



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

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

II. **ROLL CALL**

**Attendant Members**

Robert Friedmann  
Mark Caldarella  
Geraldine Lewis  
Joanne Gadon for Ann Marie Thorsen  
Justin Terribile for Madeline Fish

**Absent Members**

Madeleine Fish  
Michael Cianfaglione  
Ann Marie Thorsen

**Attendant Staff**

Christine Nelson, Town Planner  
Chris Costa, Zoning Enforcement Officer  
Mark Branse, Attorney  
Carl Fortuna, First Selectman  
Margaret Paccione, Recording Clerk

There were 8 people in the audience.

III. **REGULAR BUSINESS**

A. **MINUTES**

**MOTION** to accept as presented the regular meeting minutes of September 5, 2018  
**MADE:** G. Lewis: **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, G. Lewis, M. Caldarella, J. Gadon, Justin Terribile; **ABSTAINING:** None.  
**OPPOSED:** None. **APPROVED:** 5-0-0.

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, J. Gadon, J. Terribile; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

**MOTION** to approve payment of Halloran and Sage Invoice # 11272718, dated September 18, 2018, in the amount of \$647.50 **MADE:** G. Lewis: **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R Friedmann, G. Lewis, M. Caldarella, J. Gadon, J. Terribile; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

**MOTION** to approve payment of Halloran and Sage Invoice # 11272564, dated September 21, 2018, in the amount of \$2923.00 **MADE:** G. Lewis: **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R Friedmann, G. Lewis, M. Caldarella, J. Gadon, J. Terribile; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

IV. **NEW BUSINESS**

A. **“Town Hall/Recreation Campus” Application for Minor Modification to Special Exception Permit**

Relocation of parking spaces and installation of two bocce courts  
302 Main Street, Map 30/Lots 63-3, 63-4 & 63-5  
Residence A District, Pedestrian Node, Coastal Area Mgmt. Zone  
*Applicant: Carl P. Fortuna, Jr., First Selectman* **WITHDRAWN**

V. **CONTINUED PUBLIC HEARINGS**

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: Close by 10/1/2018 (NLT 10/1/2018)*

Attorney Sylvia Rutkowska presented on behalf of Attorney David Royston for the applicant and gave a summary of the assorted revised plans and letters that had been submitted to the Commission since the last meeting, and noted that they were all included in the complete and up to date final set of plans delivered to the meeting this evening.

Attorney Rutkowska distributed and summarized a Joint Use Request letter to the Commission dated 10/1/18 requesting a reduction in parking spaces for Agway and Dunkin Donuts from 122 parking spaces to 94 parking spaces.

Attorney Rutkowska distributed and summarized a Conditions of Approval letter to the Commission dated 10/1/18 which noted 7 conditions agreed upon by the applicant.

Attorney Rutkowska distributed and summarized a 23 Policy Decisions letter to the Commission dated 10/1/18 in response to “Branse letter” dated September 26, 2018 with regard to “policy questions” which were responded to by the applicant.

Issues discussed were: hedge row circumference including 52 junipers, gate in place to allow for adequate screening of back area, parking layout, detention base and storm water basin, trio bike rack to be bolted to concrete pad. There will be no spill of light into buffer area and will not interfere with wildlife.

John Cunningham, from TEC Landscape Design presented plans and two renderings for frontage, with changes made based on ARB suggestions, which included appropriate plantings, benches, bike racks, and trash receptacles. There was discussion as to types, sizes and heights of plantings; finishes on benches, racks, and receptacles will match. It was noted that the renderings were used to show what the site would look like and the plan is what will be used in detail.

Jim Cassidy described the public seating area. This coastal access viewing area will have a 6 ft. wide stone dust pathway, and will have two tables with four seats each for a total of eight seats and a bike rack. Christine Nelson inspected the site and said that it would be an incredible asset to the Town. Carl Fortuna shared that the State has money for removal of phragmites and possibly at some point with proper permits it would be available. Area will be in site line of police patrol. Applicant will control public hours of access as it is private property.

The Commission expressed concern with regard to windows of peak parking hours. Attorney Rutkowska referred to the parking analysis and noted that peak demands for each store are not at the same time. It was suggested to leave interconnection to Ocean State property open in the event it becomes available at a later date. Clarified curb cuts have been reduced. Entry gate to Agway palate area will be chain link slider. Sidewalk will be finished based on Town design standards. No walls will be illuminated nor will there be outdoor speakers.

No one in the audience wished to speak for or against. R. Friedman expressed desire for time to review the complete and up to date final set of plans that were delivered to meeting this evening. There will be no decision made on deliberation this evening; Attorney Branse will draft motions. A motion was made to close the Public Hearing.

<p><b>MOTION</b> to close Public Hearing for “Shops at Oyster River” <b>MADE:</b> R. Friedmann; <b>SECONDED:</b> G. Lewis <b>VOTING IN FAVOR:</b> R. Friedmann, M. Caldarella, G. Lewis, J. Gadon, J. Terribile; <b>ABSTAINING:</b> None. <b>OPPOSED:</b> None. <b>APPROVED:</b> 5-0-0</p>
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VI. **EXECUTIVE SESSION – “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.

The Commission elected to discuss in open session. Attorney Branse is waiting on final map from Attorney Cassella. The Commission did not want to take action on the Stipulated Judgment without final review of the map. Agenda item continued to the October 15<sup>th</sup> meeting.

## VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Chris Costa updated the Commission with regard to the following issues:

Tequila's Restaurant – 1333 Boston Post Road, SPEX permit #15-134. Sidewalks have not been installed. Last correspondence was from DOT to the property owner dated, February 28, 2018 requesting additional information prior to issuance of a DOT permit. ZEO put in a call to DOT to see if they ever received a response. Commission instructed Attorney Branse to send a litigation warning letter.

Two-in-One Store, 855 Boston Post Road obtained a Certificate of Zoning Compliance for the business but not for signs. Owner continues outdoor sales obstructing parking spaces and the sale of cars. Power remains out in the building and the Fire Marshal has issued orders. Tenant has reported to the Fire Marshal that he intends to vacate the premises by October 15<sup>th</sup>. Commission requested ZEO continue monitoring the situation.

Members commented to ZEO on other stores with sales in parking lots including Finders Keepers on Boston Post Road East that has things out on street again.

New England Power Equipment/Ford, 380 & 400 Boston Post Road. ZEO reported that the property owner will take down the lights and that permitting with DOT has been complicated. Apron will not be in until the Spring of 2019 and remaining site improvements will be completed following the installation of the apron. In 2017, property owner indicated improvements would be completed in the Spring of 2018. Commission discussed storage of vehicles. Commission directed Attorney Branse to send a letter.

Little Pub, 1231 Boston Post Road is likely to open in two weeks.

Ling, 54 Old Post Road - Ling property has not contacted ZEO since coastal site plan approval. Waiting on plans from Attorney Wren; growing season is almost over.

ZEO discussed regulation amendments for flashing signs which Commission was holding off on amending until the new Gateway Standards are ready for adoption. A number of amendments need to be addressed by Gateway so it may make sense to adopt what is ready so far. Commission will have a workshop at a later date to discuss this and problematic zoning regulations.

47 Spencer Plain - Commission noted that site excavation for the new self-storage buildings has started.

## VIII. ADJOURNMENT

**MOTION** to adjourn the meeting at to the next regularly scheduled Zoning Commission meeting on Monday, October 15, 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, J. Gadon, J. Terribile; **ABSTAINING:** None. **OPPOSED:** None.  
**APPROVED:** 5-0-0.