

**TOWN OF EAST LYME  
ZONING COMMISSION  
April 4th, 2019  
PUBLIC HEARING and REGULAR MEETING MINUTES**

**Members Present:**

- Matthew Walker, Chairman**
- Norm Peck**
- Terence Donovan**
- George McPherson, Secretary**
- Kimberly Kalajainen**
- Anne Thurlow, Alternate (\*Sat as a Regular Member)**
- William Dwyer, Alternate**
- James Liska, Alternate**

**FILED**

**Also Present:**

- Bill Mulholland, Zoning Officer**

April 10 2019 AT 9:10 AM/PM  
Karen Yehlm  
 EAST LYME TOWN CLERK

**Absent:**

- John Manning**
- Rose Ann Hardy, Ex-Officio**

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

The Commission sat Ms.Thurlow as a Regular Member for the evening.

**Pledge of Allegiance**

Mr. Walker led the Pledge.

**Public Delegations**

There were none.

**Public Hearing-**

- 1. Application of Steve Carpenteri for Niantic Bay Inn, Inc, (aka Lyme Tavern), for a renewal of a Special Permit for Outdoor Dining at 229 West Main Street, Niantic.**
- 2. Application of Julie Smart, for Smarty's, for renewal of a Special Permit for Outdoor Dining at property identified as 215 Main Street, Niantic.**
- 3. Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic.**

4. **Application of Edwardo Martone, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.**
5. **Application of Nejla Okguz, for Niantic Pizza, for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic.**
6. **Application of Lionheart 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.**

Mr. Walker said it would be appropriate to open all the applications at once. Mr. Mulholland added that these are routine renewals and has had no problems with any of these applicants. 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 called for public comment and there was none.

**MOTION (1)**

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

**Ms. Thurlow seconded the motion.**

**Motion carried, 6-0-0.**

**Regular Meeting-**

Mr. Walker suggested addressing the outdoor dining applications first, but taking them individually.

2. **Application of Steve Carpenteri for Niantic Bay Inn, Inc, (aka Lyme Tavern), for a renewal of a Special Permit for Outdoor Dining at 229 West Main Street, Niantic.**

**MOTION (2)**

**Mr. McPherson moved to approve the Application of Steve Carpenteri for Niantic Bay Inn, Inc, (aka Lyme Tavern), for a renewal of a Special Permit for Outdoor Dining at 229 West Main Street, Niantic with the previous conditions in place.**

**Ms. Kalajainen seconded the motion.**

**Motion carried, 6-0-0.**

Mr. Mulholland said this will be published next Thursday April 11th and be effective Friday April 12th.

3. **Application of Julie Smart, for Smarty's, for renewal of a Special Permit for Outdoor Dining at property identified as 215 Main Street, Niantic.**

**MOTION (3)**

**Mr. Peck moved to approve the Application of Julie Smart, for Smarty's, for renewal of a Special Permit for Outdoor Dining at property identified as 215 Main Street, Niantic with the previous existing conditions.**

**Mr. Donovan seconded the motion.**

**Motion carried, 6-0-0.**

Mr. Mulholland said this will be published next Thursday April 11th and be effective Friday April 12th.

**4. Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic.**

**MOTION (4)**

**Mr. Donovan moved to approve the Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic with the same conditions.**

**Mr. McPherson seconded the motion.**

**Motion carried, 6-0-0.**

Mr. Mulholland said this will be published next Thursday April 11th and be effective Friday April 12th.

**5. Application of Edwardo Martone, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.**

**MOTION (5)**

**Mr. McPherson moved to approve the Application of Edwardo Martone, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic with the conditions as set forth in the original approved application.**

**Mr. Donovan seconded the motion.**

**Motion carried, 6-0-0.**

Mr. Mulholland said this will be published next Thursday April 11th and be effective Friday April 12th.

**6. Application of Nejla Okguz, for Niantic Pizza, for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic.**

**MOTION (6)**

**Mr. McPherson moved to approve the Application of Nejla Okguz, for Niantic Pizza, for a renewal of a Special Permit for Outdoor Dining at property identified in the application as**

**53 West Main Street, Niantic with the conditions as set forth in the original approved application.**

**Ms. Thurlow seconded the motion.**

**Motion carried, 6-0-0.**

Mr. Mulholland said this will be published next Thursday April 11th and be effective Friday April 12th.

- 7. Application of Lionheart 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 (7)**

**Mr. Donovan moved to approve the Application of Lionheart 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 same perimeters as set forth in the previous year's application.**

**Ms. Kalajainen seconded the motion.**

**Motion carried, 6-0-0.**

Mr. Mulholland said this will be published next Thursday April 11th and be effective Friday April 12th.

- 1. Request of Stephen Dinsmore, for a Text Amendment to the East Lyme Zoning Regulations Section 25.5 for keeping of Honey Bees as an accessory use to residential uses.**

Mr. Walker reminded the Commission that they have 65 days from the close of the last meeting to make a decision.

Mr. Donovan asked Mr. Mulholland if Mr. Dinsmore has been in to discuss anything and Mr. Mulholland responded that no, he has not. Mr. Donovan said they had suggested to Mr. Dinsmore that he speak with Mr. Mulholland regarding this item.

Mr. Mulholland said he believes the Zoning Board needs to follow its zoning format and zone the way we've always zoned, meaning the R10, R12, RU40 and so forth. Mr. Donovan asked if Mr. Dinsmore can amend his request without going through this process again, and Mr. Mulholland said he could not since they previously closed the public hearing.

Mr. Mulholland said he thinks minor tweaking would be appropriate but a modification can't occur without public input. Mr. Walker said there has been one enforcement case in 30 years and asked Mr. Mulholland to confirm if this is correct.

Mr. Donovan said he doesn't have an issue with this. Mr. McPherson said it was previously brought up that beehives not be permitted on property lines and the Commission discussed Mr. Goeschel's opinion that hives are classified as structures and would have to meet certain setbacks; Mr. Walker asked Mr. Mulholland for his opinion on this. Mr. Mulholland concurred with Mr. Goeschel's thoughts.

Mr. Donovan said that this is going to happen whether it's in our regulations or not and noted the importance of bees to our environment.

Mr. McPherson asked if a quarter acre could be changed to R10 or R12 and Mr. Mulholland said that should have been done during the public hearing.

Mr. Peck said he is comfortable with this as presented the exception of two items-

1. We should make it a minimum of a quarter of an acre.
2. We should have the setbacks the same as whatever zone the project is in.

Mr. Mulholland said that doesn't need to be addressed since the setbacks are automatic and Mr. Peck said it wouldn't hurt to include that anyway.

Mr. Donovan said in the State of CT beehives have to be registered and are inspected; he said these operations are well regulated.

Ms. Kalajainen and Mr. Donovan both said they concur with Mr. Peck on this and would like to see this approved tonight.

Mr. Peck said as long as it's a residential use it can be in any zone and the Commission debated this.

Mr. Walker said he is not a fan of this and not a fan of the R10 and R12. He said he has a lot of respect and admiration for the Applicant and those who spoke very eloquently about bees; he thinks there is a place for bees in Town but has concerns about the R10, specifically the closeness of neighboring land and the safety concerns that would be present because of this.

Mr. Walker said they don't know what will happen, if a beekeeper is following best practices and the danger that might occur because of pet or small children traffic. He said as elected officials we need to consider all viewpoints and give this our full consideration. He added that he recognizes that bees are vital but doesn't agree that they should be allowed in those areas.

Mr. Peck said if you eliminate the R10 zone you will make a man who has been doing this for 40 years unable to continue. He noted there has been no issue in the R10 zone. Mr. Walker proposed not doing anything at all.

Mr. Donovan said bee education is the biggest thing that needs to be conveyed to people.

The Commission discussed the application.

Mr. Mulholland observed that the State only has one bee inspector.

**MOTION (8)**

**Mr. Peck moved to approve the Application of Stephen Dinsmore, for a Text Amendment to the East Lyme Zoning Regulations Section 25.5 for keeping of Honey Bees as an accessory use to residential uses as presented, with the following amendments:**

- 1. At least a quarter of an acre lot is required.**
- 2. The setbacks in the applicable zones be applied to these structures.**

**Mr. Donovan seconded the motion.**

**Motion carried, 5-1-0.**

**Mr. Walker voted against the motion.**

**3. Approval of Minutes of March 21st, 2019**

**MOTION (9)**

**Mr. Donovan moved to approve the Public and Regular Meeting Minutes of March 21st, 2019 as presented.**

**Ms. Kalajainen seconded the motion.**

Mr. Peck said he has one small change- page 4, the previous correction to "Rico Mastranuzzio" should actually be "Rico Mastranunzio."

**MOTION (10)**

**Mr. Donovan moved to approve the Public and Regular Meeting Minutes of March 21st, 2019 as amended.**

**Ms. Kalajainen seconded the motion as amended.**

**Motion carried, 6-0-0.**

**Mr. Manning abstained from the vote due to his absence from the February 21st, 2019 meeting.**

**Old Business-**

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

Mr. Mulholland supplied the Commission with a handout for them to review and shared that Mr. Peck met regarding this. Mr. Mulholland suggested addressing this further at the next meeting. The Commission briefly discussed mixed use.

## **New Business-**

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

There was none.

2. Renewals for outdoor Dining Scheduled for April 18th, 2019 Public Hearing are as follows:

- A. Timothy O'Reilly- Smokey O'Grady's
- B. Leo Roche- Black Sheep
- C. Harry and Trifonas Logindis- Family Pizza
- D. Kostas Anastasiou- Niantic Diner
- E. Teddy Ignatiadis- Main Street Grille
- F. Eugene Emini- Black Point Pizza
- G. Petrit Marku- il Pomod'Oro

3. Zoning Official

Mr. Mulholland said there is alot going on and they're having staffing uses. He mentioned the Pennsylvania Avenue building currently getting a facelift and the application that came in for the Midway Mall.

The Commission discussed the progress of Costco, the excessive clearing that should not have occurred and the large trees that are needed.

Mr. Donovan suggested that Mr. Donovan put in for more clerical assistance during the next budget season.

4. Comments from Ex-Officio

Ms. Hardy was not in attendance.

5. Comments from Zoning Board Liaison to Planning Commission

Mr. McPherson said he covered for Mr. Manning but the April 2nd, 2019 meeting was cancelled; a special meeting is scheduled for April 7th.

6. Comments from Chairman

There were none.

## **Adjournment**

**MOTION (4)**

**Mr. McPherson moved to adjourn the Zoning Commission Meeting at 8:26 p.m.**

**Ms. Kalajainen seconded the motion.**

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

Respectfully Submitted,

Brooke Stevens  
Recording Secretary