

EAST LYME ZONING COMMISSION  
PUBLIC HEARING MEETING MINUTES OF  
May 4th, 2017

**PRESENT:** Matt Walker, Chairman

Terence Donovan  
John Manning  
George McPherson  
William Dwyer  
Norm Peck  
David McIhenney, Alternate  
Peter Lucas, Alternate

FILED

May 10 20 17 AT 8:00 AM/PM  
Cathy Allen, Clerk  
EAST LYME TOWN CLERK

**ALSO PRESENT:** Bill Mulholland, Zoning Officer

Rose Ann Hardy, Ex-Officio (Arrived at 7:45pm)

**CALL TO ORDER:**

Mr. Walker called the regular meeting to order at 7:31pm and led the Pledge.

**PUBLIC DELEGATIONS:**

There were no public delegations.

**PUBLIC HEARINGS:**

1. Continuation of the request of the Town of East Lyme Zoning Commission for a Text Amendment to amend Section 18, to add Section 18.1.13 Lamp Post Banners Definition and Section 18.1.9.2 regarding Lamp Post Banners.

Mr. Mulholland said item 1 is again being continued because there has been no official response from the Board of Selectmen.

Mr. Donovan suggested the Special permit Application be withdrawn during the regular meeting since there seems to be an issue with approving it.

2. Continuation of the Application of George Mitchell, Manager, Mitchell Trust LLC, for a Special Permit for Mixed Use at 239-2 main Street, Niantic, to consist of retail first floor and three apartments on the second floor.

Mr. Mulholland announced that Mr. Mitchell has withdrawn the Special Permit application for these premises; The CAM application has not been withdrawn and will be addressed during the regular meeting.

Mr. Walker suggested opening items 3-8 all at once since they are all renewals for outside dining and he noted that all appropriate legal ads for these renewals have been run. Item 4 will be addressed after 3-8.

3. Application of Timothy O'Reilly, Owner, East Lyme Café, LLC dba Smokey O'Grady's, for renewal of a Special Permit for Outdoor Dining at 306 Flanders Road, Niantic.
  
5. Application of Harry and Trifonas Loginidis dba Family Pizza, for renewal of a Special Permit for Outdoor Dining at property identified in the application as 233 Main Street, Niantic.
  
6. Application of Kostas Anastasiou, for Niantic Diner, for renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.
  
7. Application of Teddy Ignatiadis for Main Street Grille, for renewal of a Special Permit for Outdoor Dining at 252 Main Street, Niantic.
  
8. Application of Craig Taft, for CTRP Enterprises LLC (aka Burke's Tavern), for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 267-283 Main Street, (aka 13 Hope Street), Niantic.

There was no Public Comment on any of these applications, and the Commission had no questions.

**MOTION (1)**

**Mr. Donovan moved to close the Public Hearings for these applications.**

**Mr. McPherson seconded the motion.**

**Motion passed, 6-0-0.**

4. 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.

Mr. Walker noted that the Legal Ad had been published.

Mr. McPherson noted that he concerned about this renewal. He explained that the Wednesday before Thanksgiving he went by the property and witnessed the doors jammed open and drinks and people everywhere; the patio was over capacity and people were sitting on the wall and drinking without being seated at tables.

Mr. McPherson noted that he went to the Police Station and that when he returned to the area an hour or so later, it was better but still a problem.

Mr. Donovan said at that time of year every business is packed solid and it's added that it's one night, during the year. He said it would be extreme to deny approval based on one evening.

Mr. Donovan added that larger flower boxes could be installed and that he doesn't want to hurt Mr. Roche's business.

Mr. Walker said the main areas of concern seem to be sitting on the wall and people drinking without being seated at a table. He said it's not easy to police a busy establishment every second.

Mr. Walker observed if flowers were put in completely around the bar, no one would be able to sit on the wall. He added that it's up to the Manager to ensure that people are seated when drinking, but it will never be perfect.

Mr. Mulholland said the Black Sheep is an asset to downtown and suggested hearing from the operator since it is a public hearing; perhaps staff could be told to police the establishment more.

Mr. Donovan asked why Smokey O'Grady's doesn't have the same condition (sitting at a table while drinking on the patio), tied to their approval.

Mr. Mulholland explained that the village is a different zone and therefore subject to different conditions.

Mr. Donovan said he doesn't believe it's fair to single one business out.

Mr. Roche of 247 Main Street came forward to speak. He said the S+P Restaurant in Mystic allows you to sit on the wall and there hasn't been a problem. He detailed his businesses in Groton/Stonington and Westerly, nothing these towns do not carry any of the outside dining conditions that East Lyme has.

Mr. Roche said he tries his best to follow any conditions the Board requires but feels the rules in East Lyme should be less strict and the same for every party. He added that technically no one in

Town is supposed to be served alcohol without food, so no one in Town or on the Board is following that rule.

Mr. Roche said that he and his Manager cannot be outside 24 hours a day, but will continue to do the best they can that the conditions are met. He said that the Police have never mentioned the incident before Thanksgiving that Mr. McPherson is referring to.

Mr. Walker thanked Mr. Roche and said his feelings have been noted and if the Commission sees fit, conditions can be tweaked.

Mr. Peck gave a brief history of the resident surveys conducted several years ago and explained that the surveys shaped the rules we have now, which is why there are annual renewals.

There were no public comments.

**MOTION (2)**

**Mr. Donovan moved to close the Public Hearing.**

**Mr. McPherson seconded the motion.**

**Motion passed, 6-0-0.**

9. Application of Carla Steele, for Elements Flowers, for a Special Permit for Office and Retail Sales at property identified in the application as 5 Freedom Way, Building C Unit 8, Niantic.

Mr. Peck recused himself this item and Mr. Walker sat Mr. McPherson in his stead.

Mr. Walker noted the legal ad which was published.

Mr. Mulholland referred the Commission to his memorandum dated May 4<sup>th</sup>, 2017 in the member packet; the business is located in the light industrial zone and a permitted use.

Ms. Steele briefly came forward to detail her plans and answer any questions the Commission had.

Ms. Steele said the shop will handle big events such as weddings by request. She has no plan to do regular retail outside of holidays; it doesn't make sense to do so when most orders are done via the internet.

There were no public comments.

**MOTION (3)**

**Mr. McPherson moved to close the Public Hearing.**

**Mr. Donovan seconded the motion.**

**Motion passed, 6-0-0.**

Mr. Peck rejoined the Commission and Mr. McIhenney returned to his seat in the audience.

**MOTION (4)**

**at 8:20pm Mr. McPherson moved to continue the Public Hearing.**

**Mr. Donovan seconded the motion.**

**Motion passed, 6-0-0.**

**Respectfully Submitted,**

**Brooke Stevens,  
Recording Secretary**