
Zoning Commission Minutes 02/21/2018



TOWN OF OLD SAYBROOK Zoning Commission

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*Robert C. Friedmann, Chairman
Mark Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary*

*Madeleine B. Fish
Ann Marie Thorsen*

Alternate Members
*Michael Cianfaglione
Joanne Gadon
David Papandrea*

REGULAR MEETING MINUTES

Wednesday, February 21, 2018 – 7:30 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

I. CALL TO ORDER

Chairman Robert Friedmann called the meeting to order at 7:30 p.m.

II. ROLL CALL

Attendant Members

Robert Friedmann
Mark Caldarella
Geraldine Lewis
Madeleine Fish
Ann Marie Thorsen
Joanne Gadon, Alternate Member
Michael Cianfaglione, Alternate Member

Absent Members

David Papandrea

Attendant Staff

Kathy King, Recording Clerk

There were 7 people in the audience.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the regular meeting minutes of February 5, 2018 as presented with the following 2 amendments: In the motion box for "Little Pub" on page 3, replace "to direct one way traffic in a counter clockwise direction" with "to face the traffic in a counter clockwise direction." In the same motion, replace "the bollards on the north east side" to "the bollards in the south direction." **MADE:** R. Friedmann; **SECONDED:** G. Lewis; **VOTING IN FAVOR:** R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. CORRESPONDENCE

MOTION to pay Invoice #1125543 from Halloran & Sage for \$259.99. **MADE:** G. Lewis; **SECONDED:** M. Caldarella; **VOTING IN FAVOR:** R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

IV. CONTINUED PUBLIC HEARINGS

A. "Pediatric Dentist Office" Application for Special Exception Permit/Coastal Site Plan Review

Construction of a 5,250 s.f. single story office building, parking lot & sign.
Shopping Center Business B-2 District, CAM Zone, Pedestrian Node
1017 Boston Post Road, Assessor's Map 28 / Lot 38
Applicant: CCPD Properties *Agent: Joe Wren, P.E.*

J. Wren presented for the applicant. He explained that the three open items that still needed to be addressed from the last Zoning Commission meeting were the cut fill volume, the traffic study and submission of an architectural rendering.

Traffic engineer Stephen R. Ulman from Alfred Benesch & Company reviewed the site. J. Wren submitted the report dated 2/16/18 for the record. Peak hour traffic was monitored. S. Ulman determined that left turn restrictions would not be required at the site because there would be enough room for 11 cars at 25 feet per car. There would never be more than 11 cars cued from the stop bar. He did notice that the traffic box was functioning incorrectly in that the vehicle detectors for the traffic signal are inoperative, and therefore, he has notified the CT DOT District 2 Maintenance Office about this.

Local Authority and Police Chief Michael Spera is still recommending that no left turn provision signs be installed. In an email from Chief Spera dated 2/20/18, Chief Spera said "I am strongly in favor of the project moving forward with the no-left turn provision adopted."

J. Wren said the cut fill volume is 13 cubic yards of fill required to grade the site. 4,500 cubic yards of natural soil was taken from the site, and they are proposing 1,300 cubic yards be brought back to the site.

Matt Byrnes-Jacobson, architect, distributed renderings "Estimated Perspective View - From Causeway" dated 2/21/18. The manipulated photograph doesn't include the form liner on the concrete wall.

R. Friedmann asked about tall trees that are there now that are not shown in the rendering including the cedar trees. J. Wren said the surveyor located the tree canopy line. Some of those existing trees are along the property line. Every individual tree was not located. Anything within the 50' tidal wetland will remain as is and will not be removed. There will be limited tree trimming

R. Friedmann asked about CT DEEP's Marcy Balint's request for the Natural Diversity Data Base. The applicant applied for the NDDB, and no new correspondence from M. Balint has been received.

R. Friedmann asked about OSFD Fire Chief Joe Johnson's request for an auto turn designation. The AutoTurn is a specific software program. J. Wren said his software shows the wheel turn analysis, but he does not own Auto Turn software.

J. Gadon asked about the traffic study and the volume of traffic predicted. J. Wren explained that the aggregate number is being used because it's representative of other data in the shoreline towns.

R. Friedmann asked if anyone in the audience would like to speak in favor of or in opposition to the application, and no one chose to speak.

MOTION to close the Public Hearing for "Pediatric Dentist Office"
Application for Special Exception Permit/Coastal Site Plan Review
Construction of a 5,250 s.f. single story office building, parking lot & sign.
Shopping Center Business B-2 District, CAM Zone, Pedestrian Node; 1017
Boston Post Road, Assessor's Map 28 / Lot 38 *Applicant: CCPD Properties; Agent:*
Joe Wren, P.E. **MADE:** G. Lewis: **SECONDED:** M. Fish: **VOTING IN**
FAVOR: R. Friedmann, M. Fish, M. Caldarella, A. M. Thorsen, G. Lewis;
ABSTAINING: None. **OPPOSED:** None. **APPROVED:** 5-0-0.

M. Caldarella voiced concerns about the traffic study and Chief Spera's request for a no left turn provision. He also raised concerns about Fire Chief Johnson's need for an Auto Turn Analysis before giving his approval for this project. These concerns were echoed by other Commissioners as well.

R. Friedmann read from Section 68.2.4 of the Zoning Regulations regarding building façade. The façade especially on the northern face should be articulated with interruption of the length of the wall. He stated that Commissioners should determine whether or not the windows are in compliance with "articulations on the façade."

R. Friedmann stated that the existing vegetation should remain because it would help to obscure the concrete wall, and the land is going from low to high. Any vegetation that would screen the long flat wall, the cedar trees and any other vegetation in the wetlands area would help to break up the long line of wall.

R. Friedmann explained that per recommendation of our Town Engineer Geoffrey Jacobson, maintenance of the façade of the retaining wall should be

accomplished by using DOT grade façade material or the upgrade would need to be a condition of review for the viability of the special exception.

MOTION to approve “Pediatric Dentist Office” Application for Special Exception Permit/Coastal Site Plan Review Construction of a 5,250 s.f. single story office building, parking lot & sign. Shopping Center Business B-2 District, CAM Zone, Pedestrian Node; 1017 Boston Post Road, Assessor’s Map 28 / Lot 38 *Applicant: CCPD Properties; Agent: Joe Wren, P.E.* **MADE:** M. Fish: **SECONDED:** 0- no one seconded. The motion died.

MOTION to deny “Pediatric Dentist Office” Application for Special Exception Permit/Coastal Site Plan Review Construction of a 5,250 s.f. single story office building, parking lot & sign. Shopping Center Business B-2 District, CAM Zone, Pedestrian Node; 1017 Boston Post Road, Assessor’s Map 28 / Lot 38 *Applicant: CCPD Properties; Agent: Joe Wren, P.E.* R. Friedmann explained the reasons for denial as follows: non-compliance of 6” caliper trees being shown on the plan, the building location at 200’ feet from the right of way, non-compliance with building design regulation with regard to 68.2.4, and therefore, the location for parking isn’t met. Public health and safety would be in jeopardy because no left turns have not been added to plans, nor has an Auto Turn Analysis been done and submitted. The applicant went with a partial traffic study and did not propose to install the turn signs suggested by Chief Spera. The amount of fill for 36 parking spaces is substantial and adds a sheet flow on the western side of the parking area. Drainage calculations are of concern. The drainage issues create a sensitive situation adjacent to the wetlands next to the Oyster River. The windows in the architectural rendering do not meet the regulation of the articulations of the façade. Application is denied. **MADE:** R. Fish: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, G. Lewis; **ABSTAINING:** None. **OPPOSED:** M. Fish. **APPROVED:** 4-1-0.

V. PUBLIC HEARINGS

- A. **Petition to Amend the Old Saybrook Zoning Regulations** for a new overlay zone entitled Section 57 Gateway Expanded Business Zone. The proposed regulations would expand Special Exception uses in the Gateway Business B-4 District to allow restaurants with drive-through windows/substations, retail sale of gasoline/fuel/ and accessories as an accessory use to a restaurant, convenience store or other permitted commercial use, an informational welcome center and one or two additional free-standing signs when a property abuts I-95.
Applicant: 52 Spencer Plain Road, LLC Agent: Attorney David M. Royston

Attorney David M. Royston represented for the applicant. The company is named after the property. Developer Eric Spungin and his son were present. Mr. Spungin has a contract to purchase the property at 52 Spencer Plain Road. Attorney Sylvia Rutkowska from Dzialo, Pickett & Allen was present as was J. Wren, P.E. for the site.

Atty Royston explained that the purchase of the property is contingent upon the approval of the proposed zoning regulations change which would create an overlay zone in the B-4 district. Atty. He submitted copies of Section 55 of the

Zoning Regulations, Planned Residential Development Zone (PRD). He re-emphasized that the application is for an overlay zone. The underlying regulations will still apply except as they are modified by the overlay zone.

The application was filed 1/10/18. It was reviewed by the CT River COG to determine whether there are any municipal aspects because this area is within 500' of I-95. There was a letter from the CT River Cog saying there were no municipal impacts.

It was determined that Gateway does not apply, so no referral is necessary. The other municipalities received a referral. There were no comments from any other municipalities.

The proposed regulation is a product of the meeting with staff and the Zoning Commission. The regulation has been proposed as an overlay zone so the Zoning Commission will have the discretion to determine whether or not it's appropriate to allow the additional regulations to be applicable.

The application was referred to the Planning Commission and to Attorney Mark Branse under Ordinance 71 for his review. Atty Branse sent a letter dated 2/5/18 with his comments. Atty Royston was able to provide some revisions to Atty Branse's comments at the Planning Commission at their 2/7/18 meeting. Because of the Planning Commission's schedule, they have continued their meeting to 3/7/18.

Atty Royston requested that the Zoning Commission Public Hearing be continued so the Planning Commission can be allowed to comment before the Zoning Commission closes their Public Hearing. That would continue to the Public Hearing to the 3/19/18 Zoning Commission meeting.

The Architectural Review Board reviewed this application. They had some recommendations based upon the recommendations by Atty Branse. A revised text was submitted based on those recommendations. Atty Royston filed that revised recommendation on 2/15/18 in the Land Use Office with the text with underlining.

M. Cianfaglione had to exit the meeting at 8:43 p.m.

D. Royston reviewed in detail the "February 15, 2018 Revised Petition to Amend the Old Saybrook Zoning Regulations to Add an Overlay Zone to be known as Section 57 Gateway Expanded Business Zone new provisions added to January 10, 2018 text are underlined". This detailed review include the sections labeled as follows: Purpose, General, Additional Special Exception Uses, Conditions of Special Exception Approval, Conflicting Provisions, Specific Standards for the Additional Special Exception Uses, a new section regarding the retail sale of gasoline or other motor vehicle fuel and accessories and accessory facilities, Welcome Center Requirements, Signs, Prohibited Uses and Addition to Revised Petition amend Section 9 Definitions to add Welcome Center and Truck Stop.

Atty Royston emphasized that these are overlay regulation changes, and each application would still have to come before the Zoning Commission, and that

there would be no facility within 100' of a residential building lot. This will protect adjacent properties such as Buck Hill.

R. Friedmann asked if anyone wished to speak in favor of or in opposition to the application. No one chose to spoke.

The Public Hearing will be continued or closed by 3/19/18 no later than 3/27/18. The applicant would be willing to grant more time if requested.

Atty Royston asked if J. Wren, P.E. and Mr. Spungin could speak.

J. Wren, P.E. showed sketches to the Commissioners to illustrate what the overlay zone would look like. He talked about the sentence already in the Zoning Regulations stating that the purpose of the Gateway Business Zone is to allow easy access to major highways. I-95 is a resource that is being underused. The proposed overlay zone would attract people to the businesses and still meet the purpose of the zone. Any application would have to go through all of the proper boards and commissions; therefore, plenty of controls would be in place. Traffic generated would not burden local roadways. J. Wren showed a conceptual plan with an access road into the site with 2 drive-through fast food restaurants and a canopy with gasoline pumps. There would be a buffer of trees along the edge. The signage can be up to 35' from existing grade to be consistent with the height of the buildings.

Atty Royston submitted locations for truck stops in CT.

Mr. Spungin, developer, said he has 45 years of experience as a developer. He explained that this property is insulated by the highway and the RR tracks. It's the only full I-95 interchange in Old Saybrook. He said a welcome center would be a positive entrance to the town. He is not looking to build a truck stop nor will he allow trailers to be parked overnight. He submitted Google Map photos of a development he did at 45 Prospect Hill Road in East Windsor.

MOTION to continue the Public Hearing for Petition to Amend the Old Saybrook Zoning Regulations for a new overlay zone entitled Section 57 Gateway Expanded Business Zone. The proposed regulations would expand Special Exception uses in the Gateway Business B-4 District to allow restaurants with drive-through windows/substations, retail sale of gasoline/fuel/ and accessories as an accessory use to a restaurant, convenience store or other permitted commercial use, an informational welcome center and one or two additional free-standing signs when a property abuts I-95. Applicant: 52 Spencer Plain Road, LLC; Agent: Attorney David M. Royston to the regularly scheduled Zoning Commission meeting of Monday, March 19, 2018, Town Hall, 302 Main Street, 1st Floor Conference Room, 7:00 p.m.; **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Fish, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Walmart, 665 Boston Post Road – Request for 2018 garden center and expansion to utilize additional space for mulch and stone. The area shown on the site plan shows a handicapped parking space. The plan is outdated and Walmart provided photographs showing the space is not handicapped.

R. Friedmann said the Zoning Commission last year determined Walmart needed to clean up their outdoor garden area, and they did. Their paper plans do not align with photographs. Walmart must provide plans on paper for the Commissioners to review including handicapped spaces and their dimensions.

Two in One Store, 855 Boston Post Road. Request for life size wagon and cowboy with exotic jerky sign to be placed in State right of way.

The Zoning Enforcement Officer has advised the applicant to contact the CT Department of Transportation. The State most likely would not allow a wagon in the right of way. Another thought was to put the wagon and the sign in the area where the former freestanding sign was located. The applicant wondered if the sign was in the wagon, would the entire wagon be counted as the sign? If the sign was freestanding and was set up near the sign could both remain? The applicant is working on providing dimensions for the wall sign. R. Friedmann said per Zoning Regulations, vehicle signs are not allowed.

Saybrook Point Inn, 2 Bridge Street – request for 64 s.f. sand shed for septic - sand stored to manage their septic system. R. Friedmann said they should come before the Commission as a modification to a Special Exception because they are adding building coverage.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 10:08 pm. to the next regularly scheduled Zoning Commission meeting on Monday, March 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, G. Lewis, M. Fish, A. M. Thorsen, M. Caldarella; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted

Kathleen King
Recording Clerk