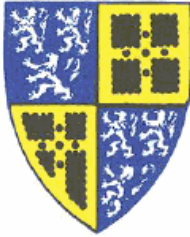


Zoning Commission Minutes 08/20/2018



TOWN OF OLD SAYBROOK Zoning Commission

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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

August 20, 2018

Town Hall, 302 Main Street, 7:00 p.m.
2nd Floor Conference Room

I. CALL TO ORDER 7:00 P.M.

II. ROLL CALL

Attendant Members

Robert Friedmann
Mark Caldarella
Geraldine Lewis
Ann Marie Thorsen
Justin Terribile

Absent Members

Madeleine Fish
Michael Cianfaglione
Joann Gadon

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Margaret Paccione, Recording Clerk

There were 9 people in the audience

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the regular meeting minutes of August 6, 2018 with the following corrections to clarify: (1) Page 7, Coastal Health and Wellness, second motion, remove "MOTION to close Public Hearing" as presented. (2) Page 9, fourth paragraph, line four should read, "...white letters reading drive thru on wall was prohibited." (3) Page 9, fourth paragraph, line seven should read, "...two windows but labeled one." (4) Page 9, fifth paragraph in bold, second sentence should read, "The deadline to close the public hearing is otherwise August 19th. **MADE:** G. Lewis: **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, G. Lewis, M. Caldarella, A. M. Thorsen, J. Terribile **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. CORRESPONDENCE

MOTION to approve payment of Halloran and Sage Invoice #11269290 in the amount of \$351.50 August 14, 2018 as presented. **MADE:** G. Lewis: **SECONDED** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, J. Terribile, M. Caldarella, A. M. Thorsen, G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

III. OLD BUSINESS

A. “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 applicant. He shared that he had made numerous attempts to contact several representatives of DEEP since the last meeting with regard to fill and plantings and was not successful, as did Mr. Ling, who also addressed the commission. He showed aerial photos of property and adjacent properties showing grass to waterline, and proposed to restore to match neighbor’s. Mr. Ling also shared a DEEP planting plan and requested to replace what was listed there with what is suggested on UCONN Coastal Landscaping Guide for a Zone 2 site. The Commission discussed those recommended plantings as well as those suggested by Rich Snarsky, and also referred to a letter and subsequent e-mails since the last meeting from Marcy Balint at DEEP noting that driveway pavers installed should be pervious and are not. All Habitats has been hired to eradicate phragmites and will begin immediately.

The Commission discussed a modified planting schedule, using DEEP Wetlands Buffer Guide for suggestions, for suggestions, and addressed that the installed driveway pavers are not pervious pavers. Plant species, names, and density should be included in all documents and landscape architect needs to provide a blueprint and revised plans to ZEO. Condition count and density must be to the satisfaction of DEEP and will come from UCONN guide. No wildflower mix will be used. Coastal Site Plan will include condition that landscape architect monitor plants for second year growth. Will identify where a 6 ft. wide path will be located within interior riparian buffer, landward from the end of the dock to the house as shown in new plans for dock access. Final approved plans must be filed with ZEO and then the Old Saybrook Land Records to demonstrate appropriate buffer.

MOTION to approve “Ling” Application for Coastal Site Plan Review with the following conditions **MOTION** to approve “Ling” Application for Coastal Site Plan Review with the following conditions: 1) Wildflowers will be replaced with shrubbery and plantings as recommended by the UCONN coastal riparian buffer tool kit for zones 2 and 3. 2) A six foot path wide path will be shown on the plan depicting the walking area from the dock through the riparian buffer area. 3) The landscape architect will provide a list of species for plantings proposed and a written guarantee that the plants within the yellow buffer shown on the plan will be monitored, maintained and replaced as needed two years from the date of planting. 4) The landscape architect will demonstrate to the ZEO that the plants and shrubbery will be planted and spaced appropriately to provide a density at the time of mature growth of the plantings to fill the entire yellow buffer as shown on the plan. 5) A final plan showing the conditions of this approval will be provided to the ZEO and the CT DEEP. 6) The Coastal Site Plan Approval referencing the final approved revised map and conditions will be filed on Old Saybrook Land Use records to clearly identify the vegetated area to be established in the riparian buffer area to current property owner and any future owners of this property. **MADE:** R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, J. Terribile A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0

V. NEW BUSINESS

A. “Connecticut Cancer Foundation” Preliminary Discussion

Modification of Special Exception #16-105, Perimeter Landscaping
15 North Main Street, Assessor’s Map 40, Lot 6 (0.8 ac.)

Shopping Center B-2 District, Pedestrian Node

Applicant: CT Cancer Foundation *Agent:* Joe Wren, P.E.

Joe Wren presented on behalf of applicant an informal discussion for a future application and is looking for feedback from the Commission with regard to trees and plantings and what is allowed. He distributed photos of the property and displayed the site plan. ZEO summarized that she could not sign off on the final inspection for the approved for Special Exception because of deviation of the buffer, and that she has no authority to modify it. Commission questioned why no street trees were planted by neighbor’s property, and said modified site plan must show 4 street trees planted 40 ft. apart. Applicant Jane Ellis addressed the Commission and expressed frustration with difficulty of getting CO and questioned the reason for having to block new building with trees. Commission responded it is not allowed to change regulations, and suggested they find alternative. ZEO provided original approved plan to Commission. One street tree to accommodate buffer will resolve issue. Future diamond shaped fountain and statues were also discussed.

No motion was made.

B. “Wild Birds Unlimited” Application for Site Plan Review

2086 s.f. retail bird supply and nature shop

434 Boston Post Road, Assessor’s Map 42, Lot 17, Business B-4 District

Applicant: Nautical Naturalist, LLC *Agent:* Joe Wren, P.E.

ACTION: Decision by 10/1/2018 (NLT 10/9/2018)

Joe Wren presented on behalf of the applicant for site plan review. Applicants would like to operate a Wild Birds Unlimited franchise on this site. They would like to expand the front

retail space and add additional storage to the rear of the building for a total of 1600 sq. ft. Parking reduction of one space for striping to loading zone to garage door. Lot will be seal coated and striped. Front sign meets regulations and is back lit with hidden LED light source. Commission noted that expansion of building impacts parking, as only stays nonconforming if no changes are made. Front landscape buffer is nonconforming because of change to building, and site development and landscaping must conform. Adding the required front landscape buffer will create a problem with delivery truck access. This is an issue because of the parking lot, with 53 ft. trucks delivering between 1 P.M and 2 P.M. weekdays.

New 44 ft. wall must comply with regulations and have articulation in façade. Rich Gagliardi address the Commission and proposed a 2 ft. bump out with door over hang to resolve issue. Applicant Jessica Penfield addressed the Commission and explained that classes and presentations would be given at the site and dependent on the number of attendees would be held either in the storage area or along the NE side of the store; a portable canopy would be used to provide shade. She said that typically 10-15 people attend.

The Commission discussed various regulations and interpretations of wording particularly the requirement that landscaping non-conformities must be brought into conformance with the regulations for a new application. Mr. Wren requested the matter be continued to the next regular meeting on September 5, 2018.

<p>MOTION to continue “Wild Birds Unlimited” to Wednesday, September 5, 2018, 7:00 p.m., Town Hall, 1st Floor Conference Room. MADE: G. Lewis: SECONDED: J. Terribile VOTING IN FAVOR: R. Friedmann, J. Terribile, A. M. Thorsen, M. Caldarella, G. Lewis; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0</p>

C. “North Cove Shops” Preliminary Discussion

Modification to Special Exception Permit to construct a new 2,240 s.f. retail building
75 Main Street (Map 37/Lot 36)

Central Business B-1 District, Pedestrian Node, Coastal Area Management Zone.

Applicant/Owner: 75 Old Saybrook LLC Agent: Anthony Izzo

Attorney David Royston presented on behalf of applicant and distributed updated site and elevation plans to the Commission and asked that they disregard the plans they presently had. The uses for this property have changed from what had been previously approved. Applicant will be putting up new building in corner of property which will reduce parking in corner at wall to the South, add one parking island to the North, with a net result of the required 89 spaces. Building façade will match existing building. Will apply to ARB for signage. Windows should be taller than wide. New lighting will be same as existing.

The Commission asked for clarification of basement area square footage as to what is retail and what is storage for parking calculation.

No motion was made.

VI. PUBLIC HEARINGS

Attorney Royston asked to modify the agenda to be re-arranged so that “Shops at Oyster River come before “Mariani”

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

- A. **“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 Royston presented on behalf of applicant and distributed to the Commission for the record a letter from CT DOT dated 8/13/2018 regarding entry and exit that will be on plan revision. Attorney Royston presented a letter dated August 20, 2018 requesting clarification of verifiable criteria, measurable criteria and conflict section of Section 68 particularly with respect to uninterrupted walls and articulations in façade for review by the ZEO, Attorney Branse and the Commission for the next meeting. Antony Izzo addressed the Commission and spoke about all of the time that has gone into this project and requested an extension.

Attorney Royston presented an extension letter to the Zoning Commission to allow the public hearing to remain opened until September 5, 2018. The deadline to close the public hearing is otherwise September 5, 2018.

- B. **“Mariani” Application for Special Exception/Coastal Site Plan Review**
Additions to single family residence for a total new gross floor area of 5,373 s.f.
2 Mulberry Street, Assessor’s Map 24/Lot 92-2
Residence A District, Coastal Area Management Zone, CT River Gateway Conservation Zone
Owners/Applicants: Len & Susan Mariani
ACTION: Open Public Hearing, continue or close by 9/17/2018 (NLT 9/23/2018)

Attorney Ed Cassella presented on behalf of the applicants and summarized the plans for an addition to the home and handed out a photo of the home. He provided and

updated plan with tree replacements and shrubbery for the two large dead trees to be removed; all plants and shrubbery can be found on the UCONN Coastal Landscaping Guide. It will meet Zoning Table coverage. NW septic has been replaced.

MOTION to close Public Hearing for “Mariani” Application for Special Exception/Coastal Site Plan Review **MADE:** R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, J. Terribile, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

MOTION approve “Mariani” Application for Special Exception/Coastal Site Plan Review with condition that only trees to be removed are the two on plan and that additional tree plantings and shrubs will be provided as indicated. **MADE:** R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, J. Terribile, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Sunflower Foot Spa, 1381 Boston Post Road, unpermitted signs. C&D issued.

Tea Kettle, 1395 Boston Post Road, Fire Marshal found 92 seats and additional tables. 65 permitted per zoning. C&D issued.

Mattress Firm, 855 Boston Post Road, multiple a-frame, stick in ground and flag signs. C&D issued.

Himalaya Café, 1456 Boston Post Road, ZEO requests clarification. After the building, there was a staff report discussion about relocating seats between the businesses after interior rebuild. Parking is sufficient. New plan being prepared. ZEO believed the Commission told her to handle administratively and wanted to clarify this with the Zoning Commission. Commission clarified that the matter is to be handled administratively.

Little Pub, 1231 Boston Post Road. Progress being made. DOT has recommendation for a slight change in entry drive. There was a discrepancy with the approved plans. Walk-in cooler proposed to be located outside which means the dumpsters would need to be relocated further to the rear of the building on a pad with a fenced enclosure in the grassed area which is less visible from the street and neighbors while more functional. Proposed change meets regulations, is screened and makes operational sense. ZEO asked if this is a minor change that can be handled administratively. Commission authorized ZEO to handle this change administratively.

CT River Gateway Standards – ZEO will work on a comparison of the Old Saybrook Regulations and the proposed model standards once finalized and adopted by Gateway on Thursday. ZEO will add this text to the draft housekeeping amendments from the last meeting into one document for a workshop and possible adoption by the end of the year.

VIII. ADJOURNMENT

MOTION to adjourn the meeting at 10:35 p.m. to the next regularly scheduled Zoning Commission meeting on Wednesday, September 5, 2018 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook. **MADE:** G. Lewis;
SECONDED: R. Friedmann **VOTING IN FAVOR:** R. Friedmann, J. Terribile, G. Lewis, M. Caldarella, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None.
APPROVED: 5-0-0.

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NEXT REGULAR MEETING
Wednesday, September 5, 2018 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

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agendas.*

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Respectfully Submitted,

Margaret Paccione
Recording Clerk