



TOWN OF OLD SAYBROOK  
**Zoning Commission**

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

*Madeline B. Fish*  
*J. Colin Heffernan*

**Alternate Members**  
*Michael Cianfaglione*  
*Joanne Gadon*  
*Vacancy*

**REGULAR MEETING MINUTES**

Monday, February 6, 2017 – 7:00 P.M.  
Town Hall, 302 Main Street  
1<sup>st</sup> 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  
Madeline Fish  
Mark Caldarella  
J. Colin Heffernan  
Joanne Gadon, Alternate, seated for G. Lewis  
Michael Cianfaglione, Alternate

Absent Members

Geraldine Lewis

Attendant Staff

Chris Costa, Zoning Enforcement Officer  
Stella Beaudoin, Recording Clerk

There were three audience members present.

**III. REGULAR BUSINESS**

**A. MINUTES**

**MOTION** to approve the Regular Meeting Minutes of December 19, 2016, with the following amendments; 1) Page 2, under, Main Street Connection; second paragraph to read: "At this point the Town would like to move forward and construct in two phases." 2) Page 3, paragraph beginning with R Friedman, to read: "under Section 31.2.5 off-street parking is allowed with a permitted use." 3) Page 3, paragraph before the Motion, last line to read: "the Commission stipulate that the rest of the site be designated at time of construction as a park or open space."; **MADE** R. Friedmann: **SECONDED**: M Fish: **VOTING IN FAVOR**: R Friedmann, M. Fish, M Caldarella, J Gadon: **ABSTAINING**: C Heffernan. **OPPOSED**: None; **APPROVED**: 4-0-1.

**B. CORRESPONDENCE**

**MOTION** to approve Invoice #84789 in the amount of \$271.40 and Invoice #84796 in the amount of \$33.93 for a total of \$305.33, from Nathan L. Jacobson & Associates, Inc.; **MADE**: M. Caldarella: **SECONDED**: M. Fish: **VOTING IN FAVOR**: R Friedmann, M. Fish, M Caldarella, J. Colin Heffernan, J Gadon; **ABSTAINING**: None. **OPPOSED**: None. **APPROVED**: 5-0-0.

**MOTION** to approve Invoice #42394 Branse & Willis, LLC in the amount of \$351.50; **MADE:** R Friedmann; **SECONDED:** M. Caldarella; **VOTING IN FAVOR:** R Friedmann, M. Fish, M Caldarella, J. Colin Heffernan, J Gadon; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

Memorandum from Branse and Willis announcing the departure of Caleb F. Hamel, Esq. from the firm.

### C. ELECTION OF OFFICERS

Election of Officers was placed at the end of the Agenda.

### IV. NEW BUSINESS

#### A. "Ben & Jerry's" Discussion

Determine if proposed use is consistent with existing Special Exception Permit.

19 Main Street, Assessor's Map 37 & 40, Lots 51 & 1

Central Business B-1 District, Pedestrian Node

*Applicant: CT Scoop Shop Old Saybrook, LLC. Agent: Bob Doane, P.E.*

R Doane, P.E. presented on behalf of this proposal. R Doane stated that he is before the Commission this evening to determine if the proposed use will require a Special Exception Permit. Ben & Jerry's will be utilizing a portion of the space, which used to be occupied by Food Works, which constitutes for a retail to retail for Ben and Jerry's, occupying 1982 square feet. R Doane stated that when the Commission previously permitted for Starbucks, a parking analysis was conducted and a variance was granted for parking for Starbucks. R Doane stated that this application has gone before the Health District and received approval for the B-100 analysis and he noted that exterior plantings have been added to the site plan and there will also be outside seating.

R Friedmann stated that under Permitted Uses in Central B 1 District, under Section 53, outdoor seating for retail allows for 2 tables and 8 chairs. R Friedmann stated that a future application for outdoor seating must conform to this requirement.

R Doane stated for the record that the advantage as related to this proposal is that the use of Ben & Jerry's is on a different time schedule than the Starbucks business. R Doane stated that the Regulations recognize mixed use and the two businesses are on a different schedule, and he stated that he is before the Commission this evening to ensure that this proposal can be swapped out for retail to retail.

R Friedmann stated that if there is going to be a parking consideration with additional seating, additional parking would be required, making this proposal a major modification to an existing special exception. R Friedmann stated that this business is allowed to have 8 seats and in order to add one additional seat, there is a requirement for 3 additional parking spaces.

The Commission found this proposed use to be consistent with existing Special Exception Permit.

#### B. "CT Cancer Foundation" Appl. for Modification to Special Exception Permit

Proposal to substitute approved windows on the building with different windows.

15 North Main Street, Assessor's Map 40, Lot 6 (0.8 ac.)

Shopping Center B-2 District, Pedestrian Node

*Applicant: CF 15N Main Street, LLC Agent: Sabrina Foulke, ALA*

Seated for this proposal were R Friedmann, M Cianfaglione, M Caldarella, J. Colin Heffernan, J Gadon. M. Fish stepped down.

Sabrina Foulke, Point One Architects presented. S Foulke stated that donations have been received for replacement of the windows and doors, and currently the windows in the historic structure are hardy

vinyl windows, however the donors are interested in installing a better quality window. S Foulke would like to replace the vinyl interior/exterior windows with either the Marvin Integrity fiberglass windows or the Anderson 400 Series, aluminum wood window with vinyl clad exterior. S Foulke stated that there is currently no window on the north elevation, second floor, northeast corner of the historic building and she would like to add a new window to be placed in that location as it would balance out the symmetry. S Foulke stated that based on the interior framing, it is apparent that there was once a window in this location.

At their January 23, 2017 meeting the Architectural Review Board (ARB) recommended; 1) The addition of a second-story window on the northeast corner of the north façade to match the adjacent windows on the second floor of the existing building. 2) The replacement of the vinyl windows on the historic portion of the building with either of the previously approved windows for the new portion of the building, with the existing exterior trim to remain, and overall window dimensions matched as closely as possible.

**MOTION** to approve the minor modification the special exception permit “CT Cancer Foundation” Appl. for Modification to Special Exception Permit, 15 North Main Street, Assessor’s Map 40, Lot 6 (0.8 ac.), Shopping Center B02 District, Pedestrian Node. for window modification and to meet the requirements as outlined in the ARB memo of January 23, 2017; **MADE:** R Friedmann; **SECONDED:** M Calderella; **VOTING IN FAVOR:** R Friedmann, Cianfaglione, M Caldarella, J. Colin Heffernan, J Gadon **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

## V. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

**455 Boston Post Road - Pizza Works** - The ZEO reported that Pizza Works is seeking guidance to enclose a patio area that they feel is a minor modification to a special exception. Jerry Karpuska stated that he is constructing an addition to the outdoor patio and he is looking to enclose the level area. J Karpuska noted that additional interior seating would be available with the addition.

R Friedmann stated that that when additional seating is added to this business, additional parking will be required and documentation is needed which explains how parking is allocated. This is a potential alteration to the landscaped area and an increase in the building floor area which falls under major amendment to the special exception. R Friedmann asked that J Karpuska clarify the parking allocation to meet the requirements for all the uses on the site. C Costa stated that the applicant will be required to provide a survey to reflect the new structure, landscaping and parking.

The ZEO reported that she, Geoff Jacobson and Don Lucas are working on another round of flood revisions and will make a recommendation to the Board of Selectmen.

R Friedmann stated that he attended a workshop this month: “How local decisions shape our community’s futures.”

R Friedmann stated that he attended a “Basic needs task force” meeting at Westbrook Town Hall related to housing.

M. Fish reported that senior housing broke ground this month. There is currently a waiting list of 300 or so applicants.

**Town Center IHZ Application to State of CT** -The ZEO delivered the Incentive Housing Zone application for zone adoption payments for the Post & Main incentive housing development.

**Atlas Fence, Michael Picard** – The ZEO reported that the proposed retail business is seeking to occupy space across the street from Mystic Market, and where the Home Store was previously situated. The business will feature a showroom with lighting and outdoor storage and a lawn and garden products display area outside. R Friedmann suggested that the applicant incorporate landscaping and their

outdoor display to make the parking lot look better. R Friedmann noted that the use seems to fit the location, however the physical layout will need to be outlined. The Commission would like to see the proposal on a site plan reflecting the extended storage areas and how it would integrate with the parking lot and the displays and the lighting, which areas are storage and should be fenced and which areas are outdoor spaces for fences.

**899 Boston Post Road -O'Reilly Auto Parts** – The ZEO reported that this proposed business is doing a feasibility study for Boaters World, which will be retail to retail. R Friedmann stated that this is a retail to retail and not a high traffic use. R Friedmann stated that an auto parts store, retail use to use will fit in this location.

The ZEO reported on flood regulations and violations.

### III. NEW BUSINESS

#### C. ELECTION OF OFFICERS

**Chairman:** M Fish nominated R Friedmann to serve as Chairman. J. Gadon **SECONDED** the nomination. M. Fish moved to close nominations. R Friedmann **SECONDED** the Motion. A vote was taken: **VOTING IN FAVOR:** M. Fish, M Caldarella, J. Colin Heffernan, J Gadon; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0. **R. Friedmann was elected Chairman.**

**Vice Chairman:** M Fish nominated M Caldarella to serve as Vice Chairman. R Friedmann **SECONDED** the nomination. R Friedmann moved to close nominations. J Colin Heffernan **SECONDED** the Motion. A vote was taken: **VOTING IN FAVOR:** R Friedmann, M. Fish, J. Colin Heffernan, J Gadon; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0. **M Caldarella was elected Vice Chairman.**

**Secretary:** R Friedmann nominated G Lewis to serve as Secretary. J Colin Heffernan **SECONDED** the nomination. R Friedmann moved to close nominations. M Fish **SECONDED** the Motion. A vote was taken: **VOTING IN FAVOR:** R Friedmann, M. Fish, J. Colin Heffernan, M Caldarella J Gadon; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0. **G Lewis was elected Secretary.**

### VI. ADJOURNMENT

**MOTION** to adjourn the meeting at 8:40 pm. to the next regularly scheduled Zoning Commission meeting on Tuesday, February 21 at 7:00 p.m. at Town Hall, 302 Main Street, 1<sup>st</sup> Floor Conference Room, Old Saybrook. **MADE:** M. Calderella: **SECONDED:** J Gadon: **VOTING IN FAVOR:** R. Friedmann, M. Fish, J. Colin Heffernan, M. Caldarella, J Gadon. **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted  
Stella Beaudoin  
Recording Clerk