



TOWN OF OLD SAYBROOK
Planning Commission

Executive Board
Robert J. McIntyre, Chairman
Judith S. Gallicchio, Vice
Chairman
H. Stuart Hanes, Secretary

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-3125

Members
Kathleen R. Smith
Richard R. Tietjen

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

MINUTES
Wednesday, February 16, 2005 at 7:30 p.m.
Pasbeshauke Pavilion at Saybrook Point Park
155 College Street Extension

I. CALL TO ORDER

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

II. ROLL CALL

Present

- Robert McIntyre, Chairman
- Judith Gallicchio, Vice Chairman
- H. Stuart Hanes, Secretary
- Kathleen Smith, Member
- Richard Tietjen, Member
- Janis Esty, Alternate Member
- Salvatore Aresco, Alternate Member, arrived at 9:08 p.m.

Absent

- James Conroy, Alternate Member

Also Present

- Kim McKeown, Recording Clerk

III. REGULAR BUSINESS

A. Meeting Minutes

1. Amendments to Minutes of February 2, 2005:

Amendments to the Minutes of January 19, 2005:

Item VI. B. (Page 12): MOTION to approve the “Phillips” Resubdivision application with a conservation easement of 425.25 ft., which will encompass an 50 ft. [DELETE: **wider**; ADD: **wide**] buffer along the entire northwest boundary of lot 2 adjacent to the property of the Otter Cove Association.

Item VI. B. (Page 13): MOTION to approve the “Phillips” Resubdivision application with a conservation easement of 425.25 ft., which will encompass an 50 ft. [DELETE: **wider**; ADD: **wide**] buffer along the entire northwest boundary of lot 2 adjacent to the property of the Otter Cove Association.

Item IV. A. (Page 3): Christine Nelson, Town Planner, introduced the application stating that the resubdivision [DELETE: **effects**; ADD: **affects**] a walkway designated for public use.

Item IV. A. (Page 3): The application includes [DELETE: 2; ADD: 4] parking spaces for public use.

Item IV. A. (Page 3): The applicant has requested a waiver of scale, to use a 40 [DELETE: %] scale in the plans for ease of viewing.

Item V. B. (Page 9): Cal [DELETE: **Derella**; ADD: **Calderella**] of Old Saybrook.

MOTION to approve the meeting minutes of February 9, 2005 as amended; **MOVED** by J. Gallicchio; **SECONDED** by H. S. Hanes; **APPROVED** by R. McIntyre, H. S. Hanes, J. Gallicchio, K. Smith; R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

2. Amendments to Minutes of February 9, 2005:

Item III. A. (Page 2 – 7): [DELETE: **Ms. Goodfriend**; ADD: **Dr. Goodfriend**]

Item III. A. (Page 2): The Planning Commission came to a consensus to [DELETE: eliminated; ADD: **eliminate**] road 10 and lots 212-217.

Item III. A. (Page 7): Mark Branse, Esq. Read a [ADD: **draft**] motion.

MOTION to approve the meeting minutes of February 9, 2005 as amended; **MOVED** by J. Gallicchio; **SECONDED** by H. S. Stuart; **APPROVED** by R. McIntyre, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by K. Smith; **OPPOSED** by none.

3. Amendments to Minutes of February 12, 2005:

In the title block, [ADD: **Site Walk**] Minutes.

MOTION to approve the meeting minutes of February 12, 2005 as amended; **MOVED** by K. Smith; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, J. Gallicchio, K. Smith; **ABSTAINED** by H. S. Hanes, R. Tietjen; **OPPOSED** by none.

4. Minutes of the December 11, 2004 meeting will be tabled until all three participating members are present.

B. Correspondence

- 3 Bills from Debrah Veroni
- 1 Bill from Nathan L. Jacobson & Associates
- Letter from the State of Connecticut regarding the designation of Route 154 as a scenic route
- List of Town Holidays
- Board of Selectman letter regarding Center Road West – no reply is necessary

MOTION to approve payment to Debrah Veroni \$3306.25 for transcription services rendered 11/03/04 through 01/12/05; **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.

MOTION to approve payment to Nathan L. Jacobson & Associates, Inc. \$53.96 for invoice #8617 service rendered 12/18/04 through 1/14/05; **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.

MOTION to approve payment to Debrah Veroni \$275.00 for transcription services rendered on 1/26/05; **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.

The Planning Commission will seek clarification on a bill from Debra Veroni dated 2/08/05 for services rendered on 1/12/05. Possible duplication.

C. Committee, Representative & Staff Reports

Judith Gallicchio suggested the Planning Commission follow up on the Saltaire Resubdivision by confirming that the tape closing the easement walkway has been removed.

IV. PUBLIC HEARINGS

- A. “Blue Point” Resubdivision – 2 Lots (6.8 ac.) & “Oyster River” Coastal Access**
 East side of Ingham Hill Road / 950 ft. north of Boston Post Road
Ind. I & Res. A Districts, Coastal Mgmt. Zone, (Map 35 / Lot 15 & Map 28 / Lot 23)
 Applicant: Blue Point, Inc. & E. Maynard, Owners Agent: Christina Burnham, Esq.

Christina Burnham, Esq., representing the applicant explained that the resubdivision application before the Planning Commission is for an exchange of land between two neighbors. The change in lot line will impact a pedestrian easement. The applicant requests that the viewing area at the end of the pedestrian easement be moved to a corner location closer to the easement, rather than in it’s current location at the far end of the property along the tidal wetlands.

Stuart Fairbanks, P.E., representing the applicant, presented a preliminary plan showing the change in lot line.

Ed Maynard, II, representing the Maynard family expressed concern regarding the easement and access to the Maynard property.

Jill Depolermo, Old Saybrook, recommended to the Commission that they attempt to conserve the trees on the property and that the easement run along the length of the property along the Oyster River.

There was discussion between the Commission members Kathleen Smith, Judith Gallicchio, Robert McIntyre, and Stuart Hanes, and the applicant clarifying the markers on the property for the easement and proposed viewing site. The Commission also expressed a concern for conserving the trees. The applicant suggested that the brambles will need to be cleaned out to create the viewing area.

There was considerable discussion between the Commission members, Judith Gallicchio and Robert McIntyre, with the applicant regarding the walkway; in particular, the material that will be placed on the walkway (i.e.: gravel); the location and width of the walkway along the fences; the location and maintenance of the driveway where will cross the walkway; and the parking spots, specifically the number of spots, maintenance and signage needed. The applicant stated that with regards to the walkway, especially at the driveway crossing, regardless of the type of gravel used, some maintenance will need to be done on an on-going passes to keep the walkway accessible to pedestrians. Also, due to the location of the viewing area with respects to the tidal wetlands, the applicant is limited on what can be done at the site. As previously discussed with the Commission, the applicant is considering grading the viewing area, putting down gravel or mulch, along with a bench or table. The Planning Commission's approved conservation easement may need to include the removal of some trees and bramble for ease of walking and viewing. The Commission would like to see whatever plan is agreed upon with the applicant, completed in a timely fashion.

The Commission members discussed with the applicant the location of the current fence along the pedestrian walkway. The applicant clarified that the fence is right on the property line, which is why the walkway is narrower than 10 ft at some points.

In response to the Commission's questions, the Christina Burnham, Esq., stated that the reasons the applicant is requesting that the viewing area be moved are: (1) the proposed new location is closer to the pedestrian access way/walkway; (2) the Town Planner and Zoning Enforcement Officer felt the new location provided a better view; (3) the proposed viewing site would allow pedestrians to walk right out to wetland area, rather than behind the woods.

There was some discussion between the Commission members and that applicant regarding the better viewing location, the current spot or the proposed location. The Commission also discussed the 50 ft set back required around wetlands and the clearing of trees. The Commission members mentioned the option of continuing the public hearing to obtain further information.

George Bassoni, the applicant, described the current locations of the walkway and viewing area to the Commission. Mr. Bassoni and Mr. Maynard discussed with the Commission members the sloping of the driveway, particularly focusing on where the driveway will cross the walkway. Both parties in the application stated they want to ensure that the easement crossing is accessible for both, pedestrians on the walkway and vehicles on the driveway. Mr. Bassoni requested clarification on the reasons for the Commission's request to extend the public hearing.

Robert McIntyre, Chairman of the Planning Commission, stated that the Commission members would like further information regarding the new proposed viewing area; gravel for the walkway and driveway; and drawings of the driveway. The Commission members discussed viewing the site at a formal site walk with the applicant, to view both the proposed and current viewing locations.

The Commission requested from the applicant an extension of the public hearing to the Planning Commission’s regular meeting to be held on March 16, 2005. The Commission requested that the driveway proposed to cross the walkway be staked out and added to the map; the current viewing area be staked out; and the members be allow to conduct a site walk with the applicant on February 26, 2005 at 10 a.m.

The applicant and Maynard family granted the Planning Commission’s request for an extension of the public hearing and site walk. Letter officially submitted for the record.

MOTION to extend the public hearing on the “Blue Point” Resubdivision – 2 Lots (6.8 ac.) & “Oyster River” Coastal Access Sale to the next regular meeting scheduled for March 16, 2005 at 8:00 p.m. at Pasbeshauke Pavilion at Saybrook Point; **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.

MOTION to conduct a site walk at the “Blue Point” Resubdivision – 2 Lots (6.8 ac.) & “Oyster River” Coastal Access Sale on February 26, 2005 at 10:00 a.m.; **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.

B. “College Point” Subdivision – 4 Lots (2.16 ac.)

South side of Route 154 / Main Street

Res. A District, Coastal Management Zone, Flood Hazard Zone, (Map 23 / Lot 78)

Applicant: College Point, LLC

Agent: Gary P. Sharpe, P.E.

H.Stuart Hanes, Secretary of the Planning Commission and Richard Tietjen, Regular Member of the Planning Commission unseated selves from the public hearing on the “College Point” Subdivision. Janis Esty, alternate member was seated for Richard Tietjen by Robert McIntyre, Chairman of the Planning Commission.

William Childress, Esq., representing the applicant explained the requests for waivers, including the submission for a request to waive Section 5.4.D, which would allow the applicant to grade the driveway level to the street. Mr. Childress stated that the waiver posses a hardship on the applicant and will not effect the neighbors or public safety. The waiver allows the proposed road to connect to the State road at the same elevation. Mr. Childress submitted a waiver for Section 3.4.D, which requires that all waivers be filed at the time of the application. Attorney Childress also submitted to the Commission for the member’s information a Declaration Respecting Rights regarding Private Streets.

Salvatore Aresco, alternate member arrived at 9:08 and was seated for H. Stuart Hanes by Robert McIntyre, Chairman of the Planning Commission.

Stuart Fairbanks, P.E., representing the applicant submitted revised maps to the Commission and described the revisions. The revisions include Town of Old Saybrook staff, CT Department of Transportation, and CT Department of Environmental Protection recommendations, such as dry wells, tree removal for sight lines, soil conservation, run off collection, and a 50 ft set back from tidal wetlands. Mr. Fairbanks submitted and reviewed for the Commission an analysis conducted on behalf of the applicant demonstrating the uniqueness of the property in meeting all Zoning and Subdivision Regulations except the Special Flood Hazard Area regulation.

William Childress, Esq., representing the applicant, submitted and reviewed a memorandum with attachments to the Commission. The memo, prepared for the applicant, rebuts concerns raised regarding the application. Attorney Childress addressed building in Flood Hazard Areas; other permitted buildings and uses; waiver not precluded by earlier decisions; waiver will not establish a precedent to grant other waivers; no adverse impact on adjacent property or public health and safety; hardship exists to justify the waiver; and NIMBY (not in my backyard).

Tom Cloutier, Esq. representing the abutting property owners of the applicant, the Rice's, Wilson's, Meloson's and Ritzow's, stated that the waivers submitted by the applicant do not comply with Section 3.4.D of the regulations because they were not submitted at the time of the application. Attorney Cloutier reviewed Section 5.2 of the regulations and Section 7 of the Zoning regulations; as well as the meaning of the Special Flood Hazard Area designation. Mr. Cloutier also referred to the Nathan A. Jacobson letter, which states that run off from the applicant's property will be directed at the neighbors property. Mr. Cloutier submitted several exhibit items demonstrating the Commission's previous opposition to the changing of the regulations regarding Special Flood Hazard Areas. The briefs of the case regarding the property currently before the Superior Court were submitted to the Commission. Attorney Cloutier stated that hardship has not been proven by the applicant, thus the Commission should deny the application.

Michael Rice, abutting property owner, stated concern regarding the removal of trees for sight lines. Mr. Rice submitted to the Commission regulations that may be violated if the application is approved. Mr. Rice addressed Attorney Childress's memo, stating that his garage has nothing to do with the application before the commission; and that the Planning Commission's decision may not establish a precedent; however, in reality Mr. Rice feels it would. Mr. Rice requested that the Commission members review Section 3.4 of the regulations and compare it to the facts of the application.

Barbara Genter, North Cove, stated she does not oppose the application.

Peter Fredrickson, Old Saybrook, stated that there has been extensive talk about regulations; however there is no reason why the application should not be approved.

The Commission members expressed an interest in conserving the large trees along College Street and questioned the applicant about the location of the driveway and the possibility of moving it to another location. Stuart Fairbanks, P.E., representing the applicant stated that they are negotiating with the CT DOT to keep as many trees as

possible. One of the trees will definitely have to be cut down as there is no other appropriate location for the driveway.

There was considerable discussion between the Commission members and the applicant regarding drainage on the site. Currently, the property drains to the back of the property. The applicant proposes to allow the natural drainage to the tidal wetlands to continue combined with an effort to reduce drainage through gutters directed to an inland subdrain. The Commission members expressed concern regarding drainage and applicant’s ability to control drainage for 3 homes, as well as the roadway on the Cartwright property, which is built up higher than the applicant’s property. The Commission referred to the concerns raised in the Nathan L. Jacobson letter.

The Commission members discussed the applicant’s analysis of the uniqueness of the property and the reasons for looking at the Saybrook Point area only. Stuart Fairbanks, P.E. stated that the it is “customary” to focus on the area of Town the property is located.

The Commission requested clarification from the applicant on the waivers, in particular the waiver for open space. The applicant has discussed the option of in fee for open space.

William Childress, Esq., representing the applicant, summarized the applicant’s responses to the public’s and Commission member’s concerns stating that the waiver will not impact the flood insurance program; the applicant is requesting a waiver, not a change in the regulations. The applicant will conduct drainage calculations as required by law and work with Mr. Jacobson to satisfy concerns expressed in the Nathan L. Jacobson letter. Attorney Childress requested that the Commission members take into consider the reports received from the Town staff and consultants regarding the application.

MOTION to close the public hearing on the “College Point” Subdivision – 4 Lots (2.16 ac.); **MOVED** by J. Gallicchio; **SECONDED** by K. Smith; **APPROVED** by R. McIntyre, K. Smith, J. Gallicchio, S. Aresco, J. Esty; **ABSTAINED** by none; **OPPOSED** by none.

MOTION to begin deliberation on the “College Point” Subdivision – 4 Lots (2.16 ac.) to the regular meeting scheduled for March 16, 2005 at 7:30 p.m. at Pasbeshauke Pavilion at Saybrook Point; **MOVED** by J. Gallicchio; **SECONDED** by K. Smith; **APPROVED** by R. McIntyre, K. Smith, J. Gallicchio, S. Aresco, J. Esty; **ABSTAINED** by none; **OPPOSED** by none.

H.Stuart Hanes, Secretary of the Planning Commission and Richard Tietjen, Regular Member of the Planning Commission were reseated to the Planning Commission meeting by Robert McIntyre, Chairman of the Planning Commission at 10:50 p.m. Janis Esty, alternate member and Salvatore Aresco, alternate member were unseated by Robert McIntyre, Chairman of the Planning Commission at 10:50 p.m.

V. OLD BUSINESS

- A. **“Trinity Place” Subdivision – 2 Lots (4.32 ac.) & Open Space (1.84 ac.)**
 West side of Trask Road / 200 ft. North of Fairview Avenue (Map 21 / Lot 72)
Residence A District, Coastal Management Zone, Flood Hazard Zone
 Applicant: Ark Ventures, LLC. Agent: Gary P. Sharpe, P.E.

Stuart Fairbanks, P.E., representing the applicant, stated that this application has been reviewed and approved by the Inland Wetlands Commission. The Inland Wetland Commission addressed water issues. In response to the Inland Wetland Commission’s concerns as well as the neighbors, a swale will be built on lot 2 to capture water. Mr. Fairbanks submitted a revised map to the Commission, which includes additions, such as septic, grading, water service, and a fire hydrant.

The Planning Commission members discussed the water line and connection to the water main with the applicant. According to Stuart Fairbanks, the water company wants the applicant to extend the water main. However, the current water main ends at the corner of the lot. The applicant stated that water will run to the lots.

James Pepitone, the applicant, described the swale on lot 2, trees that will be planted on a berm, and rainwater collection from the houses, in an effort to prevent run off. According to the applicant, the neighbors agreed to these measures.

The Planning Commission discussed any possible need to raise the houses due to the water table. According to Stuart Fairbanks, P.E., the property is grade level and will probably permit basements.

The Commission members raised questions regarding the cutting down of trees, as noted on the original plans. Stuart Fairbanks, P.E., stated that applicant and Inland Wetlands Commission had agreed to the clearing of the property for evasive, non-native species. According to the applicant, any clearing of the property will be done with a wetland specialist present.

There was some discussion between the Commission members and applicant regarding the driveway and lack of buffer along the property line. According to the applicant, the neighbors agreed to the current design. The Commission also addressed sidewalks as raised in Christine Nelson’s, Town Planner, report. There was some discussion about the location of current sidewalks.

MOTION to approve the “Trinity Place” Subdivision – 2 Lots (4.32 ac.) & Open Space (1.84 ac.) ; **MOVED** by K. Smith; **SECONDED** by J. Gallicchio; **DISCUSSION:** Richard Tietjen questioned whether the neighbors concerns had been addressed, specifically the raising of the water table. According to the applicant, the first floor of the homes will be 11ft above sea level and safety features will be in place; **APPROVED** by R. McIntyre, K. Smith, J. Gallicchio, H.S. Hanes, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

MOTION to approve the coastal site plan under the Coastal Access Management in the “Trinity Place” Subdivision – 2 Lots (4.32 ac.) & Open Space (1.84 ac.) ; **MOVED** by J. Gallicchio;

SECONDED by K. Smith; **APPROVED** by R. McIntyre, K. Smith, J. Gallicchio, H.S. Hanes, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

VI. NEW BUSINESS

- A. Petition to Amend Zoning Regulations to permit “Off-site Municipal Parking”**
 New Section 62.6.3 of Off-street Parking & Loading, Access, and Circulation
 Petitioner: BOS Village Gateway Committee Representative: Joseph F. Metzendorf, Chairman

Robert McIntyre, Chairman of the Planning Commission, stated that the petition would allow the Gateway Committee and Town to use parking in other areas, designated for other purposes, for municipal functions.

The Planning Commission members discussed the petition, having several questions about the equity of the petition. The members referred to the letter from Walter Harris, which mentions parking for the Information Booth at the head of Main Street, as well as parking for the Theater. The Commission members felt they did not have enough information to make an informed decision.

MOTION to continue discussion on the Petition to Amend Zoning Regulations to permit “Off-site Municipal Parking” to the next regular meeting scheduled for March 2, 2005 at 7:30 p.m. at Pasbeshauke Pavilion at Saybrook Point; **MOVED** by H. S. Hanes; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, K. Smith, J. Gallicchio, H.S. Hanes, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

- B. Petition to Amend Zoning Regulations to permit “Bank/Pharmacy Drive-up Windows”**
 New Section 8.22 Drive-up Windows for Financial Institutions and Pharmacies
 Petitioner: Issues Management, LLC Agent: David M Royston, Esq.

David Royston, Esq., representing the petitioner, introduced the proposed amendment to the Zoning Regulations; 8.22 would allow drive up windows for financial institutes and pharmacies. Currently, drives up windows are approved as part of the use of the building constructed. According to Attorney Royston, the proposed amendment is not inconsistent with the current Plan of Conservation and Development. The 1990 Plan of Conservation and Development included the goal: to be sensitive to newer trends in retail.

The Planning Commission members discussed the petition and agreed that the amendment is not inconsistent with the Plan of Conservation and Development.

MOTION to send a favorable recommendation to the Zoning Commission on the Petition to Amend Zoning Regulations to permit “Bank/Pharmacy Drive-up Windows”, in that the proposed amendment is not inconsistent with the Plan of Conservation and Development; **MOVED** by J.

Gallicchio; **SECONDED** by K. Smith; **APPROVED** by R. McIntyre, K. Smith, J. Gallicchio, H.S. Hanes, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 11:45 p.m. until the next special meeting, scheduled for February 23, 2005 at 7:30 p.m. at Town Hall, 1st Floor Conference Room, 302 Main Street; **MOVED** by H.S. Hanes; **SECONDED** by R. McIntyre; **APPROVED** R. McIntyre, K. Smith, S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

Respectfully Submitted,

Kim McKeown, Recording Clerk