

TOWN OF EAST LYME

ZONING COMMISSION

JUNE 15, 2017

REGULAR MEETING MINUTES

MEMBERS PRESENT:

Matthew Walker, Chairman
William Dwyer
Terence Donovan
Norm Peck
John Manning
George McPherson
Peter Lukas, Alternate
James Liska, Alternate

FILED

June 20 2017 AT 12:51 AM/PM

Karen Mulholland, atc

EAST LYME TOWN CLERK

MEMBERS ABSENT:

David McIlhenney, Alternate

ALSO PRESENT:

Bill Mulholland, Zoning Officer
Mark Nickerson, First Selectman

1. APPLICATION OF EUGENE EMINI, OWNER, BLACK POINT PIZZA, FOR A SPECIAL PERMIT FOR OUTDOOR DINING AT 44 BLACK POINT ROAD, NIAN TIC WITH NO ENTERTAINMENT

Motion (1) Mr. Donovan moved to approve the application of Eugene Emini, Owner, Black Point Pizza, for a Special Permit for Outdoor Dining at 44 Black Point Road, Niantic with NO Entertainment with the following conditions:

- a) Lighting and fence design to be approved by the zoning official;
- b) Last seating on weekdays at 8:00 p.m., and on weekends and holidays at 9:00 p.m.;
- c) Low amplification background music turned off at closing.

Seconded by Mr. McPherson.

Motion Passed 6-0.

2. REQUEST OF GEORGE MITCHELL FOR TWO (2) EXCEPTIONS (SECTION 24.6 E-2 & 24.6 e-3) TO THE ADMINISTRATIVE SITE PLAN REQUIREMENTS OF SECTION 24 OF THE ZONING REGULATIONS FOR THE PURPOSE OF CONSTRUCTING A NEW COMMERCIAL BUILDING AT 239 MAIN STREET.

Chairman Walker stated this is not a public hearing, but is an exception request by the applicant.

Mr. McPherson read a letter from George Mitchell dated May 19th.

Mr. McPherson read a memo from Mr. Mulholland dated June 14, 2017.

Chairman Walker stated this Commission is only looking at the exceptions.

Mr. Manning asked why we had architectural oversight with the first proposal and not this one.

Mr. Mulholland stated the original application was for a mixed use building and that required a special permit which is under the Zoning Commission's jurisdiction. That application was withdrawn and they modified the building. It is no longer mixed-use, it is strictly retail and is under 10,000 square feet. The applicant needs the exceptions in order to comply with the site plan requirements. If they don't grant the exceptions then he can't approve it.

Mr. Manning asked if Mr. Mulholland still had architectural oversight.

Mr. Mulholland stated that can be debated in some legal corners, our legal counsel is here this evening.

Attorney Zamarka stated the applicant is seeking exceptions, only the Zoning Commission can grant those exceptions. The architectural review is not part of the administrative site plan review under the regulations.

George Mitchell stated the lot is 2.7 acres. They have frontage on Pennsylvania Avenue and Main Street, they meet the buffer requirements for street landscaping on Pennsylvania Avenue, they are proposing planters that conform and match what is in front of other stores; they think this will fit in better with Main Street. They have more buffers than anyone in town. He stated he can put buffers between the new building and the Black Sheep but it will cut out 10 parking spaces.

Mr. Donovan asked if they would be willing to landscape the patio.

Mr. Mitchell stated they have proposed planters.

Mr. Donovan stated it would be nice to have grass and plantings.

Mr. Mitchell stated they can do that, but there is no landscaped area on that block, the only planting is in front of their property by the book barn. There is no need for trees because they are already there.

Mr. Donovan stated it is a main hub of town and he thinks some green will be nice.

Chairman Walker stated he prefers a landscaped area in the front, like what we see in newer buildings.

Mr. Donovan stated he thinks that will help with beautification; he is fine with no buffers.

Mr. Peck stated he would like them to dress up the East Side by the Black Sheep and put in parallel parking, then they would only lose 5 spaces.

Mr. Mitchell stated if they put three feet of buffer in they will lose 10 spaces.

Mr. Dwyer stated he doesn't think there is enough parking downtown.

Mr. Manning stated he agrees with Mr. Donovan. He doesn't think they need the buffer at the expense of losing 10 spaces.

Mr. Dwyer agreed as did Mr. Peck.

Mr. Mitchell stated if they insist on the front landscaping he is amenable to that, but not to the deciduous trees since the Town already has planted some.

Mr. Donovan agreed with him.

Motion (2) Mr. Donovan moved to **APPROVE** the request of George Mitchell for the exception **24.6 E-3 Buffer Strip** to the administrative site plan requirements of Section 24 of the Zoning Regulations for the purpose of constructing a new commercial building at 239 Main Street and to **DENY** the request of George Mitchell for the Exception **24.6 E-2 Front Landscaping** to the administrative site plan requirements of Section 24 of the Zoning Regulations for the purpose of constructing a new commercial building at 239 Main Street.

Seconded by Mr. McPherson.

Motion Passed 6-0.

3. APPROVAL OF MINUTES OF MAY 18, 2017

Mr. Manning stated that it is sad that the May 18th meeting was one of the last things Betty Murphy had done for the Town prior to her death.

Motion (3) Mr. McPherson moved to approve the Minutes of May 18, 2017 as presented.

Seconded by Mr. Dwyer.

Motion Passed 6-0.

OLD BUSINESS

1. SUB-COMMITTEE MIXED USE IN CB ZONE

They have not met.

2. SUB-COMMITTEE MAXIMUM ALLOWED SIGNAGE

Mr. Mulholland passed out materials; they can discuss it at their next meeting.

Chairman Walker stated he wants to set up another sub-committee for the review and upgrade of site plan requirements for drainage and outdoor lighting, and current architectural designs, guidelines and regulations.

Mr. Peck stated we should convert the guidelines into regulations.

Chairman Walker, Mr. McPherson, and Mr. Liska will be on this sub-committee.

NEW BUSINESS

1. **APPLICATION OF THEODORE A. HARRIS, ESQ., FOR 283 BPR, LLC, FOR A SPECIAL PERMIT FOR MIXED USE IN A CA ZONING DISTRICT FOR A COMMERCIAL SPACE WITH RESIDENTIAL APARTMENTS, AT 283 BOSTON POST ROAD, PATTAGANSETT DRIVE, AND 281 BOSTON POST ROAD (PARKING), EAST LYME, CONNECTICUT**

Chairman Walker asked that this be scheduled for a Public Hearing.

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

Chairman Walker asked that the July meeting be changed to July 13th.

Mr. McPherson asked that the Zoning Regulations be reviewed for typographical errors.

3. **ZONING OFFICIAL**

Mr. Mulholland stated they have been busy.

4. **COMMENTS FROM EX-OFFICIO**

Mr. Nickerson thanked the members of the Zoning Commission for their service. He stated the Mobil Station has been taken down; the materials are being tested, which could take about 10 days. There is a sub-committee set up to determine what to do with the property.

Mr. McPherson asked if Amtrak will replace the fence.

5. **COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION**

Mr. McIlhenney was not present.

6. **COMMENTS FROM CHAIRMAN**

Chairman Walker had no comments.

Motion (4) Mr. McPherson moved to adjourn the meeting at 9:10 p.m.

Seconded by Mr. Manning.

Motion Passed 6-0.

Respectfully Submitted,

**Karen Miller Galbo
Recording Secretary**