

**TOWN OF EAST LYME
ZONING COMMISSION
May 2nd, 2019
PUBLIC HEARING and REGULAR MEETING MINUTES**

Members Present:

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

FILED IN EAST LYME
CONNECTICUT
May 8, 2019 AT 11:45 AM/PM
Billie Foreman ATC
EAST LYME TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer

Absent:

**John Manning
Kimberly Kalajainen
George McPherson, Secretary
James Liska, Alternate
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-

- 1. Request of Theodore A. Harris, Esq., for a Text Amendment to the East Lyme Zoning Regulations Section 25.5 for Elderly Housing Standards applicable within the CA Zone.**

Mr. Peck recused himself from this item.

- Mr. Walker noted the legal ad that was published for this application.
- Mr. Donovan read Mr. Mulholland's memorandum dated May 2nd, 2019 into the record.
- Mr. Donovan read the letter from SCCOG dated March 22nd, 2019 into the record.

- Mr. Donovan read the Planning Commission letter dated April 16th, 2019 into the record.
- Mr. Donovan read the email from Marcy Balint dated April 16th, 2019 into the record.

Attorney Ted Harris of 351 Main Street came forward to speak and shared the following:

- This is an application to revise the standards in Section 25.5 for elderly housing in the CA Zone.
- This would allow developments of 6 units or less to be built without demanding sewers; it would be optional- it wouldn't require onsite sewer, but allow it.
- He begs to differ with the conclusions made by the Planning Commission with regards to the POCD; pg 55 discusses how the single-family mode of elderly housing is becoming too expensive and multi-unit housing, cooperatives and condominiums are encouraged.
- They recommend the Zoning Commission modify regulations to supply an incentive for the construction of elderly housing; this section of the POCD is more appropriate than the section on mixed use, because they're not proposing mixed use but elderly housing.
- The State has mandated standards for septic systems to protect sensitive resources such as setbacks from wells and wetlands.
- A 100% reserve area is required so a great deal of safety standards are already built in by our State mandated standards enforced by our health department.
- This is simply another alternative which will allow small developments in the CA Zone where either sewer may not be available or an area difficult or impossible to connect to.

Mr. Harris explained how Flanders Road, Boston Post Road and West Main Street are the main areas of the CA Zone and there are sewers in portions of those area but a good portion of Boston Post Road is what is called a pressure line, and the regulations don't allow sewer connection to a pressure line; because the regulations currently require sewer connection developments in these areas are prevented.

Mr. Harris said another important consideration is sewer capacity; there has been a significant increase in sewer demand and capacity and we are near the end of what is allowed to be sent to the New London treatment facility. He said this revision would allow these smaller developments to occur without putting a further burden on the limited capacity and instead allow that capacity to serve the larger developments more in need of sewers.

Mr. Mulholland asked what Mr. Harris' take on the variance route- he said if you can't connect to the sewer is that not a hardship? Mr. Harris said you could make that argument (but given the need for elderly housing and the appropriateness of onsite septic), this would give the Zoning Commission the ability to approve this type of development in situations where a variance might be or might not be granted.

Mr. Dwyer asked about municipal water and Mr. Harris explained this is only about sewer- municipal water will still be mandated.

Mr. Harris said if it's feasible in these instances to have an onsite sewer system there is really no good reason not to.

Mr. Mulholland reminded the Commission that this application is not site specific.

Mr. Donovan asked about State mandated water standards and if municipal water was no longer available whether a well would be required for the property. Mr. Harris explained there are well setbacks as well but that he can't answer that abstractly since you don't know the specificity of the site.

Mr. Harris said if municipal water is provided when a site is built and the Town suddenly says municipal water is no longer an option, that would be in issue on the Town's part as well as an instance where the property probably would have been condemned. He added that he thinks it's extremely unlikely that a property currently served by municipal water will lose that service.

Mr. Walker called for Public Comment and there was none.

MOTION (1)

Ms. Thurlow moved to close the Public Hearing.

Mr. Dwyer seconded the motion.

Motion carried, 4-0-0.

Mr. Peck rejoined the Commission.

Regular Meeting-

- 1. Continuation of the request 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. Donovan read Mr. Mulholland's memorandum dated May 2nd, 2019 into the record.

Mr. Mulholland said the Commission may want to consider further deliberating at the May 16th, 2019 meeting given that the Commission Members present at the Public Hearing are not in attendance this evening.

Mr. Donovan observed that this application is the inverse of the application they just heard.

Mr. Walker said he stated his feelings at the previous meeting and his concern that this could potentially limit development and be cost prohibitive for developers. He said he doesn't think this is in the best interest of the Town and if Ledge Light Health District or State Health District thinks a septic system design will suffice, then who are we to disagree with that.

Mr. Walker said we need to consider some of the items Attorney Harris brought up during his own presentation such as tax base and sewer capacity.

The Commission continued this item until the next regularly scheduled meeting.

2. Request of Theodore A. Harris, Esq., for a Text Amendment to the East Lyme Zoning Regulations Section 25.5 for Elderly Housing Standards applicable within the CA Zone.

Mr. Peck recused himself from this item.

The Commission decided to continue this item until the next regularly scheduled meeting.

Mr. Peck rejoined the Commission.

3. Request of Todd Sakowski, Owner, Niantic Public House and Brewery, to modify an existing approved Special Permit to allow entertainment at 243 Main Street, Niantic.

Mr. Mulholland clarified this is merely an informal discussion and not yet a formal request. He noted he consulted the Town Attorney and it's important to consider that this establishment is not a restaurant. He reminded the Commission that entertainment was not addressed in the previous special permit process.

Mr. Mulholland detailed that according to the Town Attorney further modification would require the reopening of a public hearing; prior to any action he thought it would be appropriate for the Commission to have a preliminary discussion regarding entertainment.

Mr. Mulholland noted there are establishments that occasionally have entertainment and it has not yet been an item that the Commission has chosen to address.

Mr. Mulholland briefly reviewed the previous special permit approval and conditions.

Mr. Sakowski of 243 Main Street came forward and detailed their desire to have occasional entertainment such as a one man guitar or piano for special events such as weddings and such; he said it will not be a core part of their business.

Mr. Dwyer said this would violate the original intent of their special permit; with this they will be the only bar in Town when we don't allow bars.

Mr. Sakowski said when they previously came before the Commission they showed the floor plan with 60 something seats and their plan to allow food to be brought in.

Mr. Donovan said he disagrees, they are not in violation. He said every business in Town has entertainment whether it is allowed or not. He said these people are trying to go about this the correct way and are being criticized for it.

Mr. Donovan said he does go to their establishment and it's not a place where a band is going to perform; it's background music in a manner that you see everywhere. He added that telling them they can't do this is like telling them they might as well pack up and move it out of Town.

Mr. Dwyer said you have an application and you either follow it or you don't. He said Mr. Donovan has given his interpretation and he appreciates that, but it has nothing to do with the application.

Mr. Walker observed that Mr. Donovan is envisioning greater flexibility and to modify the regulations to allow low level music.

Ms. Thurlow asked if they are seeking entertained for special events or on a regular basis. Mr. Sakowski says currently special events but with some flexibility. He said currently jammed up on Friday and Saturday nights and could not have music in there; perhaps a Sunday, an acoustic guitar.

The Commission discussed the public hearing process this modification would entail.

Mr. Walker asked Mr. Peck for his opinion and he said leave them alone and keep the entertainment indoors and call it a day.

4. Request of Steven Carpenteri, for Niantic Bay Inn, Inc (aka Lyme Tavern) for a modification of a Special Permit for Outdoor Dining to include an uncovered raised deck area at 229 West Main Street, Niantic.

Mr. Mulholland directed the Commission to the Plan in the Member Packet. He noted this is an approved item requesting a slight modification; the Applicant would like to extend his outdoor patio by an additional 4 X 10 feet to the west.

Mr. Carpenteri of 229 West Main Street detailed his request noting it will the same height as the patio and not raised.

Mr. Donovan asked what the extension is for and Mr. Carpenteri said for a one person entertainment, so it will not interfere with the rest of the operating floor.

Mr. Peck observed that neighbors are not a concern, to the West his Mr. Carpenteri's motel and on the other side, is a road and a soccer field; across the street is uninhabited buildings and State property.

Ms. Thurlow and Mr. Walker both said they think this is a perfectly fine request.

MOTION (1)

Mr. Dwyer moved to approve the Request of Steven Carpenteri, for Niantic Bay Inn, Inc (aka Lyme Tavern) for a modification of a Special Permit for Outdoor Dining to include an uncovered raised deck area at 229 West Main Street, Niantic.

Ms. Thurlow seconded the motion.

Motion carried, 4-0-1.

Mr. Donovan abstained from the vote.

5. Approval of Minutes of April 18th, 2019.

MOTION (2)

Mr. Dwyer moved to approve the April 18th, 2019 Public and Regular Meeting Minutes as presented.

Ms. Thurlow seconded the motion.

Motion carried, 4-01.

Mr. Donovan abstained from the vote due to his absence from the April 18th, 2019 meeting.

Old Business-

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

Mr. Walker suggested waiting for a full Board before proceeding with these items. He noted the importance of addressing these items at the next meeting.

New Business-

1. Application of Danielle Kierzianis, for a text amendment to the East Lyme Zoning Regulations to add "Dog Grooming" to Section 11, LI, under Permitted Uses.

Mr. Walker asked for this item to be scheduled.

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

Mr. Peck discussed the vital importance of RSVPing if unable to attend a meeting. He noted the time and money applicants devote to be here and the inconvenience unnotified

absences have. The Commission discussed drafting a letter to remind all the Members the importance of notified absences.

4. Zoning Official

Mr. Mulholland shared how he was told that JAG will in fact be built.

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.

Mr. Donovan asked if the calendar has been addressed and Mr. Mulholland said he believes Jennifer has fixed it.

7. Comments from Chairman

There were none.

Adjournment

MOTION (3)

Mr. Donovan moved to adjourn the Zoning Commission Meeting at 8:32 p.m.

Mr. Peck seconded the motion.

Motion passed, 5-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary

