

TOWN OF EAST LYME

ZONING COMMISSION

MAY 19, 2016

REGULAR MEETING MINUTES

Members Present:

Matthew Walker, Chairman  
William Dwyer  
John Manning  
Terence Donovan  
Norm Peck  
George McPherson  
James Liska, Alternate  
David McIlhenney, Alternate (Unknown Arrival Time)

FILED IN EAST LYME  
CONNECTICUT  
MAY 25 2016 AT 8:00 AM  
EAST LYME TOWN CLERK

Members Absent:

Peter Lukas, Alternate

Also Present:

Bill Mulholland, Zoning Officer  
Rose Ann Hardy, Ex-Officio  
Rita Franco-Palazzo, Planning Representative

1. CONTINUATION OF APPLICATION OF LEO ROCHE, FOR STRIVE LLC, FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 247-2 MAIN STREET, NIAN TIC

**Motion (1) Mr. McPherson moved to approve the application of Leo Roche, for Strive, LLC for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 247-2 Main Street, Niantic with the previously noted conditions.**

**Seconded by Mr. Dwyer.**

**Motion Passed 6-0.**

**The legal advertisement will run on May 26<sup>th</sup> and this will be effective on May 27<sup>th</sup>.**

2. CONTINUATION OF APPLICATION OF TIMOTHY O'REILLY, OWNER, EAST LYME CAFÉ, LLC DBA SMOKEY O'GRADY'S FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 306 FLANDERS ROAD, NIAN TIC

**Motion (2) Mr. McPherson moved to approve the application of Timothy O'Reilly, Owner, East Lyme Café, LLC dba Smokey O'Grady's for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 306 Flanders Road, Niantic with the previously noted conditions.**

**Seconded by Mr. Dwyer.**

**Motion Passed 6-0.**

**The legal advertisement will run on May 26<sup>th</sup> and this will be effective on May 27<sup>th</sup>.**

3. STOP & SHOP TREE DISCUSSION/SOLUTION ETC

Mr. Donovan stated he did not know an arborist was there when the trees were cut.

Mr. McPherson stated if any die they need to be replaced.

Mr. Peck stated approval was given and was clear, the reasons were discussed. The applicant accepted them in good faith. We wanted to hide the back of the grocery store, now it is not hidden. A letter was sent reminding them not to touch the trees. If we let this happen we ought to not even have a Zoning Commission.

Attorney Harris stated maintenance was a part of the approval.

Mr. Mulholland stated trimming, but not massive cutting.

Attorney Harris stated there will be no further massive cutting, minor pruning maybe.

Mr. Peck suggested he send a letter to the Commission saying it won't be done in the future.

Mr. Mulholland asked if that was possible.

Attorney Harris stated he will consult with his client.

Mr. Mulholland stated they received notice 13 months ago about the trees.

Attorney Harris suggested continuing this to the next meeting so he can talk to his client.

Mr. Peck stated they understand exposure, that exit is a gateway to East Lyme; it is a very busy exit. They tried to make the gateway look better than a regular exit. Now it looks typical.

Mr. Donovan stated if they get away with this what happens if someone else does this.

Mr. McPherson suggested the letter say the present or future owners.

4. APPROVAL OF MINUTES OF MAY 5 2016

**Motion (3) Mr. Donovan moved to approve the Regular Meeting and Public Hearing Minutes of May 5, 2016 as presented.**

**Seconded by Mr. Dwyer.**

**Motion passed 6-0.**

OLD BUSINESS

1. SUB-COMMITTEE MIXED USE IN CB ZONE

They want to meet either June 13<sup>th</sup> or 20<sup>th</sup>. Mr. Mulholland will email the members (Chairman Walker, Mr. Peck, and Mr. Donovan) about a date.

2. SUB-COMMITTEE OUTDOOR DINING SPECIAL PERMIT RENEWAL SIGNS

Mr. Mulholland is still working on a memo.

3. SUB-COMMITTEE KEEPING BEES

Mr. Donovan stated they were going to meet, but Mr. Kalal was not available. They rescheduled to June 2<sup>nd</sup> at 6:30.

NEW BUSINESS

1. ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION

Mr. McPherson suggested the outdoor dining sign sub-committee expand and look at flag signs; there are quite a few of them, he is not necessarily against them.

Mr. Mulholland stated every spring illegal signs come out.

2. ZONING OFFICIAL

Mr. Mulholland had no comment.

3. COMMENTS FROM EX-OFFICIO

Ms. Hardy had no comments.

4. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

Ms. Hardy reported that they met Tuesday night and approved an extension and cul de sac on East Society Road.

5. COMMENTS FROM CHAIRMAN

Chairman Walker thanked Mr. Peck for his perspective on the history of the approval of Stop and Shop.

**Motion (4) Mr. Donovan moved to adjourn the meeting at 8:30 p.m.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

Respectfully Submitted,



**Karen Miller Galbo**  
**Recording Secretary**