



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**

Wednesday, September 5, 2018  
Town Hall, 302 Main Street, 7:00 p.m.  
1<sup>st</sup> Floor Conference Room

I. **CALL TO ORDER 7:01 P.M.**

II. **ROLL CALL**

**Attendant Members**

Robert Friedmann  
Mark Caldarella  
Geraldine Lewis  
Ann Marie Thorsen

**Absent Members**

Madeleine Fish  
Michael Cianfaglione  
Joanne Gadon  
Justin Terribile

**Attendant Staff**

Mark Branse, Town Attorney  
Christine Nelson, Town Planner  
Margaret Paccione, Recording Clerk

There were 7 people in the audience.

III. **REGULAR BUSINESS**

A. **MINUTES**

**MOTION** to approve the regular meeting minutes of August 20, 2018 with the following corrections: 1) page 2, “Ling” paragraph 2, second line, remove one of duplicate “for suggestions” and 2) page 6, Committee, Representative, & Staff Reports, “Mattress Firm”, correct address to read “555 Boston Post Road” as amended. **MADE:** G. Lewis: **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, G. Lewis, M. Caldarella, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

B. **CORRESPONDENCE**

**MOTION** to approve payment of Halloran and Sage Invoice # 11269042, dated August 27, 2018, in the amount of \$2978.50 **MADE:** G. Lewis: **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, G. Lewis, M. Caldarella, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

IV. **OLD BUSINESS**

A. **“Wild Birds Unlimited” Application for Site Plan Review**

2,086 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)*

Attorney Joe Wren presented on behalf of applicants and introduced Jessica and Ken Penfield and their contractor Rich Gagliardi to the Commission. Because parking lot needs hard surface to accommodate delivery trucks, applicant proposed to remove asphalt and replace with turf stone eco pavers, which will allow for grass to grow through holes in grid pattern. Six whiskey barrel planters containing seasonal flowers were planned to be added in lieu of landscaped area, however, one planter at entrance at north end curb cut will be replaced by dogwood tree for a total of 3 trees and 5 planters. Parking lines have been shifted down for conforming spaces. Commission discussed uniqueness of property and felt this was deemed able and reduction in nonconformity is positive.

**MOTION** to approve **“Wild Birds Unlimited” Application for Site Plan Review** with the following conditions: 1) an additional tree as described and discussed will be installed nearest the north side of the curb cut 2) that grass pavers having pervious combination with grass growing and impermeable solid able to carry vehicular travel to be a reasonable reduction in the nonconformity regarding front landscape setback, and 3) North East parking be restriped to not be on grass pavers. **MADE:** R. Friedmann **SECONDED:** Gerri Lewis **VOTING IN FAVOR:** R. Friedmann, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0

V. **NEW BUSINESS**

A. **“Oceanside Automotive” Discuss pending litigation/ possible stipulated judgment**

810 Middlesex Turnpike, Assessor’s Map 63, Lot 8  
Restricted Business B-3 & Residence AA-1 District  
Owner: Legacy for Him, LLC. Agent: Attorney Edward Cassella

**MOTION** to amend the agenda to enter into Executive Session **MADE:** R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0

The Commission requested that the audience step outside of the meeting room to allow it to enter into Executive Session.

**MOTION** to enter into Executive Session **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0

**MOTION** to come out of Executive Session **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0

The Commission invited the audience to return to the meeting room at 7:27 P.M.

## VI. CONTINUED PUBLIC HEARINGS

### B. “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 9/5/2018 (NLT 9/5/2018)

Attorney Royston presented on behalf of applicant and distributed to the Commission for the record a letter dated 9/5/18 requesting for and consenting to an extension of time for the completion of the public hearing and to allow the public hearing to remain open until 10/1/18. The letter also expressed the applicants wish to obtain a determination by the Commission on several matters which will impact Plan revisions and supporting documentation. He summarized this letter, and then presented to the Commission a second letter, dated 9/5/18, seeking a determination from the Commission on the six matters listed.

Following Attorney Royston’s summarization of the second letter, Owner/Applicant Anthony Izzo addressed the Commission and presented his own letter to them summarizing his marketing of the property for the past two years. Attorney Royston stated the building would have to be raised significantly to meet FEMA requirements if it were moved forward, and based on plan of display area to the front and sides, there would be no room; he referred to Kohl’s and Big Y location as an example of setback. Attorney Branse stated there can be a way to blend detention and addressing how criteria can be addressed to guide applicant. Attorney Royston said focus was to say specifically to not move Agway to front, and will take Attorney Branse’s suggestion with regard to 25ft. detention. Town Planner Christine Nelson offered Attorney Royston the staff to help with this. Attorney Royston conferred with his client and engineer and shared that they believe they can create and enhanced landscape area in detention area, and Commission agreed it would benefit from landscape architect and Town Planner. Attorney Royston said he will accept the offer of the Town Planner with thanks.

George White from Dunkin Donuts addressed the Commission and spoke on the second matter in letter regarding second drive thru window, and shared that there will be no

attendant at this window, nor will there be a register, as it is intended for pickup of larger orders to keep the queue moving. 10 additional parking spots should not be necessary as this is not a drive thru window.

Attorney Royston and the Commission discussed the third item on the list, referring to overhangs, and whether the westerly wall of Dunkin Donuts provided sufficient articulation according to regulations. Christine Nelson offered insight to the design standards, and shared that formula for breaking up walls with no differentiation was for walls with no interruption, and followed standards of structures in New England, meant for more pleasing patterns, traditional to Old Saybrook. The Commission discussed various bays and articulations and applicant acknowledged that the size, direction and landscaping of wall windows are sufficient.

The Dunkin Donuts menu board, was the fourth item on the list discussed. R. Friedmann asked how it would not be visible from street. Board is one sided and plantings on back side will obscure it. Architect Jim Cassidy addressed the Commission and stated he incorporated a series of evergreens at the rear of the menu board in the Plan. Attorney Branse asked if it's not a sign and only a menu board, should it contain no symbols of Dunkin Donuts? This will be taken under advisement.

The fifth item addressed and discussed was acceptance of the applicant's revised Parking Data Schedule. Attorney Royston believes that the main Agway building should be characterized as furniture/appliance/carpet store with 1 parking space for each 400 sq. ft. He introduced Craig Ward from CT Gardens LLC to the Commission, who presented and distributed a letter to the board, advised the group that Agway was a True Value dealer, and summarized the business of Agway as a hardware store. He noted that 56 parking spaces are perfect for use. Main building use, including storage, greenhouse interior, outdoor palate display area, office area, and non-public areas was discussed.

Attorney Royston asked that it be stated for the record that Attorney Branse was very cooperative in getting information to him and that no delay was caused by him. The Commission asked Mr. Cassidy if were possible for him to "red line" or color code changes made in Plan and he agreed. Attorney Royston said as soon as he has Attorney Branse's comments he will have an amended and conclusive Statement of Use. Attorney Branse said he should have notes to him in a week. It was agreed the Commission still has time left and this is better for everyone.

The Commission reached a consensus on listed matters numbers 1, 2, 3, 4, and 5 with regard to setbacks, drive thru window, articulation, menu board sign, and parking data schedule, and deferred to 10/1/18 matter number 6, approval of joint use parking.

**MOTION** to continue Public Hearing for **"Shops at Oyster River"** to Monday, October 1, 2018, 7:00 p.m., Town Hall, 1<sup>st</sup> Floor Conference Room. **MADE:** R. Friedmann; **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0

## VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Christine Nelson shared with the Commission matters including that a 120K grant was received for the design and permitting for the sidewalks at Stage Road and Route 1, and a 225K construction grant was received for Pond to Lynde sidewalks along South side of Route 1. Design and permitting will begin on Ingham Hill Road cul du sac, discussed a parking lot for The Preserve, residential development, and 25K budgeted in capital improvement for Multi-Hazard Mitigation Plan.

## VIII. ADJOURNMENT

**MOTION** to adjourn the meeting at to the next regularly scheduled Zoning Commission meeting on Monday, September 17, 2018 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, G. Lewis, M. Caldarella, A. M. Thorsen; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

Respectfully Submitted,

Margaret Paccione  
Recording Clerk