



TOWN OF OLD SAYBROOK
Planning Commission

Executive Board
Robert J. McIntyre, Chairman
Kathleen R. Smith, Vice Chairman
H. Stuart Hanes, Secretary

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Members
Judith S. Gallicchio
Richard R. Tietjen

Alternate Members
Salvatore V. Aresco
Janis L. Esty
James S. Conroy

MINUTES
Wednesday, December 1, 2004 at 7:30 p.m.
Pasbeshauke Pavilion at Saybrook Point Park
155 College Street Extension

I. CALL TO ORDER

Chairman Robert McIntyre called the meeting to order at 7:30 p.m.

II. ROLL CALL

Attending Members:
Robert McIntyre, Chairman
Kathleen Smith, Vice Chairman
H. Stuart Hanes, Secretary
Judith Gallicchio, Regular Member
Richard Tietjen, Regular Member
Janis Esty, Alternate Member

Absent Members:
Salvatore Aresco
James Conroy

Attending Staff:
Bill Pace, Selectmen
Christine Nelson, Old Saybrook Town Planner
Kim McKeown, Recording Clerk

III. REGULAR BUSINESS

A. Minutes

1. Amendments to Minutes of November 11, 2004

Item III. A. (Page 1): Change date from to November 3.

Item IV. (Page 7): Change date from to Wednesday, November 17.

MOTION to approve the meeting minutes of November 11, 2004 as amended; **MOVED** by J. Gallicchio; **SECONDED** by H.S. Hanes; **APPROVED** by R. McIntyre, K. Smith, H.S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

2. Amendments to Minutes of November 17, 2004

Item IV. A. (Page 9): **MOTION** to continue the public hearing of “The Preserve” Special Exception for Open Space Subdivision to a site walk on Saturday December 4 at 10:00 a.m. at the northerly terminus of Ingham Hill Road; [ADD: **and thence to December 8 at 7:00 p.m. in this auditorium at Old Saybrook Middle School, 60 Sheffield Street.**]

Item VII. (Page 9): MOTION to adjourn the meeting at 1:20 a.m. until the next [DELETE: special] meeting on Wednesday, December [DELETE: 8; ADD: 1] at 7:30 p.m. at the Pasbeshauke Pavilion, Saybrook Point.

MOTION to amend the meeting minutes of November 12, 2004 as stated and to continue the discussion of the minutes at the special meeting to be held on December 8, 2004 at 7:00 p.m.; **MOVED** by J. Gallicchio; **SECONDED** by H.S. Hanes; **APPROVED** by R. McIntyre, K. Smith, H.S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

B. Correspondence

- Zoning Commission Minutes
- Planning Commission Reports
- Planning Commission Agenda for Site Walk
- Memorandum of 2005 Planning Commission Meeting Dates
- Memorandum of 2005 Town Holidays
- Economic Development Commission Minutes
- Planning Commission Budget
- Announcement of new attorney at Branse & Willis, LLC
- The Commissioner, Summer 2004
- Town Ratings Article

MOTION to approve the scheduled dates for the 2005 meetings to be held the first and third Wednesday of each month from January through June; the third Wednesday in July; the first Wednesday in August; and the first and third Wednesday of each month from September through December. **MOVED** by H.S. Hanes; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, K. Smith, H.S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

C. Committee, Representative & Staff Reports

1. Sidewalk Committee

Ms. Gallicchio reported to the Committee that they had received a total of 166 completed surveys representing 387 family members. Ms. Gallicchio highlighted the initial findings of the survey reviews, which included the completion of the Route 154 loop sidewalks; sidewalks needed on the side streets off of Main Street; sidewalks in the area of Main Street and Route 1; and sidewalks needed on Route 1 between Main Street and Henny Penny. Ms. Gallicchio also reported that according to the surveys, crosswalks are needed in a number of areas throughout Town. Ms. Gallicchio mentioned that the surveys pointed out areas where repairs are needed to the sidewalks for a variety of reasons, including parked car encroachment on Main Street; areas where they are too narrow; and incomplete storm drains. Two additional surveys were submitted to the Committee. A complete report will be submitted to the Committee.

IV. PUBLIC HEARING

- A. “Saltaire” Resubdivision – 2 Lots (1.25 ac.) & Open Space (0.16 ac.)
So. Side of Billow Road./100’ W. of Pratt Rd. (Map 82/Lots 1 & 2)
Residence A District, Coastal Mgmt. Zone
Applicant: Richard Vicino/David & Ruperta Foy
Agent: Richard Tulisano, Esq.

Ms. Nelson introduced the topic before the Committee as a resubdivision that effects a public way. The Committee is required to make a decision regarding the resubdivision by January 5, 2005. Ms. Nelson submitted correspondence received by the Land Use Department regarding the resubdivision. The correspondence included: a letter from Branse & Willis, LLC regarding the application; a letter from the applicant; a memorandum from the Parks and Recreation Commission; a report form the Conservation Commission; and a letter from citizen, Howard Kilman.

Mr. Richard Tulisano, Esq. representing the applicants, reported to the Committee on the application to end the 360 sq. ft. stone walkway that runs along the front of 4 privately owned homes. During the initial development of the property, the walkway was designed to provide daytime views of the sound and the Castle as an extension from the park area, which includes a scenic outlook with benches and parking.

According to Mr. Tulisano, the Old Saybrook Police Department expressed a concern with security issues at the time the walkway was initially planned. Mr. Tulisano submitted for the record photos of people on the walkway during the day and night looking at the homes rather than the view. Mr. Tulisano reported that citizens walk beyond the walkway onto private property; others bike on the walkway; others sit on the fence owned by the property owners. Mr. Tulisano explained the applicants’ concern regarding liability should anyone be injured. The applicants are requesting the modification of the walkway to end at the Town owned park area as the walkway is not being used as intended.

Mr. Richard Vicino of 8 Billow Road described to the Committee the details of the property lines and easement on the map. He also told antidotal stories regarding the applicants’ liability concerns regarding the fence. According to Mr. Vicino there have been several incidents of trespassing on property, the wall and the fence. The police have been called out several times. Signs have been posted “No Trespassing”; however, the signs are ignored. Mr. Vicino submitted sketches and photos for the record detailing the lots B and C. The sketches show the area of land offered initially at the time of development and requested by the DEP. Mr. Vicino also described how the property owners maintain the landscape in order to keep the view.

Ms. Gallicchio requested that the DEP report from the initial approved application be resubmitted for review by the Committee.

Mr. McIntyre opened the Hearing to the public.

Terry Pearson of 28 Pratt Road had several questions for both the Committee and the applicant, including, When was the park and walkway officially opened? Did the developer have an obligation to develop the park? Was that obligation met? If so, when? Mr. Pearson referenced an interoffice memo from Christine Nelson to Mr. McIntyre dated 10/14/04, submitted for the record, which mentioned an original walkway that would extend from Pratt Road to Point Road. There was some confusion about the east and west directions mentioned in the memo. Ms. Nelson clarified that the walkway runs in front of two homes, not three as mentioned in the memo and that the east and west directions may be reversed. Mr. Pearson continued to describe that 130 ft of the walkway has been roped off for 100 days. According to Mr. Pearson, when the walkway was roped off, there was no signage to give a reason. Mr. Pearson submitted photos, memos, police incidents and newspaper articles for the record. Mr. Pearson stated that the developer built the houses where he wanted knowing the public would have access to the walkway. According to Mr. Pearson, 4600 sq. ft. of town property went into the development. From Mr. Pearson's review of the police incident reports, there have been no complaints from the first house, lot 1. Mr. Pearson does not want to see the areas closed, things could be changed to address the issues, such as signage. Mr. Pearson also questioned whether the area was complete according to the maps. There is no trashcan, shrubbery around the Ledge was just planted Aug. 30, 2004, and the bush in front of the benches was just cleared. Mr. Pearson questioned whether the town could insure the fence.

Joanna Fasatillo of 4 Pratt Road suggested that the Commission address the issue surround the entire area including the park and the walkway. Ms. Fasatillo pointed out that Old Saybrook is a beach community in which the public takes pictures of homes and walk down streets and walkways. Ms. Fasatillo suggested that if the Town decides to close the walkway, then the Town should close Pratt Road because people look into her home. According to Ms. Fasatillo, the town easement was part of the development package; closing the easement would set a terrible precedent.

Robert Cody of 32 Pratt Road suggested that the walkway is not a safety issue. According to Mr. Cody there are other issues to be addressed, such as the brush clean up that took place after August 2004. Prior to the brush clean up, Mr. Cody described that the public could not sit at the benches and see a view of the sound, which led people to walk down the walkway to see the sound. Mr. Cody stated that it would not look good on the Town to renig on a deal.

Paula Satmary of 6 Fox Road stated that the easement was given to the Town as part of the subdivision. According to Ms. Satmary, there are ways to address the issues individually.

Pam Cody of 32 Pratt Road stated that there is a need for better policing in the area. According to Ms. Cody, many people park for hours in the parking spots, that are clearly marked 1 hour parking.

Kathy Dangona of 35 Pratt Road stated that there are safety issues in the park. Ms. Dangona described how people sit on the fence and look into her home and make

requests of her. Ms. Dangona also reported that a new pathway had been created this summer down to the water by the fishermen.

Mike Satmary of 6 Fox Road stated that the applicant gave the neighbors what he thought would make them happy to push through the development. Mr. Satmary suggested that the applicant work with his neighbors.

Bob Meldoze of 47 Willard Ave. stated that he attending meeting regarding the Willard Ave road endings that may be opened compared to the open area that has been agreed to by developer and homeowners. According to Mr. Meldoze the homeowners had full knowledge of the public access. Mr. Meldoze suggested that there other alternatives to address the issues, such as a higher fence. Mr. Meldoze questioned what the Town would get if it gave up the easement.

Mr. Vicino responded to some of the public statements to clarify the police reports. The incident with the women from New London, according to Mr. Vicino, the women walked up to the Castle to take pictures and refused to leave when requested. The incident with the pictures being taken of his daughter, according to Mr. Vicino, involved a man taking pictures. Mr. Vicino was told by the police that the man was from Colorado and had a problem. With regards to the Town land that became part of the development, according to Mr. Vicino, he paid fair market value for the land, there was not trade involved. Mr. Vicino stated that he gave the Town a \$25,000 bond for capital improvements to finish the walkway and park area. Also, according to Mr. Vicino, the trash can was not placed in the park area as requested by the Planning Commission during the initial application. Mr. Vicino stated that the walkway is not along the street and the police cannot see down the walkway at night so they cannot patrol the area.

Mr. Tulisano restated the issue regarding the application, as privacy. According to Mr. Tulisano, the walkway is complete, it is not suppose to be longer. During the initial application, Mr. Tulisano stated that the applicant raised concerns regarding safety and liability. The applicant accepted the plan initially, now that concerns have been raised, the applicant needs to address the issues according to Mr. Tulisano.

According to Ms. Nelson, the park was completed and signed off on by the Town in the spring of 2004.

Mr. McIntyre described the closing of the walkway through discussions with the Board of Selectmen, it was deemed prudent to close the walkway with the thought that this would be a quickly addressed issue. Mr. McIntyre apologized for the inconvenience to the public for the walkway being closed for so long. With regards to the trash can, according to Mr. McIntyre, the Committee decided not to allow for a trash can due to the expense to the Town. The Town has a carry in/carry out policy. Mr. McIntyre requested clarification on the Town property in the area for maintenance purposes. According to the Saltaire Subdivision Landscape Map Area B& C, the Town owns the walkway only. The cliffs are part of the Cornfield Point Beach Association. Mr. McIntyre requested that Park and Recreation be made aware of the need for maintenance on the Town property. Mr. McIntyre asked if there was something that could be put on the fence to prohibit people from sitting on it?

Mr. Vicino asked for a suggestion?

Ms. Gallicchio had several questions regarding the burm on the application. How wide? How deep? Where located? Planted with what? Ms. Gallicchio also requested that the applicant point out to the Committee where the black metal fence is located on the maps. Ms. Gallicchio asked how high the fences are and for clarification on Cornfield Point's regulations on fence heights.

Mr. Vicino responded to Ms. Gallicchio's questions. The burm will be on Town property. It will be low and planted with flowers, based on the Committee's recommendation. To be used as a demise between public and private area. Mr. Vicino described for the Committee where the fences are located on the maps. According to Mr. Vicino, the fences are 4 ft high and clarified that in Cornfield Point fences are to be 4 ft high in viewing areas, 6 ft high in other areas.

Ms. Smith had several questions for the applicant. Has the applicant considered privatizing the property? What has been considered? Different fencing? Any signage?

Mr. Vicino stated that he has considered ways to privatize his property. Mr. Vicino has had problems with individuals refusing to leave the property when requested. Submitted original Old Saybrook Police Report regarding the difficulty of policing the walkway for the record. Mr. Vicino also explained that this is a second home, thus the incidents in which the police are called will be reduced through the fall and winter. Mr. Vicino proposed that the easement be extended along Lot C 8 ft. then go 90 degrees out to the cliffs from that point. This areas would be approximately 360 sq. ft. added to Lot C and consistent with the original DEP proposal and the same view of the Sound.

Mr. Tulisano stated that if the applicant were to put a higher fence around the property, then the walkway and cliffs would be isolated from the property, thus the walkway and cliffs will not be maintained and the result will be a lose of the view.

Ms. Gallicchio stated that the view is not the same from the benches as it is up along the walkway.

Ms. Smith stated that the applicant is requesting that the Town give up the walkway for the entire year, when the homes are only used 3 months out of the year.

Mr. Vicino stated that he is liable for the property, cliffs and fencing all year round.

Mr. Tietjen requested clarification on who owns the Ledge. Mr. Tietjen stated that if the walkway is closed it will take away from the Town.

Mr. Vicino answered that the Ledge is owned by Lot 1.

Ms. Esty asked for clarification on the number of signs.

Mr. Vicino stated that there are 3 signs, one on the walkway and 2 at the parking spaces.

Mr. McIntyre added, that originally the Committee had decided to limit the number of signs to avoid sign pollution.

Mr. Hanes questioned where the nearest light on Pratt Road was located. Mr. Hanes requested clarification on the DEP letter and application regarding whether the area is considered water dependent for not.

Ms. Nelson clarified that the walkway is considered water dependent and a CAM application had been submitted.

Mr. Hanes agreed that the issue of liability needed to be addressed.

Ms. Esty requested that the Committee members be allowed to walk the area prior to making any final decision.

Mr. McIntyre suggested that the Public Hearing regarding this matter be continued to the next meeting to allow time for all Committee members to walk the site.

Mr. Vicino requested that the Committee members walk the site during the day and night.

Pam Cody of 32 Pratt Road stated that if the walkway is closed, the park should be as well.

Kathy Dangona of 35 Pratt Road requested that the benches be moved back to the originally planned location now that the bushes have been cut.

Ms. Gallicchio requested that the applicant describe using the maps what areas are the Town's liability and what areas are the homeowners' liabilities.

Mr. Vicino pointed out that areas A and B are the Town's liability along with the easement (walkway). And Lot 1 and 2 along with the cliffs, wall and fence are the homeowners' liability.

Mr. McIntyre requested a review of the original plans regarding the type of fence used.

Mr. Vicino stated that the split rail fence was used to mimic the fencing in front of the Castle.

MOTION to continue the Public Hearing on the Saltire Resubdivision application to the next regular meeting to be held on December 15, 2004 at 7:30 p.m. at Pasbeshauke Pavilion, Saybrook Point; **MOVED** by H.S. Hanes; **SECONDED** by K. Smith; **APPROVED** by R. McIntyre, K. Smith, H.S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

Ms. Gallicchio left the meeting. Ms. Esty was seated in Ms. Gallicchio's absence.

V. NEW BUSINESS

- A. Preliminary Review: Max's Place, LLC (Big Y)
Mr. David Royston, Esq. Representing Ron Lineman, principal owner regarding the preliminary review of the development of the land at Route 1, Spencer Plains Road and Center Road West.

According to Attorney Royston, the Committee is being asked to consider 3 areas of the planned development. First, the developer has proposed acquiring Center Road West. Mr. Royston submitted a letter dated November 4, 2004 describing the proposal to purchase the property at a price to be determined after the proposal is approved and the land can be appraised. The Board of Selectman will address this proposal at the December 2, 2004 meeting. Second, the Committee will be asked to consider the subdivision. And third, according to Mr. Royston, the Committee will be requested to review the development plans with special exception to determine if it is consistent with the Plan of Conservation and Development.

Mr. Dave Ziaks, Project Engineer, FA Heskin Associates of East Granby, described how, as part of the planning, the developer had done the due diligence work in planning for appropriate septic, to be approved by the Town and DEP, meeting with the Fire Department, considering Traffic management and driveways. According to Mr. Ziaks 2 driveways are planned on Spencer Road and Route 1. The secondary access was to meet the Fire Departments request. A 63,400 sq. ft. Big Y store is planned to go into location along with 3 other retail tenants for a total area just under 100,000 sq. ft. on 17.8 acres of land including the land to be purchased. Parking and landscaping are planned in the development, including a stone wall along Route one augmented with landscape and shade trees to shield the parking fields and keep the aesthetics along Route 1. A public sidewalk is also planned along Route 1 and split rail fencing along Route 166. Some parking will be deferred to increase green spaces as current Zoning Regulations allow up to 20% deferment. Mr. Ziaks also described the storm water management plans, which include an open pond, underground storm water retention and septic.

Mr. Pat Moore, architect, Pepin and Associates of Bloomfield described how the applicant purposefully broke up the massing of buildings to give the appearance of multiple buildings along the large façade. The applicant proposes building materials that are traditional to New England architecture. The applicant purposefully made the buildings look dissimilar to avoid the look of one monotonous retail strip. The applicant has met with the Architectural Review Board (ARB) and consultant Alan Plattus of Yale Urban Design Workshop. There is only one tenant known at this time, Big Y. The remaining retail blocks are flexible to accommodate incoming tenants. The view from the street will be of the areas of the building not blocked by the stonewall and street trees. The applicant showed an alternative design for one portion of the southernmost building, which as designed at the request of the ARB, although they have not seen the drawings yet.

Mr. McIntyre spoke about preference to have Center Road West continuing though to Spencer Plains Road for emergency services and traffic.

Attorney Royston asked the Commission to consider the economic ramifications of bifurcating the lot with the extension of the road.

Mr. McIntyre spoke about the scale of the buildings in context to the neighborhood.

Ms. Esty spoke about her concerns regarding additional increases in traffic.

Ms. Nelson, the Town Planner, mentioned that she would submit to the Commission a report from the Town’s traffic consultant, summarizing his concerns about Center Road West.

Ms. Smith spoke about the capacity of the roads and the architecture that is appropriate for such a “gateway” to Old Saybrook.

Mr. Tietjen asked about the length of the facades.

Mr. Royston reported that the longest façade is planned for 365 ft.

Mr. Tietjen expressed concern for too many styles of architecture, which does not seem realistic for one building.

Mr. Royston stated that the reduction in size of any one building could preclude what is necessary to accommodate a supermarket.

Mr. Tietjen spoke about environmental concerns, particularly water quality.

Mr. Hanes asked about the architectural features breaking up the massing of one roof. Mr. Hanes also commended the applicant for the provisions of sidewalks. Mr. Hanes asked about the locations of the septic leaching fields and deferred parking spaces.

Mr. McIntyre spoke about the intersection improvements for pedestrians in the surrounding residential neighborhoods (Summerwood, etc.) . Mr. McIntyre requested that the applicant be considerate of the Town’s comments.

B. Municipal Improvement to No. Main Street: BOS Referral
Conceptual Site Plan

Selectman Bill Pace presented a conceptual plan for improvements to North Main Street, including a median divide constructed of materials similar to Main Street; sidewalks on one or both sides; lighting; and landscaping. The design allows for a single of traffic in either direction. The Town property located at the northeast corner of the intersection of Route 1 and North Main Street, currently leased to the Monkey Farm for parking, will be slightly reconfigured.

Mr. Hanes asked about cuts in the median divide for access to businesses.

Mr. McIntyre suggested consolidation of the median cuts close to the intersection.

Mr. Hanes requested crosswalks along North Main Street and Route 1 in the proposed area.

Transportation Goals:

Improved traffic circulation and safety for vehicles, pedestrians, and bicyclists throughout town, with special focus on Main Street and the entire Village Center, and the use of enforcement to optimize crosswalk safety.

MOTION to find the proposed municipal improvement to No. Main Street consistent with the Plan of Conservation and Development; **MOVED** by R. McIntyre; **SECONDED** by H.S. Hanes; **APPROVED** by R. McIntyre, K. Smith, H.S. Hanes, J. Gallicchio, R. Tietjen; ABSTAINED by none; **OPPOSED** by none.

VI. OLD BUSINESS

- A. Municipal Improvement of Willard Avenue for Coastal Public Access
Residence A District, Gateway Conservation Zone, Coastal Management Zone
Action: Consider alternative layouts and locations for desired improvements.

Ms. Nelson, the Town Planner, presented a draft concept plan to the Commission, recounting its inclusion of typical policies and other elements specific to the site's existing conditions. The Commission agreed to visit the site to envision the draft concept plan. The Planning Commission will continue this topic at the regular January 5, 2004 meeting.

- B. Economic Development Section of the Plan of Conservation & Development
Petitioner: Economic Development Commission
Representative: Jim Keating, Chairman
Action: Finalize draft section, schedule for adoption process.

Tabled to January 5, 2004 regular meeting.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 11:57 p.m. until the next site walk meeting on Saturday, December 4, 2004 at 10:00 a.m. at the property of River Sound Development LLC, north end of Ingham Hill Road. **MOVED** by R. McIntyre; **SECONDED** by R. Tietjen; **APPROVED** by R. McIntyre, K. Smith, H.S. Hanes, J. Gallicchio, R. Tietjen; ABSTAINED by none; **OPPOSED** by none.

Respectfully Submitted,

Kim McKeown, Recording Clerk