



TOWN OF OLD SAYBROOK  
**Zoning Commission**

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*Robert C. Friedmann, Chairman*  
*Mark Caldarella, Vice Chairman*  
*Geraldine M. Lewis, Secretary*  
*Madeline B. Fish*  
*J. Colin Heffernan*

**Alternate Members**  
*Michael Cianfaglione*  
*Joanne Gadon*  
*Vacancy*

**REGULAR MEETING MINUTES**

Monday, April 17, 2017 – 7:00 P.M.  
Town Hall, 302 Main Street  
1<sup>st</sup> 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  
Madeline Fish  
Mark Caldarella  
J Colin Heffernan  
Joanne Gadon, Alternate seated for G Lewis

Absent Members

Michael Cianfaglione

G Lewis joined the meeting at 7:45 p.m.

Attendant Staff

Chris Costa, Zoning Enforcement Officer  
Stella Beaudoin, Administrative Clerk

**III. REGULAR BUSINESS**

**A. MINUTES**

**MOTION** to approve the Regular Meeting Minutes of April 3, 2017 as presented; **MADE R**  
Friedmann: **SECONDED:** M Caldarella; **VOTING IN FAVOR:** R Friedmann, M. Fish, J Gadon,  
M Caldarella, C Heffernan; **ABSTAINING:** None; **OPPOSED:** None; **APPROVED:** 5-0-0.

**B. CORRESPONDENCE**

There was no correspondence.

**IV. NEW BUSINESS**

**A. “Waterview Landscaping” Application for Special Exception Permit**

3,400 S.f. Landscaping Contracotr Business Storage & Office

5 Jade Court, Map 42/Lot 9-2, Gateway Business B-4 District

*Applicant: Ken Reid, Contract Purchaser Agent: Edward M. Cassella, Esq.*

*ACTION; Open public hearing continue or close by 5/15/2017 (NLT 5/21/2017)*

Presenting on behalf of this proposal was Attorney E. Cassella representing Ken Reid. This is an application for a Special Exception Permit. E Cassella provided an aerial photograph and a landscaping plan for the existing landscape islands noting that there are 13 parking spaces proposed. E Cassella stated that there is a 30-foot CT Water Company easement on the east side of the property. Fifteen feet of the easement is located on the Atwood property and 15 feet of the bituminous easement is located on the property subject to this proposal.

E Cassella stated that the existing on-site sign will meet all of the zoning regulations.

R Friedmann stated that the proposed sign must be at least 10 feet from the right-of-way.

R Friedmann stated that there is a second proposed 4' x 8 self-standing sign with granite posts situated at Route 1 east which is not on the site plan and is not reflected on the landscaping plan.

E Cassella stated that he is not seeking approval of the off-site sign at this time.

The ZEO stated that at their April 11, 2017 meeting, the Architectural Review Board reviewed the certificate of zoning compliance for signs and asked the applicant to return with a lighting plan.

E Cassella stated that there is no lighting proposed at this time and that there are no proposals for landscaping or lighting changes, and as such, it will not be necessary for him to return to the Architectural Review Board. E Cassella stated that there are no activities proposed offsite.

R Friedmann asked if anyone wished to speak in favor or in opposition to this proposal.

There were no comments from the audience.

The ZEO reviewed all referral responses for the record and stated that there were no objections.

**MOTION** to close the Public Hearing “Waterview Landscaping” Application for Special Exception Permit, 3,400 s.f. Landscaping Contractor Business Storage & Office, 5 Jade Court, Map 42/Lot92, Gateway Business B-4 District, *Applicant: Ken Reid, Agent, Edward M. Cassella, Esq.*; **MADE:** M Fish; **SECONDED:** R Friedmann; **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, J. Gadon, J. Colin Heffernan; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

**MOTION** to approve “Waterview Landscaping” Application for Special Exception Permit, 3,400 s.f. Landscaping Contractor Business Storage & Office, 5 Jade Court, Map 42/Lot92, Gateway Business B-4 District, *Applicant: Ken Reid, Agent, Edward M. Cassella, Esq.* with the following conditions: 1) The proposed on-site sign will be located not closer than 10 feet to the right-of-way on the lot in the southeast landscape area. 2) The proposed on-site sign is the only sign considered for this application and there is no proposed lighting on this application; 3) If there is to be lighting installed in the future, the applicant will return to the Architectural Review Board for a special exception modification to the site. 4) There is an additional off-site sign, however the Commission is not approving that as a part of this application as it is not permitted under the Zoning Regulations; **MADE:** R. Friedmann; **SECONDED:** M Caldarella; **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, J. Gadon, J. Colin Heffernan; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

**MOTION** to modify the agenda to place the Johnny Ad proposal before Atlas Fence; **MADE:** M Fish; **SECONDED:** R Friedmann; **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, J. Colin Heffernan, J. Gadon; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

- B. “Atlas Fence Application for Site Plan Review  
1224 s.f. fence business and 9,300 s.f. outdoor display area  
67&71 Mill Rock Road East, Map 42/Lots 33 & 34, Industrial I District

At this time, G Lewis joined the meeting. J Gadon stepped down.

J Wren, P.E. who presented on behalf of this application stated that the building will not be altered as related to this proposal, however fencing and landscaping will be added to the site. The bottom floor will be retail and the second floor will be utilized for office space. There will be no distribution of materials and goods, and there will be no large vehicles stored or making deliveries onsite.

J Wren stated that the site will be used basically as a showroom. The entire 25-foot front area will be landscaped. The driveway closest to intersection will be eliminated. There will be trees located near the front of the structure and there is a large septic system in place that serves Mystic Market and Atlas Fence. There is an 18-foot wide driveway along the street frontage which will be maintained with this proposal. There is a building on the west side of the property and large, existing stone pillar to the east of that driveway.

J Wren stated that there are 24-25 proposed parking spaces and there will be no proposed site lighting as the hours of operation are during daylight hours. J Wren stated that per the zoning regulations, lighting requirement will be waived based on the daylight hours of operation. J Wren stated that there are existing lights on the building which will be replaced with conforming, full shield lighting. There is an existing 20-foot perimeter landscape buffer and J Wren stated that the applicant will reduce the 20-foot width buffer with a 15-foot vegetation landscape buffer and the installation of a 6' high fence. Whiskey barrels are proposed to be situated in the center of the property which will not interfere with the 9' x 18' parking space angle. Fifty five percent of the landscape area and the display area is pervious and will be comprised of lawn. J Wren stated that there are twenty three trees proposed for installation on the property and the applicant proposes the installation of Hydrangea around the building as foundation plantings. There will be roll away trash barrels and a low trash output. There will be no changes to the septic and the Health Department has been provided with a plan for this business. The applicant will return to the Architectural Review Board with a redesign of the sign which will be situated on the east side of the building.

J Wren stated that the existing trees outside of the vinyl fence will be preserved to the extent that they are healthy and not a safety hazard. The driveway will be 20-feet wide and the western most parking space on the north side of the parking lot will be eliminated taking the total number of parking spots down to 24 spaces.

R Friedmann stated that the circumference of the planter will not be on center and the healthy trees outside the fence will be preserved to the extent possible.

R Friedmann asked if anyone wished to speak in favor or in opposition to the proposal.

There was no public comment.

The ZEO reviewed all referral responses for the record and stated that there were no objections.

**MOTION** to approve as presented, "Atlas Fence" Application for Site Plan Review, 1224 s.f. fence business and 9,300 s.f. outdoor display area, 67 & 71 Mill rock Road East, map 42/Lots 33 & 34, Industrial I District; *Applicant: Michael Picard, Agent: Joe Wren, P.E.*; **MADE:** R. Friedmann: **SECONDED:** G. Lewis: **VOTING IN FAVOR:** R. Friedmann, M. Fish, M. Caldarella, G. Lewis, J. Colin Heffernan: **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

C. "Johnny Ads" Application for Minor Modification to Special Exception Permit  
910 Boston Post Road, Map 36 / Lot 157 Shopping Center Business B-2 District  
*Applicant: Cowboy, LLC, Owner Agent: Robert Hansen*

R Hansen who presented on behalf of this proposal stated that he was approached by R Currier with a request to sell Dell's Lemonade at the previously approved outside venue which is situated next to the existing Johnny Ads.

R Friedmann stated that as per the previous approval, no water source is allowed in the building.

R Hansen stated that the unit which will be installed in the new building is self-contained, however the Health Department may require a hand washing sink.

R Friedmann stated that the Commission requires input from Health Department related to the modification to the site plan if a hand washing sink were to be installed, noting that the Zoning Commission must consider whether the sale of lemonade is an expansion of the restaurant.

The ZEO stated that there is an approved special exception in place for retail sales and there are still site improvements that must be completed, i.e., striping, landscaping, site improvements, etc. The Commission must decide if the sale of lemonade is a retail use or expansion of restaurant use.

**MOTION** to approve "Johnny Ads" Application for Minor Modification to Special Exception Permit, 910 Boston Post Road, Map 36/Lot 157 Shopping Center Business B-2 District; *Applicant* with the following condition: 1) The modification is limited to the retail sale in the existing building of the frozen lemonade product or like; *Cowboy, LLC, Owner, Agent: Robert Hansen; MADE: R. Friedmann: SECONDED: M Fish: VOTING IN FAVOR: R. Friedmann, M. Fish, M. Caldarella, G. Lewis, J. Colin Heffernan: ABSTAINING: None. OPPOSED: J Gadon. APPROVED: 4-0-1.*

At this time, G Lewis joined the meeting.

## V. DISCUSSION

### A. "Walmart" Garden Center

665 Boston Post Road, Map 36/Lot 157, Shopping Center Business B-2 District

*Applicant/Agent: William Pindell*

W Pindell, Walmart store manager who presented on behalf of this application stated that the size of the original proposal has been reduced. W Pindell stated that Walmart would like to utilize the last set of parking spaces that are located behind the Walmart building as it rounds to the Marshal's store for storage of mulch. There will be no promotional businesses allowed on the street side of the business.

R Friedmann stated that in the past, the cinder block and rail fences fell down and were not repaired for quite a while and he noted that the pallets with piles of bad mulch and colored stones were not well contained in that the bags fell and were ruptured into the walkway areas, last year. R Friedmann stated that the appearance of what was observed last year does not encourage the Commission to allow expansion this year. R Friedmann stated that there will be no promotional businesses allowed on the street side of the business.

W Pindell stated that bagged goods and services are a needed amenity for the local area and he noted that the plants that Walmart offers are well-priced. W Pindell acknowledged the issues encountered last year and stated that he understands the Commission's concern for the cleanliness of the area and apologized for the poor appearances in the past. W Pindell offered his phone number to the ZEO in an effort to keep the communication open for future concerns and issues. W Pindell stated that he is interested in fostering a good community relationship.

W Pindell with the assistance of the ZEO updated and modified the existing map at this evening's meeting to reflect the area in which the mulch and the stones will be contained.

R Friedmann stated that providing the cinder block and rail fencing will be kept in better order than was witnessed last year, combined with the modifications discussed and the amendments made to the



existing plan this evening, the Commission is amenable to the approval of the seasonal display of outdoor goods and services.

C. **“Dog Day Adoption” Temporary Events**  
923 Boston Post Road, Map 29/Lot 4  
Owner: 923 Boston Post Road Associates, LLC

C Heffernan recused himself. J Gadon seated for C Heffernan

Loretta Barry, President of the Board of Directors of Dog Days presented. L Barry stated that this adoption event which previously occurred in a local store front was asked to vacate the building that which had been donated for this specific use. However, Dog Days would like to temporarily occupy the space in the building that once served as a bowling alley on the Boston Post Road.

L Barry stated that a chain link fence will be installed along the south side of the parking lot to contain the dogs and she noted that Dog Day’s has three events per year which occur in the spring, summer and fall. Since the organization was founded in 1990, over 1800 homeless dogs have been placed. L Barry stated that once the event is over, there will be no dogs occupying or living in the building. L Barry stated that Dog Day Adoption event is currently in a fundraising situation, however they have not committed to the landlord at this point. There will be no food sold or offered during the event.

R Friedmann stated that this proposal should come before the Commission as a Special Exception application to allow a special use, which members agreed with.

**VI. COMMITTEE, REPRESENTATIVE AND STAFF REPORTS**

**Tobacco Stores-** The ZEO reported that an employee of Youth and Family Services expressed concern over tobacco stores, hookah lounges and exposure to children. The ZEO brought up these concerns to the Commission to revisit the topic. The Commission discussed the matter and reaffirmed their position that tobacco and alcohol are regulated by the State. If a store expressly sells tobacco, children should not be allowed to purchase these products since CT State Law requires a person to be over the age of 18 to use tobacco or other nicotine delivery devices. R Friedmann stated that the Zoning Commission does not regulate the content of signs which may encourage the use of tobacco or other products. The Zoning Commission revisited the proposal and understands the concerns but feels that additional regulations are not necessary since tobacco use is regulated by the State,

**2 Bridge Street, Saybrook Point Inn & Marina LLC -** The ZEO reported that they would like to add 11 seats to the current 27 seats previously allowed for a total of 38 outdoor seats.

**MOTION** to approve the increase the number of outdoor seats to total 38 for 2 **Bridge Street, Saybrook Point Inn & Marina LLC**; **MADE:** M. Fish; **SECONDED:** G Lewis; **VOTING IN FAVOR:** R. Friedmann, M. Fish, G Lewis, M Caldarella, C Heffernan; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

**27 Middlesex Turnpike, La Marea -** The ZEO reported that the owners of La Marea are proposing the installation of a concrete patio with a low stone border wall that will accommodate 14 seats. The ZEO stated that Special Exception Permit specifically indicated that outdoor seating was not approved as part of the permit and if proposed in the future, the seating would require a modification of the Special Permit. The Commission also noted that the owners have not yet completed the site improvements in connection with the Special Permit and that they were operating without a final sign off for zoning compliance. R Friedmann stated that at this point the Commission would like the owners to make all improvements as proposed in the original application for special exception and that until that time the Commission will defer making any modifications to the plan as they have not met the conditions of the original permit. The seating request was not approved.

220 Main Street, Estuary - The ZEO reported that this is a proposal for an Eagle Scout project to install a gazebo at the senior center. The Commission authorized the ZEO to handle this administratively and that the matter should additionally be reviewed by the Inland Wetlands Enforcement Officer to determine if the gazebo requires an inland wetlands permit.

1450 Boston Post Road, Shakari - The ZEO reported that the new vegetarian restaurant would like to install an 8' x 10' shed in the back to store excess pans, etc. The Commission authorized the ZEO to handle this administratively.

Electronic Signs - The ZEO reported that the Commission previously requested that she follow up with the operators of the electronic signs at the High School, Middle School, Town green and at the corner of Boston Post Road and Mill Rock Road by Mystic Market. The signs are all operating in violation of the permits granted to them and are operating as prohibited signs since they meet the definition of a flashing sign. Flashing signs are defined by the Zoning Regulations as changing electronic content in intervals of less than ten minutes. The ZEO has spoken to some of the sign operators who expressed concern that 15-20 different messages are posted per day which means that the sign rotation per sign is one in approximately once every 2 to 2 ½ hours. The ZEO asked the Commission if they would consider reducing the time frame for flashing signs in order to resolve this problem next time they propose to amend the Zoning Regulations. The Commission indicated that the sign operators are in violation of their permits and if they feel the 10 minutes is too strict that they should make a proposal to the Zoning Commission.

Workshop follow up -The ZEO asked G. Jacobson to review existing regulations related to storm water for consistency with new MS4 requirements.

R Friedmann reported that he attended a Land Use workshop at UConn sponsored by the CT Bar Association (CBA). There is a movement being considered by the CBA to Promote mediation.

## VII. ADJOURNMENT

**MOTION** to adjourn the meeting at 10:02pm. to the next regularly scheduled Zoning Commission meeting on Monday, May 1, 2017 at 7:00 p.m. at Town Hall, 302 Main Street, 1<sup>st</sup> Floor Conference Room, Old Saybrook. **MADE:** M. Fish: **SECONDED:** R Friedmann: **VOTING IN FAVOR:** R. Friedmann, M. Fish, G Lewis, M Caldarella, C Heffernan; **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted

Stella Beaudoin  
Recording Clerk