



TOWN OF OLD SAYBROOK
Zoning Commission

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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
Justin Teribile

REGULAR MEETING MINUTES

Monday, July 16, 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
Mark Caldarella
Ann Marie Thorsen
Geraldine Lewis
Michael Cianfaglione
Justin Teribile

Absent Members

Joanne Gadon

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Margaret Paccione, Recording Clerk

There were 5 people in the audience.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the regular meeting minutes of July 2, 2018 as presented with a correction to page 3 of 6, four lines up from bottom to read “the board reached a consensus that it was willing to consider a reduction in Front Landscape Buffer”. **MADE:** G. Lewis: **SECONDED:** R. Friedmann: **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, A. M. Thorsen; G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

B. CORRESPONDENCE

None

IV. OLD BUSINESS

A. Preliminary Discussion

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

Attorney David Royston said at the last meeting he distributed to the board a revised plan that incorporates changes suggested at the June meeting. He discussed regulations that only apply to commercial districts without allowing residences. Marine Commercial has changed to Marine Industrial and the Industrial zone should also be listed distinctly as the others. Marine Industrial allows renovations of existing dwellings, but the new designation does not permit dwellings any longer. The Commission has to determine if the word "district" in the text amendment is singular or not.

Attorney Royston is seeking guidance for potential applicant. Principal use has to be in numerated district. B2 if tied to B4 parking is reciprocal. R. Friedmann took consideration to define "commercial". It is not defined as of today and should be referred to as "nonresidential uses". Attorney Royston said term was used for descriptive purposes.

R. Friedmann said a parking garage is allowed and would accommodate onsite parking without having to go to any offsite parking; Attorney Royston said rather than constructing a garage it might be more prudent to allow ten spaces to be constructed in an area within 1000 feet. Offsite parking spaces current standard is 500 ft walking distance. As of right parking is not permitted in all three zones.

Transportation is provided for special event parking; pedestrian access is required to and from parking area; R. Friedmann said in our experience where the right of way is the boundary where the public roads are to be located, the pavement does not always run down the middle of the right of way; pavement runs side to side and is away from right of way edge and questioned why should they be required to comply with pedestrian walkway, and how could applicant be expected to install sidewalk on someone else's property. Attorney Royston said this is why these aspects for each are special exception, so all aspects for the application are taken into consideration. Several issues indicated Marine zone use is lot to lot excessive.

Attorney Royston and the board discussed requirements and recommend Marine not be included in the proposal. Decision to change Marine Industrial District should not be included in remote parking proposal; it was intended to protect residents. Might be prudent with your intent to include it as a provision that MI only be for Industrial or Marine related, which is Marine related use. Offsite parking is not a water dependent use and Marine Industrial district not be included in the remote parking regulation proposal "water dependent" is the term used not "water related" use in the MI zone.

This was discussion as per Sec 51.3 informal discussion of site plans and this is an informal discussion of text change.

- B. **“Mill Rock Leasing, LLC” Request for Modifications to Site Plan Approvals.**
Attorney David Royston presented on behalf of Mill Rock Leasing and distributed to the board a two paged marked-up map. R. Friedmann questioned Attorney Royston as to why both property owners were not listed on this application for proposed parking when they were both listed on cross easement application. Attorney Royston stated that parking was originally designed on Mill Rock Road and other property owner will consent to it.

Marked up sheet one of two shows reconfigured parking area to north front perimeter 27.5 feet to corner, removed spaces to the east, the nearest corner is 21 feet, front is 20 feet, side is 20 feet. Area is side yard of 137-139 Mill Rock Road. Provides for 25-foot landscape buffer in front. He suggested extending curb or pavement so that area is inside parking. R. Friedmann noted that regulations did not allow for that. Attorney Royston said need to extend pavement can be done but doesn't think that given ability to reduce perimeter buffers despite onsite conditions it's much better to add landscape area including island going around the outside of two islands. He requested that this be permitted as a more reasonable way to accommodate plan. Site specimen tree to avoid conflict with overhead wires. Engineer confirmed additional flow of 1% of impervious surface for drainage system. If it were necessary to make additional pavement so as to put landscape inside area, he requests that that requirement be waived.

R. Friedmann remarked on planned trees in islands and dark sky compliant fixtures. Board recommended finding alternative to planned Sweetgum trees because of spikey balls.

The motion was discussed and R. Friedmann had concerns about the perimeter buffer in Sec 63.4 that was referenced by Mr. Royston. Sec 63.3 relates to front landscape area and does not include same paragraph, and feels the commission has no authority to modify front but only perimeter buffer area. Sec 63.4 side grey box notes design standards are instructional, not optional, and relates to residential being the only districts where parking is permitted in the perimeter buffer. He has concerns that details go beyond what the commission is allowed to approve.

MOTION to approve **“Mill Rock Leasing LLC, Request for Modification to Site Plan Approvals”** Agent: Attorney David Royston, with the following conditions of approval: 1. The slender silhouette sweet gum trees are to be replaced with a different tree species and approved by the Zoning Enforcement Officer. 2. Mill Meadow Development, LLC is a party to this application and should be clearly identified as an Applicant for this application and the publication of legal notice and decision. 3. Cross-easements and joint easements for parking will be approved by the Zoning Commission's legal counsel prior to being filed on the land records and prior to the issuance of a Certificate of Zoning Compliance by the Zoning Enforcement Officer. to Monday, August 6, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room. **MADE:** G. Lewis; **SECONDED:** M. Fish **VOTING IN FAVOR:** M. Fish, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** R. Friedmann **APPROVED:** 4-0-1

V. PUBLIC HEARING

A. "Shops at Oyster River" Application for Special Exception Permit/Coastal Site Plan Review

Public hearing opened today. Attorney David Royston represents applicant and Jim Cassidy is agent for purposes of making application. Attorney Royston said this application has to go to Health District for approval of septic system, and referred to a letter of approval in the records dated June 27, 2018; Planning Commission can make decision as to whether they want application made to it for consistency; has seen application on Zone Change and when text change was there, determined drive through window was consistent with Conservation and Development; application also had to go to ARB; went to DEEP because it's in CAM zone; was referred to Nathan Jacobson Associates who did report and have a list of items that need to be added to site plan. ARB did extensive review of site plan and architecture for both buildings; application proposes to demolish old bowling alley and construct new building on footprint and to build a Dunkin Donuts with drive thru on front of property. Jacobson says there needs to be a Statement of Use, which has been filed by Attorney Royston. SOU essentially included hours of operations, and the significance of that use is Agway and what is the appropriate number of parking spaces. Jim Cassidy will fill in for Jim Harris. Representatives from Dunkin Donuts will speak about their building. A traffic engineer was engaged by the commission. Michael Galante met with applicant's engineer and recommended summer counts be taken at applicable intersections from original report because initial counts were taken last winter. These new counts were taken last Saturday. Engineer needs to analyze results and give report to commission's traffic engineer. Attorney Royston asked that public hearing remains open and be continued to next meeting in anticipation of this new report. Part of the traffic evaluation was referred to Chief Spera, including curb cuts, and notes restrictions on those.

Jim Cassidy, Architect, also represented owner Anthony Izzo. He presented aerial photo and gave a description of the property, its history, and existing E10 building which is in the 100-year flood zone. The purpose of this is to seek a site plan special permit for the redevelopment of this site with two buildings: Agway, a 12,255 square foot retail store with a 2804 square foot greenhouse, and 12,000 square feet of outdoor space which will serve as additional storage and pick up area for palatized items like top soil and mulch, and a Dunkin Donuts coffee shop store, 2274 square feet with a drive thru on the westerly side of the building, access utilizing both existing curb cuts. Easterly will have raised center island, right turn in and out only. The proposed curb cut is all access with dedicated left turn out and a dedicated right turn out; they have submitted a request to DOT for interpretation. Propose 88 parking spaces, count based on hardware store requirement of one space for every 454 square feet, as with Tractor Supply store. Agway with a total of 29390 square feet will require 65 spaces, Dunkin Donuts will require 20 spaces. There will be 3 employee spaces in the back and 3 handicapped spots, and 1 DD. 12 spaces are deferred to meet requirement.

In addition to landscaped islands, design of parking lot pavement is three feet off property line and has been pulled back to 10 feet and currently does not meet current requirements.

Both buildings are under 35 feet. Utility services, septic system and public water are on site. Developer will be bringing fire protection line and dedicated fire hydrant in. DD not required to have sprinkler system. Approved for two septic systems, one for each building. Power, electric and telephone will be brought in underground, extended up above flood plain. For mechanicals, DD will have roof top units screened by parapet wall. Agway will have ground mounted units on platforms at E11, will be covered by 6 ft high gated fence surrounded by evergreens. A path will be created to lead to overlook area in the rear at Oyster River, benches will be installed and sign will be in front. For storm water management, both buildings are located in the AE11 flood zone, will drain to existing catch basins bioretention swale, runoff will collect for plantings, and outlet 2 feet at basin perforated pipe will discharge into existing drainage system. Proposing catch basin. Roof leaders for buildings and greenhouse will take all water to infiltrate back into ground will help to recharge. Will see decrease in rate and volume of flow. Turn out area for tractor trailer.

Current freestanding sign will be rehabbed and lowered to ten feet to prevent obstruction of view of westbound traffic approaching from the eastern side. Site lighting will be LED dark star compliant fixtures, gooseneck skylights.

Landscaping in front at bioretention swale will be dogwoods with grass around perimeter, 8 red oaks canopies. Mature trees will be removed and new trees planted. Dense row of spartan junipers on east and west boundaries. Mechanical areas will have additional row of junipers and evergreens. Enclosed dumpster locations will be surrounded by vinyl fencing with swing gates. Propane dispensing unit will be at the rear of Agway; propane vendor will provide final details. Needs to be anchored.

Jim Cassidy referred to packets that were handed out to commission to go through. Building elevation at Agway is one story, metal frame with vertical metal siding and stone skirt. Gables are at greenhouse. Overall height is 29 feet, 10 inches. ARB wanting awning across entire building, behind is truss. Was a lot of work to get two buildings modified to complement each other. Colors and materials for both buildings were displayed on sample board. Photo rendition of site was displayed with additional landscaping not shown in rendering.

Traffic report: at Mike Galante's request, modified use and update count was conducted in March and is now being updated; it will be available shortly. Driveways double out. Commented on two lanes out and said most times state restricts out and preliminary report sent to DOT for feedback and final say.

Tony Izzo thanked the commission and audience for support and was available to answer questions. Jim Cassidy concluded his presentation.

Chris Costa shared responses from Michael Galante, Traffic Engineer, and email from Jeff Jacobson expressing support; ARB provided minutes for five previous meetings for board to understand how they got to where they are. ARB Building Official, Fire Department, Fire Official and Building Commission did not want to conduct review because they reviewed concept plan in 2017. Responses from Connecticut River Area Health District, CT DOT. Chief Spera did not submit a formal response but met with Chris at the site to coordinate efforts. Emails expressing support were received from Robert Sussman, Allen Hull and Ed Dzialo.

Michael Galante, Town Traffic Consultant spoke about traffic study and site plan in three letters dated June 15, June 28 and July 3, 2018 focusing on counts and summarized work that has been done; volume in March is lower than in July. He met with Chris and Chief Spera on June 19 agreed left turn in with use of left turn lane on BPR. There were different variations traffic. Agreed left turn into easterly drive He suggested that westerly no longer be left turn. Allow existing pavement markings DD easier to maneuver thru drive thru.

Generation rate used for Agway should be should be for garden center use and include AM/PM weekday traffic counts and Saturday. DOT must approve the curb cuts. Garden center traffic category should be used for Saturdays mid-day as well as weekday afternoon or peak for Saturday. Concerned that DD exit would be blocked waiting for people trying to take a left turn. CT DOT no longer permitting two lane exits and finds state will agree to 16 ft wide lane which will function as two lanes, just not striped. Will follow up tomorrow with Chief Spera for applicant to correct access.

R. Friedmann noted that applicant has report containing this information and will use it to either address issues to make design changes or for rationale for doing something other than what Galante recommended. He asked that being that this is a public hearing is there anyone who would like to speak in favor of or opposition to application. There was no response.

R. Friedmann said commission has to consider applicants choice of parking calculations, and has final say on number of spaces. Applicant went with more spaces than needed for hardware store. Tractor Supply was considered retail store with outdoor display area used for storage which must be fenced in. Agway area was not proposed to be fenced in and he asked for more information about palate storage. Palatized materials will be along circular driveway for customer pick up. Commission wants assurances area be limited in height or area becomes a structure and counts as something else. With regard to storage items outside of the building, was calculated as agriculture use, similar use 400 sf per parking space how many spaces would be required?

1 story coffee restaurant is most likely defined as fast food. Regulations Sec 53 drive thru window is included in parking not broken down by seats. 1 parking for each 50 sq. feet, 2274 sq. feet needs 46 parking spaces, not including 10 additional for each window (20) which would make 66 spaces required for coffee shop. No conclusion has been made by the commission for Agway.

Pedestrian Node. Sec 68.1.3. Pedestrian sidewalk from RT 1 has to cross thru access drive for drive thru to get to the entrance of the restaurant. Section 68.1.2B requires access way to drive thru window between building and street line. Travel from the drive through to a direct exit to Route 1 would increase pedestrian safety. If western curb cut is replaced then problematic three lane wide curb cut would be eliminated.

M. Cianfaglione will be sitting in for M. Fish who stepped out of the meeting at 8:45 pm.

J. Cassidy and R. Friedmann discussed eliminating westerly triple lane curb cut to provide at exit access only from bypass lane exit. Traffic signal will pose problem. M. Galante commented State may not want left turn out and may want only one driveway.

R. Friedmann asked if principal use of lot is for DD or Agway. If it is Agway then that building must be closest to the street. Has concerns with total site layout not conforming to requirements of Pedestrian Node and there are several things that still need to be addressed. J. Cassidy said there have been several versions of site plans and this is the only tenant willing to develop property. For this type of use it's too a large building to have along BPR. Flood plain elevation won't work that close to road. DD is 5% grade elevation. M. Cianfaglione said raising building won't fit in with character and better for Oyster River the way it is.

Interior parking lot landscaping was discussed. For use of requiring 30 spaces that are no more than 15 in a row applicant has complied. It was concluded that applicant was short landscape islands, and since original islands were not the required 10 feet but closer to 15 feet, applicant believes he can shrink islands by five feet to meet requirement.

RF will have to review articulations in façade with regard to compliance. MC asked if new curb cuts would solve problems.

Restaurant, retail, greenhouse 62.4.4D Multi Use, Zoning Commission will apply appropriate standard to each use and apply parking spaces.

Pedestrian Node presents significant development obstacles. Attorney Royston said Pedestrian Node was written in digressionary manner that applicant may allow or require and the intent is to take specific site to liner buildings to obscure front field parking. PN aspect of it is not appropriate for this site. Will keep at it.

<p>MOTION to continue Public Hearing for “Shops at Oyster River” to Monday, August 6, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room. MADE: R. Friedmann: SECONDED: G. Lewis VOTING IN FAVOR: R. Friedmann, Michael Cianfaglione, A. M. Thorsen, M. Caldarella, G. Lewis; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0</p>

B. “Coastal Health and Wellness” Application for Site Plan Review

Attorney John Bennett presented on behalf of applicant, Tessa Teeter, Principal and experienced nurse, to assist in the development and operation of a marijuana dispensary. Ms Teter is present. Site is located at 233 Boston Post Road in the former Mc Donald Sharpe office with one small apartment, built in 1960. It is a retail and professional office space for parking calculations and has public water supply and septic system conforms. Applicant has leased 2600 square feet space. Current and proposed uses comply. Plan has gone to ARB and Sabrina Falk from Point One Architects will comment on details. Wetlands Administrative Approval #18-009. Conforming handicapped ramp will be installed. Property backs up on Springbrook Road. Proposing 25 spots as required and handicap ramps with plantings. Interior changes made will be handicap bathroom. Only people with prescriptions will be coming in with card, will have initial interview at facility and will come there to pick up prescription and depart. There will be no pedestrians.

Product comes and is dispensed packaged. Security will always be present. Access is made by key card. Application to the State includes hours of operation and background checks. There will be a staff of 6: 2 technicians, 1 pharmacist, 1 director/manager and 2 security. Hours and days of operation will be T-F 10-8 and Saturday 9-7p. Staff will be earlier and later than business hours. No processing and no toxics. Existing sign will be taken down and replaced. Wooden ramp will be built on pilings.

Sabrina Folk addressed commission, shared that client is leasing $\frac{3}{4}$ of property and will create planting bed, move back ten parking spaces, have low bushes, added buffer between two properties and doing same at rear of property. Current signage will be moved back.

R. Friedmann with regard to requirement of regulations of landscape this plan is short according to 10.4.7.6 site plan development. This is not a special exception application and commission has no authority to grant special exception. 25-foot landscape buffer must be provided. There may be room on the western edge of the property to make room for spots. JB said we have pre-existing condition because of the apartment, which causes reduction in nonconformity by parking back further. R. Friedmann said reduction is not elimination. Must comply with current regulations.

R. Friedmann asked Chris Costa how a residence at this location is. Her understanding is it's pre-existing non-conforming and will do the research on the property in time for the next scheduled meeting. Residence was established when building was constructed. What approvals exist for property and do they include a dwelling. J. Bennett believes there will be no change in landscaping or interior use of building that will stimulates this requirement. He is certain from his research that dwelling was there before regulation prohibited it.

SOU existence of residence does not conform with current regulation.

Floor plans: 5th paragraph ARB plans were reviewed and approved. With regard to handicap spaces one or more has to be 16 feet wide, spots 2, 3, and 4 may have to use parking access drive to access ramp. Memo from Building Official Tom Makowicki said design may need to be adjusted to meet existing conditions.

S. Falk said the thinking was to improve the parking lot; if the desire is to not touch parking lot and if that simplifies things we can do that. M. Cianfaglione said if use is changing we will only allow with special exception. J. Bennett asked for a continuation.

MOTION to continue Public Hearing for "Coastal Health and Wellness" to Monday, August 6, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room.
MADE: R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, Michael Cianfaglione, A. M. Thorsen, M. Caldarella, G. Lewis;
ABSTAINING: None. **OPPOSED:** None. **APPROVED:** 5-0-0

Zoning Enforcement Agent Chris Costa updated the commissioners on upcoming applications.

Discussed possibility of beginning August 6, 2018 meeting one hour earlier at 6 pm because of the number of applications

11 Chandler Avenue DEEP enforcement action for filling wetland and upland area. Attended DEEP hearing, conference call and remediation plan. Town will allow enforcement action.

Mark Branse may attend Executive Session regarding Oceanside Auto, 810 Middlesex Turnpike, to answer questions about grandfathering.

IX. ADJOURNMENT

MOTION to adjourn the meeting at 9:45 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, August 3, 2018 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook **MADE:** G. Lewis: **SECONDED:** B. Friedmann: **VOTING IN FAVOR:** R. Friedmann, M. Cianfaglione, G. Lewis, M. Caldarella, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted,

Margaret Paccione
Recording Clerk