



TOWN OF OLD SAYBROOK
Zoning Commission

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216
www.oldsaybrookct.org

Robert C. Friedmann, Chairman
Mark R. Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary
Ann Marie Thorsen
Madeleine B. Fish

Alternate Members
Michael P. Cianfaglione
Joanne Gadon
Justin Terribile

REGULAR MEETING
MINUTES
Monday, August 6, 2018
Town Hall, 302 Main Street,
6:00 p.m.
1st Floor Conference Room

I. CALL TO ORDER 6:05 P.M.

II. ROLL CALL

Attendant Members

Robert Friedmann
Mark Caldarella
Geraldine Lewis
Ann Marie Thorsen
Michael Cianfaglione

Absent Members

Madeleine Fish
Joanne Gadon
Justin Terribile

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Margaret Paccione, Recording Clerk

There were 8 people in the audience.

III. EXECUTIVE SESSION (Closed to the public)

Update from Attorney Mark Branse on pending status of litigation/enforcement actions.

- A. 810 Middlesex Turnpike, Assessor's Map 63, Lot 8 and
- B. 11, 16 & 17 Chandler Avenue, Assessor's Map 12, Lots 87,88 &100.

The Commission entered Executive Session at 6:05 P.M. and exited Executive Session at 6:40 P.M.

IV. WORKSHOP

Possible amendments to Zoning Regulations for flashing signs, barbed wire fencing and other regulation fixes. Petitioner: Zoning Commission

The Commission reviewed draft text amendments prepared by Attorney Mark Branse and the ZEO. The Commission made suggestions changes to the text and Commissioner Thorsen provided standards for lighting of signs. The ZEO presented a letter from the CT River Gateway Conservation Commission regarding a public hearing for standards that will be held on August 15th. Attorney Branse commented that he questioned the legality of some of the wording. Attorney Branse will contact the Gateway Commission to discuss his concerns as well as those of the Zoning Commission. It was agreed that the ZC should ask the Gateway Commission to hold their hearing open until the wording was resolved.

ZEO received an inquiry about permitting of a roadside stand (small cart) in front of a backyard farm in the B-3 District. In the B-3 District, farms are allowed as-of-right, agricultural nurseries or greenhouse are permitted as Special Exception Uses and roadside stands for the display or sale of farm products are expressly prohibited. The ZC agreed to add this to the next round of amendments.

Attorney Branse and the Commission discussed how applications must meet the regulations and that “grandfathering” for new developments is unacceptable.

V. OLD BUSINESS 7:15 P.M.

A. “Mill Rock Leasing, LLC.” Request for Clarification of Site Plan Approval

(July 16, 2018) to determine if Commission took formal action on the Applicants future administrative approval for the conversion of the parking area shown on Sheet 2 of 2 not reflected in the minutes, and if no action was previously taken, to act on the separate Application. Provide 23 new parking spaces for the joint use of 6 Business Park Rd. and 137aka 139 Mill Rock Road East to be located in part on property at 137aka 139 Mill Rock Road East per Site Plan and cross-easement upon termination of exclusive use by Tantor Media. 137/139 Mill Rock Rd. E. & 6 Business Pk. Rd, Assessors Map 39, Lots 16 & 16-1, Ind. I District

Applicants: Mill Rock Leasing, LLC. And Mill Meadow Development, LLC.

Agent: David M. Royston, Esq.

Attorney David Royston appeared on behalf of Mill Rock Leasing LLC. and stated that the minutes for the July 16, 2018 meeting did not reflect if the Commission took formal action on the Applicant’s future delegation to the ZEO for administrative approval for the conversion of the parking area into one combined lot if Tantor Media ever decides to vacate the premises. He requested that this be clarified to reflect the omission and the delegation of the administrative approval to the ZEO. The Commission agreed that this was a part of the approval.

MOTION to approve “Mill Rock Leasing LLC, Request for Clarification to Site Plan Approvals” to clarify that the Commission took formal action on the Applicants future administrative approval for the conversion of the parking area shown on Sheet 2 of 2 **MADE:** M. Cianfaglione: **SECONDED:** M. Caldarella **VOTING IN FAVOR:** M. Cianfaglione, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** R. Friedmann **OPPOSED:** None **APPROVED:** 4:1:0

VI. REGULAR BUSINESS

A. MINUTES

MOTION to approve the regular meeting minutes of July 16, 2018 as presented. **MADE:** R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, M. Caldarella, A. M. Thorsen; M. Cianfaglione **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. CORRESPONDENCE

MOTION to approve payment of Halloran and Sage Invoice #11266606 in the amount of \$388.50 August 6, 2018 as presented. **MADE:** G. Lewis: **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Cianfaglione, M. Caldarella, A. M. Thorsen; G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approve payment of Halloran and Sage Invoice #11266652 in the amount of \$1554.00 August 6, 2018 as presented. **MADE:** G. Lewis: **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Cianfaglione, M. Caldarella, A. M. Thorsen; G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approve payment of Halloran and Sage Invoice #11266608 in the amount of \$3287.50 August 6, 2018 as presented. **MADE:** G. Lewis: **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Cianfaglione, M. Caldarella, A. M. Thorsen; G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

VII. NEW BUSINESS

- A. “Main Street Connection Park-Phase I” Application for Modification to Site Plan
Remove proposed bocce courts and add three pickle ball courts to park. (1.23 ac.)
Business B-1 District, CAM Zone & Pedestrian Node 225 Main Street (Map 30/Lot 58)
Applicant: Town of Old Saybrook Parks & Recreation Commission
Agent: Carl P. Fortuna, First Selectman
ACTION: Decision by 10/1/2018 (NLT 10/9/2018)

R. Friedmann recused himself from discussion. Carl Fortuna presented on behalf of the Town a plan to remove the proposed bocce courts and add three pickle ball courts to park. He stated that conduit for future lighting should be laid now, and submitted lighting specifications and a photometric plan. Future sidewalks will provide access to rear lot and a northerly side easement has been negotiated with Frontier. Funding in place is \$35,000 STEEP grant and \$45,000 with Board of Finance, and has quote for \$77,000 for construction. Utility value of this court is the possibility to convert to a regulation sized tennis or basketball court in the future. Parking is available and the sport will bring activity to the downtown area.

The ZEO discussed that the proposal met the Zoning Regulations and reviewed total lot area, setbacks and other zoning regulations.

MOTION to approve “Main Street Connection Park-Phase I” Application for Modification to Site Plan including the future installation of lights. **MADE:** G. Lewis; **SECONDED:** M. Cianfaglione **VOTING IN FAVOR:** G. Lewis, Michael Cianfaglione, A. M. Thorsen, M. Caldarella; **ABSTAINING:** R. Friedmann **OPPOSED:** None. **APPROVED:** 4-0-1

Joe Wren, who is representing both “S&S Marine” and “Ling”, requested that the agenda be adjusted to move “Ling” ahead of “S&S Marine” since the Lings were present, and thanked the Commission for granting his request.

MOTION to amend agenda item VII B, “S&S Marine” Request for Minor Modification to Sp. Exception Permit #15-113 to switch places with agenda item VII C. **MADE:** R. Friedmann; **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, Michael Cianfaglione, A. M. Thorsen, M. Caldarella; **ABSTAINING:** **OPPOSED:** None. **APPROVED:** 5-0-0

B. “Ling” Application for Coastal Site Plan Review

Remove fill, yard grading and planting to remedy deviations from CZC/CSPR #16-135
54 Old Post Road, Assessor’s Map 20, Lot 2, Residence A District, CAM Zone
Applicant: Scott & Elena Ling, Agent: Joe Wren, P.E. ACTION: Review

Joe Wren presented on behalf of Scott and Elena Ling and showed approved coastal site plan from three years ago, showing additions, a pool and patio in the rear approved by the Zoning Board of Appeals. House has been under construction for several years, with the pool squared off different than proposed and asphalt driveway being replaced with pavers to improve drainage.

The reason for the new application is that additional fill was placed beyond the scope of the original variance and coastal site plan approval. Would like to return grades to pre-existing grades as originally approved, return topsoil to southeast patio corner, and retain Bilco for access to crawlspace. Shed is existing, hot tub has been removed. New septic has been installed and is compliant.

Mr. Ling then addressed the Commission and said things have been on hold since June 1. Mr. Ling shared that he did not completely understand the nature of the Wetlands and was actually removing garbage from the Oyster River. ZEO asked when the site would be stabilized. Mr. Ling responded the turf lawn will be installed in October and that the wild flowers will not be planted until 2019. Mr. Ling was uncertain why he needed to make application to the Zoning Commission.

ZEO explained to the Commission that Kevin Zawoy of DEEP and the ZEO inspected the property in the first week of June after a May 25th DEEP NOV was issued. Scope of the work including fill exceeded what was approved as part of the coastal site plan application approved by the Zoning Board of Appeals. All present including Mr. Ling and Mr. Wren agreed that the site needed to be stabilized as soon as possible and that a new coastal site plan application needed to be submitted to the Commission. An application was not received until late July.

Commission referred to the DEEP referral response and asked if work can be done to meet DEEP timelines. Mr. Ling agreed it could. The Commission was concerned that the granite pavers were not pervious and that the buffer should be increased as recommended by DEEP to 25 feet and additional plantings should be added in addition to wild flowers.

Mr. Wren indicated that the wildflowers were suggested by Richard Snarski, the 25-foot area was previously a lawn and that a requirement of a 25-foot buffer was too much to ask and that the DEEP memorandum was advisory only. A motion was made and not seconded to approve the application. The Commission decided that input from DEEP and Richard Snarski needed to be clarified what appropriate shrubbery and wildflower should be planted.

No motion was made. Applicant will return with additional information from DEEP and Richard Snarski relating to appropriate plantings.

No motion was made. Applicant will return with additional information from the DEEP and Richard Snarski relating to appropriate plantings.

- C. **“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
Applicant: S&S Marine Holdings, LLC. Agent: Joe Wren, P.E.
ACTION: Review and possible action.

Joe Wren represented applicant and presented recent photos of the site with plantings shown. Building proposed and built has been modified to include two stacked spots. East side proposed handicapped space with isle has been removed and replaced with stand-out space and no walkway. Corner single handicapped with isle proposed, as there is one member who will utilize spot. Surface will be millings and wheelchair accessible. The Commission discussed the location, direction, and surface of spaces, and A.M. Thorsen said that asphalt millings do not meet ADA requirements and are not ADA compliant. Mr. Wren responded that the Building Official was fine with millings. Commissioner Thorsen disagreed and suggested concrete or asphalt. The Commission agreed.

Chris Costa shared that owner is using building without CO and did not want to stripe the handicapped parking spots to satisfy the approved permit. Trees were additionally proposed to address lighting concerns of neighbors who have been complaining for years.

MOTION to approve “S&S Marine Request for Minor Modification to Sp. Exception Permit #15-113 with the condition that proposed handicapped parking to the west adjacent to metal building be paved and ADA compliant. **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

VIII. PUBLIC HEARINGS

A suggestion was made to modify the agenda to move “Shops at Oyster River” to after “Dunne”

MOTION to amend agenda item VIII A, “Shops at Oyster River Application for Special Exception Permit/ Coastal Site Plan Review to switch places with agenda item VIII C. **MADE:** R. Friedmann; **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, G. Lewis, Michael Cianfaglione, A. M. Thorsen, M. Caldarella; **ABSTAINING:** **OPPOSED:** None. **APPROVED:** 5-0-0

- A. “Coastal Health & Wellness” Application for Site Plan Review 2,600 s.f. retail medical marijuana dispensary, 1,400 s.f. engineering office & 1,000 s.f. residential apartment above. 233 Boston Post Road, Assessor’s Map 44, Lot 11, Business B-4 *District Applicant: Coastal Health & Wellness, LLC.*
Agent: Attorney John Bennett
ACTION: Continue or close by 8/20/2018 (NLT 9/4/2018)

John Bennett presented on behalf of Coastal Health and Wellness and submitted a revised plan which included existing conditions and revisions to address comments from the last meeting. Existing parking has been reconfigured and the front landscaping setback amended to meet the regulations. Handicapped parking will be concrete pad, adjacent to a straight wooden handicapped ramp set on pilings, which will lead to covered porch for access. Wetlands has approved with notation to retain as much pervious surface as possible. Parking other than handicapped will remain gravel with wheel stops. There will be 27 spaces, including two for the attached, presently unoccupied apartment, and there is no need for traffic study. Attorney Bennet researched regulations from 9/12/1969 with regard to apartment that it did allow only for officer of corporation to reside there, and that would be complied with. Chris Costa noted a letter from Police Chief Spera in opposition to the site addressing traffic concerns. Attorney Bennett submitted traffic information and said that while he understands these concerns, there is no history of any incident or traffic issue with this building, which has been occupied regularly for the past fifty years. The Commission agreed that applicant had complied.

MOTION to close Public Hearing for “Coastal Health & Wellness” **MADE:** G. Lewis **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, Michael Cianfaglione, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

MOTION to approve “Coastal Health & Wellness” **MOTION** to close Public Hearing for “Coastal Health & Wellness” as presented. It was noted that the residential apartment above the building was approved by the Zoning Board of Appeals on September 10, 1969 for use by an office of the corporation.
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

- B. “Dunne” Application for Special Exception Use & Coastal Site Plan Review
1,280 s.f. additions to attached garage and residence. 30 Cromwell Place, Assessor’s Map 32/Lot 24 Residence AA-2 District, Gateway Conservation Zone, Coastal Area Management Zone

Applicant: Michael & Dana Dunne Agent: Christopher Arelt, ALA

ACTION: Open public hearing; continue or close by 9/5/2018 (NLT 9/9/2018)

Christopher Arelt, ALA, presented on behalf of applicants Michael and Dana Dunne, proposing a modest addition/renovation for the property, consisting of removal of current two car garage and replacing it with new two car garage with a space above it, the same width as profile of house. He read a letter from Gateway stating that while the proposed structure is larger, there is no sign of visual impact, and no trees will be removed. Applicant has met Zoning Compliance.

ZEO read the referral responses into the record and advised that the reason for this application is that the house is larger than 3,500 s.f. and located in the CT River Gateway Conservation Zone.

MOTION to close Public Hearing for “Dunne” Application for Special Exception Use & Coastal Site Plan Review **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

MOTION to approve “Dunne” Application for Special Exception Use & Coastal Site Plan Review with the condition that trees on plan be preserved and applicable with all coastal policies **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

- C. **“Shops at Oyster River” Application for Special Exception Permit/Coastal Site Plan Review** 2,254 s.f. drive-through restaurant, 22,257 s.f. retail shops and 3,251 s.f. outdoor display 923 Boston Post Road, Assessor’s Map 29/Lot 4 Business B-2 District, Coastal Area Mgmt. Zone, Pedestrian Node, AE 11 Flood Zone
Owners/Applicants: 923 Boston Post Road, LLC Agent: Jim Cassidy, P.E.
ACTION: Continue or close by 8/6/2018 (NLT 8/19/2018)

Attorney David Royston appeared on behalf of the applicant and summarized the timeline of the application. He shared that the revised plans, dated July 27, 2018 were delivered to consultants on July 31, 2018, and that Attorney Branse did not have a copy of these revisions when he wrote review letter, which is part of the record. He alerted Attorney Branse that newer plans addressed numerous comments made by both he and Jeff Jacobson, and Attorney Branse agreed his review be superseded by new plans, but was not able to achieve that by the time of the meeting. Attorney Royston provided the Commission with a written letter of request for extension of completion of public hearing to August 20, 2018 or August 27, 2018, and alternately suggested that if preferable, hold a special meeting later than those dates to address comments. He granted the Commission extension of public hearing to August 20, 2018. Latest traffic report had not been received in time for meeting and had not been reviewed by parties.

The Commission discussed with Attorney Royston other outstanding questions regarding materials, installation, lighting, pallet storage and stage items

Attorney Branse suggested that for efficient use of time, parties should be given questions to be responded to at next meeting on August 13, 2018 or earlier. He expressed concern that application may not be ready by this date and that major issues may remain- Attorney Royston understands if the application is continued to August 20, 2018 there needs sufficient time to react to comments. The Commission held a lengthy discussion on parking and how parking was calculated.

Kevin Solli presented the Traffic Impact Study along with aerial photos of the site including one photo of two site driveways, another of signalized intersection, and a third of signalized intersection at Boston Post Road and Old Boston Post Road. Updated counts from July have been submitted for to Mike Gallante for review. It was concluded that will have no impact on BPR traffic, and all maintain acceptable levels of service. A meeting was held, which he did not attend, that included Police Chief Spera, CTDOT, Michael Gallante, and Colleen Byrne from Solli Engineering. Was proposed to restrict the Easterly right in right out and Southerly full right out; this has been incorporated into the analysis and is convinced it is an improvement. Minor stop sign approach operates at lower level of service on Saturdays, which is not uncommon, and appropriate for the area. R. Friedmann asked how will this impact regulations in the pedestrian node. Drive thru traffic, general access for both businesses, peak period cueing, stacking spaces, and “platoon breakup”, striping of interior parking lot, and raised islands were discussed. Delivery to each store is restricted to certain hours of the day.

Michael Gallante was present and stated April-July counts were 17% higher, with 60 additional weekday afternoon trips and 80 Sunday mid-day additional trips. He agrees that this is an acceptable level of service and that there should be no conflicts. Westerly left in is okay, exiting right turn perfect, left turn may block drive thru in afternoon and Saturdays, mornings are okay. He, the police chief, and the state believe that what has been submitted is the best configuration.

Jim Cassidy addressed lighting questions and apologized for parking table; he misunderstood what was wanted. He revised plan to include 94 parking spaces, including 8 spaces in the back. Material pallet storage area height is 4-6 feet and will add screening at 6ft high fence. Proposed 30 ft split rail fence to rear public access area to avoid encroachment. Will work through menu board. Attorney Royston will address signage. Jim Cassidy will make light pole heights flush.

Commission discussed whether articulation in façade regulations have been met. Two wall sections are identified as more than 40 ft long and not compliant.

Jim Harris will look to make revisions with regard to articulation, canopies, and double door. Attorney Royston share applicant has done what ARB requested with regard to providing color and material samples-R. Friedmann told George White that bump out at drive thru was to be a minimum of 2 ft, and that white letters on drive thru wall was prohibited. Attorney Branse says there is a need to figure out how to categorize Dunkin Donuts; fits fast food with drive thru window based on sq. ft. area, but revised plans show only one window. Attorney Royston will address. Attorney Royston will provide an Amended Statement of Use prior to the next meeting.

Attorney Royston presented an extension letter to the Zoning Commission to allow the public hearing to be open until August 20th. The deadline to close the public hearing is August 19th

<p>MOTION to continue Public Hearing for “Shops at Oyster River” to Monday, August 20, 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>
--

IX. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Two in One Store, 855 Boston Post Road. Cars and furniture are being sold in parking lot, grass overgrown, unpermitted signs and now no electricity in the building. Building and Fire Marshal inspected property due to lack of electricity. ZEO contacted the property owner and his Attorney last week to advise she would be bringing this matter to the Commission to determine the next course of enforcement action. Tenant came in and made application for Certificate of Zoning Compliance for the business and has not applied for signs.

Ben & Jerry's, 15 Main Street. Umbrella signs are up again. ZEO e-mailed Ben & Jerry's to request that the signs are taken down in compliance with their Special Exception Permit.

Complaints - ZEO reported a high volume of complaints over the past few months. Everything from trailers, unpermitted additions, motor vehicles and signs. Signs are getting out of control again and the ZEO discussed a mass enforcement as soon as things slow down a little.

Barnes, 26 Boston Post Road - The ZEO and IWEO have been monitoring clean-up of motor vehicles and debris from the property over the past 10 months. Progress is being made. Next inspection is Wednesday, August 15th.

X. ADJOURNMENT

MOTION to adjourn the meeting at 10:50 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, August 20, 2018 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. Cianfaglione, G. Lewis, M. Caldarella, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted,

Margaret Paccione
Recording Clerk



