

FILED

May 10 20 17 AT 8:00 AM/PM
Kevin Mulholland, ATC
EAST LYME TOWN CLERK

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

1. 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.

This item had been continued pending correspondence from the Board of Selectmen.

MOTION (1)

Mr. Donovan moved to withdraw 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. Peck seconded the motion.

Motion passed, 6-0-0.

2. Application of George Mitchell, Manager, Mitchell Trust LLC, for a Coastal Area Management Review of a Mixed Use structure at 239-2 main Street, Niantic, to consist of retail first floor and three apartments on the second floor.

Mr. Mulholland said the site plan has no on site coastal resources and therefore, no chance for adverse impact; the Commission heard testimony at the April 20th, 2017 public hearing.

MOTION (2)

Mr. McPherson moved to approve the Application of George Mitchell, Manager, Mitchell Trust LLC, for a Coastal Area Management Review of a Mixed Use structure at 239-2 main Street, Niantic, to consist of retail first floor and three apartments on the second floor.

Mr. Dwyer seconded the motion.

The Commission discussed the motion.

MOTION (3)

Mr. McPherson amended his motion to approve the Application of George Mitchell, Manager, Mitchell Trust LLC, for a Coastal Area Management Review of a Mixed Use structure at 239-2 main Street, Niantic, to consist of retail first floor and three apartments on the second floor to include the following comment:

Approval of the CAM in no way includes approval of any building design.

Mr. Dwyer amended his second.

Motion passed, 6-0-0.

- 5 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. Peck asked if we wanted to conditions of all these applications.

The Commission discussed downtown properties.

Mr. Donovan said that everyone's conditions should be the same or the condition should be removed altogether.

Mr. Mulholland said this can be changed for next year's approvals if the commission so wishes.

Mr. Peck said he thinks the annual review gives them enough control and that businesses will be policed anyway. He said no real problems have occurred and he thinks we can loosen up on the rules.

Mr. Donovan said he doesn't understand what is wrong with sitting on a wall. He added if there are problems or fights, that businesses owner can be denied their renewal next summer.

Mr. Dwyer and Mr. Manning both said they agreed and the no alcohol unless you're having food rule is unrealistic.

MOTION (4)

Mr. Manning moved to remove item F. "Patrons shall not use the patio area for consumption of alcohol unless seated at a table" from the application.

Mr. Peck seconded the motion.

MOTION (5)

Mr. Manning amended his motion and 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 but eliminate

item F. "Patrons shall not use the patio area for consumption of alcohol unless seated at a table" from the application.

Mr. Peck amended his second.

Motion passed, 5-1-0. Nay: Mr. McPherson

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.

MOTION (6)

Mr. Donovan moved to approve the 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 with the existing conditions.

Mr. Peck seconded the motion.

Motion passed, 6-0-0.

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.

MOTION (7)

Mr. Donovan moved to remove condition D. "Patrons shall not use the patio area for consumption of alcohol unless seated at a table."

Mr. Dwyer seconded the motion.

MOTION (8)

Mr. Donovan amended his motion and moved to approve the 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, but remove item D. "Patrons shall not use the patio area for consumption of alcohol unless seated at a table."

Mr. Dwyer amended his second.

Motion passed, 5-1-0. Nay: Mr. McPherson

6. Application of Kostas Anastasiou, for Niantic Diner, for renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.

MOTION (9)

Mr. Donovan moved to approve the Application of Kostas Anastasiou, for Niantic Diner, for renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic with the existing conditions.

Mr. Peck seconded the motion.

Motion passed, 6-0-0.

6. Application of Teddy Ignatiadis for Main Street Grille, for renewal of a Special Permit for Outdoor Dining at 252 Main Street, Niantic.

MOTION (10)

Mr. Donovan moved to approve Application of Teddy Ignatiadis for Main Street Grille, for renewal of a Special Permit for Outdoor Dining at 252 Main Street, Niantic with the existing conditions.

Mr. Manning seconded the motion.

Motion passed, 6-0-0.

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.

MOTION (11)

Mr. Donovan moved to approve 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 with the existing conditions.

Mr. Peck seconded the motion.

Motion passed, 6-0-0.

10. 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. McIhenney in his stead.

MOTION (12)

Mr. Dwyer moved to approve the 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, Niantic.

Mr. Donovan seconded the motion.

Motion passed, 6-0-0.

11. Application of Theodore A. Harris, Agent, for Craig and Tricia Augone, for a five year extension of the approved site plan for the Methodist Street Condominiums project at

41-45 and 45-47 Hope Street, Niantic.

Mr. Harris of 351 Main street came forward and gave a brief presentation.

Mr. explained this project was previously approved in June of 2008; the State rules have changed over the last few years in regards to extension time limits and his client is looking to extend their extension to ensure they have sufficient time for construction. Construction of the condominiums is set to begin in June.

MOTION (12)

Mr. McPherson moved to approve the Application of Theodore A. Harris, Agent, for Craig and Tricia Augone, for a five year extension of the approved site plan for the Methodist Street Condominiums project at 41-45 and 45-47 Hope Street, Niantic.

Mr. Dwyer seconded the motion.

Motion passed, 6-0-0.

Mr. Peck rejoined the Commission and Mr. McPherson returned to the audience.

12. Approval of Minutes of April 20th, 2017.

MOTION (13)

Mr. Dwyer moved to approve the Regular Meeting Minutes of April 20th, 2017, and approve the Public Hearing Minutes of April 20th, 2017 with one correction: page three, 3rd paragraph should be changed from "Mr. Donovan" to "Mr. Dwyer."

Mr. McPherson seconded the approval of minutes as amended.

Motion passed, 6-0-0.

OLD BUSINESS-

1. Subcommittee- Mixed Use in CB Zone
2. Subcommittee- Maximum Allowed Signage

Mr. Mulholland said the office has been very busy and they haven't had time to meet.

NEW BUSINESS-

1. Application of the Town of East Lyme for a Special Permit under Section 20.1.2 F of the East Lyme Zoning Regulations, Town Buildings and Uses for the Samuel Smith House at 92 Plants Dam Road, Niantic.

Mr. Walker asked Mr. Mulholland to schedule this item for May 18th, 2017.

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

There was none.

3. **ZONING OFFICIAL**

Mr. Mulholland reiterated that the Office has gotten extremely busy. He briefly discussed the new dental building, Dollar General, and Corey's.

Mr. Walker said he would write the DOT letter and send it to the Commission members tomorrow.

4. **COMMENTS FROM EX-OFFICIO**

Ms. Hardy had no comments.

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

Mr. Manning was the Planning Representative, but the Planning meeting was canceled.

6. **COMMENTS FROM CHAIRMAN**

Mr. Walker had nothing to report.

7. **ADJOURMENT**

MOTION (14)

Mr. McPherson moved to adjourn the meeting at 8:49pm.

Mr. Donovan seconded the motion.

Motion passed, 6-0-0.

Respectfully Submitted,



**Brooke Stevens,
Recording Secretary**