



TOWN OF OLD SAYBROOK
Zoning Commission

*Robert C. Friedmann, Chairman
Mark R. Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary
Ann Marie Thorsen
Madeleine B. Fish*

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Alternate Members
*Michael P. Cianfaglione
Joanne Gadon
Justin Terribile*

REGULAR MEETING MINUTES

Monday, November 19, 2018 – 7:00 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

- I. **CALL TO ORDER 7:00 PM**

- II. **ROLL CALL**

Attendant Members

Mark Caldarella
Geraldine Lewis
Joanne Gadon for Ann Marie Thorsen
Madeleine Fish

Absent Members

Robert Friedmann
Ann Marie Thorsen
Michael Cianfaglione
Justin Terribile

Attendant Staff

Christina Costa, Zoning Enforcement Officer
Margaret Paccione, Recording Clerk

There were 3 people in the audience

- III. **REGULAR BUSINESS**

- A. **MINUTES**

MOTION to approve as presented the regular meeting minutes of November 5, 2018
MADE: G. Lewis **SECONDED:** M. Fish **VOTING IN FAVOR:** M. Caldarella, J. Gadon, G. Lewis, M. Fish **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

- B. **CORRESPONDENCE** None

The Commission decided to amend the agenda to move Old Business to follow the Public Hearings.

MOTION to amend agenda to move item IV. “**OLD BUSINESS**” Items A. Preliminary Discussion and B. Oceanside Auto to follow Item VI. “**PUBLIC HEARINGS**” **MADE:** Mark Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, J. Gadon, G. Lewis, M. Fish **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

V. NEW BUSINESS

- A. **Discussion:** Scope of events permitted for beer manufacturing and accessory tasting area.
39 Ragged Rock Road, Unit 5 (Map 53, Lot 41), Industrial Zone
Owner: Ted Zito Business Owner: Luke Maynard

Luke Maynard, owner of 30 Mile Brewery, was present, and the Commission shared its concerns about recent activities with cover charges, and asked for an overview of his business plan in order to determine if it complied with current zoning regulations. Mr. Maynard stated he was trying to get more exposure to his business by hosting these events, and had no plans of hosting any future events. The Commission supports this business but has concerns when it goes out of bounds, and encouraged the owner to work within regulations to grow business. M. Caldarella suggested preliminary discussions in the future if owner needs further guidance. Audience member and resident William Lasky spoke in support of Mr. Maynard, and spoke on the positive effect the business had for the Town.

VI. PUBLIC HEARINGS

- A. **“McDonald’s Restaurant” Application** for Modification to Special Exception for façade renovation, site improvements & signs.
1061 Boston Post Road, Map 28/Lot 15, Restricted Business B-3 District, Pedestrian Node, Coastal Area Management Zone.
Applicant/Owner: McDonald’s Corporation 6/46 Agent: Jeff Bord, P.E.
ACTION: Open public hearing; continue or close by 12/17/2018 (NLT 12/23/2018)

The first Public Hearing for this application opened this evening with Geoffrey Fitzgerald representing the applicant. He summarized improvements planned such as ADA compliant bathrooms and accessible route to right of way, modernized digital menu boards and ordering stations, façade renovation, and sidewalk replacement with special attention and care taken to existing elm tree along Boston Post Road. He distributed photos of site and showed renderings of proposed improvements to the Commission for their review. The group discussed ARB’s concerns regarding various signage, as the property is in B3 district and has limitations on signs permitted. Menu board will be replaced by a digital display with the condition it will not have video. Drive thru will be screened by evergreen shrubs planted along Ingham Hill Road. Mr. Fitzgerald showed color and material samples along with photos of proposed intended look.

The Commission recognized that the McDonald’s building is a pre-existing building and that there are a number of non-conformities with current regulations. The property has not been reviewed by the Commission in at least fifteen years, and existing files do not accurately document what is currently on the property. The Commission feels this is an opportunity to bring the property more into conformance with the current regulations but recognizes that regulations like requiring a projection in a wall every forty feet for an existing building is not reasonable. There may be opportunities to break up the wall a little more with architectural elements.

The existing McDonald’s wall sign facing Boston Post Road is internally illuminated and is located above the roof where rain hits. Internal illumination is prohibited in the B-3

District. The proposal is to reduce the sign to an internally illuminated “M” which hang no higher above the existing roof than the current sign does. There is no proposal to change the existing free-standing sign or reduce the size and height to meet current regulations.

The Commission determined that the welcome sign above the door on the eastern elevation is a directional sign to guide people to the door. The yellow “Drive-through” lettering above the clearance bar should be removed since the pavement markers clearly indicate the way to the drive through. The Commission is okay with the words drive-through being added to the clearance bar next to height.

The reduction in sizes of the pre-menu board and menu board are an improvement. The Applicant agreed that all the unpermitted signs attached to the boards and in the ground will be permanently removed and not reappear. The two “Reserved for Drive-Through” signs are being replaced and reduced in size. The Commission felt that these signs are for parking and that they help to move traffic through the property when food is not ready for immediate sale.

The ARB has requested that the ZC keep the hearing open so they can complete their review on November 26th.

MOTION to continue public hearing until Architectural Review Board report is received and reviewed for modification and specification suggestions for **“McDonald’s Restaurant” Application** for Modification to Special Exception for façade renovation, site improvements & signs, to the next regularly scheduled meeting on Monday, December 3, 2018. **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Gadon, M. Fish **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

- B. **“Off-Site Parking” Petition to Amend the Old Saybrook Zoning Regulations**
To permit off-site parking for permitted principal uses in the Industrial I District, Shopping Center Business B-2 District, and the Marine Industrial District by Special Exception.
Petitioners: 923 Boston Post Road, LLC; LAB Realty, LLC; Max’s Place, LLC; McDonald/ Sharpe & Associates, LLC; Mill Meadow Development, LLC; Mill Rock Road Leasing, LLC; Kevin Geenty, Allen Hull, Anthony Izzo & Ron Lyman
Agent: Attorney David M. Royston
ACTION: Open public hearing; continue or close by 12/17/2018 (NLT 12/23/2018)

Attorney David Royston presented on behalf of the multiple named petitioners and immediately requested for the Public Hearing to be continued to December 3, 2018 in order to provide Commission with time to review additional materials he distributed to them at meeting. He summarized the timeline of the petition, and requested that staff review the materials as well for direction at continued public hearing. M. Caldarella asked given the multiple properties in town, what would be the intended uses, to which Attorney Royston responded that he will give a demonstration at the next meeting how it will work. He referred to Tantor Media and how abutting landowners can share parking. Since plan was not referred to any Public Safety Officer, Chris Costa will refer to Chief Spera, Fire Department, and Fire Marshall for input.

MOTION to continue public hearing “Off-Site Parking” Petition to Amend the Old Saybrook Zoning Regulations to permit off-site parking for permitted principal uses in the Industrial I District, Shopping Center Business B-2 District, and the Marine Industrial District by Special Exception to the next regularly scheduled meeting on Monday, December 3, 2018 **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, J. Gadon, M. Fish **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 4-0-0.

Joanne Gadon excused herself for the evening at 8:40 PM.

IV. OLD BUSINESS

- A. **Preliminary Discussion:** Modification of Special Exception Permit #18-171 to convert office space to 350 s.f. of retail and 360 s.f. of storage/fulfillment area. 40 Elm Street (Map 36/Lot 109) Central Business B-1 District, Pedestrian Node Applicant/Owner: Indigo Properties, LLC. Agent: Joseph Wren, P.E.

Attorney Joseph Wren presented on behalf of applicant. Along with him were Attorney Ed Cassella and business owner and tenant Bob Lorre. Attorney Cassella summarized business and goal as primary office space with retail component, and a staging area for fulfillment related specifically to customization of products. Mr. Lorre addressed the Commission and shared the evolution of his wife’s business to e-commerce, and the need for this additional space to assemble “curated gifts” as well as for a monogramming machine. M. Caldarella asked if the layout had been amended as discussed with and recommended to Attorney Wren by the Commission at the last meeting and was told it had not because of the cash register space needed. The Commission said there needed to be a separation to the fulfillment area and that a cash register does not qualify as separation. Delivery and shipments were discussed, as was waste, which will be stored in basement to accumulate and then be taken by tenant to transfer station. M. Caldarella and M. Fish both felt determination of a major modification should be made. Attorney Wren will get application.

- B. **“Oceanside Automotive”**

Discuss pending litigation/ possible stipulated judgment
810 Middlesex Turnpike, Assessor’s Map 63, Lot 8, Restricted Business B-3 & Residence AA-1 Districts. Owner: Legacy for Him, LLC.

Attorney Cassella noted Attorney Mark Branse’s draft stipulated judgement included legal fees of approx. \$20K; with another violation owner would get letter, and a trip to court will cost \$75K plus all legal fees. He presented the Commission with updated Plan A and Plan B, which included second story addition with interior stairway on Plan A, and an enclosed exterior staircase and oil tank to remain place on Plan B. There will be new grass and vegetation, wetlands buffer for fence, swale to intercept storm water. There will be no more 24-hour towing with AAA; will tow for hire during business hours. Updated Plan B is less costly and will remove activity away from neighbor. The Commission discussed conditions that must be stipulated, including colors, which should be Gateway neutral earth tones and samples of which to be approved, signage with one wall sign and no freestanding signs, standard emissions signs should be no more than 4 sq. ft., no light poles or light spill over property line or by Wetlands, full cut-off fixtures, Residence District will remain non illuminated, no overnight parking of RV’s or tractor trailers, no freestanding buildings or temporary A frames.

MOTION to direct legal counsel to move forward with the draft Stipulated for Judgment dated November 13, 2018 and as depicted on the “Proposed Survey Plans Showing Proposed Parking, Property of Legacy Him, LLC. Middlesex Turnpike – Conn. Rt. 154, Old Saybrook, CT” prepared by Angus McDonald and Gary Sharpe Associates, Inc. The plans are dated March 21, 2018, revised to 11-12-18 and have a handwritten note “Plan B, 11-19-2018.” Plan B includes 3 pages of architectural elevations prepared by Harold Graft, prepared on May 17, 2018 and revised to _____ and a landscaping plan prepared by Giroux Landscaping, dated November 13, 2018, Legacy for Him, LLC. “Plan B” which includes wetlands restoration notes and a list of plantings to be completed by May 30, 2019 with the following conditions:

- 1) Only one (1) wall sign is permitted on the building. The sign will not be internally illuminated and will meet the B-3 sign regulations (5% of the area of the wall). The plans will be amended to add the size and location of the building sign.
- 2) One additional wall sign is permitted per State Law to indicate that the property is an approved State Emissions Testing Facility. The sign will be no larger than 4 sq.ft.
- 3) The building colors and materials will be muted and consist of neutral and earth tones. Samples will be provided to the ZEO.
- 4) No temporary free-standing or wall signs are permitted.
- 5) All exterior lighting fixtures will be full cut off fixtures. No light will spill over any property line and the portion of the property in the Residence AA-1 District will not be illuminated.
- 6) The two (2) designated emissions parking space signs will be no larger than 12” wide and 18” tall.
- 7) No overnight parking of tractor trailers, large trailers, recreational vehicles, motor homes is permitted on the property.
- 8) The fenced buffer area surrounding the inland wetlands will be planted and allowed to grow. The area will not be mowed and will be allowed to establish into a natural vegetative buffer.
- 9) The plans will be amended to remove the pea stone gravel parking area encroaching in front of and on the property of 756 Associates. The area will be loamed and seeded in accordance with the landscape plan.
- 10) A Statement of Use will be provided to the ZEO clarifying all the uses proposed and to clearly establish the record as to the scope of automotive uses allowed.
- 11) The plans will be revised to show these amendments and the conditions of the Inland Wetlands & Watercourses Commission.
- 12) Planting plan should be revised to show the plantings meet the minimum tree and plant sizes as permitted by the Zoning Regulations.

MADE: G. Lewis **SECONDED:** M. Fish **VOTING IN FAVOR:** G. Lewis, M. Fish **ABSTAINING:** None. **OPPOSED:** M. Caldarella **APPROVED:** 2-0-1.

VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

The Kate. 300 Main Street Will continue lighting discussion to next meeting.

Ax Throwing Will continue discussion to next meeting.

VIII. **ADJOURNMENT**

MOTION to adjourn the regular meeting at 10:30p.m. to the next regularly scheduled Zoning Commission meeting on Monday, December 3, 2018 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook. **MADE:** M. Caldarella
SECONDED: G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, M. Fish
ABSTAINING: None. **OPPOSED:** None. **APPROVED:** 3-0-0.

Respectfully Submitted,

Margaret Paccione
Recording Clerk