

Zoning Commission Minutes 06/19/2017



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
Vacancy

REGULAR MEETING MINUTES

Monday, June 19, 2017 – 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
Mark Caldarella
Madeline Fish
Joanne Gadon seated for G Lewis
Geraldine Lewis arrived at 7:41p.m.

Absent Members

Michael Cianfaglione

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Stella Beaudoin, Clerk

Audience: There were three audience members.

Seated for the meeting were R Friedmann, M Caldarella, G Lewis, M. Fish, J Gadon.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the Regular Meeting Minutes of June 5, 2017 as presented; **MADE:** R Friedmann; **SECONDED:** M Fish; **VOTING IN FAVOR:** R Friedmann, M Caldarella, Fish, J Gadon; **ABSTAINING:** J Colin Heffernan; **OPPOSED:** None; **APPROVED:** 4-1-0.

MOTION to approve the May 22, 2017 Invoice #85790 in the amount of \$424.12 from Nathan L. Jacobson & Associates, Inc; **MADE:** R Friedmann; **SECONDED:** M Fish; **VOTING IN FAVOR:** R Friedmann, M Caldarella, J Colin Heffernan, M. Fish, J Gadon; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

IV. CONTINUED PUBLIC HEARING

- A. “La Marea Restaurant” Modification to Special Exception Use Permit
Concrete patio with 20 outdoor seats and 144 s.f. cooler

732 Middlesex Tpke., Map 63/Lot 11, Shopping Center Business B-2 District
Applicant: Erikelari, LLC Owner: Alfonso & Juliana R. Pisanzjo
ACTION: Open public hearing; continue or close by 6/5/2017 (NLT 6/18/2017)

This proposal was continued from the June 19, 2017 Zoning Commission Public Hearing.

The ZEO reported that G Dayharsh submitted an as-built plan reflecting the location of the dumpster in the originally proposed southeast corner location along with the multiple amendments on the property previously discussed. The ZEO stated that the fence has not yet been installed.

Gary Dayharsh who presented on behalf of this proposal stated that he is seeking approval for the construction of an outdoor patio with 20 outdoor seats, and the installation of a 12' x 12' cooler to be situated on the exterior of the building. G Dayharsh stated that he relocated the dumpster out of the setback and on the original plan, bollards are shown as placement for protection around the septic tank covers, however concrete blocks were used in place of the bollards and this change is reflected on the as-built plan presented this evening.

G Dayharsh stated that a condition approval was the installation of the fence around the dumpster, however the fence company is running behind and the inclement weather has been a deterrent. The completion of this work is scheduled for next week. G Dayharsh confirmed that there are 20 outdoor seats proposed and 90 indoor seats.

MOTION to close the Public Hearing for "La Marea Restaurant" Modification to Special Exception Use Permit, Concrete patio with 20 outdoor seats and 144 s.f. cooler, 732 Middlesex Tpke., Map 63/Lot 11, Shopping Center Business B-2 District; **MADE:** R. Friedmann; **SECONDED:** M Fish **VOTING IN FAVOR:** R. Friedmann, M Caldarella, J Colin Heffernan, M. Fish, J. Gadon; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approve the modifications of the concrete patio with 20 seats and the 144 s.f. cooler for "La Marea Restaurant" Modification to Special Exception Use Permit, Concrete patio with 20 outdoor seats and 144 s.f. cooler, 732 Middlesex Tpke., Map 63/Lot 11, Shopping Center Business B-2 District; **MADE:** R. Friedmann; **SECONDED:** M Caldarella **VOTING IN FAVOR:** R. Friedmann, M Caldarella, J Colin Heffernan, M. Fish, J. Gadon; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

V. PUBLIC HEARINGS

A. "Sheffield Street Dock" Application for Special Exception Permit & Coastal Site Plan Review

Reconfigure existing municipal dock, add 300 cubic yards of fill in the upland and retaining wall end of Sheffield Street, Assessor's Map 31, Lot 2-1, +/- 0.07 acres, Residence A District, CT River Gateway Conservation Zone, Coastal area Mgmt. Zone
Applicant: Town of Old Saybrook Harbor Mgmt. Commission Agent: Keith Nielson
ACTION: Open public hearing; continue or close by 7/17/2017 (NLT 7/23/2017)

Keith Nielson for Dockco, stated that he was retained by the Town to prepare and present this application on behalf of Harbor Management, noting that this proposal represents an improvement to the Sheffield Street dock permit. K Nielson stated that DEEP approval has been granted for a fixed pier to floating dock. This application proposed to modify the existing fixed pier, to move sail and dinghy boat racks onto the pier, and to build a concrete block wall around the perimeter of the site. Also included in this proposal is the addition of a dumpster and a portable toilet. K Nielson stated that this will complete the development of the Sheffield Street dock system and raise the grade making it less susceptible to high tide and more efficient and easier access for the people who are using it. K Nielson stated that the use is not changing and there is no expansion proposed.

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

There was no public comment.

The ZEO reviewed all referral responses for the record and stated that there were no objections.

MOTION to close the public hearing for “Sheffield Street Dock” Application for Special Exception Permit & Coastal Site Plan Review, Reconfigure existing municipal dock, add 300 cubic yards of fill in the upland and retaining wall end of Sheffield Street, Assessor’s Map 31, Lot 2-1, + / - 0.07 acres, Residence A District, CT River Gateway Conservation Zone, Coastal area Mgmt. Zone; **MADE:** R. Friedmann; **SECONDED:** M Caldarella; **VOTING IN FAVOR:** R. Friedmann, M Caldarella, J Colin Heffernan, M. Fish, J. Gadon; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approve as presented, “Sheffield Street Dock” Application for Special Exception Permit & Coastal Site Plan Review, Reconfigure existing municipal dock, add 300 cubic yards of fill in the upland and retaining wall end of Sheffield Street, Assessor’s Map 31, Lot 2-1, + / - 0.07 acres, Residence A District, CT River Gateway Conservation Zone, Coastal area Mgmt. Zone; The application is approved as submitted as it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts; **MADE:** R. Friedmann; **SECONDED:** J Gadon; **VOTING IN FAVOR:** R. Friedmann, M Caldarella, J Colin Heffernan, M. Fish, J. Gadon; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

B. “Ferry Road Dock” Application for Special Exception Permit & Coastal Site Plan Review

Reconfigure existing municipal dock to add 20 slips, 30 c.y. fill, 64 s.f. shed and retaining wall at Ferry Place, Assessor’s Map 43, Lot 1, + / - 0.43 acres, Marine Commercial MC District, CT River Gateway Conservation Zone, Coastal Area Mgmt. Zone.

Applicant: Town of Old Saybrook Harbor Mgmt. Commission Agent: Keith Nielson

ACTION: Open public hearing; continue or close by 7/17/2017 (NLT 7/23/2017)

Keith Nielson for Dockco, stated that he was retained by the Town to prepare and present this application on behalf of Harbor Management and the final phase of development of Ferry Road docking facilities.

K Nielson stated that the plan on record will maximize the usefulness of this site in accordance with the zoning regulations and the geometrical constraints of the site. This plan proposes to take down the existing fixed pier and replace with a system of floating docks. A DEEP Permit was obtained for Phase 1 to take down the pier and repair the inner 8 slips with floating dock access. K Nielson stated that he is in-process of obtaining a DEEP dredging permit. Permits have been issued for repair of the bulk head at the east end of the wharf. The work approved under the Certificate of Permission which was issued 5 years ago was not finished. The stone wall along the south edge was not raised. When complete, the yard will be level so as to accommodate an adequate number of vehicles to utilize docking facilities.

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

There was no public comment.

Ray Collins, Chairman of Harbor Management expressed approval of this proposal.

MOTION to close the public hearing for “Ferry Road Dock” Application for Special Exception Permit & Coastal Site Plan Review, Reconfigure existing municipal dock, to add 20 slips, 30 cubic yards of fill, 64 s.f. shed and retaining wall at Ferry Place, Assessor’s Map 43, Lot 1, + / - 0.43 acres, Marine Commercial MC District, CT River Gateway Conservation Zone, Coastal Area Mgmt. Zone;

MADE: M Fish; **SECONDED:** R Friedmann; **VOTING IN FAVOR:** R Friedmann, M Caldarella, J Colin Heffernan, M. Fish, J. Gadon; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approved as presented, "Ferry Road Dock" Application for Special Exception Permit & Coastal Site Plan Review, Reconfigure existing municipal dock, to add 20 slips, 30 cubic yards of fill, 64 s.f. shed and retaining wall at Ferry Place, Assessor's Map 43, Lot 1, +/- 0.43 acres, Marine Commercial MC District, CT River Gateway Conservation Zone, Coastal Area Mgmt. Zone; The application is approved as submitted as it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. The proposal is approved with the following condition: 1) The parking space locations will have a striping demarcation which defines the spaces, possibly situated on the bulkhead; **MADE:** R. Friedmann; **SECONDED:** M Caldarella; **VOTING IN FAVOR:** R Friedmann, M Caldarella, J Colin Heffernan, M. Fish, J. Gadon; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

G Lewis joined the meeting at 7:41 p.m.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Food Trucks - The ZEO followed up on the previous discussion related to amendment of the Town Peddling and Soliciting Ordinance to allow food trucks. At a previous meeting, the Commission decided that they did not want to regulate mobile or parked food trucks. The ZEO is concerned that an Ordinance change could conflict with zoning interpretations/regulations and wanted to clarify this for the next staff food truck meeting.

The ZEO reported that the team working on the Town Vending Ordinance for food trucks are considering park and rec facilities as the only appropriate venue for allowance. The ZEO questioned if the Town allowed food trucks on park and rec facilities and if park and rec staff monitor the number of vendors, would trucks be considered accessory use to town facility vs the Zoning Commission amending the regulations.

J Colin Heffernan stated that the Zoning Commission feels uncomfortable providing an advisory opinion on the propriety of food trucks.

210 Main Street - The ZEO reported that **Farmer's Market** is back on site again this year.

180 Old Boston Post Road - The ZEO reported that **Goodwin School** will be paved next week. The Board of Ed is seeking permission to add additional parking spaces in the area where there is grass. There is the option to purchase seeds and landscape the area or to add parking spaces which are needed for school parking. This is a minor modification to special exception and the Commission agreed that the ZEO could handle this administratively.

26 Boston Post Road - The ZEO reported on property owned by Charles Barnes and stated that a complaint was received from an adjacent property owner related to the junk and debris on the property at 26 Boston Post Road. The ZEO 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 are on the property. The ZEO will send Mr. Barnes a violation letter in which a sixty day compliance period will be mandated and the violation letter will be served to the property owner by the State Marshal.

1391 Boston Post Road - 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. Members suggested that the applicant present before the Zoning Commission to explain the proposed indoor seating.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 8:35 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, July 3, 2017 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. Caldarella, G. Lewis, M. Fish, J. Gadon; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted

Stella Beaudoin
Recording Clerk