

Zoning Commission Minutes 09/18/2017



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, September 18, 2017 – 7:00 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

I. CALL TO ORDER

Madeline Fish called the meeting to order at 7:01 p.m.

II. ROLL CALL

Attendant Members

Madeline Fish
Geraldine Lewis
J. Colin Heffernan
Joanne Gadon seated for R. Friedmann
Michael Cianfaglione for Mark Caldarella

Absent Members

Robert Friedmann
Mark Caldarella
David Papandrea

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Stella Beaudoin, Clerk

Audience: There were 3 audience members.

Seated for the meeting were M Fish, G Lewis, J Gadon, J Heffernan, M Cianfaglione.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the Regular meeting Minutes of September 5, 2017 as presented; **MADE:** G Lewis; **SECONDED:** M Fish; **VOTING IN FAVOR:** M. Fish, J Gadon, J Colin Heffernan, M Cianfaglione; **ABSTAINING:** G Lewis. **OPPOSED:** None. **APPROVED:** 4-1-0.

B. CORRESPONDENCE

There was no correspondence.

IV. OLD 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

Permit/Coastal Site Plan Review; To construct a 54123 s.f. single family residence, attached garage, and a 450 s.f. inground pool with 1182.2 s.f. patio, 17 Whisper Cover Road, Assessor's Map 53/Lot 40-1; **MADE:** G Lewis; **SECONDED:** M. Cianfaglione; **VOTING IN FAVOR:** M. Fish, G Lewis, J Gadon, J Colin Heffernan, M Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

- B. **"New England Power Equipment/Ford" Application for Spec'l Except Permit**
Extend retail outdoor storage/sales of power equipment to adjacent lot and store Ford motor vehicles. 380 & 400 Boston Post Road, Assessor's Map 53/Lot 50 & Assessor's Map 42/Lot 15, Gateway Business B-4 District.
Applicant: Saybrook Realty Acquisitions, LLC. Agent: Joe Wren, P.E.
ACTION: Open public hearing; continue or close by 10/16/2017 (NLT 10/22/2017)

J Wren presented on behalf of the applicant, Theodore Vecchianino owner of Ford Motor Vehicles.

J Wren stated that the 400 Boston Post Road will remain as is and the site to the north will remain as is. J. Wren stated that the Ford vehicles parked on the adjacent lot are for excess storage as an accessory to Saybrook Ford. There are no customers on site and no car sales will be conducted on that site. There will be no signage, no advertising, no pricing, and no efforts will be exerted to attract a customer. There are skids, crates, etc. on site, ancillary to New England Power Equipment and the applicant is proposing an outdoor storage area.

J Wren distributed a plan which incorporated the input from the Architectural Review Board at their 9/11/17 meeting and the Planning Commission. The Planning Commission found this proposal meets the goals and policies of the Town Plan of Conservation and Development.

J Wren stated that this plan proposes to add street trees at the 400 Boston Post Road site; 3 along the front and one along the left side. At the 380 Boston Post Road property, there are proposed to be eight street trees. The Architectural Review Board made the recommendation that the mud area between the two driveways to be topsoil seeded with a berm between the proposed trees with the suggested plantings comprised of Flame Grass and Fountain Grass, Endless Summer Hydrangea and Yews. Plantings on the berms are to be installed at no more than eight-foot intervals. A designated 6-foot cart path between the two properties are to be set back between the John Deere sign and the building. The ARB suggested that the applicant revise the limits of the proposed outdoor stock storage area to be reduced to be contained behind the designated truck area. On the 380 Boston Post Road property, in between the line of trees, in front of the designated truck area there will be 18" high berms which will start approximately 4' from the trunk of each tree and the plantings in those berms will be no more than 8' apart with the referenced plantings. The New England Power Equipment rental sign at the 380 Boston Post Road location will be removed from this site.

A discussion ensued on the on site storage of vehicles and jet skis.

The ZEO stated that this application is not for a truck or car dealership. A DMV permit is required for the sale of trucks and cars on-premises. The applicant is storing them, not selling them. The Zoning Commission can allow storage but not the sale of trucks and cars because the applicant does not have a special exception certificate. The ZEO stated that a lawnmower is a motor vehicle, a boat is a motor vehicle, a ski doo is a motor vehicle and a DMV permit is not needed to sell these items on the property. In the beginning portion of the sixty feet, proposed outdoor assembled product whether it is for sale,

M Fish asked if anyone wished to speak in favor or in opposition.

There was no public comment.

The ZEO reviewed her notes of the Commission's comments this evening.

1) The application includes two parcels of land that have not been merged. The Zoning Commission is considering the two lots as one application and one special exception permit. In the event either lot is sold, the applicant would be required to return to the before the Zoning Commission with new application for a new Special Exception Permit.

2) The applicant will provide the ZEO with a revised site plan and a revised statement of use to reflect the following discussed this evening: The site plan will be amended to show the 12,500 s.f. 60-foot Ford vehicle storage area to also include assembled display that is ready for sale or lease. Within this area, any vehicle being stored that is required to have a permit from the CT DMV such as a Ford vehicle or trailer, that would require a DMV registration, would only be stored in that area.

4) This approval does not include an approval for a special exception for automotive sales or automotive uses or for the sale of CT registered motor vehicles, and does not constitute a certificate of location. Motor vehicles required to be registered by the State of Connecticut may only be stored on the property. Not sold.

5) The conditions put forward at the September 11, 2017 Architectural Review Board have all been incorporated into the conditions of approval with the exception of the proposed berm below the white fence for the purpose of screening the Connex boxes.

6) In lieu of the installation of a berm as recommended by the Architectural Review Board, the Connex trailers behind the white fence will be painted white to camouflaged/ blend in with the existing fence. The top of the Connex trailers will not be used for display.

7) No new Connex boxes are allowed in addition to the two shown on the approved site plan; only the Connex boxes on the proposed site plan are approved.

8) The perimeter landscaping buffer on the northern property line will be planted with evergreens six feet in height, staggered to 20 feet from center, consistent with the intent of the regulations, in order to require adequate screening of the storage/display area. The staggered trees will be substituted and meet the intent of the landscaped area buffer requirements. In light of the contemporaneous application of an abutting neighbor, this increase creates a cumulative effect of meeting the perimeter buffer landscaping requirements

9) This Special Exception approval does not include approval of the stick in the ground rental sign shown on the site plan. Only the John Deere free-standing sign and the John Deere wall sign are approved as part of this application.

10) The existing vegetative buffer is to remain and will not be removed.

11) The applicant is advised that the landscape buffer is to remain landscaping and the state owned right of way is not to be used for the display or storage of vehicles, products, signs or any other materials other than landscaping.

M Fish asked if anyone wished to speak in favor or in opposition to this proposal.

There was no public comment.

M Fish closed the Public Hearing.

The ZEO reported that all referral responses have been received for the record.

MOTION to close the Public Hearing on "New England Power Equipment/Ford" Application for Special Exception Permit, Extend retail outdoor storage/sales of power equipment to adjacent lot

ZEO, Chris Costa stated that several months ago the Commission discussed the allowance of food trucks, and the Zoning Commission made the decision that a stationary food truck would require modification and special exception permit. The Commission discussed the option of having food trucks as an accessory use or allowing it through zoning, permitting the Park and Rec Department to maintain control of the location of the trucks, avoiding the need to apply for certificate of zoning compliance. One of the questions raised was how would the Park and Rec Department go through and monitor the events.

Jonathan Paradis, Assistant Director of Parks and Recreation stated that any function facilitated by the Park and Rec Department is done for the betterment of the entire community.

J Colin stated that the Park and Recreation Department is the proper entity to determine whether food trucks should be allowed on Town-owned land.

The ZEO stated that the food truck discussion has not gone to the Board of Selectmen, however it was a staff discussion with the First Selectman and at that meeting, it was expressed that the Zoning Commission does not want to be in the food truck business. Accessory use was discussed at a previous meeting and the Zoning Commission decided that this was a topic to be discussed with the Park and Recreation Department. The Zoning Commission previously discussed a regulation change however this is not considered an accessory use.

J Paradis stated that the thought was to have one truck per week, on Wednesday evenings for the summer concerts. Said truck would pay a fee to the park and rec department to offset the concert series.

The ZEO questioned if the Selectman changed the Town Ordinance to allow food trucks only on Town property, would the Zoning Commission, require modification to a special exception to have continued events.

C Heffernan stated that if someone wants to propose a text change or a change in the ordinance, the Zoning Commission will entertain a discussion and consider said proposal. However, the Zoning Commission needs an actual application to put forward this request.

The Commission agreed that any applicant who wishes to host food trucks that cannot stay stationary, should petition the appropriate Town body to change the ordinance. The applicant would then come before the Zoning Commission for modification to special exception permit or a text change.

V. PUBLIC HEARINGS

A. "Frisbie" Application for Modification to Special Exception Permit/Coastal Site Plan Review

To construct a 5412.3 s.f. single family residence, attached garage, and a 450 s.f. in-ground pool with a 1,182.2 s.f. patio
17 Whisper Cove Road, Assessor's Map 53/ Lot 40-1
Residence AA-2 District, CAM Zone, CT River Gateway Conservation Zone
Applicant: David C. and Earla K. Frisbie Agent: Michael Ott, P.E.
ACTION: Open public hearing; continue or close by 10/16/2017 (NLT 10/22/2017)

The ZEO reported that this proposal went to the Zoning Board of Appeals at their September 13, 2017 meeting and the proposal was denied. Attorney Edward Cassella who represents the applicant is consenting to allow for the Zoning Commission to continue the opening of Public Hearing to November 20, 2017 and requesting an extension for the same. The applicant hopes to regroup on their proposal and request that the ZBA hear this proposal within 6 months of being denied.

MOTION to consent to the extensions under C.G.S. 8-7 to November 20, 2017 and to open a public hearing at that time for **"Frisbie" Application for Modification to Special Exception**

and store Ford motor vehicles. 380 and 400 Boston Post Road, Assessor's Map 53/Lot 50 and Assessor's Map 42/Lot 15; **MADE:** G Lewis; **SECONDED:** J Gadon; **VOTING IN FAVOR:** M. Fish, G Lewis, J Gadon, J Colin Heffernan; **ABSTAINING:** M Cianfaglione. **OPPOSED:** None. **APPROVED:** 4-1-0.

MOTION to approve "New England Power Equipment/Ford" Application for Special Exception Permit, Extend retail outdoor storage/sales of power equipment to adjacent lot and store Ford motor vehicles. 380 and 400 Boston Post Road, Assessor's Map 53/Lot 50 and Assessor's Map 42/Lot 15 with the following conditions; 1) The application includes two parcels of land that have not been merged. The Zoning Commission is considering the two lots as one application and one special exception permit. In the event either lot is sold, the applicant would be required to return to the before the Zoning Commission with new application for a new special exception permit; 2) The applicant will provide the ZEO with a revised site plan and a revised statement of use to reflect the following, as discussed this evening: The site plan will be amended to show the 12,500 s.f. 60-foot Ford vehicle storage area to also include assembled display that is ready for sale or lease. Within this area, any vehicle being stored that is required to have a permit from the CT DMV such as a Ford vehicle or trailer, that would require a DMV registration, would only be stored in that area. 4) This approval does not include an approval for a special exception for automotive sales or automotive uses or for the sale of CT registered motor vehicles, and does not constitute a certificate of location. Motor vehicles required to be registered by the State of Connecticut may only be stored on the property. Not sold. 5) The conditions put forward at the September 11, 2017 Architectural Review Board have all been incorporated into the conditions of approval with the exception of the proposed berm below the white fence for the purpose of screening the Connex boxes. 6) In lieu of the installation of a berm as recommended by the Architectural Review Board, the Connex trailers behind the white fence will be painted white to camouflage/blend in with the existing fence. The top of the Connex trailers will not be used for display. 7) No new Connex boxes are allowed in addition to the two shown on the approved site plan; only the Connex boxes on the proposed site plan are approved. 8) The perimeter landscaping buffer on the northern property line will be planted with evergreens six feet in height, staggered to 20 feet from center, consistent with the intent of the regulations, in order to require adequate screening of the storage/display area. The staggered trees will be substituted and meet the intent of the landscaped area buffer requirements. In light of the contemporaneous application of an abutting neighbor, this increase creates a cumulative effect of meeting the perimeter buffer landscaping requirements. 9) This Special Exception approval does not include approval of the stick in the ground rental sign shown on the site plan. Only the John Deere free-standing sign and the John Deere wall sign are approved as part of this application. 10) The existing vegetative buffer is to remain and will not be removed. 11) The applicant is advised that the landscape buffer is to remain landscaping and the state-owned right-of-way is not to be used for the display or storage of vehicles, products signs or any other materials other than landscaping; **MADE:** G Lewis; **SECONDED:** J Gadon; **VOTING IN FAVOR:** M. Fish, G Lewis, J Gadon; **ABSTAINING:** None; **OPPOSED:** J Colin Heffernan, M. Cianfaglione. **APPROVED:** 3-0-2.

C. "CSM Development" Application for Modification to Special Exception Permit/Coastal Site Plan Review

To construct a 1,000 s.f. addition for automotive bays
1379 Boston Post Road (Map 26/Lot 14)
Gateway Business B-4 District, Coastal Area Management Zone
Applicant: CSM Development Owner: Hollyhead Limited Partnership
ACTION: Open public hearing; continue or close by 10/16/2017 (NLT 10/22/2017)

Presenting on behalf of this application was Eric Leuse, representing Hollyhead Limited Partnership. This proposal is 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. The ZEO will advise the applicant of the process and request submission of landscaping photos, etc.

MOTION to close the public hearing for "CSM Development" Application for Modification to Special Exception Permit/Coastal Site Plan Review; To construct a 1000 s.f. addition for automotive bays, 1379 Boston Post Road, Assessor's Map 26/Lot 14; **MADE:** J Colin Heffernan; **SECONDED:** G Lewis; **VOTING IN FAVOR:** M. Fish, G Lewis, J Gadon, J Colin Heffernan, M Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approve "CSM Development" Application for Modification to Special Exception Permit/Coastal Site Plan Review; To construct a 1000 s.f. addition for automotive bays, 1379 Boston Post Road, Assessor's Map 26/Lot 14; **MADE:** J Colin Heffernan; **SECONDED:** G Lewis; **VOTING IN FAVOR:** M. Fish, G Lewis, J Gadon, J Colin Heffernan, M Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

J Colin Heffernan left the meeting at 9:12 p.m.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

341 Boston Post Road – property behind Joint Effort. This proposal is for a 368 s.f. machine shop tailored to making classic car parts. The only employee would be the owner. The current Zoning regulations address welding or machine shop and would be required as a special exception use. In June 1988 a site plan approval was granted for retail, restaurant, auto body and similar contractor business on the premises. The current uses are now considered a special exception. The applicant's intent is not for mass production. The ZEO stated that the previous approval in 1988 would be in fitting as this is not a proposal which would involve mass production of machine parts. There will be no signage, no outdoor storage and no advertising, however business would be through word of mouth. This will be a part time business. The Commission agreed that the provision of pictures of the parking lot will be adequate and a formal site plan will not be necessary. This is a special exception use and does not fall within previously issued permits. The A2 survey requirement is waived.

Resolution for Health Care Structures – The ZEO reported that Attorney Marc Branse prepared the resolution. M Branse will be in attendance at the October 2, 2017 Zoning Commission meeting to discuss the Incentive Housing application in Marine Industrial.

26 Boston Post Road, Charles Barnes – The ZEO reported that C Barnes is making progress. The Commission agreed allow him a few more weeks to complete the clean-up

VII. ADJOURNMENT

MOTION to adjourn the meeting at 9:35 pm. to the next regularly scheduled Zoning Commission meeting on Monday, October 2, 2017 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook. **MADE:** M Cianfaglione; **SECONDED:** G Lewis; **VOTING IN FAVOR:** M. Fish, G Lewis, J Gadon, M Cianfaglione; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

Respectfully Submitted

Stella Beaudoin
Recording Clerk