

Zoning Commission Minutes 08/21/2017



TOWN OF OLD SAYBROOK Zoning Commission

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*Robert C. Friedman, 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, August 21, 2017 – 7:00 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

I. CALL TO ORDER

Chairman Robert Friedman called the meeting to order at 7:00 p.m.

II. ROLL CALL

Attendant Members

Robert Friedman
Mark Caldarella
Geraldine Lewis
Madeline Fish
David Papandrea

Absent Members

J. Colin Heffernan
Joanne Gadon
Michael Cianfaglione

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Stella Beaudoin, Clerk

Audience: There were 2 audience members.

Seated for the meeting were R Friedman, G Lewis, M Fish, M Caldarella, D Papandrea for J Colin Heffernan.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the Regular meeting Minutes of August 7, 2017 as presented; **MADE:** G Lewis; **SECONDED:** R Friedman; **VOTING IN FAVOR:** R Friedman, M. Fish, M Caldarella, G Lewis, D Papandrea; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. CORRESPONDENCE

MOTION to approve Invoice #86109 dated August 11, 2017 in the amount of \$490.85 from Nathan L. Jacobson & Associates, Inc., Project 0114-0530 "Morelli, 1 Shennock Trail, Map 13, Lot 14" for consultant expenses related to Land Survey & Technical Services, Inc; **MADE:** G Lewis; **SECONDED:** M Caldarella; **VOTING IN FAVOR:** R Friedman, M. Fish, M Caldarella, G Lewis, D Papandrea; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

IV. NEW BUSINESS

- A. **DISCUSSION:** Food trucks as an accessory and subordinate use to Town events permitted under the Zoning Regulations.
Jonathan Paradis, Assistant Director of Parks & Recreation

ZEO Costa advised that there was a request to add a preliminary discussion to the agenda and that Jonathan Paradis has requested to continue the discussion on food trucks due to a scheduling conflict.

MOTION to amend the Agenda to insert before Item A, a new Agenda item as requested by Attorney David Royston for the Preliminary Discussion on the Draft Petition for Change in the Zoning Regulations 923 Boston Post Road, LLC; **MADE:** R. Friedman; **SECONDED:** G. Lewis; **VOTING IN FAVOR:** R. Friedman, M. Fish, M. Caldarella, G. Lewis, D. Papandrea; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

- **Preliminary Discussion: Draft Petition for Change in Zoning Regulations** to allow for drive-through windows for indoor restaurants, food and beverage service establishments in the B-2 District.

Applicant: 923 Boston Post Road, LLC. Agent: Attorney Sylvia Rutkowska

Sylvia Rutkowska, who presented on behalf of David Royston distributed a Draft Petition for Change in Zoning Regulations along with a site map. This is a preliminary discussion for a petition to change the zone so as to allow drive-thru's in a B-2 District.

Anthony Rizzo, owner of property located at 923 Boston Post Road and 75 Main Street stated that the intent of the proposed changes is to retain tenants and allow them to evolve their business, to upgrade and to modify. A Rizzo stated that he has worked with Attorney Royston on the draft text over the past three months and during that time addressed traffic issues that may arise and he stated that it is the intent to develop the property and to keep the tenants in the mode of expanding and using local labor and building their businesses.

S Rutkowska referenced the draft amendments of the zoning regulations under Special Exception Uses 32.2 Special Exception Uses; 32.2.4 Indoor restaurant or other indoor food and beverage service establishment, which may have an accessory drive-through window satisfying the special standards of section 53 of the regulations.

The Special Standards H and I are intended to require consistency with the Purpose clause of the B-2 District, particularly having anchor retail with smaller complementary buildings and to "improve and enhance the overall aesthetic context of the existing centers."

A good deal of the B-2 District land is located within the Pedestrian Node on the northerly side of the Boston Post Road. Special Standard J is intended to locate Restaurant entrance to the "front" or pedestrian side of the property while Special Standard F requires the drive-through to be at the back of the building away from the street.

In Section J, a public entrance to the *indoor restaurant building* having a *drive-through window* will be located no more than one hundred feet from the *street line* providing access to the *indoor restaurant building*.

Standard F requires drive through to be in the back of the building. There will be no more than one *drive-through window and one substation per building*. The *substation* will be within twenty-five feet of the *drive through window*. Any drive through window will be located whenever possible at the back a *building* or that portion of the *building* least visible from all public roads. Any *drive through window* will have no more than two lanes *per building* and for use by only one business *per building*.

R Friedmann stated that he is looking for the design of the single, two-way curb cut and more particularly the west curb cut which does not allow for U-turns of east bound traffic on Route 1 and re-entrance to indoor restaurant being no more than 100 feet to the street line. R Friedmann noted that the Board anticipates questions related to that entrance.

R Friedmann stated that in the B 2 shopping center district, applicable standards require new business to improve and enhance character to the Town of Old Saybrook and it is encouraged to place buildings closer to the roadway and to not allow parking as the most noticeable visual just across a lot line. R Friedmann stated that the location of a building close to the street is not an issue, however the location of parking on a new site development is a concern. R Friedmann noted that the location of a building closer to the street would place it in the pedestrian node which is in keeping with the regulations. R Friedmann requested that the applicant submit proposed text changes to what the Commission will consider at a public hearing.

- A. **DISCUSSION:** Food trucks as an accessory and subordinate use to Town events permitted under the Zoning Regulations.
Jonathan Paradis, Assistant Director of Parks & Recreation

MOTION to table discussion on Food Trucks and subordinate use to Town events permitted under the Zoning Regulations; **MADE:** M. Caldarella; **SECONDED:** M. Fish; **VOTING IN FAVOR:** R Friedmann, M. Fish, M Caldarella, G Lewis, D Papandrea; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

- B. **WORKSHOP:** Discuss amending the zoning map for the purpose of qualifying for State funding for the Post & Main, 7 North Main Street IHD. Discuss new public acts including temporary health care structures and if there is any need to update any other sections of the Zoning Regulations.

C. Costa stated that the Town made application for funding for Eastpointe, 7 North Main Street which was never acted upon by the Department of Housing (DOH). The ZEO asked if the Commission wanted to make another application since the project now has a Certificate of Occupancy. If the Commission wishes to go forward with that application a resolution must be adopted supporting incentive housing.

R Friedmann stated that the Zoning Commission has attempted to do something in line with the state regulations and efforts have not satisfied enough to receiving funding. The ZEO and the Town Planner have made efforts to apply for funding and the State has not acted on the application. R Friedmann stated that it is in the Town's best interest to make a new application and seek support from the First Selectman during the application submittal process.

In order to make application, the Zoning Commission would need to amend the zoning regulation and map for the Ferry Road incentive housing mixed use development zone to only encompass the 45 Ferry Road parcel so that this first zone would be considered built out and the 7 North Main Incentive Housing Zone would be eligible for funding. The Commission would like to move forward with the petition to amend the zoning map/regulation and the incentive housing application to the State.

The ZEO mentioned that after the last housekeeping regulations were amended she thought the Commission had another housekeeping amendment that needed to be fixed. The Commission did not recall what the regulation was.

The ZEO discussed how a number of marinas in other Towns that have been bought by large companies for the purpose of removing the marina/boat services and replacing them with residential developments with private docks which may be a concern since Old Saybrook has limited marine areas.

R. Friedmann stated that he would like the Commission to consider changing terminology of the Marine Commercial District to rename it Marine Industrial. The existing regulations would remain as is with the exception removing single family residential homes as a permitted use but allowing existing homes to be expanded out without the need for variances.

M. Caldarella questioned the impact on the existing marine commercial properties by changing the zone to Marine Industrial.

R. Friedmann stated that you gain facilities to service boats and the docks remain, and also in doing so, you preserve the possibility to work on boats on the land adjacent to the water. R. Friedmann stated that there is interest from an economic perspective to displace the boatyards and to create housing in its place.

R. Friedmann asked and the Board to agree to the ZEO contacting the Commission's Attorney to arrange a workshop to discuss regulation alternatives to IHZ and to discuss protection of existing marina facilities.

ZEO discussed a recent public act effective on October 1, 2017 concerning temporary health care structures. The statute allows for temporary housing to be placed on a residential property for the purposes of housing a caregiver or physically impaired persons for use as a residence. The homeowner has 120 days to remove the structure after the person vacates the premises. The ZEO stated that the structure must be connected to a septic system which could require an upgrade to the existing septic, and within on smaller lots, may be impossible to accomplish.

R. Friedmann stated that the Town could, via Town meeting take steps to opt out for Old Saybrook, or the Zoning Commission could adopt a regulation in which it is stated that when this state statute takes effect on October 1, 2017, any of these living accommodations must be connected to the existing septic system.

The Commission discussed septic concerns, overcrowding of lots and the misuse of the structures as possible rental of the units.

R. Friedmann commented on the subject regulation and requirement for hook up and suggested that the ZEO send a memo to the Board of Selectmen for their viewpoint and input on opting-out. The Commission will continue the temporary structure discussion to the September 5, 2017 Zoning Commission meeting.

V. PUBLIC HEARINGS

There were no public hearings.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Main Street Connector Park Phase 1 - Former police department site on Main Street. The ZEO reported that the Zoning Commission last modified the permit so Phase 1 would be constructed. The application was approved by the Zoning Commission, the Architectural Review Board and the Planning Commission. The ZEO was asked to get the Commission's thoughts on some possible modifications to Phase 1 to incorporate the addition of 2 or 3 cherry trees, to change the precast benches to a granite stone giving more of a feel to be in keeping with the Katherine Hepburn theatre. The Commission determined the proposed amendments were minor and authorized the ZEO to handle administratively.

26 Boston Post Road - Charles Barnes was served a litigation warning letter on June 27, 2017 with a 60-day compliance period to clean up his property which is ending at the end of the month. C. Barnes contacted the ZEO today to say that he has started the clean up process. The Commission determined that the September 11th deadline was reasonable and C. Barnes and the ZEO will meet the week of September 11, 2017.

Mr. Barnes asked the ZEO if it was possible to keep approximately 25 motor vehicles or maybe construct a building for an automobile storage facility. The ZEO asked the Commission for guidance on interpreting of the regulations for the proposed use in the Industrial Zoning Regulations. Members discussed and determined that they should review the status of the clean-up measures first before getting into a permitting discussion.

1 Sundon Lane– Property and house owned by Leigh Bette Maynard. There is a one acre parcel of land on which there is a barn situated - the property and house owned by Leigh Bette Maynard has one acre of land. Ms. Maynard later has acquired another acre of the property. When Ms. Maynard purchased the 1st one-acre parcel there were chickens and horses on the property which have been there for many years. She continued to keep the chickens on the property. The ZEO asked if the Commission would like to see this as a Special Exception Permit or could it be considered a pre-existing non-conformity if the property owner could provide sufficient evidence that the animals have been on the property for the past 20 years and it must be granted or allowable by a grandfather clause. Adding a second acre of property reduced the nonconformity with regard to lot area. The Commission determined that the ZEO needed to obtain additional evidence that the animals were on the property.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 8:30 pm. to the next regularly scheduled Zoning Commission meeting on Monday, September 5, 2017 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook. **MADE:** R. Friedmann; **SECONDED:** R. Friedmann; **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, D. Papandrea; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 4-0-0.

Respectfully Submitted

Stella Beaudoin
Recording Clerk