



TOWN OF OLD SAYBROOK
Zoning Commission

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216
www.oldsaybrookct.org

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

Monday, December 3, 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

Robert Friedmann
Mark Caldarella
Anne Marie Thorsen
Madeleine Fish
Joanne Gadon

Absent Members

Michael Cianfaglione
Geraldine Lewis

Attendant Staff

Christina Costa, Zoning Enforcement Officer
Margaret Paccione, Recording Clerk

There were no people in the audience.

III. **REGULAR BUSINESS**

A. **MINUTES**

MOTION to accept the regular meeting minutes of November 19, 2018 with the elimination of condition #12 regarding planting plan in the “**Oceanside Automotive**” motion. **MADE:** M. Fish **SECONDED:** J. Terribile **VOTING IN FAVOR:** M. Caldarella, A. M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** R. Friedmann **OPPOSED:** None. **APPROVED:** 4-1-0.

B. **CORRESPONDENCE**

MOTION to approve payment of Halloran and Sage Invoice #11277264, dated November 26, 2018 in the amount of \$1346.06. **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approve payment of Halloran and Sage Invoice #11277263, dated November 26, 2018 in the amount of \$647.50. **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to approve payment of Halloran and Sage Invoice #11277971, dated November 21, 2018, amount due \$846.77 **MADE:** R. Friedmann **SECONDED:** J. Terribile **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

IV. CONTINUED 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 Board, P.E.
ACTION: Continue or close by 12/17/2018 NLT 12/23/2018)

McDonald’s requested to continue matter until the next meeting on 12/17/18 in order to meet with their architect to revise interior plans. They hope to get these plans to ARB in time for the 12/26/18 meeting.

MOTION to continue public hearing 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 17, 2018 to allow applicant to meet with architect to revise plans. **MADE:** R. Friedmann **SECONDED:** M. Fish **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

- 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 Izzi & Ron Lyman
Agent: Attorney David M. Royston
ACTION: Continue or close by 12/17/2018 (NLT 12/23/2018)

Chairman Friedmann stated that he listened to the recording from the last meeting and is up to date and qualified to deliberate and vote on this matter.

ZEO Chris Costa stated that since 11/19/18 she has received revised text, a letter from Halloran and Sage, Gateway Commission response, Marcie Balint response, on 11/9/18 received Planning Commission response, and had a discussion with Westbrook ZEO Eric Knap who had no concerns. She said Attorney Royston was present with revisions to discuss. The list of all referrals and items cited are in the record, and the Applicant has received copies of all items.

Attorney Royston said he received the review letter from Attorney Branse by email the afternoon of the last meeting, in which he wrote he considered the exception to off-site parking to be a violation of the rule in the McKenzie case, which states only the Zoning Board of Appeals can give waivers. Attorney Royston responded that he disagreed with the interpretation, and would try to provide additional standards as he suggested. Attorney Branse accepted Attorney Royston's suggestion to take the language to other Land Use attorneys in his office to see if they concurred with his viewpoint, the result being that is his group said they did not consider that to be exception and could be a waiver. He distributed to the Commission copies of the exchange of correspondence he had with Attorney Branse, along with a red lined version of amendments they are making and summarized it all. He will provide additional text with items of concern, and will incorporate all to revised text, though Attorney Branse has not had opportunity to review. Attorney Royston presented this revised text and requested that the matter be continued to next meeting on 12/17/18. R. Friedmann stated he had not seen red text copy and asked if it would be correct to refer this text to Planning Commission for review, and then asked if this text is different from what was advertised. He stated that time would be needed to read documents.

As a motion was made by R. Friedman and seconded by J. Terribile to continue the public hearing, Attorney Royston interjected and asked that it be at the conclusion of this session of the public hearing, being that it is consistent with email to Attorney Branse that he will present and explain text and answer any questions Mark Caldarella wanted to ask as stated at the last meeting, unless Mr. Caldarella says it should be deferred to next meeting, when he would answer all questions. R. Friedmann said to prepare credible questions would be a burden on the Commission, and they would handle these new concerns on 12/17/18, and reminded Attorney Royston there has been a motion made. Attorney Royston stated he had clean copy of text and asked for the Commission to extend the courtesy to him to accept the version which they intend to submit for the record. He was told he could submit at this meeting for the meeting on the 12/19/18 which will allow time to distribute and be review. There was further discussion between the Commission and Attorney Royston and the motion to continue was withdrawn without a vote.

M. Caldarella asked for an example of where this type of parking would apply in town and Attorney Royston presented maps showing several examples and explained how it would work. One example was Max's Place, another was Mill Meadow Development, and a third was the Pointkowski property, who Attorney Royston noted, were not petitioners. M. Caldarella questioned the referrals to public safety and was told that no one had been heard back from as yet.

There was further discussion regarding scenarios of off-site parking in various districts. New language will be proposed to adopt.

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, on the condition text change is made to proposal, to the next regularly scheduled meeting on Monday, December 17, 2018
MADE: R. Friedmann **SECONDED:** J. Terribile **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

V. PUBLIC HEARINGS

A. “Connecticut Cancer Foundation” Request to modify Special Exception Permit 16-105

Modify approved landscaping plan to reduce width of northern perimeter landscaping buffer, add perimeter trees to the south and street trees. Add paver walkway and front patio.

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 applicants, and was accompanied by Sabrina Foulke, a member of the CCF Advisory Board. He summarized the history of the application and the site, and noted discrepancies in the plan that were cause for the CO to not be issued.

He presented a new plan which showed the addition of 7 evergreen trees and an additional shade tree for the corner. His plan also showed that there would be no change to the NE corner and the pavers would remain. He requested that this be approved as is. The Commission reminded him that the original plan, which had been approved, included street trees to be planted every 40 feet, and this had yet to be completed. They said to move the street tree to be closer to compliance but no less compliant than original plan dated 8/15/16. He offered a paperbark maple could be moved to meet the requirement, then later in the discussion suggested a flowering dogwood or pear tree.

ZEO asked if landscaping could be improved by removing pavers, and was told pieces could be. Several members noted that in the site photos presented showing the pavers in place, it appeared they did not allow for proper drainage, and further stated pavers were not the same as grass, and they didn’t see much water draining through pavers that should not have been there in the first place. The Commission requested that the patio pavers be removed so that only a 5ft walkway from South rear to right of way remained paved, and pavers on Southwest corner be moved to entrance on site.

Sabrina Foulke addressed the Commission and responded to their questions with regard to hours of operation, saying hours will be 8am-5pm, Monday-Friday, with additional hours for twice monthly Board meetings and occasional functions. Because the additional hours for meetings and functions were not included in the original Statement of Use, it was suggested to amend SOU to reflect these hours, which will likely be from 5pm-10pm.

New plan was taken for the record in addition to “as built”. Applicant will provide ZEO with updated version including modifications.

MOTION to close Public Hearing for “**Connecticut Cancer Foundation**”
Request to modify Special Exception Permit 16-105 MADE: R. Friedmann
SECONDED: M. Fish **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** None. **OPPOSED:** None.
APPROVED: 5-0-0

MOTION to approve “**Connecticut Cancer Foundation**” **Request to modify Special Exception Permit 16-105** with the following conditions:
1.) Revise the site plan to include the following:
a.) Remove section of walkway pavers near the building's southwest corner as they are installed across the property line onto property owned by 7 North Main Street.
b.) The paver patio in the front of the building will be removed so that the only paved area remaining is a 5 ft wide walkway. The 5 ft wide walkway will run from the building's front door to the sidewalk on North Main Street with a connection to 5 ft wide walkway on the south side of the building to rear parking lot.
c.) New street tree having a minimum caliper of at least 3½ inches diameter at breast height and a height of at least 6 feet at the time of planting will be located at a point south of the main entry door between the building and the street line.
2.) Provide an amended Statement of Use to include occasional events from 5:00 p.m. to 10:00 p.m. at a frequency of two times a month. **MADE:** R. Friedmann
SECONDED: J. Terribile **VOTING IN FAVOR:** R. Friedmann, A. M. Thorsen, M. Fish, J. Terribile **ABSTAINING:** None. **OPPOSED:** M. Caldarella
APPROVED: 4-0-1

- B. “**North Cove Shops**” Application for Special Exception for 2,040 s.f. office/retail building and signs.
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:* David M. Royston, Esquire

Attorney David Royston greeted the Commission and then turned things over to Jim Cassidy who presented for the applicant. Mr. Cassidy summarized the history of the North Cove Shops after the most recent improvements were made, and shared the plan to eliminate 19 parking spaces on the southerly portion of the site and build a one story 2344 sq. ft building for office space in their place. Charles Schwabe has committed to one space; the east space has not been committed to as of yet. There will be a new onsite septic system, and all utilities will be underground. New parking islands will be constructed identical to the former. Two existing compliant light poles will be relocated to new islands. A 5 ft walk along the edge of the building will provide access to all entrance doors. Existing pavement serviced by two drywells will be used; no ponding issues are expected. Proposed building will be constructed with exact same materials as existing building and will be same height. Mr. Cassidy will check if building coverage includes canopies. Bike rack and signage will be included in plans.

Referral letter from ARB was favorable. ZEO is still waiting on several agency letters.

MOTION to close Public Hearing for “North Cove Shops” Application for Special Exception for 2,040 s.f. office/retail building and signs. **MADE:** R. Friedmann **SECONDED:** M. Fish **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, J. Terrible **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

MOTION to approve “North Cove Shops” Application for Special Exception for 2,040 s.f. office/retail building and signs on the conditions that: 1.) Building/structure coverage on the lot will be revised to include all canopy areas measured to the drip line. 2.) Existing free-standing signs and bike rack locations will be added. The project is located in the Coastal Management Zone and is consistent with all applicable coastal polices and includes all reasonable measures to mitigate adverse impacts. **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, J. Terrible **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Ax Throwing: Need to clarify the type of use this is as it is an amusement but also offers alcohol for sale. ZEO is trying to guide potential applicant to a location if use is permitted. Consensus was reached that it would be food and beverage.

Harbor Management: Sheffield Street Dock Project: Will add less fill than originally planned. ZEO will handle.

McDonalds: with ARB regular meeting on December 26, seems earliest to meet with ZC is January 23, 2019 meeting. ARB will hold special meeting if necessary.

Applications: Applications that appear to be incomplete will not be added to agenda. ZEO will have to begin to deny applications that are incomplete.

Annual sign letters for the New Year: Will be addressed.

VII. ADJOURNMENT

MOTION to adjourn the regular meeting at 9:43 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, December 17, 2018 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook. **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, A.M. Thorsen, M. Fish, J. Terrible **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully submitted,

Margaret Paccione
Recording Clerk