
Zoning Commission Minutes 04/02/2018



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 Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary

Madeleine B. Fish
Ann Marie Thorsen

Alternate Members
Michael Cianfaglione
Joanne Gadon
David Papandrea

REGULAR MEETING MINUTES

Monday, April 2, 2018 – 7:00 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

I. CALL TO ORDER

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

II. ROLL CALL

Attendant Members

Robert Friedmann
Mark Caldarella
Geraldine Lewis
Madeleine Fish
Ann Marie Thorsen
Michael Cianfaglione, arrived at 7:11 p.m.

Absent Members

Joanne Gadon
David Papandrea

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Kathy King, Recording Clerk

There were 7 people in the audience.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the regular meeting minutes of March 19, 2018 as presented **MADE: R. Friedmann: SECONDED: G. Lewis: VOTING IN FAVOR: R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0.**

B. CORRESPONDENCE

MOTION to pay Invoice #87071 from Nathan L. Jacobson & Associates for \$143.05 for Project 0164-0125 CT Sports Foundation, 15 North Main Street. **MADE: G. Lewis: SECONDED: R. Friedmann: VOTING IN FAVOR: R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0.**

MOTION to pay Invoice #11256853 from Halloran & Sage for \$3,959.00 for Old Saybrook Zoning v. David Stewart. Et al. **MADE: G. Lewis: SECONDED: R. Friedmann: VOTING IN FAVOR: R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0.**

MOTION to pay Invoice #11256854 for \$1,211.17 for Violations of Special Permit for S&S Marine. **MADE: G. Lewis: SECONDED: F. Friedmann: VOTING IN FAVOR: R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0.**

MOTION to pay Invoice #11258008 for \$148.00 for general representation and counsel. **MADE: G. Lewis: SECONDED: R. Friedmann: VOTING IN FAVOR: R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0.**

MOTION to pay Invoice #11258011 for \$166.50 for Post & Main Amendment. **MADE: G. Lewis: SECONDED: R. Friedmann: VOTING IN FAVOR: R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0.**

MOTION to pay Invoice #11258009 for \$573.50 for Mercury Fuel Pylon Sign. **MADE: G. Lewis: SECONDED: R. Friedmann: VOTING IN FAVOR: R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; ABSTAINING: None. OPPOSED: None. APPROVED: 5-0-0.**

IV. NEW BUSINESS

**"Ayers Point, LLC" Application for Coastal Site Plan Review for construction of a 2,211 s.f. addition and three car garage
201 Ayers Point Road, Map 63 / Lot 69
Residence AA-1 Zoning District, Coastal Area Management Zone
Owner: Ayers Point, LLC Agent: John Algenius**

Attorney J. Algenius presented for the applicant. He explained that the home is not a waterfront property. It is not on the CT River side but on the inland side of Ayers Point Road. The addition would be located in the area that is now the existing driveway. Because the home is in Otter Cove, this application requires a Coastal Site Plan Review.

The application has received approval from the CRAHD. There will be no new utilities installed. Additional septic is not required. No tree clearing is necessary. There will be a silt fence installed during construction. Anything excavated from the site will be removed from the site. There is no possibility for public access to the site because it does not connect to the CT River. There will be no impact on coastal resources from this project. The maximum height of the project will be 35' high.

C. Costa spoke to Torrance Downes from the Gateway Commission. He said he is not opposed to the project.

R. Friedmann asked about stairs shown on the plan. J. Algenius explained that the stairs shown on page 2 of the site plan are for interior stairs not exterior.

R. Friedmann also asked about increases in both impervious surface area and in the driveway area. He asked that it be clarified in the plans as a condition of approval.

MOTION to approve "Ayers Point, LLC" Application for Coastal Site Plan Review for construction of a 2,211 s.f. addition and three car garage; 201 Ayers Point Road, Map 63 / Lot 69; Residence AA-1 Zoning District, Coastal Area Management Zone; Owner: Ayers Point, LLC; Agent: John Algenius with the stipulation that the paragraph on page 2A be modified to say there is a slight increase in impervious surfaces, and that the part of the sentence that states that the driveway will not be extended be omitted. The application is approved because it is consistent with all applicable coastal policies and makes all reasonable measures to avoid adverse impacts. **MADE:** R. Friedmann; **SECONDED:** G. Lewis; **VOTING IN FAVOR:** R. Friedmann, M. Fish, G. Lewis, A. M. Thorsen, M. Caldarella; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

V. CONTINUED PUBLIC HEARINGS

- A. **Petition to Amend the Old Saybrook Zoning Regulations** for a new overlay zone entitled Section 57 Gateway Expanded Business Zone. The proposed regulations would expand Special Exception uses in the Gateway Business B-4 District to allow restaurants with drive-through windows/substations, retail sale of gasoline/fuel/ and accessories as an accessory use to a restaurant, convenience store or other permitted commercial use, an informational welcome center and one or two additional free-standing signs when a property abuts I-95.
Applicant: 52 Spencer Plain Road, LLC Agent: Attorney David M. Royston

Commissioners received the following additional correspondence: an unfavorable report from the Economic Development Commission dated 3/29/18, a favorable

recommendation from the Planning Commission dated 3/30/18, and a report from Attorney Mark Branse dated 3/28/18.

Attorney David M. Royston represented for the applicant. He explained that due to inclement weather the process for this application has been delayed and the applicant agreed to an extension of the Public Hearing through tonight 4/2/18.

This original text amendment petition was filed on 1/10/18. A preliminary meeting was held with Town Hall staff. The map change and the site plan for the Special Exception would come together before the zone was dropped on the property. There are no inter-municipal impacts. The Architectural Review Board gave a favorable recommendation. Atty Royston emphasized that the ARB will review materials and the architectural style of any proposed buildings to be built. Atty Branse had technical concerns which Atty Royston will address.

This is an overlay zone for property located within the B-4 District within 500' of I-95. Property outside of this area would not be part of the overlay zone. Any application located in this overlay zone would have to come before the appropriate town boards and commissions, including the Zoning Commission, for approval. Any application would have to comply with the regulations in the underlying zone except those regulations that are modified as part of the overlay zone.

Both the Planning Commission and the EDC met on 3/28/18 giving them an opportunity to comment before the Zoning Commission's Public Hearing. Atty Royston said the EDC recommendation is the only unfavorable recommendation that has been made. The EDC is the only Commission that neither he nor J. Wren was able to make a presentation to.

The revision to the petition dated 3/14/18 is the only petition submitted since the original filing on 1/10/18. The language that says "new provisions" added to the 1/10/18 text is what is important because it's the only revision to the original text.

D. Royston said he has responded to Atty Branse's concerns. He then submitted a revision dated 4/2/18 to address the most recent comments made by Atty Branse and the ARB.

In the overlay zone, retail gasoline is allowed to be sold under certain restrictions. This is not currently allowed in the B-4 District without it being part of a service station. The sale of retail gas can be allowed with a special exception application.

Atty Royston said he thinks that the welcome center is a benefit to the community, but it is not critical to the applicant, but the applicant is very willing to provide that.

Tedd Levy was present to speak in opposition to the application. He also sent a letter to the Commission explaining reasons for his opposition.

The signage has been modified somewhat according to concerns of Atty Branse. The signage will have to comply with all of the sign requirements. The only

exception is the height of the sign cannot exceed 35' from the existing grade of the closest building. The sign has to be reasonably visible from at least one lane of I-95, and the sign area will be allowed to be 200 s.f.

There has been concern that this will become a truck stop. The developer has said this will not be a truck stop. A truck stop is going to be a prohibited use. There is a limitation on the number of spaces a truck could use, and the amenities a truck driver would look for at a truck stop will not be there.

J. Wren, P.E. and licensed real estate agent presented. He said that everyone who looks at this application looks at the particular site 52 Spencer Plain Road, but at this time, there is no application to approve. All that's being requested at this time is the regulation change to allow the overlay zone. He said that based on research due to boundaries, and the number of feet to I-95, this overlay zone would only make 17 properties available to be part of this overlay zone. Multiple abutting smaller lots could possibly make a site that could become eligible in addition to the 17 properties.

J. Wren talked about the development of regional businesses along the I-95 resource. Those businesses are looking to be able to offer the retail sale of gasoline and drive-through restaurants as anchor tenants. Exit 66 off of I-95 is the only exit with a full I-95 interchange. He said he doesn't feel that the B-4 District is currently allowing the development of regional businesses. The changes to the regulations would allow the developers the tools they need to develop their businesses.

In the overlay text amendment, the language could be amended to protect any existing resident in the B3 District or a vacant lot which could have a residence on it in the B3 District under the regulation so the overlay zone could not be applied within 100' of a residential building lot.

J. Wren talked about how the overlay zone is consistent with the Plan of Conservation and Development.

Tedd Levy, resident of Old Saybrook, spoke in opposition to the application. He distributed copies of the sections "Planning for the Next Decade" and "Town Image" from the Old Saybrook Plan of Conservation and Development and explained how this proposal would actually oppose those sections. He said the proposal is a change to benefit one developer. He said he felt the image of Old Saybrook is that of a small New England town. He said changing the existing zoning regulations to accommodate this text change amendment would change the vision and character of Old Saybrook. He explained in detail the many reasons why this amendment does not contribute to the town in a positive way and how it will adversely impact the town in a variety of ways.

R. Friedmann explained that tonight's application is not site specific, and it is not about a particular development but about the change in the zone.

Eric Spungin, the developer for 52 Spencer Plain Road, LLC, spoke about how he is trying to make the best product possible. He said this property is not near the

Main Street, so it will not impact the small town character of the town. He feels the development would be a bonus for the town.

J. Wren said the text amendment would benefit the purpose of the B-4 Zone. He said this amendment does not add any new uses except for a drive-thru restaurant and a fueling station without being connected to a service station. He said there are many controls to make sure each application will be carefully and appropriately reviewed. Because this property is between the railroad tracks and I-95, there are already natural development controls in place.

D. Royston corrected a statement that he and J. Wren both made in Section 57.3.3. to read as follows, "No additional Special Exception use approved hereunder, including its accessory uses may be located within 200 feet of a building lot in a district which permits residences." This has been submitted for the record.

Infrastructure improvements will not paid for by the town. They will be paid for by the developer as they were for Max's Place.

Every additional use will be a Special Exception use which has to go through all of the requirements and it must receive approval from multiple boards and commissions. A developer will have to do this to receive approval.

C. Costa spoke to S. Beckman, and she said she spoke with the EDC Chairman, and he said the EDC will not be reconsidering their report.

No one else was present to speak in favor of or in opposition to the application.

The Public Hearing was extended through tonight, 4/2/18.

M. Cianfaglione said he does not agree that the welcome center is helpful to future development. He is concerned about additional traffic. He said that part of town has been much more congested with the addition of Max's Place, and adding anything additional will increase that congestion. He also expressed concerns about the area becoming a truck stop even if that is not the intent. It is unavoidable. He said there are things that can be done with the property using the existing regulations instead of adding the overlay zone.

MOTION to close the Public Hearing for Petition to Amend the Old Saybrook Zoning Regulations for a new overlay zone entitled Section 57 Gateway Expanded Business Zone. The proposed regulations would expand Special Exception uses in the Gateway Business B-4 District to allow restaurants with drive-through windows/substations, retail sale of gasoline/fuel/ and accessories as an accessory use to a restaurant, convenience store or other permitted commercial use, an informational welcome center and one or two additional free-standing signs when a property abuts I-95. Applicant: 52 Spencer Plain Road, LLC; Agent: Attorney David M. Royston.; **MADE:** G. Lewis; **SECONDED:** R. Friedmann; **VOTING IN FAVOR:** R. Friedmann, M. Fish, A. M. Thorsen, M. Caldarella, G. Lewis; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

R. Friedmann stated that because the new revision was submitted tonight, and the Commission needs time to read it, deliberations will begin on Monday, April 16, 2018, 1st Floor Conference Room, 7:00 p.m., Town Hall, 302 Main Street.

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

C. Costa gave Commissioners updates on Oceanside Auto.

1430 Boston Post Road, Himalaya Café and Shakari Restaurant – Shakari Restaurant sustained fire damage. They would like to re-open and convert the existing adjacent retail space into restaurant space. The building footprint isn't changing. They would like to increase seating. Commissioners determined that this is a minor modification that will not require a Public Hearing.

1522 Boston Post Road – This property is under contract. C. Costa said the space was a restaurant use, and it's going to be a retail use. Commissioners said this would not require a Special Exception application. The Zoning Enforcement Officer can handle this administratively.

C. Costa said there are many applications that will be coming in front of the Zoning Commission soon.

There was discussion about a meeting that R. Friedmann and M. Fish attended with Atty M. Branse about the definition of flashing gasoline station signs and potentially changing the Zoning Regulations regulating flashing or changing signs.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 10:25 pm. to the next regularly scheduled Zoning Commission meeting on Monday, April 16, 2018 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. Fish, A. M. Thorsen, M. Caldarella; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted

Kathleen King
Recording Clerk