

# Zoning Commission Minutes 02/05/2018



## TOWN OF OLD SAYBROOK Zoning Commission

302 Main Street • Old Saybrook, Connecticut 06475-1741  
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[www.oldsaybrookct.org](http://www.oldsaybrookct.org)

*Robert C. Friedmann, Chairman*  
*Mark Caldarella, Vice Chairman*  
*Geraldine M. Lewis, Secretary*

*Madeleine B. Fish*  
*Ann Marie Thorsen*

**Alternate Members**  
*Michael Cianfaglione*  
*Joanne Gadon*  
*David Papandrea*

### REGULAR MEETING MINUTES

Monday, February 5, 2018 – 7:00 P.M.  
Town Hall, 302 Main Street  
1st Floor Conference Room

#### I. CALL TO ORDER

Chairman Robert 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  
Michael Cianfaglione, Alternate Member

##### Absent Members

David Papandrea  
Joanne Gadon

##### Attendant Staff

Christina Costa, Zoning Enforcement Officer  
Geoffrey Jacobson, Town Engineer  
Kathy King, Recording Clerk

There were 4 people in the audience.

#### III. REGULAR BUSINESS

##### A. MINUTES

**MOTION** to approve the regular meeting minutes of January 17, 2018 as presented with the following correction: on page 3, paragraph 4, under "Pediatric Dentist Office"; change the sentence to read that tidal wetlands are "near" not "surrounding" the property. ; **MADE:** G. Lewis: **SECONDED:** M. Caldarella: **VOTING IN FAVOR:** R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

**B. CORRESPONDENCE**

There were two bills from Halloran & Sage, LLP, Attorneys at Law. One was Invoice #11252095; dated 1/18/18 for \$888.00 for professional services rendered 810 Middlesex Turnpike. The other was Invoice #11253239, dated 1/17/18 for \$74.00 for general counsel and representation.

**MOTION** to pay Halloran & Sage, LLP, Attorneys at Law, Invoices #11252095 & #11253239 for a total of \$962.00; **MADE:** G. Lewis: **SECONDED:** A. M. Thorsen: **VOTING IN FAVOR:** R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

A copy of a letter dated 1/18/18 was received from Ron Rossetti to Mr. Daniel McBride, State of CT, 171 Salem Turnpike, Norwich, CT 06360 requesting an easement at 1333 Boston Post Road to keep 3 red maple trees in place and to install 256' of sidewalk which will run parallel to the Post Road of which 197' will be on State property.

**IV. OLD BUSINESS**

- A. "Little Pub" Application for Special Exception Permit**  
3,315 s.f. restaurant, façade renovation and roof line changes  
Business B-3 District, CAM Zone, Pedestrian Node  
1231 Boston Post Road, Assessor's Map 27 / Lot 39  
*Applicant: 1231 BPROS, LLC                      Agent: Joe Wren, P.E.*

In their packets, Commissioners received a copy of a memo from the CT River Area Health District dated 1/24/18 regarding seating issues for "Little Pub", and a letter dated 1/22/18 was received from Town Engineer Geoffrey Jacobson with a review of the drawings and comments.

The Public Hearing was closed at the 1/17/18 Zoning Commission meeting. The five regular Zoning Commission members will be deliberating. Letters were received from the Fire Marshal, The Chief of Police and the Health District. Also, a revised Statement of Use and Plans were submitted, and reviewed by C. Costa and G. Jacobson.

The indoor seating and outdoor seating will be based on the Health District's review. Seasonal outdoor seating is limited by Registered Sanitarian Steve Yenco from the CT River Area Health District. The number of seats for both indoor and outdoor seating cannot exceed 100.

The Chief of Police expressed concerns about the safety of the outdoor seating area adjacent to the parking area. Either bollards or planters would provide adequate protection from cars backing up from opposite parking spaces. The 4' x ½' planter boxes to the west near the property line and arborvitae. The two way parking aisle is more than 24' wide.

Based on discussion from the 1/17/18 Zoning Commission meeting, the referral letters from other town agencies, boards and commissions and tonight's meeting, Commissioners are approving the application with many conditions of approval.

**MOTION** to approve "Little Pub" Application for Special Exception Permit; 3,315 s.f. restaurant, façade renovation and roof line changes; Business B-3 District, CAM Zone, Pedestrian Node; 1231 Boston Post Road, Assessor's Map 27 / Lot 39; *Applicant: 1231 BPROS, LLC; Agent: Joe Wren, P.E.* with the following conditions of approval: Pergola over the patio will not be roofed and open to the sky. The flood light located on the Eversource pole will be removed and replaced with one shielded flood light per the specification sheet provided by the applicant during the public hearing. The light will be located lower on the pole and will not create glare. The plans will be amended to provide a stop sign to the rear (northwest) side of the building to direct one way traffic in a counter clockwise direction. Revised architectural plans received at the January 17, 2018 public hearing that include tables and floor plan layout are the approved plans. The architectural plans should be amended to show the correct scale and modified in the event the seating numbers conflict with those of another Town entity. Seats limited to 100 (indoor/ outdoor) per the CT River Area Health District approval seating issues letter from Steven Yenco, RS, dated 1/24/18. The plans will be revised to add red cedar trees on the eastern property line to provide additional screening to the residential home to the east. The existing hedges will be retained and pruned. The bollards adjacent to the building on the north east side will be installed to offer protection to the building. The plans will be revised to substitute red cedars along the western property line for some of the arborvitae. **MADE:** R. Friedmann; **SECONDED:** M. Fish; **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, A.M. Thorsen, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

## V. CONTINUED PUBLIC HEARINGS

### A. "Pediatric Dentist Office" Application for Special Exception Permit/Coastal Site Plan Review

Construction of a 5,250 s.f. single story office building, parking lot & sign. Shopping Center Business B-2 District, CAM Zone, Pedestrian Node 1017 Boston Post Road, Assessor's Map 28 / Lot 38  
*Applicant: CCPD Properties* *Agent: Joe Wren, P.E.*

J. Wren presented for the applicant. He submitted revised plans dated 2/2/18 based on the Zoning Commission's comments. The outstanding items from the last meeting were the following:

Police Chief Michael Spera requested that a traffic engineer be consulted regarding the traffic intersection to see if there should be no left turn entering or exiting the site.

The photometrics plan was submitted. There was zero light trespass on the western boundary. There will not be light spillage into the tidal wetlands buffer area. There are a couple of .1 foot candles, but the wall is 2' higher than the pavement surface, so it's 7' tall. It will cast a shadow with the wall, so there will be no issue with light trespass.

A lighting consultant added a double fixture to the center island. There are 5 total poles, but the one in the center has the double fixture, so there will be 5 poles, 6 fixtures. The light that casts toward the east only comes from the double light. The pole heights are 12'6" with the fixture which is within the Zoning Regulations.

The form liner on the 140' concrete wall will create a cut stone look. There's a railing on top of the wall. In front of the wall, wheel stops have been added to prevent a car bumper from hitting the wall.

The CT DEEP had comments about depressing the center islands to capture stormwater. The storm runoff comes from NE to SW. J. Wren explained that if you have pervious asphalt, the water will go untreated directly into the groundwater. Pervious asphalt is very expensive, and maintenance of it is very expensive as well. It takes the water through, but it doesn't treat the water before it is absorbed into the groundwater. Instead a vegetated swale has been designed to filter the stormwater before it absorbs into the groundwater. The basin is sized to hold 1" of run off for all of the impervious surfaces. The CT DEEP likes the plan. They like overland flow so the water doesn't go directly into the tidal wetland. Vegetation is the best way to treat stormwater. Flat pavement is much better for safety.

Storm water plantings would be planted around the basin. J. Wren said there is an environmental seed mixture along with 2" plugs which will be added to the soil. He doesn't feel large trees should be planted because the tree leaves will clog the basin when the trees mature.

Street trees have been spread out more uniform per G. Jacobson's requests dated 2/2/18. Additional cedar trees have been added. The DOT doesn't like anything planted in the right of way.

There was discussion about the number of vehicle trips expected at peak hours of business. On the applicant's busiest day in their Cromwell location, there are 52 appointments in one day. They expect the same at this proposed location. The peak hour would be sometime after school. The Commission would like a formal traffic study done by a traffic engineer.

Matt Byrnes-Jacobsen from Point One Architects presented. He said there were 3 lights on the exterior of the building: one on the rear of the building, one on the eastern elevation of the building and one on the south elevation of the building. The light fixture from the rear north elevation was removed. A photometric



diagram of the 2 remaining lights was submitted. Light will not be spilled into the tidal wetland area.

The roof vents are triangular to match the roof.

The color of the lettering on the signage will be changed from gray to black per the Commission's request.

R. Friedmann referred to Zoning Regulation 68.2.4 on façade, part A which discusses articulations on façade.

M. Byrnes-Jacobsen explained that there are no protrusions depicted in the drawings. There are articulations within the roof as well as windows along the exterior. The challenge is making the space efficient for the applicant.

Referrals have been received from the Fire Marshal, the Fire Department and the Chief of Police.

The CT DEEP has requested that there be an application submitted to the Natural Diversity Data Base in case there are any endangered species. J. Wren stated that the application has been submitted.

The auto turn was discussed today with the Fire Chief. The turn is possible.

R. Friedmann said there are concerns with left turn activity to and from the site. There was discussion at the 1/17/18 Zoning Commission meeting about room for a car to go around a car turning into the site. J. Wren said there is sufficient room for a car to go around the car stopped to turn, but it depends how far over the turning car has stopped.

A limited traffic study by a traffic engineer is the only outstanding item which is mentioned again in Chief of Police Michael Spera's letter. Commissioners would like to have this limited traffic study done because it would be useful for deliberations. It would clarify for the state if signage restrictions need to be installed in the state right of way.

There was no one present at the meeting speaking either in opposition to or in favor of the application.

The applicant agreed to grant an extension to keep the Public Hearing open until 3/5/18 to have the traffic study done as well as to hopefully obtain the results of the Natural Diversity Data Base and to articulate the 40' walls of the building.

**MOTION** to continue the Public Hearing for “Pediatric Dentist Office”  
**Application for Special Exception Permit/Coastal Site Plan Review**  
 Construction of a 5,250 s.f. single story office building, parking lot & sign.  
 Shopping Center Business B-2 District, CAM Zone, Pedestrian Node; 1017  
 Boston Post Road, Assessor’s Map 28 / Lot 38 *Applicant: CCPD Properties; Agent:*  
*Joe Wren, P.E.* to the next regularly scheduled Zoning Commission meeting of  
 Wednesday, 2/21/18, 7:00 p.m., Town Hall, 302 Main Street, 2<sup>nd</sup> Floor  
 Conference Room, **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING**  
**IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, A. M. Thorsen, G. Lewis;  
**ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

## VI. NEW BUSINESS

- A. **Dock & Dine** – Discussion of seasonal use of property. 145 College Street, Map 24 / Lot 42-1, SP-2 District, Coastal Area Management Zone, Gateway Conservation Zone  
*Applicant: The Point, LLC/Jon Kodama Agent: Joe Wren, P.E.*

J. Wren and J. Kodama were both present. J. Kodama stated that the project to rebuild the restaurant is still being pursued. The restaurant will not be rebuilt in time for either the 2018 or 2019 summer season.

J. Kodama suggested something seasonal and temporary be open to restore activity down at the Point. He was contacted by a gentleman who is restoring a 105’ tugboat, and he would like to convert the tugboat into a restaurant. At this time, the CT DEEP said they would not allow it because their regulations look at shading in the water which could impact vegetation and habitat as well as the fact that it would be near the channel and in trust waters.

J. Kodama said another option he considered would be to set up a temporary eating establishment such as a permanently parked food truck in the area where the actual restaurant used to be. He asked if a food truck could be parked there for 6 months without indoor seating, just outdoor seating. R. Friedmann said food trucks are regulated by the Board of Selectmen.

This is a site with an approved special exception approval for a restaurant. If the food truck is parked for 6 months, it’s more of a restaurant than a food truck even though it has wheels.

Susan Esty, Chairman of the Parks and Recreation Commission, asked if there would be public restroom facilities because there are no other restrooms with running water other than those at the Pavilion building. J. Kodama said there would have to be restrooms. He looked into having trailers with restrooms with running water for customers to use.

R. Friedmann suggested that J. Kodama keep in touch with the Zoning Enforcement Officer about other ideas to see what could be done that will meet the regulations.

- B. Dock & Dine – Permit Extension Request for Special Exception Permit to construct a 13,530 s.f. restaurant, 145 College Street, Map 24 / Lot 42-1, SP-2 District, Coastal Area Management Zone, Gateway Conservation Zone which was granted on December 2, 2013.

*Applicant: The Point, LLC/Jon Kodama*

*Agent: Joe Wren, P.E.*

An additional 5 years can be granted to the permit

**MOTION** to grant the permit extension request for Dock & Dine Special Exception Permit to construct a 13,530 s.f. restaurant, 145 College Street, Map 24 / Lot 42-1, SP-2 District, Coastal Area Management Zone, Gateway Conservation Zone for 5 more years until December 2, 2023 which will be the final date. **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, A. M. Thorsen, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

## VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Grossman Chevrolet at Middlesex Turnpike is complying with the cease and desist order.

1/23/18 C. Fortuna & C. Costa went to Hartford to talk about their Incentive Housing Zone (IHZ) application for Post and Main.

Enterprise Rental Car, 434 Boston Post Road- J. Wren has a client, Wild Birds Unlimited, that sells bird supplies, and they would like to move into that space. The exterior will be the same. They are just interested in doing interior renovations. The former use was a special exception use; a store is permitted as an as of right use. Commissioners said this can be handled administratively as long as the applicant can meet the requirements for use and parking.

Alforno, 1654 Boston Post Road is doing an interior remodel. They would like to have 100 seats and a new sign. C. Costa is working on calculating seating and parking. Commissioners said this can be handled administratively.

30 Mile Brewing Company, 39 Ragged Rock Road- The retail sampling room is 500 s.f. There are currently no chairs or tables. They would like to move into the adjacent unit and add seats, tables and chairs for customers to use while they sample the beer and/or enjoy their own food to compliment the beer. C. Costa is working on calculating the parking because the applicant would like to have outdoor as well as indoor seating. They're not a restaurant. R. Friedmann said they would need a special exception permit. It's an industrial use. They could have 8 outdoor seats and 2 tables or 2 picnic tables, but if they want indoor seats, it would push them to a Beverage Establishment. They need a special exception for the mixed retail and industrial use. They would need 1 parking space for every 3 seats. If they got 21 seats, they would need 7 more parking spaces. An option would be for them to find a location somewhere that would allow for a satellite restaurant use.

## VIII. ADJOURNMENT

**MOTION** to adjourn the meeting at 9.20 pm. to the next regularly scheduled Zoning Commission meeting on Wednesday, February 21, 2018 at 7:00 p.m. at Town Hall, 302 Main Street, 2nd Floor Conference Room, Old Saybrook. **MADE:** G. Lewis;  
**SECONDED:** R. Friedmann; **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A. M. Thorsen; **ABSTAINING:** None; **OPPOSED:** None.  
**APPROVED:** 5-0-0.

Respectfully Submitted

Kathleen King  
Recording Clerk