



TOWN OF OLD SAYBROOK
Zoning Commission

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

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Alternate Members
Justin Terribile
Marc W. Delmonico
Ram B. Odedra

REGULAR MEETING MINUTES

May 18, 2020 at 7:00 p.m.

Virtual meeting

I. CALL TO ORDER

Chairman R. Friedmann called the meeting to order at 7:00 p.m.

II. ROLL CALL

Attendant Members

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

Absent Members

Ram B. Odedra
Marc W. Delmonico

Attendant Staff

Christina Costa, Zoning Enforcement Officer
Joanne Galli, Recording Clerk

III. REGULAR BUSINESS

A. MINUTES

Minutes amended - Spacing of trees in the front landscape area will be one every 30 feet as on the landscape plans.

MOTION to approve the meeting minutes as amended of February 19, 2020 as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

B. CORRESPONDENCE

MOTION to pay Halloran & Sage Invoice # 11325871 for general counsel in the amount of \$37 as presented **MADE:** M. Fish **SECONDED:** A.M. Thorsen **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

IV. PRELIMINARY DISCUSSIONS & REFERRALS

- A. Petition to Amend the Town Plan of Conservation & Development** to incorporate an updated Economic Development Strategy

Petitioner: Economic Development Commission Agency: Planning Commission
Matt Pugliese presented. A task force was put together to research Old Saybrook and other towns to come up with a plan for economic development.

Chairman Friedmann discussed the Zoning Commission and

- The sections of the plan regarding changes from septic to centralized sewer and concerns about the magnitude of impact regarding neighborhood-specific treatment facilities and increasing density,
- Expediting permits,
- Regulations to preserve historic buildings,
- Taking steps to increase housing densities that provide attainable workforce and affordable housing especially in walkable neighborhoods,
- Regulations prohibit new dwelling units of any kind in Industrial zones I and MI,
- Improving aesthetically-pleasing landscaping of complete streets and the entire length of Rte 1 corridor. The expanse of the pedestrian node will be examined,
- Along with the ZEO will continue to regulate and enforce rules regarding outdoor merchandise displays and would appreciate the possibility of a blight ordinance.

B. Preliminary Discussion: Contractor Warehousing & Storage Units

97 Old Middlesex Turnpike, Map 41, Lot 9, Industrial I District

Owner: Lycurgus, LLC. Agent: Robert Doane, P.E.

Robert Doane presented. Lycurgus would like clarification of the Articulations in Façade before going to ARB. When buildings face roads, they need to be articulated. The property has three houses, which are currently leased. They have modified the building to center the 54 ft x 70 ft section on the 80 ft x 96 ft section. They are proposing garage doors, pedestrian doors and windows in the façade to accommodate rental units that are 24 ft wide and 35 ft wide. The façade of the proposed building will be similar to the Town Garage building that was constructed in 2013. Since its building meets the regulations he would do something similar to that façade. The subject property is located on an interior industrial road between the railroad and a dead end street south of I95. The windows are for the most prominent front façade. Architectural plans have included roofs over the pedestrian doors and windows on the 96 ft side facing Old Middlesex Turnpike. For the 80 ft side of the building, they proposed landscaping with tall evergreens. The proposed building is a stock designed metal building with bay widths of 24 ft. What is proposed to date is acceptable.

Building #13 & #14 Section 10.6.1 and enlarging the building with the residence. Chairman interprets the addition of the conforming use as not permitted. Mark Caldarella agreed. Bob Doane discussed the addition to the Himalaya Café, which was a similar situation. Gerri Lewis & Madge Fish felt the addition of unit #13 and #14 is permitted and does not expand the non-conforming use and the building addition is conforming for a conforming use. There will be a firewall between the buildings. Gerri recalls discussing this during the last preliminary discussion. ZC came to a consensus that this was acceptable.

The ZC decided to discuss fine-tuning the regulations on articulations in façade and Section 10.6.1 enlargement of a non-conforming use at a future meeting.

C. Preliminary Discussion: Petition to Amend the Zoning Regulations

Allow ornamental plaza with paver bricks as front landscaping area.

Applicant: CT Cancer Foundation Agent: Attorney Edward Cassella

Attorney Ed Cassella presented a proposed text amendment to allow non-green landscaping features in front landscaped areas. If CT Cancer is allowed to keep their ornamental plaza they

will open it up to the public for congregating purposes. The Zoning Commission feels there should be limits on this type of non-landscaping.

V. PUBLIC HEARINGS

- A. **“Mill Rock Green Associates, LLC”** Petition to Amend the Old Saybrook Zoning Regulations Section 11.2 Bulk Propane Storage to increase the prohibition limit from 20,000 to 60,000 gallons aggregate water capacity of propane, liquefied petroleum gas, or liquefied natural gas on a lot. Amend Section 41.1.3 to include a reference to Section 53 and add new special standards to Section 53 to regulate bulk propane storage when the propane is not consumed on the lot that it is stored.

Petitioner: Mill Rock Green Associates, LLC Agent: Attorney Edward Cassella

Chairman Friedmann opened the public hearing.

Attorney Ed Cassella, Robert and David Daniels of Daniels Propane LLC, and Jodi Ameden of Crown Energy presented. The applicant is seeking to purchase under-utilized industrial land for the purpose of storing propane. The propane will be used to fill trucks for delivery only. Jodi Ameden, a propane consultant, discussed the safety measures and controls of these facilities. She works with the Fire Marshall to make sure redundant safety features are in place.

The zoning text would be modified to extend limit of bulk propane storage to 60,000 gallons from 20,000 gallons. The maximum tank size will be 30,000 gallons. The text will exclude propane consumption on site with the exception of a 1,000-gallon tank set for purposes of heating the building. Mark Caldarella felt the use of the 1,000 gallon propane tank to heat the building is accessory and no different than any other building that uses propane.

Town attorney Matt Willis asked about the distance between tanks, which according to Jodi will be five feet apart. ZEO read referral responses into the record. DEEP and Gateway do not want bulk storage in flood hazard area or the Gateway. The Commission discussed the areas that propane storage will be permitted.

MOTION to close the public hearing as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to approve “Mill Rock Green Associates, LLC” petition to amend the Old Saybrook Zoning Regulations Section 11.2 Bulk Propane Storage to increase the prohibition limit from 20,000 to 60,000 gallons aggregate water capacity of propane, liquefied petroleum gas, or liquefied natural gas on a lot. Amend Section 41 1.3 to include a reference to Section 53 and add new special standards to Section 53 to regulate bulk propane storage when the propane is not consumed on the lot that it is stored as presented as modified to allow for a 1,000 gallon tank to service a building or buildings on a lot. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0. This motion will be effective as of June 8, 2020.

- B. **“Sip Espresso and Wine Bar”** Application for Special Exception Use for 777 s.f. wine & coffee establishment.
75 Main Street, Map 37/Lot 36, Central Business B-1 District, Pedestrian Node, Coastal Area Management Zone.
Applicant: Sip Espresso & Wine Bar, LLC. Owner: 75 Old Saybrook, LLC
Agent: Attorney Edward Cassella
Chairman Friedmann opened the public hearing.

Attorney Ed Cassella presented for applicant Derek and Kelly Kennedy who are proposing a wine/coffee establishment on the southern building that will include outdoor seating. Sip will serve wines by glass and bottle. Will partner with local businesses to serve meat and cheese plates as well as dessert. Limited spirits and espresso-based beverages will also be served. In addition to interior seating of 24, the plan includes 8 outdoor seats in front and side of the building for seasonal use. Sip is projected to be open 10 am-10 pm Sunday – Wednesday and 10 am – 11 pm Thursday – Saturday with possibility of reduced hours. Sip will employ between 6 – 10 employees. Southernmost three spaces in front of real estate office on Main Street do not count. 88 parking spaces shown, with joint spaces up from 14 to 17.

MOTION to close the public hearing as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to approve the Application for Special Exception Use for 777 Sq. ft. wine and coffee establishment, 75 Main Street, Map 37/Lot 36 as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

VI. NEW BUSINESS

A. 2020 OUTDOOR SEATING RENEWALS

49 (non-pandemic) applications came in for renewal.

MOTION to approve outdoor seating renewals as presented **MADE:** G. Lewis **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, A.M. Thorsen **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

The ZEO gave an update on Executive Order 7MM and administrative permitting of expanded outdoor seating during the COVID-19 pandemic.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- **“Middlesex Hospital Offices/Erikelari, LLC./G. Dayharsh”** 2011 SPEX #11-008
154 Main Street, Assessor’s Map 37, Lot 127, Business B-1 District
Property Owner: CHK OS Associates, LLC.

Christina Costa, Zoning Enforcement Officer reported that she contacted the Applicant. Mr. Dayharsh responded in an email that the work was not completed due to social distancing requirements associated with the COVID-19 pandemic. Final deadline set for July 15, 2020. If not met, the Commission will refer to legal counsel to proceed with enforcement action.

- **“Waterview Landscaping, LLC”**. 2017 SPEX Permit #17-031
5 Jade Court, Assessor’s Map 42, Lot 9-2, Business B-4 District
Property Owner: 5 Jade Court, LLC. Business Owner: Ken Reid

The sign has been relocated. The ZEO needs inspect. Commission determined if the landscaping meets approval that the ZEO should close file and return the bond.

- **“Tequila’s Restaurant”** 2015 SPEX Permit #15-134
1333 Boston Post Road, Assessor’s Map 27, Lot 24, Business B-4 District
Property Owners: Ronald Rosetti & Manuel Pata Business Owner: Byron Cruz

The Zoning Enforcement Officer reported that the sidewalks were installed and permit was inspected and closed out. The violation is resolved and the bond was returned.

- **“Ford/John Deere” Saybrook Realty Acquisitions”** 2017 SPEX Permit #17-133
380/400 Boston Post Road, Map 42, Lot 15 & Map 53, Lot 50
Status: Driveway apron not complete, perimeter landscaping not planted/does not correspond with approved plans.
Property Owner: Saybrook Realty Acquisitions Business Owner: Ted Vecchiarino

The Zoning Enforcement Officer reported that Mr. Vecchiarino contacted her to requested additional time to complete the improvements due to the COVID19 pandemic. Dibble will complete paving and apron in July. Commission imposed deadline of July 15, 2020 to complete work or refer for legal action.

2020 Gravel Pit Inspections – The ZEO asked if she should make arrangements to conduct the annual inspections scheduled for June and photograph or if the Commission felt comfortable proceeding with the inspections with proper social distancing measures. The Commission delegated gravel pit renewals to the ZEO to inspect and report back to the Commission in June for annual renewals.

OSZC v. Legacy for Him, 810 Middlesex Turnpike – Modified Stipulated Judgment was submitted to Superior Court. Foundation was poured and the ZEO anticipates the applicant will complete per court judgment.

The ZEO advised the Commission that over the past 8 weeks of the COVID19 pandemic that zoning inquiries and applications for administrative permits have remained steady but a little slower in processing due to social distancing requirements. Violations and complaints have increased with residents having more time. The ZEO anticipates applications will remain steady and that the Zoning Commission will continue applications for special exception uses and petitions to amend the regulations over the next month for larger applications.

VII. ADJOURNMENT

MOTION to adjourn the meeting of May 18, 2020 at 9:50 p.m. as presented **MADE:** G. Lewis
SECONDED: R. Friedmann **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, M. Fish, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Recording Clerk

NEXT REGULAR MEETING
Monday, June 1, 2020 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

If the COVID19/Corona Virus State of CT Public Health
Emergency remains effective, a dial in public meeting via
ZOOM will be held.

Check our website one week in advance for dial in
information at or Subscribe to www.oldsaybrookct.org for
electronic delivery of land use agendas.