



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, May 6, 2019 – 7:00 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

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

II. **ROLL CALL**

Attendant Members

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

Absent Members

Justin Terribile

Attendant Staff

Christina Costa, Zoning Enforcement Officer
Margaret Paccione, Recording Clerk

There were 11 people in the audience.

III. **REGULAR BUSINESS**

A. **MINUTES**

MOTION to accept the Regular Meeting Minutes of April 15, 2019 as amended with a correction to the second sentence in **Old Saybrook Public Schools**, Section VI., Committee, Representative & Staff Reports to read “The Commission determined that the modification of the Special Exception is minor, and the ZEO will handle administratively.” **MADE:** G. Lewis **SECONDED:** M. Fish **VOTING IN FAVOR:** R Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. **CORRESPONDENCE**

There was a memo from the First Selectman with regard to sidewalk standards. Public Works Director Larry Bonin will be present during the Staff Reports part of the meeting to comment on this.

Joe Wren, agent representing the contract purchasers of 91 Sheffield Street was running late, and the Commission agreed to amend the Agenda to move Committee, Representative, & Staff Reports ahead of New Business.

MOTION to amend the Agenda to move Committee, Representative, & Staff Reports ahead of New Business. **MADE:** R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

V. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Ocean State Job Lot, 50 Schoolhouse Road. New owners of the former Donnelly building. No exterior changes proposed. Shore Power to remain, Ocean State to use approximately 81,000 s.f. for storage of retail goods and remaining space for possible storage expansion or for lease as manufacturing and distribution. The Commission instructed the ZEO to handle administratively.

Pursuit of Pastry, 707 Boston Post Road. Proposed relocation of bakery to larger unit formerly occupied by Guppies to Puppies. Proposal includes interior/exterior seating, conference room for private consultations/public groups and an area for cooking classes. Owner was in audience and answered Commission questions. Commission would like to see a more detailed Statement of Use before a determination is made; if everything fits with Statement of Use, and all questions the Commission asked are answered, then the ZEO is instructed to handle administratively as a Use to Use Modification.

Mr. Wren entered the meeting and the Commission agreed to amend the Agenda to bring back to New Business before the remainder of the Staff Report.

MOTION to amend the Agenda again to bring back New Business before the remainder of Committee, Representative, and Staff Reports details **MADE:** R. Friedmann: **SECONDED:** G. Lewis **VOTING IN FAVOR:** R Friedmann, M. Caldarella, A. M. Thorsen, M. Fish, G. Lewis **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

IV. NEW BUSINESS

- A. **Preliminary Discussion: Petition to Amend the Zoning Map from Marine Industrial (MI) to Residence A District & Planned Residential Development (PRD) Zone. Petition to Amend the Zoning Regulations Section 55 PRD to allow dens/additional bedrooms in PRD (no age restriction). 20-24 unit PRD and open space requirement.**

91 Sheffield Street, Assessor's Map 49, Lot 2, Marine Industrial District, CT River Gateway Conservation Zone, FEMA, AE11, VE15 & 500-year flood zones.

Agent: Joe Wren, P.E on behalf of contract purchaser

Joe Wren presented for applicants Ken Novaro and John Aldi, and distributed a smaller version of the zoning map he had on display to the Commission. The audience members were invited to stand in the front of the room where they were better able to see the exhibits presented. He gave a detailed description of 91 Sheffield Street and the surrounding area. Applicants are hoping to be

granted a zoning change to the area to Residence A in order to build multi-family units on the site. Their concept plan includes removing present buildings on site and returning buffer to the tidal wetlands. The seven proposed multi-family buildings would use public water and have a sanitary septic system. Five of the seven buildings would be in “A” Flood Zone and the other two would not need to be FEMA compliant. After some discussion, R. Friedmann explained the steps of this process to the audience members who were uncertain: first map change, followed by text change, and finally details of proposed building.

The applicants addressed the Commission and thanked them for their attention. They shared that they were both long-time residents of the town and felt they would be the best possible stewards of the property, and want to work with the town to ascertain whether a development like this is realistic. A member of the audience asked if changing the map to Residence A District would allow for use as Affordable Housing, and some discussion followed. Mr. Wren indicated that the applicant was only interested in up-scale housing, and the Commission explained to the audience that 3 public hearings would be required to be voted on individually. The Commission also questioned messing with the intent of the Zoning Regulations text and expressed concern with regard to two buildings within a 100 ft buffer.

As nothing is being proposed, this was just an informal discussion.

- B. **“Maple & Main” Discuss Statement of Use & Current Special Exception Permit**
2 Pennywise Lane, Map 30, Lot 3, Residence A District, Coastal Area Mgmt. Zone.
Owner: Main Street, LLC. Agent: Alex Foulkes
APPLICATION WAS CANCELLED

- C. **Workshop: Discuss possible future regulations changes/fixes**

Commission will review Zoning Regulations for any printing errors, and will work to remove all outdated regulations and provide clearer definitions to reduce the instances of inaccurate interpretations by applicants.

V. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Sidewalk standards memo from First Selectman Fortuna. Request to consider changing regulations in the pedestrian node on Route 1 to require Portland Concrete sidewalks instead of the more aesthetically pleasing requirement of stenciled soldier course sidewalks. Larry Bonin, Public Works Director was present and shared that over 50% of the sidewalks have been completed. The Commission agreed that because more than 50% of the sidewalks have been installed, the continuity of appeal is an enhancement and deserves to be continued and not interrupted. The ZEO was instructed to put this into a memo to the First Selectman. The Commission also noted that as long as there are contractors readily available to repeat what has already been done, contractor competition should continue.

Solar Proposal – The Town has been working with Eversource to reduce energy costs for Town facilities and streetlights. As a part of this program, the Town is eligible for a solar proposal at a Town facility with no cost to the Town including free maintenance which will have significant cost savings and a power purchase agreement for the future. The First Selectman was approached with this offer

and evaluated Town facilities in which the solar proposal could potentially be applied. The only building that is new enough for implementation is the Old Saybrook Police Department at 36 Lynde Street. As a part of the project, the outbuilding proposed and permitted as part of the OSPD Special Exception approval would be paid for by the solar program. The estimated cost savings for the building construction is approximately \$250,000. Panels would be added to the new building and additional carport style panels would be required in the fenced in parking area to the back of the building. The carport panels will provide protection to police vehicles and contribute to energy efficiency of the Town. The ZEO reviewed the regulations and found no exception to allow for these panels without counting them as building/structure coverage. The property is located in the Residence A Zoning District which requires a maximum of 20% building/structure coverage on any lot. The ZEO requested guidance from the Commission to make sure that nothing was missed in the regulations that would allow for the solar panels to be excluded from coverage calculations. The Commission responded that “providing shelter is structure”, and questioned whether every type of emergency vehicle would be able to get under a carport in the event of an emergency. The Commission agreed that solar panels on carports is not a good idea.

Oceanside – 810 Middlesex Turnpike. Check received for reimbursement of legal fees as a result of the Stipulated Judgment was returned unpaid by the bank. A certified replacement check was issued and Attorney Casella said he would have it delivered to ZEO. A request will be presented to the Board of Finance to deposit the funds into the Zoning Commission budget since the budget will otherwise be going into the red as a result of legal fees. In the future there will need to be a provision for returned checks.

55 Woodland Drive – Ongoing complaints for unregistered motor vehicles. Three of the vehicles have plates and the ZEO confirmed the cars are not registered. At least 6 letters and one C&D order were sent with no response from the property owner. Neighbors continue to complain. Commission advised ZEO to have legal counsel send litigation warning letter.

12 Bellaire Drive – Unpermitted porch/addition in violation of setback in Residence A Zone and flood zone. Letter sent in October 2018, C&D 2/8/19 and 4/2/19 letter. Property owner was directed in October to remove. Property owner decided to seek variances and ZEO advised to get a survey. 4/2/19 letter to remove or the matter referred to ZC for enforcement. 4/22/2019 property owner came to Town Hall asking again what he needed to do. No survey, no application, nothing complete. The Commission advised ZEO to have legal counsel send litigation warning letter.

Tequila’s, 1333 Boston Post Road. Property owner granted Town an easement. Town executed planting and maintenance agreement approved by DOT so an encroachment permit can be approved by DOT. Next step is for property owner to apply to DOT for installation of sidewalks.

Puff City, 1029 Boston Post Road – Request for office/retail space to be converted to a retail smoke shop.

Saybrook Point Pavilion, 155 College Street Extension – Request to reroute traffic flow to one-way traffic. Proposal is to enter on College Street by the flag and exit on the side road. Parking is proposed to be changed to angled parking spaces along mini-golf per the recommendation of Chief Spera. No parking spaces or landscaping will be eliminated. No additional impervious surface proposed. This is a minor modification to the Special Exception and the town can use an aerial photo and mark pavement changes.

6 Shetucket Trail – Beach dune removed in 2011. DEEP/Town notified and complaint issue. Dune never restored. Sale of house brought up issue of dune complaint. In the Coastal Management Area and within Town jurisdiction. ZEO has a conflict. DEEP encouraging restoration. If the dune is restored, the issue is resolved. If the dune is not restored, the Zoning Commission would like to see application for Coastal Site Plan Review and egress issue outcome. If issue is still pursued Zoning Commission should take over and be responsible for enforcing replacement.

2 Pennywise Lane- Discussion on Maple & Main removed from the agenda because the proposal has been cancelled. Several questions have come up relating to permitted uses from the Commission and neighbors as a result of the preliminary discussion and withdrawn petition to amend the regulations. As follow up to the last meeting, the ZEO has been researching the file history and is working on clarifying the history of business uses on the property. There has been a history of referring back to previous approvals for permits and the ZEO requested that the property owner provide a Statement of Use of what they think is approved for review so that everyone is clear on what is permitted. An issue came up with the format of some of the audio which has been resolved. The ZEO after discussion with the Chairman consulted with legal counsel about the relationship of the permitted B&B use in a residential zone and Certificates of Zoning Compliance issued as a result of variance approvals for expansion of non-conforming business uses. The ZEO is putting together a timeline for her reference and will be listening to ZBA audio tapes from meetings for further clarification. The ZEO will report back at the next meeting. Statement of Use must list all uses.

2 Mulberry Street – SPEX approved and modified on 2/4/2019. Applying to ZBA for another variance for an additional 6 s.f. to enlarge 2nd story deck. If variances are approved, ZEO can handle administratively.

11 Chandler Avenue – DEEP and the ZEO expecting a tidal wetlands restoration plan that hopefully will comply with the CZC, Stipulated Judgment and DEEP requirements.

102/104 Chalker Beach Road – CZC issued and work started per the Stipulated Judgment with ZBA. Issued variance.

Enforcement - High volume of complaints, trailers, work without permits, sheds, etc. C&D Orders being issued.

VI. ADJOURNMENT

MOTION to adjourn the regular meeting at 9:17 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, May 20, 2019 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. Caldarella, A.M. Thorsen, M. Fish
ABSTAINING: None. **OPPOSED:** None. **APPROVED:** 5-0-0

Respectfully submitted,

Margaret Paccione
Recording Clerk