

Zoning Commission Minutes 12/04/2017



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
Ann Marie Thorsen*

Alternate Members
*Michael Cianfaglione
Joanne Gadon
David Papandrea*

REGULAR MEETING MINUTES

Monday, December 4, 2017 – 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
M Caldarella
Madeline Fish
Ann Marie Thorsen

Absent Members

Geraldine Lewis
Joanne Gadon
David Papandrea

Michael Cianfaglione joined the meeting at 7:15 p.m. and was seated for G Lewis.

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Stella Beaudoin, Clerk

Audience: There were eight audience members.

Seated for the meeting were R Friedmann, G Lewis, M Fish, M Caldarella, A.M. Thorsen,
M Cianfaglione who arrived at 7:15 p.m. was seated for G Lewis.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the Regular meeting Minutes of November 20, 2017 as presented; **MADE:** R Friedmann; **SECONDED:** M Caldarella; **VOTING IN FAVOR:** R Friedmann, M. Fish, M Caldarella, A Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

MOTION to approve Invoice #11247250 in the amount of \$851.00 from Halloran & Sage, LLP; **MADE:** M Fish; **SECONDED:** R Friedmann; **VOTING IN FAVOR:** R Friedmann, M. Fish, M Caldarella, A Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

The ZEO stated that the Halloran & Sage, LLP Invoice #11247250 is related to an enforcement action on Middlesex Turnpike to remove a building that was constructed without permits. There was no further discussion.

B. CORRESPONDENCE

The ZEO stated that there was a conflict insofar as available rooms in which to conduct Zoning Commission meetings in 2018 and the previously approved 2018 meeting calendar required amendment. Due to holiday closures, three of the regularly scheduled Zoning Commission meetings which were to be conducted on a Tuesday have been changed to Wednesday, January 17, February 21 and September 5, 2018.

MOTION to approve the amended 2018 Meeting Calendar for submission to the Town Clerk, as presented; **MADE:** R. Friedmann; **SECONDED:** M. Caldarella; **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, A. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

C. DISCUSS APPOINTMENT OF IWWC REPRESENTATIVE

Madge Fish volunteered to fill the vacancy left by J. Colin Heffernan to serve as liaison to the Old Saybrook Inland Wetlands and Watercourse Commission. M. Fish stated that she has served on that Commission in the past and that she has completed the wetlands training course.

IV. PRELIMINARY DISCUSSION

- A. Development Options & Possible Regulation Amendment
52 Spencer Plains Road, Map 25, Lot 27
Gateway Business B-4 District
Contract Purchaser: Colchester Properties, LLC. Agent: Joe Wren, P. E.

Joe Wren, P.E. and Attorney David Royston presented on behalf of this application.

J Wren stated that this site is comprised of 6.6 acres with 4 ¾ acres of the property as buildable. The property is situated at the intersection of Spencer Plains Road, I-95 is situated to the north and the railroad is situated to the south and wetlands and open space are to the east. J Wren stated that the proposed use for this property is a gas and convenience store and a future, fast food restaurant with a drive through.

J Wren stated that there are proposed to be 2 or 3 businesses located on this property that are related to the Highway interchange floating zone. J Wren stated that in meetings with Town officials, it was suggested that there be a welcome center incorporated into the site which would serve to further draw people into the downtown area and encourage a return to the Town of Old Saybrook.

J Wren suggested that the Gateway Business B-4 be modified so as to allow gas and convenience specifically, and drive-thru restaurants within a certain proximity of the highway, to be determined. J Wren stated that this proposal would be both beneficial and revenue-generating, and this proposal offers the potential to draw people into the downtown area.

J Wren distributed a photo of a gas and convenience establishment that is a similar proposal, which is situated in an East Windsor location. J Wren stated this business generates \$100,000 in revenue into the Town of East Windsor and it requires little conveniences.

J Wren stated that this is a good site in that it is buffered from residential properties, there are a good deal of trees and the property abuts an interstate highway.

M Fish asked that J Wren keep in mind that the location proposed for this gas and convenience business will be situated at the gateway to Old Saybrook and the goal is that this not be represented or interpreted as a rest stop. Attorney Royston assured the Commission that this business would not be utilized as a truck stop.

Attorney David Royston stated that retail sales gasoline will be the primary use on this site and he suggested the amendment verbiage of the zoning regulations under special exception uses, to insert, "fuel or other motor vehicle fuels as an accessory use to a permitted retail store or operation, that is permitted."

D Royston stated that this proposal and text amendment is consistent with the Plan of Conservation and Development and it is consistent with the preamble.

R Friedmann asked if the Commission preferred to have an interchange zone, or a modification to the existing B-4 Zone or Overlay to the B-4.

A discussion ensued, and M Cianfaglione stated that signage and traffic are two concerns related to this proposal. M Cianfaglione stated that a welcome center kiosk would be helpful and it was noted that although the welcome center would be an added benefit to the town, a good deal of the patrons are en route to other destinations.

It was the consensus of the Commission to move in the direction of the overlay zone whose name is to be determined.

J Wren stated that as per the Preamble, there is mention of regional business and he suggested an appropriate designation of a regional business overlay zone.

- B. Multi-Family Housing & Possible Regulation Amendment**
16 Ford Drive, Map 40, Lot 16
Residence B District
Owner: John Finkeldey Agent: Attorney John Berger

Attorney John Berger asked that the discussion on the Regulation Amendment be continued to the December 18, 2017 Zoning Commission meeting, and he stated that he will provide the ZEO with a written request for the same.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

365 Main Street, Unit 52 – The ZEO stated that the property owners are proposing reconfiguration of the interior structure, however the site plans on file date back to the 1970/1980's and multiple certificates of zoning compliance have been issued over the years.

M Caldarella stated that he and his siblings own two pieces of property in Banbury Crossing and he recused himself from the discussion.

This is a concept to change one building to expand the footprint to include the construction of a 12' x 12' deck. The ZEO stated that there was a past practice of previous ZEO's to allow pre-built sunrooms, etc. to be added onto the back of the building. There is a 160 s.f. deck proposed and a 135 s.f. elevated deck supported by columns proposed to be situated in the back of the structure.

R Friedmann stated that this petition qualifies as a modification to a special exception in that it is an expansion of an existing structure which should be covered under a special exception use. R Friedmann stated that he would like to see the elements of an application for special exception having to do with this particular building on a portion of the whole site.

The property owner will produce the 1986 survey so as to get a baseline of the entire development and he will also have a new survey prepared for the section where his house is located, in order to put together an accurate depiction of what is there.

15 North Main Street, Sports Foundation – The ZEO reported that this business has been operating on a temporary CO and there are deviations from the approved Special Exception Permit which requires that they need to come back before the Commission.

855 Boston Post Road (Former Tissa's) - The ZEO reported that she did not conduct a final inspection for sign-off on the approval and the ZEO wrote to the property owner a few times however, she did not receive response. There is a new tenant who is leasing the space and will call the business the "2 in 1 Store". Within this business, one store will sell beef jerky and the other store will sell novelty items. The ZEO sent the property owner notification that the store should not be opened and a condition of approval is that the Commission reserves the right to exercise a special exception authority.

VI. ADJOURNMENT

MOTION to adjourn the meeting at 9:42 pm. to the next regularly scheduled Zoning Commission meeting on Monday, December 18, 2017 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook. **MADE:** R. Friedmann; **SECONDED** G. Lewis; **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Fish, M. Cianfaglione; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted

Stella Beaudoin
Recording Clerk