

TOWN OF EAST LYME
ZONING COMMISSION
August 2nd, 2018
REGULAR MEETING MINUTES

Members Present:

Matthew Walker, Chairman
Norm Peck
Terence Donovan
Anne Thurlow, Alternate (*Sat as a Regular Member)
James Liska, Alternate (*Sat as a Regular Member)
William Dwyer, Alternate (*Sat as a Regular Member)

Also Present:

Bill Mulholland, Zoning Officer
Rose Ann Hardy, Ex-Officio

Absent:

Kimberly Kalajainen
George McPherson
John Manning

FILED
Aug 7 2018 AT 9:30 AM/PM
Kim Mulholland
EAST LYME TOWN CLERK

The Regular Zoning Meeting immediately followed the Zoning Public Hearing.

Pledge of Allegiance

The Pledge was observed during the Public Hearing.

Regular Meeting-

1. Application of Cait Meeks for a text amendment to the East Lyme Zoning Regulations, Section 1.19.1, 7.2.5 and 25.5 to allow a Day Spa as a Special Permit in the R-10 Residential District.

The Commission discussed changing #2, #4 and adding #8 so the regulations would read as follows:

Section 1.19.1 DAY SPA- An establishment that provides a combination and variety of services for the purpose of improving health, beauty and relaxation through personal care treatments including, but not limited to, facials, waxing, aromatherapy, manicures, pedicures, body wraps, body scrubs, and massage. A day spa may provide incidental retail sales of health and beauty products as well As the provision of light nourishment or refreshment to customers.

Section 7.2 SPECIAL PERMIT USES- The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25 and 25.5.

- 7.2.1 Bed & Breakfast
- 7.2.2 Commercial nursery or greenhouse

7.2.3 Undertaking establishment

7.2.4 Antique Shop

7.2.5 Day Spa

Section 25.5 TABLE OF MINIMUM CONTROLS FOR SPECIFIC SPECIAL PERMIT

USE DISTRICT

Day Spa R-10

CONTROLS

1. The lot shall be a minimum of 25,000 square feet.
2. The first floor footprint of the day spa use shall be no greater than 3,000 square feet except buildings in existence as of August 2, 2018.
3. The owner or manager of the day spa may reside on the premises.
4. Off-street parking for the day spa use shall be provided at a minimum of one space for each treatment station or room and one space per employee. This requirement may be adjusted by the Zoning Commission.
5. Parking areas must be buffered from adjoining properties with appropriate fencing and/or landscaping.
6. There shall be no overnight accommodations provided to customers and no services provided after 8:00 p.m.
7. All massage services shall be provided by therapists licensed by the Connecticut Department of Public Health.
8. There shall be at least one residential unit.

MOTION (1)

Mr. Donovan moved to approve the proposed amendment as modified.

Ms. Thurlow seconded the motion.

Motion passed, 5-1-0.

Mr. Liska voted against the amendment.

2. Application of Theodore A. Harris, Esq., for a text amendment to the East Lyme Zoning Regulations Definitions and Section 7.2.5 to allow Tourist Cabins in the R-10 Residential District.

The Public Hearing was opened and continued without discussion per the Applicant's request during the Public Hearing portion of the evening.

3. Request of Theodore A. Harris, Esq., for Pazz & Construction LLC Owner, for site plan Modification and site plan extension- Sleepy Hollow Hills- Section 2.

Ted Harris of 351 Main Street came forward representing the Applicant. He reminded the Commission that in 2013 they reapproved the expired site plan, and they're now requesting a 5 year extension pursuant to State Statute.

Mr. Donovan read Mr. Mulholland's memorandum dated August 2nd, 2018 into the record.

Mr. Harris gave a brief history of the elderly housing development noting this is a housekeeping item, but that they're also requesting seven additional units; the State has modified the way it evaluates on-site septic designs which allows for the additional units.

Mr. Harris noted additional roadways will not be needed and Bob Pfanner Jr. of Grand Street came forward to review the site plan.

Mr. Pfanner explained there is only one unit left for Phase 1 and they're building Phase 2 right now. The only change is the location of the cul-de-sac to the end of the road; for some reason it was not at the end of the road in the initial site plan the original surveyor did.

Mr. Pfanner explained that every house has its own septic system. All units have two car garages as well as two spaces in the driveway. Mr. Mulholland observed that the design is very similar to Chapman Farms and Spinnaker.

Mr. Harris said they're seeking a 5 year extension from September 5th, 2018.

Mr. Liska said he has no concerns.

MOTION (2)

Mr. Donovan moved to approve the request of Theodore A. Harris, Esq., for Pazz & Construction LLC Owner, for site plan modification and site plan extension- Sleepy Hollow Hills- Section 2.

Mr. Liska seconded the motion.

Motion passed, 6-0-0.

At 8:49 p.m. the Commission took a 5 minute comfort break and reconvened at 8:54 p.m.

The Commission decided to take items #4 and #5 together.

4. Application of Gateway Development/East Lyme LLC for a site plan modification regarding building exterior for property identified in the application as Flanders Road, 282 and 284 Flanders Road.

5. Application of Gateway Development/East Lyme LLC for a waiver of the ownership of a Right-of-way for a back lot for property identified in the application as Flanders Road, 282 and 284 Flanders Road.

Mr. Harris came forward and reminded the Commission that 9 months ago Costco had pulled out, so they continued to market the site. There was some interest but not from that same caliber of store. Circumstances have changed and Costco has since been able to change course and are interested in proceeding with an anticipated opening of November 2019.

Mr. Harris explained that Costco received site plan approval in 2016 but the developers have been instructed by Costco to seek architectural modifications in order to cut costs and complete construction quickly. He noted that costs have increased over time and that combined with the 12 million dollars to get the road infrastructure ready, these modifications are necessary.

Mr. Harris further explained that Costco is only doing their building, that everything else will be done by Gateway; Costco is interested again because we have a shovel ready project.

Mr. Harris reviewed the proposed architecture plans noting the following:

- The basic look remains the same.
- The schedule of materials is the same.
- Substantial vegetation has been added.
- Two decorative turrets have been removed.
- The mansard roof on the entrance has been replaced with a flatter roof line.
- The articulation of the entrance has changed.
- The outside utilities which originally faced the highway will now be housed inside.

Mr. Walker said the moving of the utilities will be more visually appealing from I-95.

John Mancini of BL Companies is the chief engineer on this project and he came forward to speak. He noted that Costco is requiring all new stores to house utilities inside since they last longer. Mr. Mancini clarified that the same materials are being used but that some of the masonry has been replaced with metal panels, textured sandstone, and spilt-face block.

Mr. Donovan asked for a picture of the original design so he could see the differences. He said in his opinion, the design before was a better focal point; it looks like a box store which is exactly what we didn't want.

Mr. Walker said this is more of a standard and conventional design. Mr. Mancini responded this is still an enhanced version of Costco's standard store design.

Mr. Mancini added that the canopy for the gas station will be smaller allowing for an additional 40 parking spaces and resulting in 680 total.

Mr. Harris said this is what is needed to make this project happen, and this is as far as Costco is willing to go.

Mr. Donovan said it was very upsetting to hear about the re-interest on the news and that Costco coming is contingent on the Zoning Board. He said he doesn't want to be a pawn.

Mr. Harris said the addition of more textured materials along with less masonry work is a significant cost savings for Costco; it cost a quarter of a million dollars to move the utilities for the road.

Mr. Harris and Mr. Mancini gave an update of the DOT's infrastructure design.

Mr. Walker said he thinks moving the mechanicals inside is an enhancement, the revised entrance is not a game changer for him, but the overall facade and new roof is disappointing. He added that the positives it will bring to Town outweigh his disappointment.

Ms. Thurlow said aesthetically the original design was so much better and asked if it will affect the smaller stores. Mr. Harris explained that the junior stores would still have to adhere to the Gateway District Plan.

Mr. Donovan said he's fine with the change in materials but not the roof line. He said this was supposed to be the lead example for the other stores.

Mr. Donovan said he finds it hard to believe that Costco would back out simply because they were required to keep the decorative roof.

Mr. Mancini said if this is not approved, Costco will not be coming.

Mr. Peck led a brief discussion regarding his suggestion for more trees and trees at 10 feet instead of 4 feet, along the I-95 side of the development, which the Applicant was amenable to.

Mr. Harris suggested giving Mr. Mulholland the ability to approve the planting plan and Mr. Mulholland said he would share it with the Commission since its common practice to do so. Mr. Harris said a note can be made on the plan that no trees are to be cut unless they're blocking the sign.

MOTION (3)

Mr. Liska moved to approve Application of Gateway Development/East Lyme LLC for a site plan modification regarding building exterior for property identified in the application as Flanders Road, 282 and 284 Flanders Road.

Mr. Dwyer seconded the motion.

Mr. Dwyer said he doesn't think they have a choice here and Mr. Donovan said he finds that hard to believe.

Motion passed, 3-2-1.

Mr. Peck abstained from the vote.

Ms. Thurlow and Mr. Donovan voted against.

Mr. Donovan read Mr. Mulholland's memorandum dated August 2nd, 2018 regarding the waiver ownership requirement into the record.

Mr. Harris said essentially it creates a back lot with what's there. The Costco lot in theory would become a rear lot and connect to a State highway.

Mr. Mulholland observed this doesn't change anything and it's more of a routine housekeeping item.

Mr. Mancini and Mr. Harris explained that Costco is just looking for clarity on this issue; this makes it clearer for non land use council.

MOTION (4)

Mr. Liska moved to approve the Application of Gateway Development/East Lyme LLC for a waiver of the ownership of a Right-of-way for a back lot for property identified in the application as Flanders Road, 282 and 284 Flanders Road.

Mr. Dwyer seconded the motion.

Motion passed, 5-0-1.

Mr. Donovan abstained from the vote.

6. Approval of Minutes of June 21st, 2018.

Mr. Walker noted that all three alternates sitting tonight sat at the previous meeting as well.

MOTION (5)

Mr. Liska moved to approve the Meeting Minutes of June 21st, 2018 as presented.

Mr. Dwyer seconded the motion.

Motion passed, 5-0-1.

Mr. Donovan abstained from the vote.

Old Business-

- 1. Subcommittee-Mixed Use in CB Zone

This item is being worked on.

- 2. Subcommittee-Site Plan Requirements/Architectural Regulations

This item is being worked on.

- 3. Subcommittee- Alternative Care Dispensaries

This item is being worked on.

New Business

- 1. Request of Keith B. Neilson, P.E., for a Coastal Management Review for shoreline protection improvements at property of Mary Beth Chinsy at 18 East Shore Drive, Niantic, CT.

Mr. Walker asked Mr. Mulholland to schedule this item for September 6th, 2018.

- 2. Request of Keith B. Neilson, P.E., for a Coastal Management Review for shoreline protection improvements at property of Steven Beauchene at 20 East Shore Drive, Niantic, CT.

Mr. Walker asked Mr. Mulholland to schedule this item for September 6th, 2018.

- 3. Any business on the floor, if any by the majority vote of the Commission.

There was none.

- 4. Zoning Official

Mr. Mulholland said the office has been very busy and there has been a ton of zoning complaints this year.

5. Comments from Ex-Officio

Ms. Hardy had no report.

6. Comments from Zoning Board Liaison to Planning Commission

Mr. Walker is scheduled to attend the next meeting.

7. Comments from Chairman

Mr. Walker said the whole Commission needs to be more careful about interrupting each other.

Adjournment

MOTION (6)

Mr. Donovan moved to adjourn the Zoning Commission Meeting at 10:11 p.m.

Ms. Thurlow seconded the motion.

Motion passed, 6-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary

