



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**  
**VIRTUAL MEETING**  
Monday, September 21, 2020 – 7:00 P.M.

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  
M. Delmonico (sitting in for M. Fish)

**Absent Members**

M. Fish  
J. Terribile  
R. Odedra

**Attendant Staff**

Christina Costa, Zoning Enforcement officer  
Joanne Galli, Recording Clerk

3 members of the public were in attendance.

III. **REGULAR BUSINESS**

A. **MINUTES**

**MOTION** to approve the meeting minutes of Sept. 9, 2020 as presented **MADE:** R. Friedmann  
**SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M.  
Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

B. **CORRESPONDENCE**

**MOTION** to pay Halloran & Sage Invoice #s 11334846, 11334847, 11334899 and 11334900 for  
general counsel in the amount of \$3,219 as presented **MADE:** G. Lewis **SECONDED:** M.  
Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M.  
Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

IV. **PUBLIC HEARINGS (Continued)**

- A. **“Lycurgus, LLC”** Application for Site Plan Review for 13,350 s.f. contractor warehouse/storage  
unit building.  
97 Old Middlesex Turnpike, Map 41, Lot 9, Industrial I District  
Owner: Lycurgus, LLC Agent: Robert Doane, P.E.

Lycurgus proposes to create a commercial park development that will provide contractor business and storage, warehousing and manufacturing space. The applicant would like a continuance to the Zoning Commission meeting on October 19, 2020.

**MOTION** to continue the public hearing of “**Lycurgus**” **Application for Site Plan Review** for a 13,350 s.f. contractor warehouse/storage unit building. 97 Old Middlesex Turnpike, Map 41, Lot 9, Industrial I District to the Zoning Commission meeting of October 19, 2020 at 7:00 p.m. as presented **MADE:** R. Friedman **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

- B. “**Provence Land Co.**” Application for Special Exception Permit/Coastal Site Plan Review to construct a 6,000 s.f. tree service contractors building and parking area 1325 Boston Post Road, Assessor’s Map 27, Lot 24-1 Gateway Business B-4 District, Pedestrian Node, Coastal Management Area  
*Owner: Provence Land Company, LLC. Applicant: Robert Doane, P.E.*

Robert Doane presented for the applicant. They propose to construct a 6,000 sq ft tree service facility within a 2.9 acre vacant parcel. This will include a paved parking lot with 23 passenger parking spaces and 16 for trucks, trailers and chippers. Hours of operation will be approximately 7:30 a.m. to 4:30 p.m. Monday through Friday. Plans were modified to include sign dimensions within regulations. They will put in a planting screen on Saigon City Restaurant border. Light poles may not be taller than 14 feet and base must be at existing grade. Parking spaces cannot be utilized as outdoor storage.

**MOTION** to close public hearing of “**Provence Land Co.**” **Application for Special Exception Permit/Coastal Site Plan Review** to construct a 6,000 s.f. tree service contractors building and parking area 1325 Boston Post Road, Assessor’s map 27, Lot 24-1 Gateway Business B-4 District, Pedestrian Node, Coastal Management Area as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

**MOTION** to approve “**Provence Land Co.**” **Application for Special Exception Permit/Coastal Site Plan Review** to construct a 6,000 s.f. tree service contractors building and parking area 1325 Boston Post Road, Assessor’s map 27, Lot 24-1 Gateway Business B-4 District, Pedestrian Node, Coastal Management Area because the project is consistent with all applicable coastal policies and makes all reasonable measures to avoid adverse impacts as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

## VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

**John Deere/Saybrook Ford, 400 Boston Post Road** – 2017 SPEX improvements have been completed and file closed.

**Complaints** – ZEO reported an increase in complaints for motor vehicles, trailers, boats and other violations.

**Special Exception Permit Expirations** - Section 52.5 of the Zoning Regulations outlines the expiration timelines for SPEX permits. The Commission may approve a Special Exception if it finds that the proposed *use* and the proposed *buildings* and *structures* conform to the General Standards, in addition to any Special Standards for particular *uses*. Approval of an application constitutes approval conditioned upon completion of the proposed development in accordance with plans as approved, within a period of five (5) years after the date of approval of the Special Exception permit. The Commission may grant for good cause one extension of the period for an additional period not to exceed five (5) years. All Special Exceptions may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

There have been court cases challenging the permit expiration. The ZEO proposes to add expiration dates to all permits and to advertise the expiration in all legal ads to clarify the current regulations and that the ZC approves all applications with the condition that permits expire in 5 years.

**MOTION** to clarify the longtime practice that the Commission approves all Special Exception Permits with the understanding that Section 52.5 of the Regulations conditions the expiration of the permit within 5 years. The Commission directs the ZEO to add permit expiration dates to all Special Exception Permits filed on the land record and to include the expiration dates in all legal notices of decision.  
**MADE:** G. Lewis **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None  
**APPROVED:** 5-0-0.

**Oceanside Auto, 810 Middlesex Turnpike-** Mark Reeves, Builder e-mailed the ZEO on September 16, 2020 to advise that he was just informed about the September 28<sup>th</sup> deadline to complete this project per the Stipulated Judgment. Mr. Reeves explained that he has been working as quickly as possible but has been held up due to delays on supplies needed to complete the job. He expects the windows and doors within a couple of weeks, and will move quickly to install those in order to complete the exterior façade. He advised that he has not been contracted to complete the site work and suggested that it will be more appropriate to complete the work in the Spring of 2021. The ZEO responded that she did not have the ability to extend a Superior Court Judgment and that she would contact Attorney Cassella to see how he plans to proceed.

**Hartford County Home Improvements, 12 Bellaire Drive** – Violations started in May of 2019, ZBA denied variances, letters from ZEO and a letter from Attorney Willis to remove the porch by August 31, 2020. House was listed for sale with the violations and remains on the market. ZEO visited the property and the violations remain.

**MOTION** to approve ZEO to initiate legal action against owner of 12 Bellaire Drive due to uncorrected property violations. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

**Hartford County Home Improvements, Town Beach Store, 3 Town Beach Road.**  
Litigation warning letter sent. Shed, games and other violations removed. ZEO will continue to monitor the property.

**3 Fourth Avenue** - Complaint made by neighbor about motor vehicles, a trailer and a boat visible from the street in violation of Section 66. ZEO issued letters in March and June. Property owner provided registrations for vehicles. Boat and trailer remains on property and is not screened. There was a Cease & Desist Order issued in August. Boat and trailer

remains. Complainant repeatedly follows up to determine what the next course of action is. The ZC has authorized the ZEO to send a litigation-warning letter that legal action will be initiated if the boat/trailer are not stored properly. ZEO will visit the property prior to sending the litigation-warning letter.

**1 Williams Ave** - Request for clarification if a Special Exception Permit is required for a clean up per the CT Transfer Act. The Transfer Act forms are filed with DEEP and a remediation permit is required. The ZEO believes that this activity does not require a SPEX permit as per Section 53 but the ZEO wanted to clarify this with the ZC. The ZC determined that if you have a DEEP permit that results from being under the Transfer Act this should alleviate the need for a SPEX permit.

**Himalaya Café, 1456 Boston Post Road** - The property owner would like to extend the outdoor dining deck 2 feet closer to the parking lot and add a handicapped ramp to the deck.

**MOTION** to amend agenda to include **“Himalaya Café” Minor Modification to the Special Exception Permit**, 1450 Boston Post Road, Assessor’s Map 26, Lot 17 **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

**MOTION** to approve **“Himalaya Café” Minor Modification to the Special Exception Permit**, 1450 Boston Post Road, Assessor’s Map 26, Lot 17 to add a handicapped ramp to the existing deck/ landing and extend outdoor dining deck with the condition that the ZEO work with the applicant to verify that the deck is not more than 2’ from the parking area and provides bollards 4 feet apart between parking lot. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

**Sip Wine Bar, 75 Main Street** - The ZC SPEX modification approval to increase outdoor dining from 4 tables/8 seats to 8 tables/16 seats was appealed to Superior Court by the neighbor.

## VII. ADJOURNMENT

**MOTION** to adjourn the meeting of Sept 21, 2020 at 7:42 p.m. as presented to the next regularly scheduled meeting of October 5, 2020 at 7:00 p.m. **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli  
Recording Clerk

NEXT REGULARLY SCHEDULED  
VIRTUAL MEETING  
**Monday, October 5, 2020 at 7:00 P.M.**

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

[Zoning Commission web page](#)

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