

Zoning Commission Minutes 05/21/2018



TOWN OF OLD SAYBROOK Zoning Commission

302 Main Street □ Old Saybrook, Connecticut 06475-1741
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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, May 21, 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

Madeleine Fish

Geraldine Lewis

Ann Marie Thorsen

Michael Cianfaglione, *seated for Mark Caldarella*

Absent Members

Mark Caldarella

David Papandrea

Joanne Gadon

Attendant Staff

Chris Costa, Zoning Enforcement Officer

Meryl Moskowitz, Recording Clerk

There were 14 people in the audience.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the regular meeting minutes of May 7, 2018 as presented.
MADE: G. Lewis: **SECONDED:** R. Friedmann: **VOTING IN FAVOR:** R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. CORRESPONDENCE

MOTION to pay invoice # 11262420 dated May 18, 2018 for \$222.00 to Halloran & Sage, **MADE:** G. Lewis: **SECONDED:** R. Friedmann: **VOTING IN FAVOR:** R. Friedmann, M. Fish, A. M. Thorsen, G. Lewis, M. Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to pay invoice # 11262419 dated May 18, 2018 for \$1,350 to Halloran & Sage, **MADE:** G. Lewis: **SECONDED:** R. Friedmann: **VOTING IN FAVOR:** R. Friedmann, M. Fish, A. M. Thorsen, G. Lewis, M. Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

A letter of appreciation was sent by Tedd Levy to the Commission for denial of the text amendment application.

IV. OLD BUSINESS

A. **“S&S Marine” Request for Minor Modification to Sp. Exception Permit #15-113**

Modification to handicapped parking spaces, remove paver walkway and add plantings. 18 Riverside Avenue, Assessor's Map 59, Lot 97, Marine MI District, CAM Zone.

Zoning Enforcement Officer Chris Costa reported that she and the Building Official inspected the site and the handicapped spaces and learned from the Applicant, Mr. Sundholm, that he does not want to follow the request for striping of the handicapped parking spaces, and that he is making a request to the State Building Official for a variance to not stripe the spaces. In lieu of striping Mr. Sundholm proposes placement of a handicapped sign. Chairman Robert Friedmann said he would prefer to wait for the results of the Applicant's request for a variance, and to see the revised site plan, before making a determination.

MOTION to continue “S&S Marine” Request for Minor Modification to Special Exception Permit #15- 113; Modification to handicapped parking spaces, remove paver walkway and add plantings. 18 Riverside Avenue, Assessor's Map 59, Lot 97, Marine MI District, CAM Zone until such time as the State Building Inspector has responded to the Applicant's request for Modification of ADA compliance requirements. 18 Riverside Avenue, Assessor's Map 59, Lot 97, Marine MI District, CAM Zone; Applicant: S&S Marine Holdings, LLC. Agent: Scott Sundholm to the next regularly scheduled Zoning Commission meeting of Monday, June 4, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room, 302 Main Street. **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Fish, A. M. Thorsen, G. Lewis, M. Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

V. PUBLIC HEARINGS

A. **“The Botanist” Application for Site Plan Review**

4,260 s.f. retail medical marijuana dispensary
5 Custom Drive, Assessor's Map 46/Lot 1-6, Gateway Business B-4 District
Applicant: Acreage Connecticut, LLC Property Owner: Pauleeok, LLC

Attorney Rich Carrella, representing the Applicant, Acreage Connecticut, LLC, submitted a revised statement of use, which addressed concerns of the Commission: to replace "open to the public" with "for patients only" for classes, and changes to the site plan, about the propane storage, transformer and sign base.

Joe Wren P.E. submitted an updated site plan dated May 18, 2018. The plan incorporates, in part, the addition of wheel stops to the two parking spaces in the southwest corner, removal of the sign base, removal of the storage trailer, propane tank and transformer, and addition of one parking space for a total of 16 spaces.

J. Wren provided data from a February 2017 traffic report from Hayes Engineering for a Medical Marijuana facility in a Massachusetts town, which determined there were no additional vehicle trips and no impact to offsite traffic nor increase in vehicle traffic at the site in which the facility was located. He noted that the Massachusetts facility and the proposed facility both fall in the category of 'retail specialty use'. Using other data, they anticipate 25 – 50 patients per day, or five visits per hour during peak hours. The patient is estimated to spend 10 – 20 minutes per visit, after the initial consultation. They expect no issues with traffic on Custom Drive.

R. Carella clarified that the Hayes Engineering traffic analysis was for a specialty retail use, which is the same language the Town Plan of Conservation and Development (PoCD) uses for the B-4 zone, to promote specialty retail in this area with its proximity to the highway.

R. Friedmann asked if anyone wished to speak either in favor of or in opposition to the application.

Chief of Police Michael Spera spoke in opposition of the application. He read a letter dated May 21, 2018 into the record, which included concerns about traffic safety and a request that an independent traffic study be required.

R. Carella gave a summation of Town regulations and how the site plan meets them. He noted that a traffic study is not required since the total number of parking spaces is less than 30. He stated the building is in general harmony and conformity to the neighborhood and that all concerns have been met, that the regulations have been followed.

Dan Stebbins, Old Saybrook resident and retired law enforcement professional, stated that he had contacted State Police troops in Bethel, Branford, and S. Windsor where there are medical marijuana facilities and no adverse issues have been reported, and there have been no arrests at these locations.

MOTION to close the Public Hearing for "The Botanist" Application for Site Plan Review, 4,260 s.f. retail medical marijuana dispensary, 5 Custom Drive, Assessor's Map 46/Lot 106, Gateway Business B-4 District; Applicant: Acreage Connecticut, LLC; Property Owner: Pauleeok, LLC to the next regularly scheduled Zoning Commission meeting on Monday, May 21, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room, 302 Main Street. **MADE:** G. Lewis: **SECONDED:** M. Cianfaglione: **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Cianfaglione, G. Lewis, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

R. Friedmann noted the Applicant has addressed some non-conformities, the concerns about parking calculations and other issues, such that there are fewer compliance issues than were in the past. He stated the application appears to be consistent and compliant with the regulations we have today.

M. Cianfaglione stated two points: 1) is this a business that fits the purpose of the B4 district as a "Gateway" and 2) traffic generation.

MOTION to approve "The Botanist" Application for Site Plan Review; 4,260 s.f. retail medical marijuana dispensary; 5 Custom Drive, Assessor's Map 46/Lot 106, Gateway Business B-4 District; Applicant: Acreage Connecticut, LLC; Property Owner: Pauleeok, LLC as submitted in that it meets the Zoning regulations as currently exists, and that the traffic study is not supported by the traffic generation numbers presented to the Applicant and the use as described limited to the square footage allocations does not indicate that the number of parking spaces would be increased to trigger the usual traffic study, **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Cianfaglione, G. Lewis, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to amend the agenda to move item B, "Warren" Application for Special Exception Permit/Coastal Site Plan Review to after item C, "Calmar Properties, LLC" Application for Special Exception Permit/Coastal Site Plan Review **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Cianfaglione, G. Lewis, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. "Calmar Properties, LLC" Application for Special Exception Permit/Coastal Site Plan Review

To construct a 10,004 s.f. building for boat repair, sales and storage.

34 & 36 Channelside Drive, Map 59/Lots 58 & 58-1

Marine Industrial MI District, CAM Zone

Applicant: Island Cove Marina, LLC Agent: Attorney David Royston

Attorney David Royston, representing the Applicant, Calmar, explained the application. Also present was Cal Calderella of Calmar Properties LLC who wishes to construct a building, which requires a special exception. He submitted a revised site plan dated May 21, 2018 and reviewed changes.

D. Royston reviewed parking, landscaping, relocation of the driveway, and subsequent protection of two large trees. He submitted into the record a revised statement of use, dated May 21, 2018, and an easement document.

Craig Laliberte, architect, reviewed architectural plans.

R. Friedmann expressed concerns with the length of the building and lack of articulation, referencing Section 68.2.4 of the Zoning regulations, as well as concern with the front landscape area, citing section 63.3.1 "provide each lot with a landscaped area extending the length of the street frontage" which means the rest of the street line has to have a 25 ft landscaped buffer.

Cal Calderella explained that they have been accommodating to the concerns of three other Commissions, that he wants to enhance the neighborhood, and explained that there is 25 ft of natural vegetation, and believes consideration should be given to the overall plan. He is willing to put in a window or bump out on the south side of the building.

Commissioners agreed that site plan revisions need to include:

- 25 ft front landscape area,
- Reconfiguration of the parking spaces with the calculations according to the numbers that result in 10,
- realignment/relocation of parking spaces as necessary to establish full utility of access to parking spaces with a 25 ft front perimeter street landscape buffer,
- for fire safety the width of the aisle must pass the Fire Marshal's review,
- the projection or bump-out of the building must be up to 3 ft of an articulation on the south side;
- a review of the auto turn, as requested by the Police Department

MOTION to continue the Public Hearing for "Calmar Properties, LLC" Application for Special Exception Permit/Coastal Site Plan Review to the next regularly scheduled Zoning Commission meeting of Monday, June 4, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room, 302 Main Street. **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Fish, A. M. Thorsen, G. Lewis, M. Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

It was agreed the easement and revised plans will be sent to the town attorney and engineer after the site plan is revised.

C. "Warren" Application for Special Exception Permit/Coastal Site Plan Review
697 s.f. pool, retaining wall, 130 s.f. porch, 103 s.f. deck, 210 s.f. deck and 312 s.f.
2nd story additions.

91 North Cove Road, Assessor's Map 32/Lot 1

Residence AA-2 District, CAM Zone, CT River Gateway Zone, Historic District.

Applicant: Russell F. & Francesca K. Warren Agent: Atty. Edward M. Cassella

Ed Cassella, representing the Applicant, Russell and Francesca Warren, submitted a revised site plan dated April 4, a gross floor area calculation, and two photographs. He explained that he is seeking approval of the building only, for special exception. Where the gross floor area exceeds 3,500 sq. ft. Variances were approved by the Zoning Board of Appeals including for the tidal wetlands setback of 50 ft, the Conservation Zone 100 ft setback, riparian buffer 100 ft setback; and the building was approved by the Historic District Commission.

R. Friedmann asked if anyone from the public wished to speak in favor of or in opposition to the application. There were no comments.

MOTION to close the Public Hearing for "Warren" Application for Special Exception Permit/Coastal Site Plan Review 697 s.f. pool, retaining wall, 130 s.f. porch, 103 s.f. deck, 210 s.f. deck and 312 s.f. 2nd story additions. 91 North

Cove Road, Assessor's Map 32/Lot 1 Residence AA-2 District, CAM Zone, CT River Gateway Zone, Historic District 91 North Cove Road, Assessor's Map 32/Lot 1 Residence AA-2 District, CAM Zone, CT River Gateway Zone, Historic District Applicant: **Russell F. & Francesca K. Warren** Agent: **Atty. Edward M. Cassella** to the next regularly scheduled Zoning Commission meeting on Monday, June 4, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room, 302 Main Street. **MADE:** R. Friedmann; **SECONDED:** G. Lewis; **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Cianfaglione, G. Lewis, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

R. Friedmann stated that comments from the Land Water Resources Division of DEEP were not fully addressed, nor were their recommendations followed. He stated concerns with the Coastal Area Management review, noting that "modifying resource protection standards" is not generally permissible, per Marcy Balint's letter of April 11, 2018.

A Motion was made by Gerry Lewis to approve the application, seconded by A.M. Thorsen, and subsequently withdrawn.

MOTION to approve "Warren" Application for Special Exception Permit/Coastal Site Plan Review 130 s.f. porch, 103 s.f. deck, 210 s.f. deck and 312 s.f. 2nd story additions. 91 North Cove Road, Assessor's Map 32/Lot 1 Residence AA-2 District, CAM Zone, CT River Gateway Zone, Historic District 91 North Cove Road, Assessor's Map 32/Lot 1 Residence AA-2 District, CAM Zone, CT River Gateway Zone, Historic District Applicant: **Russell F. & Francesca K. Warren**, Agent: **Atty. Edward M. Cassella** to the next regularly scheduled Zoning Commission meeting on Monday, June 4, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room, 302 Main Street, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. **MADE:** M. Cianfaglione; **SECONDED:** G. Lewis; **VOTING IN FAVOR:** M. Fish, M. Cianfaglione, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** R. Friedmann, G. Lewis, **APPROVED:** 3-2-0.

Pool, fencing and retaining wall were not approved as part of the motion.

E. Cassella agreed to provide the following: a revised statement of use, corrected plans showing the total gross floor area and coverage. He stated he will withdraw the flood application.

VI. NEW BUSINESS

A. Preliminary Discussion

Petition to Amend the Zoning Regulations to permit non-contiguous off-site parking lots. Agent: Attorney David Royston

The discussion will be continued to the June 4, 2018 meeting. D. Royston was no longer present.

B. Workshop

Amendments to flashing sign regulations and clarification of Gateway setback.
Petitioner: Old Saybrook Zoning Commission

The workshop will be moved to a later date.

VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

C. Costa discussed pending enforcement matters.

VIII. ADJOURNMENT

MOTION to adjourn the meeting at 11:00 pm. to the next regularly scheduled Zoning Commission meeting on Monday, June 4, 2018 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook **MADE:** R. Friedmann; **SECONDED:** M. Cianfaglione; **VOTING IN FAVOR:** R. Friedmann, M. Fish, G. Lewis, M. Cianfaglione, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted,

Meryl Moskowitz
Recording Clerk