

# Zoning Commission Minutes 07/17/2017



## 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*  
*J. Colin Heffernan*

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

### REGULAR MEETING MINUTES

Monday, July 17, 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 7:09 p.m.

#### II. ROLL CALL

##### Attendant Members

Robert Friedmann  
Mark Caldarella joined the meeting at 8:00pm  
Geraldine Lewis  
Madeline Fish arrived at 7:30p.m.  
Michael Cianfaglione

##### Absent Members

J. Colin Heffernan  
Joanne Gadon  
David Papandrea

##### Attendant Staff

Chris Costa, Zoning Enforcement Officer  
Stella Beaudoin, Clerk

Audience: There were 3 audience members.

Seated for the meeting were R. Friedmann, G. Lewis, M. Cianfaglione seated for C. Heffernan. M. Fish arrived at 7:30 p.m. and M. Caldarella arrived at 8:00 p.m.

#### III. REGULAR BUSINESS

##### A. MINUTES

**MOTION** to approve the Regular Meeting Minutes of June 19, 2017 as presented; **MADE:** G. Lewis;  
**SECONDED:** R. Friedmann; **VOTING IN FAVOR:** R. Friedmann, G. Lewis, M. Cianfaglione;  
**ABSTAINING:** None; **OPPOSED:** None; **APPROVED:** 3-0-0.

#### IV. DISCUSSION

- A. “The Tea Kettle Gourmet” 1391 Boston Post Road, Map 26/Lot 12,  
Gateway Business B-4 District.  
Retail prepared food for take-out only.

The Tea Kettle submitted a Certificate of Zoning Compliance for a Gourmet To-Go business which will be situated in the adjacent Unique Boutique building. This proposal is for a To-Go food store which offers foods that have been prepared at the Tea Kettle and presented for sale at the Unique Boutique building situated next door. There will be no table service, however there is proposed to be two tables and eight chairs on site. Indoor seating and counters are prohibited.

The applicant presented before the Zoning Commission to explain the nature of the sales associated with this proposal and the indoor seating referenced on the plan. David A. Ciastko stated that the food will be cooked at the at the 1391 Boston Post Road location and the adjacent building at 1291 Boston Post Road will serve as a retail sales storefront to sell pre-cooked food. There will be no kitchen on-site at the subject location. D Ciastko stated that he included on the plan, a small seating area for people who are waiting to place orders. There is no outdoor seating proposed. D Ciastko stated that he would like to sell retail items in addition to the sale of food.

R. Friedmann stated that based on the proposal, this business is feasible to fit within the Gateway B-4 District. R. Friedmann suggested that the applicant speak with the ZEO related to completion of the Certificate of Zoning Compliance application.

## V. PUBLIC HEARINGS

### A. "2017 Housekeeping" Petition to amend the Old Saybrook Zoning

**Regulations.** Throughout regulations, remove/replace Flood Plain Zone with Special Flood Hazard Area (SFHA). Remove/replace Flood Plain Management Ordinance with Chapter 128 Town Code, Flood Plain Management Ordinance. Amend 66.4 to allow boats on trailers to be stored in SFHA, Amend Sec. 31.2.5 to permit off street parking as a Special Exception Use. Amend Sec. 64.5.5.B.1 & 64.5.8 to limit the size of wall signs to 99 s.f. Amend 9, definition of structure to exclude fences/walls of 7' in height or less as a structure consistent with Building Code amendments. Amend Sec. 63.8.1.2.B.6 to reflect 7' fence/wall height and permit fence/wall more than 4 feet located closer to the street line than the facade of the principal building. Amend 41.1.18 to remove Special Exception (SPEX) language does not apply. Sec. 41.2.7 permit educational facilities as SPEX in I district. 68.1.2.B.2 add building to title of setback in pedestrian node. Amend 64.3.1 landscape buffer to clarify structure permitted in buffer when building setback is zero. Amend 9 definition deck to allow for non-residential purposes. Amend 51.5.10, 52.6.6.1 site plan/SPEX to improve authority to preserve historically significant buildings/structures more than 50 years old and design standard in column next to 68.2.2. Section 53 increase maximum gross floor area accessory apartment (residential) to 1,000 s.f. Kennel remove references to commercial, residential, industrial, Drive through window for financial institutions and pharmacies, remove as permitted in B-1 district. Section 62 allow reserve parking for uses with 3,000 s.f. gross floor area. Admin. Policy#1 revise procedures to amend zoning regulations/map to allow for GIS maps, correct number copies and format for submittal. New definition 9 marine vehicle establishment (boat sales, repair, manufacture, storage, etc...) and associated special standards in 53 to allow marine establishments in the I, B-3 & B-4 within 5,000 feet of the navigable channel of the CT River. For compliance with State MS4 stormwater requirements amend 7.8 drainage, 51.6.4 utilities & drainage, 51.6.5b4 stormwater, 61 Water Pollution, 53, 62.4.2 construction 62.4.2f, 67.3 control plan.

*Petitioner: Old Saybrook Zoning Commission*

*ACTION: Open public hearing; continue or close by 8/7/2017 (NLT 8/20/2017)*

The Commission discussed in detail, each section and item of the proposed text amendments. The Commission and the agreed that rather than to amend Section 31.2.5 allowing off-street parking, to instead eliminate it in its entirety.

The ZEO reviewed all of the May 24, 2017 referral responses for the record and stated that the Commission has not heard from the Planning Commission or the Harbor Management Commission. G Lewis reported that the Harbor Management Commission did not file a written response however, acknowledged receipt of the proposed text amendments and G Lewis reported that no action is being taken by the HMC.

The DEEP Stormwater Management Division submitted a letter in which they stated that they have reviewed the proposed amendment for consistency with the policies and standards of the CT Coastal Management Act and find them to be consistent with the CCMA. All proposed MS4 related amendments were reviewed with the DEEP's Stormwater Division and that agency specifically supports the proposed amendment to Section 62 reducing the gross floor area trigger in commercial and industrial districts to allow the substitution of a reserve parking area in lieu of up to 20% of the required number of spaces.

R Friedmann asked if anyone wished to speak in favor or opposition to this proposal.

Nancy Siegel, audience member requested clarification of the conflicting regulations between zero property line setback and perimeter buffer requirement in the B-1 District. R Friedmann clarified that the perimeter would not be eliminated.

There was no further public comment.

**MOTION** to close the public hearing for "2017 Housekeeping" Petition to amend the Old Saybrook Zoning Regulations. Throughout regulations, remove/replace Flood Plain Zone with Special Flood Hazard Area (SFHA). Remove/replace Flood Plain Management Ordinance with Chapter 128 Town Code, Flood Plain Management Ordinance. Amend 66.4 to allow boats on trailers to be stored in SFHA, Amend Sec. 31.2.5 to permit off street parking as a Special Exception Use. Amend Sec. 64.5.5.B.1 & 64.5.8 to limit the size of wall signs to 99 s.f. Amend 9, definition of structure to exclude fences/walls of 7' in height or less as a structure consistent with Building Code amendments. Amend Sec. 63.8.1.2.B.6 to reflect 7' fence/wall height and permit fence/wall more than 4 feet located closer to the streetline than the facade of the principal building. Amend 41.1.18 to remove Special Exception (SPEX) language does not apply. Sec. 41.2.7 permit educational facilities as SPEX in I district. 68.1.2.B.2 add building to title of setback in pedestrian node. Amend 64.3.1 landscape buffer to clarify structure permitted in buffer when building setback is zero. Amend 9 definition deck to allow for non-residential purposes. Amend 51.5.10, 52.6.6.1 site plan/SPEX to improve authority to preserve historically significant buildings/structures more than 50 years old and design standard in column next to 68.2.2. Section 53 increase maximum gross floor area accessory apartment (residential) to 1,000 s.f. Kennel remove references to commercial, residential, industrial, Drive through window for financial institutions and pharmacies, remove as permitted in B-1 district. Section 62 allow reserve parking for uses with 3,000 s.f. gross floor area. Admin. Policy#1 revise procedures to amend zoning regulations/map to allow for GIS maps, correct number copies and format for submittal. New definition 9 marine vehicle establishment (boat sales, repair, manufacture, storage, etc...) and associated special standards in 53 to allow marine establishments in the I, B-3 & B-4 within 5,000 feet of the navigable channel of the CT River. For compliance with State MS4 stormwater requirements amend 7.8 drainage, 51.6.4 utilities & drainage, 51.6.5b4 stormwater, 61 Water Pollution, 53, 62.4.2 construction 62.4.2f, 67.3 control plan; **MADE:** R. Friedmann; **SECONDED:** G Lewis; **VOTING IN FAVOR:** R. Friedmann, M Caldarella, G Lewis, M. Fish, M Cianfaglione; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.



**MOTION** to adopt as discussed this evening "2017 Housekeeping" Petition to amend the Old Saybrook Zoning Regulations. Throughout regulations, remove/replace Flood Plain Zone with Special Flood Hazard Area (SFHA). Remove/replace Flood Plain Management Ordinance with Chapter 128 Town Code, Flood Plain Management Ordinance. Amend 66.4 to allow boats on trailers to be stored in SFHA, Amend Sec. 31.2.5 to permit off street parking as a Special Exception Use. Amend Sec. 64.5.5.B.1 & 64.5.8 to limit the size of wall signs to 99 s.f. Amend 9, definition of structure to exclude fences/walls of 7' in height or less as a structure consistent with Building Code amendments. Amend Sec. 63.8.1.2.B.6 to reflect 7' fence/wall height and permit fence/wall more than 4 feet located closer to the streetline than the facade of the principal building. Amend 41.1.18 to remove Special Exception (SPEX) language does not apply. Sec. 41.2.7 permit educational facilities as SPEX in I district. 68.1.2.B.2 add building to title of setback in pedestrian node. Amend 64.3.1 landscape buffer to clarify structure permitted in buffer when building setback is zero. Amend 9 definition deck to allow for non-residential purposes. Amend 51.5.10, 52.6.6.1 site plan/SPEX to improve authority to preserve historically significant buildings/structures more than 50 years old and design standard in column next to 68.2.2. Section 53 increase maximum gross floor area accessory apartment (residential) to 1,000 s.f. Kennel remove references to commercial, residential, industrial, Drive through window for financial institutions and pharmacies, remove as permitted in B-1 district. Section 62 allow reserve parking for uses with 3,000 s.f. gross floor area. Admin. Policy#1 revise procedures to amend zoning regulations/map to allow for GIS maps, correct number copies and format for submittal. New definition 9 marine vehicle establishment (boat sales, repair, manufacture, storage, etc...) and associated special standards in 53 to allow marine establishments in the I, B-3 & B-4 within 5,000 feet of the navigable channel of the CT River. For compliance with State MS4 stormwater requirements amend 7.8 drainage, 51.6.4 utilities & drainage, 51.6.5b4 stormwater, 61 Water Pollution, 53, 62.4.2 construction 62.4.2f, 67.3 control plan, with an effective date of August 14, 2017; **MADE:** R. Friedmann; **SECONDED:** G Lewis; **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Cianfaglione; **ABSTAINING:** None; **OPPOSED:** None; **APPROVED:** 5-0-0.

M. Cianfaglione left the meeting at 8:30 p.m.

## VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

**1379 Boston Post Road** - A proposal for the construction of a 50' x 20' (1,000 s.f.) addition for the purpose of adding more bays to the rear of the building. R. Friedmann stated that adding to a building triggers a modification to special exception. The ZEO will advise the applicant of the process and request submission of landscaping photos, etc.

**247 Main Street** - A proposal by Shayna B. By the Sea for a retail bakery utilizing the existing interior to offer gluten free and vegan foods.

**26 Boston Post Road** - the ZEO reported that Charles Barnes was served a cease and desist on June 27, 2017 with a 60-day compliance period. A complaint was received for property owned by C. Barnes related to the junk and debris on the property at 26 Boston Post Road. The ZEO previously reported that the property has a number of zoning, wetlands and blight ordinance violations. There is an enormous amount of junk, unregistered vehicles, car parts, trailer and debris that are on the property.

**Ben and Jerry's, Main Street** - the ZEO reported that this business is operating without the issuance of a Certificate of Occupancy, and the ZEO asked the store manager to dismantle the umbrellas which were erected outside of the verne.

R Friedman discussed newly adopted Public Act 17-155 which is going into effect on October 1, 2017. This Act allows for temporary health care structures on residential property to care for qualifying individuals and prohibiting zoning regulations from barring these structures unless the Town follows an opt-out process.

## VII ADJOURNMENT

**MOTION** to adjourn the meeting at 8:49 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, August 7, 2017 at 7:00 p.m. at Town Hall, 302 Main Street, 1<sup>st</sup> Floor Conference Room, Old Saybrook. **MADE:** R. Friedmann; **SECONDED:** M. Caldarella; **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 4-0-0.

Stella Beaudoin, Recording Clerk