

**TOWN OF EAST LYME
ZONING COMMISSION
April 18th, 2019
PUBLIC HEARING and REGULAR MEETING MINUTES**

Members Present:

- Matthew Walker, Chairman**
- Norm Peck**
- John Manning**
- Kimberly Kalajainen**
- Anne Thurlow, Alternate (*Sat as a Regular Member)**
- William Dwyer, Alternate (*Sat as a Regular Member)**

FILED IN EAST LYME
CONNECTICUT
Apr 23 2019 AT *8:28* (AM/PM)
Bruce Harcourt
 EAST LYME TOWN CLERK

Absent:

- Terence Donovan**
- George McPherson, Secretary**
- James Liska, Alternate**
- Bill Mulholland, Zoning Officer**
- Rose Ann Hardy, Ex-Officio**

Chairman Walker called the Zoning Commission meeting to order at 7:31 p.m.

The Commission sat Ms.Thurlow and Mr. Dwyer as Regular Members for the evening.

Pledge of Allegiance

Mr. Walker led the Pledge.

Public Delegations

There were none.

Public Hearing-

Mr. Walker suggested skipping over item #1 and come back to it, after taking all the outside dining applications together. Ms. Kalajainen said doing so worked very well at the previous meeting and Mr. Walker observed that there has been virtually no problems with outside dining.

2. Application of Timothy O'Reilly, Owner, East Lyme Cafe, LLC dba Smokey O'Grady's, for a renewal of a Special Permit for Outdoor Dining at property identified as 306 Flanders Road, Niantic.

3. Application of Leo Roche, for Strive LLC, for renewal of a Special Permit for Outdoor Dining at property identified as 247-2 Main Street, Niantic.

4. Application of Harry and Trifonas Loginidis dba Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified as 233 Main Street, Niantic.

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

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

7. Application of Eugen Emini for Black Point Pizza, for a renewal of a Special Permit for Outdoor Dining at 44 Black Point Road, Niantic.

8. Application of Petrit Marku, for il Pomod'Oro, for a Special Permit for Outside Dining at 360 Boston Post Road, East Lyme.

Mr. Walker clarified for the audience that while these applications are very much routine, the special permits are granted on a yearly basis to ensure compliance.

Mr. Walker confirmed with the other Commission Members that the outside dining for Niantic Diner has not yet materialized.

Mr. Dwyer said he thought they had spoken previously about doing away with a special permit after 3 years, or only requiring renewal every 3 years.

Mr. Peck observed there is a big difference between establishments serving alcohol as opposed to establishments that do not.

Mr. Walker said the renewal term is certainly something we can discuss with Mr. Mulholland.

Mr. Walker called for public comment and there was none.

Mr. Manning said it's more of a housekeeping item, but the Application of Timothy O'Reilly, Owner, East Lyme Cafe, LLC dba Smokey O'Grady's, for 306 Flanders Road, Niantic, should actually say East Lyme.

MOTION (1)

Ms. Kalajainen moved to close the Public Hearing for items 2-8.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

1. Application of Jennifer and William Argyle for a Text Amendment to the East Lyme Zoning Regulations Section 8.3.1, CA Commercial District, Dimensional Requirements, Lot Size, to add “, and municipal sewer and water must be provided.”

- Mr. Walker noted the legal ad that was published for this application.
- Mr. Walker noted there is no Zoning Official letter.
- Ms. Kalajainen read the letter from SCCOG dated March 12th, 2019 into the record.
- Ms. Kalajainen read the Planning Commission letter dated April 19th, 2019 into the record.
- Ms. Kalajainen read the email from Marcy Balint dated April 16th 2019 into the record.
- Mr. Walker read the proposal which was provided in the member Packet, into the record.

Mr. Peck said he would like to know the genesis of this application as well as its purpose.

William Argyle of 12 Pattagansett Drive came forward to discuss the application and shared the following:

- The purpose of the amendment is to clarify municipal sewer and water.
- When the original text amendment came before the Commission in 2017, it was to change the densities of usage of lots to match the density of mixed use in the CB zone.
- It took the same lot size requirements from the CB and just applied it to the CA zone.
- Municipal sewer and water is mandatory in the CB zone and this would only be mandatory where hookup is available.
- Through some careful wording and creative interpretation that is not the way it has been used.
- The addition of “and municipal sewer and water must be provided” was to just match the CB usage and requirements, in the CA zone.
- This is clarification and its purpose is just to match the CA to the CB, with the same densities and controls.

Mr. Manning acknowledged that the language is confusing.

Mr. Argyle said “must be provided” is equivalent to “it must be used” and the current language of the text is not being interpreted as such.

Mr. Walker said if Ledge Light Health District and the State Health District think a septic system will suffice for a site in the CA zone, they (the Commission) have to ask who they are as a land use authority to make this change and is it the right call.

Mr. Walker said another question to consider is sewer capacity in Town, and whether that capacity should be reserved for larger projects.

Mr. Manning said “must be provided” doesn’t say “must be used.”

Mr. Walker said his initial thought is that this doesn't make sense and Mr. Manning asked if this puts an onus on the Town to provide municipal sewer and water for every place this lot size exists.

Jennifer Argyle of 12 Pattagansett Drive said the essence for them is that the regulations are saying there is a specific piece of property size wise, that is now able to be built with the same density standards as in the CB zone; if you're saying the CB has to hook into the sewer because of a density issue, why are you not tracking that density in the same way in the CA zone.

Mr. Peck said in his opinion if a property is able to take a certain density with existing sewer capacity than he doesn't see what's wrong with having a septic system; more sewers leads to more Town costs and we should be looking at the CB zone again.

Mr. Walker said Mr. Peck's suggestion that we perhaps scale back requirements in the CB zone as to not burden the Town, is an interesting line of thought to consider.

Ms. Thurlow asked why Mr. Goeschel didn't find this consistent with the Plan of Conservation and Development and Ms. Kalajainen replied that economic development would be more cumbersome.

Ms. Kalajainen said she thinks the wording is important- the 5th line "where municipal sewer is available" is a key piece to this; it's redundant because if "it must be provided" it's already saying it's available. She said it seems that the applicant's intent is that if it's available, it must be used and in her opinion, the word "provided" is the same as "available."

The Commission further discussed the proposed amendment.

The Commission Members discussed how they do not have hard copies of the revised 2019 Zoning Regulations and asked that the Zoning Department provide them when time permits. Mr. Manning was able to bring up Section 8.3.1 on his phone, for the Commission to review.

Mr. Walker called for public comment and there was none.

MOTION (2)

Ms. Kalajainen moved to close the Public Hearing for item #1.

Ms. Thurlow seconded the motion.

Motion carried, 6-0-0.

Regular Meeting-

Mr. Walker suggested addressing the outdoor dining applications first, and taking them together.

2. Application of Timothy O'Reilly, Owner, East Lyme Cafe, LLC dba Smokey O'Grady's, for a renewal of a Special Permit for Outdoor Dining at property identified as 306 Flanders Road, East Lyme.
3. Application of Leo Roche, for Strive LLC, for renewal of a Special Permit for Outdoor Dining at property identified as 247-2 Main Street, Niantic.
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MOTION (1)

Ms. Thurlow moved to approve items 2-8 for renewal of their Special Permits for Outdoor Dining with the same conditions as the previous year.

Ms. Kalajainen seconded the motion.

Motion carried, 6-0-0.

Mr. Walker said this will be published next Thursday April 25th and be effective Friday April 26th.

1. Application of Jennifer and William Argyle for a Text Amendment to the East Lyme Zoning Regulations Section 8.3.1, CA Commercial District, Dimensional Requirements, Lot Size, to add “, and municipal sewer and water must be provided.”

Ms. Kalajainen said she is concerned about the wording “and water”; it could prove costly to the Town. She said she would like to think about this application more.

Mr. Manning said he would like further clarification from Mr. Mulholland regarding the language.

Mr. Peck said he doesn't see how it would be fair to require this in the CA zone and not retail, a four family house or an office. He recalls the original premise was a "softening kind of blow" proposal at a time when the biggest building in Town was the Morton House.

Mr. Peck observed if we wanted to limit mixed use in Town, this would be a good way of doing it; most Towns are encouraging mixed use.

Ms. Thurlow said if it currently meets State Statute and health code requirements why change it.

MOTION (2)

Ms. Kalajainen moved to continue this item until the next regularly scheduled meeting.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

3. Approval of Minutes of April 4th, 2019

MOTION (3)

Ms. Kalajainen moved to approve the April 4th, 2019 Public and Regular Meeting Minutes as presented.

Mr. Dwyer seconded the motion.

Motion carried, 5-01.

Mr. Manning abstained from the vote due to his absence from the April 4th, 2019 meeting.

Old Business-

1. Subcommittee-Mixed Use in CB Zone.
2. Subcommittee-Site Plan Requirements/Architectural Regulations

Ms. Thurlow suggested waiting for Mr. Mulholland before proceeding with these items.

New Business-

1. Application of Eric J. Garofano, Esq., Agent for John H. Drabik, Owner, for a Special permit for construction of a 175' tall amateur radio tower to be located on property identified in the application as Ancient Highway, East Lyme Assessor's Map 30, Lots 1 and 2.

Mr. Walker asked for this item to be scheduled.

2. Application of William Sweeney, Esq., Agent for 5 Liberty LLC dba Storage Place for a Coastal Area Management Review for the construction of a storage facility within an upland review area located at 5 & 7 Liberty Way. East Lyme Assessor's

Map 9.4, Lot 11 & 10.

Mr. Walker asked for this item to be scheduled.

3. Any business on the floor, if any by the majority vote of the Commission.
There was none.

4. Zoning Official
Mr. Mulholland was not in attendance.

5. Comments from Ex-Officio
Ms. Hardy was not in attendance.

6. Comments from Zoning Board Liaison to Planning Commission
Mr. McPherson is scheduled for the May 7th, 2019 meeting and Mr. Peck is scheduled for the June 4th, 2019 meeting.

7. Comments from Chairman
There were none.

Adjournment

MOTION (4)

Ms. Kalajainen moved to adjourn the Zoning Commission Meeting at 8:24 p.m.

Mr. Manning seconded the motion.

Motion passed, 6-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary