throughs should be allowed on a single property.

Ron Lyman discussed in detail his plans for extension of the Max’s Place development, the need for drive-throughs post-Covid and his discussions with possible drive-through tenants including Starbucks, Chipotle and TD Bank. Lyman mentioned that these tenants want to locate in Old Saybrook because the residents of Old Saybrook want these businesses and that adding the drive-throughs will offset property tax increases. He expressed his interest in adding at least three drive-throughs to the next phase of Max’s Place and his concerns that a regulation allowing only one drive-through on a lot would create economic challenges for his property and possibly force potential drive-through tenants to locate elsewhere.

It was agreed that existing drive-through text is from the 1970’s and the drive-through industry has changed substantially since the regulations were adopted.

ZEO C. Costa clarified that the Zoning Commission is conducting workshops, accepting preliminary comment and is in the process of drafting regulations that will impact drive-throughs all over town and not just the Max’s Place property. Costa provided a brief overview of previous workshop meeting topics, review of different configurations of drive-throughs, review of text from different towns, comments from the town engineer, traffic engineer and operators of drive-through businesses.

C. Costa stated that this text is a result of ideas thus far, the draft is not the final text, not an application and that the meeting is open to public comment and is not a public hearing. She said, “This version is in no way ready to be adopted. All input is greatly appreciated as we work through the process.” Commission member M. Caldarella agreed with Costa. He said that they are trying to do the right thing and listen to everyone. Comments from the public will continue to be accepted. This discussion will continue June 5th.

VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- **Affordable housing audit** - Once the Town approves affordable housing units, it’s the Town’s responsibility to make sure that the housing is leased/sold in compliance with State laws. The Zoning Commission has hired Demarco Management to conduct a random audit

of affordable housing units in Old Saybrook to determine that rental practices are being followed in accordance with CT General Statute 8-30g.

- The ZEO reported that several litigation warning letters were issued to non-responsive property owners with violations.

VIII. ADJOURNMENT

MOTION to adjourn the meeting of May 15, 2023 at 9:52 P.M. to the regularly scheduled meeting of Monday, June 5, 2023 at 7 p.m. in the 1st Floor Conference Room as presented
MADE: G. Lewis **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, J. Terribile **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
ZC Recording Clerk

NEXT REGULARLY SCHEDULED
HYBRID MEETING

Monday, June 5, 2023 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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