

TOWN OF EAST LYME  
ZONING COMMISSION  
August 1st, 2019  
REGULAR & PUBLIC HEARING MINUTES

FILED

Members Present:

Matthew Walker, Chairman

Norm Peck

Terence Donovan

John Manning

Kimberly Kalajainen

Anne Thurlow, Alternate \*(Sat as a Regular Member.)

James Liska, Alternate

William Dwyer, Alternate \*(Sat as Regular Member for items 1 & 2 of the Public Hearing  
and items 1-3 of the Regular Meeting.)

August 1st, 2019 AT 10:00 AM/PM  
Brianna Thurlow ATC  
EAST LYME TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer

Mark Zamarka, Town Attorney

Mark Nickerson, First Selectman

Rose Ann Hardy, Ex-Officio

Absent:

George McPherson, Secretary

Chairman Walker called the Zoning Commission meeting to order at 7:34 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 Hearings

1. Application of Theodore A. Harris, Esq., Agent, for Pazz Construction, Applicant, for Margaret Prokop, Co-Conservator/Owner, for a zone change from existing RU-40 to CA of a portion of the property at 285 Boston Post Road, East Lyme Assessor's Map 30.1 Lot 59.

2. Application of Theodore A. Harris, Esq., Agent, for Pazz Construction,

**Applicant, for Margaret Prokop, Co-Conservator/Owner, for a special permit for the construction of four units of elderly housing at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

Mr. Walker suggested opening Public Hearings 1 & 2 at the same time given the cross testimony likely to occur.

Mr. Peck recused himself from this item and the Commission sat Mr. Dwyer in his place.

- Mr. Walker noted the legal ad that was published for these applications.
- Mr. Donovan read Mr. Mulholland's memorandum dated August 1st, 2019 into the record.
- Mr. Walker read the Regional Planning email dated July 1st, 2019 into the record.
- Mr. Donovan read the Planning Commission letter dated December 27th, 2019 into the record.
- Mr. Donovan read the email from Marcy Balint of DEEP dated June 27th, 2019 into the record.

Attorney Harris of 351 Main Street came forward representing the Applicant and submitted the approval letter from Ledge Light Health District (Exhibit A), for the record.

Mr. Harris did an overview of the application and shared some of the following:

- The Lot in question is in a divided zone which is one of the reasons they're here tonight.
- The housing will overlook Pattagansett Lake.
- Public water will be provided and on site septic will be utilized.
- Prior to this evening they went before the Wetlands Commission for their review and their application was approved.
- In regards to the Planning Commission letter there was no site plan for them to view so they were unable to visualize what the site would look like.
- They utilized the wetlands review as well as the input from the Town Engineer and Utilities Engineer to formulate the site plan.
- He thinks other parts of the POCD support this application which the Planning Commission didn't cite; page 67 says rather than zoning new commercial zones we should be maintaining the existing ones and the section on elderly housing encourages having elderly housing, a variety of different types and close proximity to services.

- Currently the site has a duplex and a small commercial building with existing parking, located in close proximity to Boston Post Road.
- The housing will be located on the northern portion of the property.
- There will be plantings on the west side of the property and a vegetative buffer will exist on the east side where the single family home is located.
- On the east side towards the front, where the mixed use development is they have not shown an additional buffer given that there is already an approved buffer as part of that plan as part of that development.
- No buffer is needed on the north side since that is where the lake is located.
- There is no room in the front of the property for a buffer but they have shown frontage for a side walk along this portion of Boston Post Road which will connect to existing sidewalk to the east.

Mr. Harris introduced the Site Engineer Robert Pfanner, of J. Robert Pfanner Associates, located at 37 Grand Street.

Mr. Pfanner provided the Commission with Plans for the site and made some of the following comments:

- Sheet 1 is existing site conditions illustrating the two existing buildings in the front.
- The existing shed in the middle of the property will be removed as well as remnant structures in the rear of the property.
- Sheet 2 is a site plan with the septic system; the two existing systems will be replaced and an additional system will be installed for the new building.
- Sheet 3 (attached), is the site plan without the septic system details and shows the parking lot layout.
- There are also one car garages in the building so they've essentially given each unit 2 parking places when only 1 is required; they haven't actually taken that into consideration in their count for parking.
- There is a drainage system to treat the impervious area which leads to a drainage basin for added treatment, which flows out to Lake Pattagansett.
- Sheet 4 is the construction details, erosion control measures and the sidewalk layout.
- Sheet 5 is the landscape plan.
- Sheet 6 is the lighting plan and at the behest of mr. mulholland they've picked more residential-like fixtures.
- Sheet 7 is the all the septic system details and specs.

Mr. Pfanner further detailed the Plans submitted.

Mr. Walker asked if the apartments are single level and Mr. Pfanner responded that they are multi-level.

Mr. Dwyer commented that the property entrance has a terrible dip and Mr. Pfanner explained how they're reconfiguring the driveway and the dip will be taken out.

Mr. Donovan asked if the sidewalk will be 5 feet in width. Mr. Pfanner said the current requirement is for 4 feet, the other sidewalk portions already there are 4 feet, but they're happy to concede if the Commission prefers.

Ms. Kalajainen asked Mr. Pfanner to walk them through the waivers they're asking for and he discussed the following waiver requests:

1. The 25 foot buffer.
2. The buffer between this project and the multi-use project next door.
3. A portion (about 30 feet) of the buffer between 285 and 289 Boston Post Road.
4. The buffer for the rear given the location of the lake.

The Commission discussed the waiver requests.

Mr. Manning asked about the property elevation.

Architect Peter Springsteel of Mystic came forward and detailed the Plans for the 3 story townhouse units specifically the layout and design.

Mr. Donovan observed the strangeness of having three sets of stairs for elderly housing and Mr. Springsteel clarified the units are for people aged 55 and over. The Commission discussed elderly housing and noted that age restricted housing is a more appropriate term for this project.

Mr. Walker called for Public Comment.

Harry Ogden of 6 Pattagansett Drive came forward they have no problems with this and Mr. Pazzaglia and his Project Manager have kept them up to date with his plans and they've had several conversations with them. Mr. Ogden's only concern is whether the 55 and over age stipulation could change in the future and Mr. Mulholland explained a variance would be needed and they would have to go before the ZBA.

William Argyle of 12 Pattagansett Drive said his position is neutral, he merely has a question about the zone change from residential to commercial. He asked if the elderly housing could be changed to commercial in the future and if this would set a precedent.

Mr. Harris said that every application is looked at by itself and this approval could be conditioned so there is no possibility and he noted they have no intention of attempting to reverse this change; it would be counter productive. He said that Mr. Mulholland has indicated that they meet all standards of the regulations as well as the special permit requirements.

Ms. Kalajainen asked about the number of buildings and Mr. Harris explained there would be 4 units in one building.

**MOTION (1)**

**Ms. Kalajainen moved to close the Public Hearing.**

**Mr. Manning seconded the motion.**

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

**3. Application of Theodore A. Harris, Esq., Agent for ABC Supply Co., Inc, Applicant, for HTD Aerospace, Inc, Owner, for a Special Permit to allow the use of an existing structure for the retail sales of building supplies, under Section 11.2.6 and Section 11.2.9, at property identified in the Application as 29 Industrial Park Road, East Lyme Assessor's Map 26.1, Lot 1.**

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

- Mr. Walker noted the legal ad that was published for this application.
- Mr. Donovan read Mr. Mulholland's memorandum dated August 1st, 2019 into the record.
- Mr. Harris submitted an email from DEEP (Exhibit A), which Mr. Donovan read into the record.
- Mr. Harris submitted a copy of their Pollution Prevention Stormwater Quality Management and Best Management Practices (Exhibit B), which have been approved by the Town.

Mr. Harris of 351 Main Street, representing the Applicant, came forward and shared some of the following:

- This is going to be a reuse of an existing building.
- There is an existing Town site plan on the site which they've updated.
- The building was once a manufacturing plant for airplane parts and the use they propose is significantly less intensive.
- The new occupant (ABC Supply), is a national company that sells a variety of building supplies.
- The building will be used for warehouse space, office space and display/sale space.
- There will be approximately 18 employees.
- It will have 4 delivery trucks, none of which will be serviced or fueled on site.
- There is a large parking area some of which will now be devoted to outside storage.
- They're going to provide a variety of site improvements such as a sidewalk along the frontage, a decorator fence that will block the storage area from the road, significant repairs to the drainage system and repairs to the parking area itself.
- Although the property is within the Aquifer Protection Zone, DEEP has ruled that the use is not a regulated use.
- Since there are only small amounts of hazardous materials in sealed containers and spills would likely not cause harm there was conscious determination not to regulate this use.

Robert Pfanner of J Robert Pfanner Associates located at 37 Grand Street, came forward and detailed the Plan (attached), of the site; he acknowledged the site notes (attached), Town Staff made which they've addressed.

Mr. Donovan asked what will be stored outside and Mike Anderson of ABC Supply said roofing material and pallets which will be less than 8 feet and hidden by the fence.

Mr. Donovan called for Public Comment. there was none.

**MOTION (2)**

**Ms. Thurlow moved to close the Public Hearing.**

**Mr. Donovan seconded the motion.**

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

**4. East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations Section 9 and Section 25.5 Mixed Use in CB Commercial Districts.**

Mr. Walker said this is a Commission generated text proposal and the Zoning Subcommittee helped formulate this amendment. He turned the presentation over to Mr. Peck since he was so instrumental to the Subcommittee.

Mr. Peck said the objective here is the preservation of older existing buildings in the CB Zone in downtown Niantic, as recommended in our current Plan of Conservation and Development and Yale Charette; both documents stress in detail the importance of maintaining Downtown character through preservation.

Mr. Peck said that many of the other recommendations made by the Yale Charette have been accomplished such as the park that replaced the Mobil Station, the Boardwalk and the Streetscape; this proposal is an attempt to continue to pursue these recommendations. He said they feel this regulation will discourage demolition but that if anyone has another suggestion and a way to fulfill the desires of the Towns people, they're more than receptive.

Mr. Peck said this is a crossroads for Niantic and if you like it now you probably won't like it in 20 years if we don't take action; we can choose more tax dollars in the short run or choose the road that many nice New England villages have taken, specifically preservation.

Mr. Peck said the proposal is to limit new construction of buildings in the CB Zone to 5,000 square feet and that he would personally add to it so we don't make buildings nonconforming and add the words "any structure built after the effective date of this regulation."

- Mr. Walker noted the legal ad was published for this amendment.
- Mr. Donovan read the Regional Planning email dated July 1st, 2019 into the record.
- Mr. Donovan read the email from Marcy Balint of DEEP dated July 10th, 2019 into the record.
- Mr. Walker read the Planning Commission letter dated July 15th, 2019 into the record.

Mr. Mulholland reviewed the proposed regulation changes (attached.)

Mr. Walker called for Public Comment.

1. Candy Shapiro of 8 Burbank Place said the following:
  - Being part of Niantic Main Street they've wanted to preserve the character of Niantic; without proper zoning and planning many old beautiful buildings were torn down but despite that they're are buildings that need to be replaced.

- Architectural regulations were discussed years ago but never allowed to come forward or be enforced.
  - The Charette, the Plan of Development, and the market analysis have all been important tools and she has been lobbying for the last few years to no avail.
  - A new survey really needs to be done to identify what is needed, warranted, and would be supported by the changing demographics of Town.
  - Preservation can be achieved by having in place both architectural regulations that have teeth and enforced parking limits.
2. John Tischy of 9 Bittersweet Drive shared the following:
- He lived in a small town in Ohio similar to Niantic, that went through a tremendous building expansion going from a population of 7,000 to 17,000 in ten years.
  - one factor that enabled them to maintain the character of the town was that every new construction regardless of type had to go before an architectural review board.
3. George Mitchell representing the Mitchell Trust LLC said the following:
- He'd like the Commission to consider the effect that the removing property rights from property owners in the CB District would have on their property values.
  - He doesn't think this is in accord with our Constitution.
  - He thinks the proposal is kind of sketchy; it doesn't address what would happen if there is a catastrophic destruction of property and buildings.
  - Over 24 buildings in the CB District exceed 5,000 feet and there are many more that would exceed 5,000 square feet with the addition of a second floor.
  - Nothing in the regulation says how these buildings would be rebuilt if destroyed.
  - This is a whim of Mr. Peck's.
  - He's totally against this change.
  - This would adversely affect the Town and to stop development at this point is nuts.
4. Mark Nickerson, First Selectmen, said the following:
- He's strongly opposed to square footage limits in the CB Zone.

- He's the Economic Director for the Town and investors are looking to invest in our Town.
- Our Town has come a long way since the Yale Charette and we have a vibrant downtown.
- He concurs with the intention and is not opposed to preserving but not in this way.
- He agrees with Ms. Shapiro that there are many buildings that need to go.
- State Senator Paul Formica sends his regrets that he was unable to attend this evening but wanted to convey that he is opposed to this regulation and noted that his restaurant is 10,000 square feet.
- He said Mr. Formica also mentioned that the new Bravo Bravo restaurant in Mystic is charming, beautiful and almost 20,000 square feet.
- Several properties downtown would become noncompliant with the passage of this regulation.
- He thinks this proposal is much too rigid and would offer nothing to enhance our downtown.
- The passing of a Village District with architectural review is how you're going to keep the charm of downtown.
- Big buildings doesn't necessarily mean less charm.
- He agrees a new survey is needed.

Mr. Nickerson said the Niantic Main Street Group has not convened to officially vote to oppose this zoning change, but two of its members including President Dan Walsh have offered testimony. He read the testimony into the record (attached) and thanked the Commission for their service.

5. Ted Harris of 351 Main Street said the following:

- He has been on Main Street for forty years and was intimately involved with developing a regulation for mixed use on Main Street 5 years ago.
- He reminded the Commission that regulation stemmed from a study by the University of Connecticut on mixed use.
- It explored how parking standards when developed didn't consider the commercial and residential component in terms of peak use; commercial peak use is typically not the same as residential peak use and this resulted in overparking.
- One of the things proposed here is to go back to the former standards and he would assert that with respect to mixed use, it's self defeating and reduces the available commercial.

- Another factor that led to the mixed use regulation was the symbiotic relationship between commercial property and residences.
- The increase in residential use downtown helps carry the downtown over the winter and has become much more vibrant.
- This regulation change reduces the ability for mixed use.

6. Rose Ann Hardy Ex-Officio had the following comments:

- She likes the idea of architectural review.
- It was previously dropped because the State required a full-time architect on staff which we couldn't afford.
- She encourages the Commission to ask Mr. Mulholland to investigate if this is still the case.
- She likes Mr. Peck's idea to preserve historical structures that are preservable.

Mr. Mulholland said that the Statute has changed a bit and there are other avenues they can pursue. He said he thinks we are poised to move forward with the architectural review subcommittee and a full-time architect is no longer required.

Mr. Donovan said he wants to reiterate this is the Commission's proposal and not one individual.

George Mitchell said the Town is going well, business is good and an architectural review board is only going to offer a little incremental push on what they want the Town to look like. He thanked the Commission for their hard work.

Mr. Walker said to follow-up on the comments of Mr. Donovan, this was not a whim of Mr. Peck's. He said that although he voted in opposition to this, the Zoning Commission as a whole voted in favor of bringing this forth which is what brought us here today. He agrees that an emphasis should be placed on architectural review and noted the subcommittee has been working on this.

Mr. Peck said he would like to hear Attorney Zamarka's comments on nonconformity, disasters- the wiping out of buildings, and what rights the property owners have. He said if this proposal is unconstitutional then most of our regulations our unconstitutional.

Mark Zamarka, Town Attorney, responded that this is the first time he was made aware of the proposed text amendment so he hasn't had a chance to receive this; Section 21 deals with nonconforming uses and buildings. He said the general rule for

nonconforming is that it can't be expanded which goes for reconstruction following any natural disasters as well.

Mr. Peck asked about adding a caveat saying "this limitation only applies to construction after the effective date" and Mr. Zamarka said he's hesitant to comment more without seeing the proposed text amendment.

**MOTION (3)**

**Ms. Thurlow moved to close the Public Hearing.**

**Mr. Manning seconded the motion.**

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

The Commission took a 5 minute comfort break and reconvened at 9:42 p.m.

**Regular Meeting-**

- 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 & 2.**

In order to maintain consistency Ms. Kalajainen recused herself from this item and the Commission sat Mr. Dwyer in her place. Ms. Thurlow did not sit for the previous meeting but she did attend each one as well as the site walk and stated she has fully reviewed all of the testimony and exhibits submitted.

Mr. Walker called for comments and thoughts and Mr. Manning had the following remarks:

- There were key points addressed on this tower such as the Indian stones and historical significance; we have no professional input on this that indicates that this is the case.
- The site was already cleared, if there had been something there, it's gone.
- There may be stone structures elsewhere but for me personally, this is not a factor in this decision.
- The second point was the use of this as an amateur radio tower; we have to be serious here, that this is intended for more than that.
- If the sole purpose was for an amateur radio tower there could be a structure put in place that would have far less of a footprint and far less of a visual imprint upon the community.

- It's a commercial tower with a large footprint with the capability of having other antennas that can be used for a commercial perspective; whether that happens or not is immaterial.
- You have to assume that it's going to be a fully loaded tower with other antennas, cellular repeaters and so forth; the structure itself is suited for that.
- Between one of the exhibits and the site walk they clearly brought to me the impact upon the neighborhood that this tower would have.
- Our concern is how this would affect property values.
- The exhibit that made it clear to be is the color coded document that shows the number of people that had signed the petition for and against; blue being against, and blue in favor.
- The entire neighborhood has signed the petition against this application and many have attended the meetings saying they don't want this in their neighborhood.
- From my perspective, yes he has the right to put up a tower, yes he has the right to put up an antenna but it should be reasonable and not affect the property values and the intent of what this area is.
- From my perspective this is too much; I can't speak to what this would do to property values and resales but given the level of response this is something we must pay attention to.

Ms. Thurlow had these remarks:

- I have to agree; I've been a real estate agent for 5 years and I can guarantee it would be much harder to sell some of the homes on Bittersweet with that huge tower looming over the backyard than a similar home without the tower.
- I don't think this would be fair to the neighbors.
- This is located in a residential zone so why would you put a commercial tower in a residential area knowing AT&T or someone could approach you to do commercial business in this neighborhood.
- I think this would definitely hurt the property values.

Mr. Dwyer said that he thinks 175 feet for an amateur radio tower is too high and many of the comments Mr. Manning made were some of his concerns as well.

Mr. Walker had these remarks:

- The presentation was very good, very thorough and comprehensive but I was not convinced in terms of the need for this tower.
- I certainly wasn't convinced that it's necessary to have this kind of height for an amateur radio tower for many of the reasons cited by Mr. Manning.
- A 175 feet is excessively tall.
- I will also note the Applicant didn't have a proper engineer who could creditably articulate the need for such a towering structure that which would be so highly visible to the surrounding residences.

- I was not convinced that the building of this tower would not adversely affect property values in that area; I don't know but I'm not convinced that it wouldn't.
- Knowing that the tree canopy at the end of Bittersweet is 70-80 feet high and this tower is 175 feet tall which didn't sit well with me on the site walk.
- I was concerned about the neighbors and the residences and wondered about the property values.
- As an elected official it is our purpose to preserve people's home and real estate values.

Mr. Donovan had these remarks:

- As much as I value everyone's opinion there are just some things that bother me; three of you have remarked about property values and I believe there is another cell tower in Town, at the Orchards.
- How has that tower affected their property values?
- There was testimony about the height being too high and there is also testimony that people asked why they were not notified about the balloon test; they didn't see the balloon so I have an issue with how they're going to notice the tower.
- The future is cell phones.
- I agree with Mr. Manning in terms of how it's being applied for now as a ham radio but under good faith it's allowable but they have to go before the CT Siting Council.
- We heard statements saying the signage was not properly done but the placement was in accord with our zoning regulations.
- There was concern about the access road and I believe it has been there for several years without problems.
- In regards to the ceremonial stones I walked the property and didn't see anything.
- The Mohegan letter submitted to us said they were on an abutting property.
- My personal feeling is that the residential neighborhood around these ceremonial grounds cause more of a threat than this tower would.
- I did some homework in response to comments made asking if a cell tower would affect their health.

Mr. Zamarka cautioned that evidence can't be cited that is not in the record.

Mr. Donovan added that in terms of the ceremonial grounds they saw nothing up there and if the balloon wasn't seen neither would a tower.

Ms. Thurlow responded that she stood in a yard on Bittersweet and the tower would be looming over some of those houses. Mr. Donovan said the balloon was not there and Ms. Thurlow said she can visualize because she knows how high the tower would be in relation to the trees.

Mr. Peck had these comments:

- If I were a neighbor I'd welcome this because I would rather have a tower than a another residential development.
- I'm a preservationist and it's great to have those kinds of woods in your backyard.

- I like the open space and think it's a small sacrifice.
- I question the property values diminishing; I think you will have less people interested in the neighborhood but I don't know about the value.
- I'm sort of on the fence but would rather see this than the alternative.

Mr. Donovan said he read a study saying that cell towers have a minimal effect on property values. He said he questions in terms of the ceremonial stones, if people would have the same issues if a house was being built instead. Mr. Peck said the Planning Commission routinely addresses this.

Mr. Walker suggested having Mr. Zamarka draft a resolution. Mr. Zamarka said this was a very involved public hearing with great public interest and a great deal of testimony was submitted by both the Public and the Applicant; given this there is certainly a possibility depending on how the Commission rules one way or another, that the decision could be appealed. He said their decision needs to be supported by substantial evidence in the record and therefore prudent to allow staff to draft resolutions for their consideration.

Mr. Donovan and Mr. Zamarka had a lengthy discussion regarding public hearings and the time that testimony can be submitted.

Mr. Dwyer said he thinks they should vote and Mr. Walker said he'd like to defer to the advice of Town Council which the Commission discussed.

The Commission agreed they would have resolutions for and against drafted by Town Staff.

This item was continued until the next regularly scheduled zoning meeting.

**2. Application of Theodore A. Harris, Esq., Agent, for Pazz Construction, Applicant, for Margaret Prokop, Co-Conservator/Owner, for a zone change from existing RU-40 to CA of a portion of the property at 285 Boston Post Road, East Lyme Assessor's Map 30.1 Lot 59.**

Ms. Kalajainen rejoined the Commission and Mr. Peck recused himself from both item 2 & 3.

Mr. Manning commented that he was on the fence on this until he heard the neighbor (Mr. Ogden) speak and the fact that he is in favor is what swayed him.

Ms. Thurlow said she agrees with Mr. Manning and the signoff by both the Town Engineer and the Wetlands Commission made her comfortable with this application.

Mr. Walker said Mr. Argyle made some great points regarding the zoning change but he thinks the positives outweigh that; this is one application, not the start of a trend or set a precedent. He added these are taken on a case by case situation and he thinks this will actually be an enhancement for this property.

Mr. Dwyer said he thinks this is a one shot deal in terms of the zone change.

Mr. Donovan asked if it would say on the record that it will remain age restricted and Mr. Mulholland said he's not sure they can condition it like that; the public has the right to come before the Commission and ask for changes.

Mr. Manning said anyone can come before us and request a change but that as it stands, it's age restricted.

**MOTION (1)**

**Mr. Dwyer moved to approve the Application of Theodore A. Harris, Esq., Agent, for Pazz Construction, Applicant, for Margaret Prokop, Co-Conservator/Owner, for a zone change from existing RU-40 to CA of a portion of the property at 285 Boston Post Road, East Lyme Assessor's Map 30.1 Lot 59.**

**Mr. Manning seconded the motion.**

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

**Nay: Ms. Kalajainen**

**MOTION (2)**

**Mr. Dwyer moved to approve the Application of Theodore A. Harris, Esq., Agent, for Pazz Construction, Applicant, for Margaret Prokop, Co-Conservator/Owner, for a special permit for the construction of four units of elderly housing at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

Mr. Mulholland said a point of clarification- maybe add 4 units in one building to be clear.

**MOTION (3)**

**Mr. Dwyer moved modify the motion to approve the Application of Theodore A. Harris, Esq., Agent, for Pazz Construction, Applicant, for Margaret Prokop, Co-Conservator/Owner, for a special permit for the construction of four units**

of elderly housing and add “in one building” at 285 Boston Post Road, East Lyme Assessor’s Map 30.1, Lot 59 “and including requested waivers.”

Ms. Thurlow seconded the motion as modified.

Motion carried, 4-1-1.

Nay: Mr. Donovan

Ms. Kalajainen abstained from the vote.

4. Application of Theodore A. Harris, Esq., Agent for ABC Supply Co., Inc, Applicant, for HTD Aerospace, Inc, Owner, for a Special Permit to allow the use of an existing structure for the retail sales of building supplies, under Section 11.2.6 and Section 11.2.9, at property identified in the Application as 29 Industrial Park Road, East Lyme Assessor’s Map 26.1, Lot 1.

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

Mr. Manning said he thinks this item is a no brainer.

#### **MOTION (4)**

Mr. Donovan moved to approve the Application of Theodore A. Harris, Esq., Agent for ABC Supply Co., Inc, Applicant, for HTD Aerospace, Inc, Owner, for a Special Permit to allow the use of an existing structure for the retail sales of building supplies, under Section 11.2.6 and Section 11.2.9, at property identified in the Application as 29 Industrial Park Road, East Lyme Assessor’s Map 26.1, Lot 1.

Mr. Manning seconded the motion.

Motion carried, 6-0-0.

Mr. Walker asked that these items be published next Thursday August 8th, 2019 and effective Friday August 9th, 2019.

5. East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations Section 9 and Section 25.5 Mixed Use in CB Commercial Districts.

Mr. Walker said this amendment had some controversy but they have 65 days if they want to continue to examine the amendment.

Ms. Thurlow said she was supportive of this when it first came up but has been struggling with it; it’s size verses architectural review.

The Commission discussed architectural review.

Mr. Peck said this is a mathematical proposal; 5,000 was picked because they felt it would discourage the demolition of old buildings and the size comes from the trend and economically you have to build something big to make money. He said he was trying to preserve history and prevent the tearing down of 3 or 4 old buildings. Mr. Peck said it's not only appearance that creates character.

Mr. Donovan said he concurs with Mr. Peck's sentiments and said they're trying to preserve the downtown; if someone wants to modify os they're welcome to come before us.

The Commission further discussed the amendment.

The Commission discussed having a Village District.

Ms. Kalajainen said is hard pressed on the square footage and if you're concerned about preservation, do it by age. Mr. Mulholland said he would have to research if this is permissible by law.

**MOTION (5)**

**Mr. Peck moved that they accept the East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations Section 9 and Section 25.5 Mixed Use in CB Commercial Districts with the addition that this will only apply to construction post effective date of this amendment and existing buildings over 5,000 square feet will remain conforming.**

Ms. Kalajainen asked about the former police station and Mr. Peck said under this amendment it would not be able to be torn down. Ms. Kalajainen said she can't support this, that all they're doing is protecting dilapidated buildings.

**Mr. Donovan seconded the motion.**

**Motion failed, 3-0-3.**

**Yay: Mr. Peck, Mr. Manning and Mr. Donovan**

**Nay: Mr. Walker, Ms. Thurlow and Ms. Kalajainen**

**6. Approval of Minutes of July 11, 2019.**

**MOTION (3)**

**Mr. Donovan moved to approve both the Regular and Public Hearing Meeting Minutes of July 11th, 2019 with two corrections:**

- 1. Page 8, after Motion (3), "Donovan" should be stricken from the sentence.**
- 2. Page 9, under Zoning Board Liaison it reads "Mr." Thurlow and it should read Ms.**

**Mr. Thurlow seconded the motion.**  
**Motion carried, 6-0-0.**

**Old Business-**

1. Subcommittee-Site Plan Requirements/Architectural Regulations  
As discussed during the CB Zone conversation, they will continue to work on this.

**New Business-**

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

2. Zoning Official  
Mr. Mulholland said he had nothing to report.

3. Comments from Ex-Officio  
Ms. Hardy left after the public hearings.

4. Comments from Zoning Board Liaison to Planning Commission  
Mr. Donovan will attend the next meeting.

5. . Comments from Chairman  
Mr. Walker said he has nothing to report.

**Adjournment**

**MOTION (4)**

**Mr. Manning moved to adjourn the Zoning Commission Meeting at  
10:45 p.m.**

**Ms. Kalajainen seconded the motion.**

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

Respectfully Submitted,

Brooke Stevens  
Recording Secretary

PATTAGANSETT LAKE



LEGEND

- ⊕ DEEP TEST HOLE
- ⊙ PERCOLATION TEST
- IRON PIN RECOVERED
- ◻ MERESTONE RECOVERED
- ▭ EXISTING CONTOUR
- ▭ [300] PROPOSED CONTOUR
- B — BUILDING LINE
- W — WATER LINE
- U — UTILITIES (PHONE, ELEC., CABLE TV, ETC.)
- D — FOUNDATION DRAIN
- GD — GUTTER DRAIN
- ⊕ UTILITY POLE
- F.F.F. FINISH FIRST FLOOR
- F.B.F. FINISH BASEMENT FLOOR
- G.F. FINISH GARAGE FLOOR
- 65x5 EXISTING SPOT GRADE
- 65.9 PROPOSED SPOT GRADE

- NOTES:
- 1) WAIVER REQUESTED FOR 25' BUFFER AS PER SECTION 24-6 E3.
  - 2) WAIVER REQUESTED FOR BUFFER BETWEEN 285 AND 283 BOSTON POST ROAD.
  - 3) WAIVER REQUESTED FOR A PORTION OF THE BUFFER BETWEEN 285 & 289 BOSTON POST ROAD.
  - 4) WAIVER REQUESTED FOR BUFFER ON THE REAR PROPERTY LINE.

ZONING COMPLIANCE CHART

ZONE = CA	REQUIRED	EXISTING PROVIDED	PROPOSED PROVIDED
MINIMUM LOT SIZE	21,900 S.F.	36,119± S.F.	36,119± S.F.
MINIMUM FRONTAGE	80 FT.	142.13 FT.	142.13 FT.
MINIMUM FRONT YARD	20 FT.	5.3 FT.	170.23 FT.
MINIMUM SIDE YARD	12 FT.	2.3 FT.	12.3 FT.
MINIMUM REAR YARD	12 FT.	21.64 FT.	33 FT.
MAXIMUM BUILDING COVERAGE	35 %	9.9 %	19.5%
MAXIMUM BUILDING HEIGHT	35 FT.	20± FT.	31 ± FT.
PARKING SPOTS	15 SPOTS	7 EXISTING	18 TOTAL

PARKING CALCULATION:  
 BUILDING #1 = 1728 S.F. OFFICE SPACE @ 1 SPACE/250S.F.=6.9 SPOTS  
 BUILDING #2 = 2 BEDROOM APT. AND 1 BEDROOM APT.=4 SPOTS  
 NEW ELDERLY HOUSING=4 UNITS 1 SPACE/UNIT=4  
 TOTAL PARKING REQUIRED=15 SPOTS

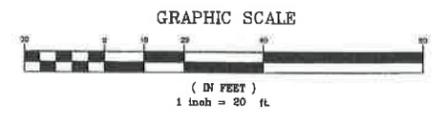
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NO.	DATE	DESCRIPTION	BY
4	6/1/19	SEPTIC SYSTEM REVISED	ROP
3	3/4/19	ZONING COMPLIANCE TABLE ADDED FOR NEW BLDG	ROP
2	1/22/19	DRAINAGE SYSTEM REVISED	ROP
1	12/28/18	REVISED AS PER VICTOR BENNI 12/17/18 LETTER	ROP

DRAWN BY: RDP REVISIONS DATE: October 10, 2018

**J. ROBERT PFANNER & ASSOCIATES, P.C.**  
 CIVIL ENGINEERS & LAND SURVEYORS

37 GRAND STREET NIANTIC, CONNECTICUT 06357  
 TEL. 860-739-6216 FAX 860-739-0693



TITLE: **SITE PLAN**  
 Prepared For **JASON D. PAZZAGLIA**  
 LOCATION: 285 Boston Post Road - East Lyme CT 06333

SHEET NUMBER **3** OF **7**  
 15002-SP-18.dwg



7/24/2019 11:07:13 AM

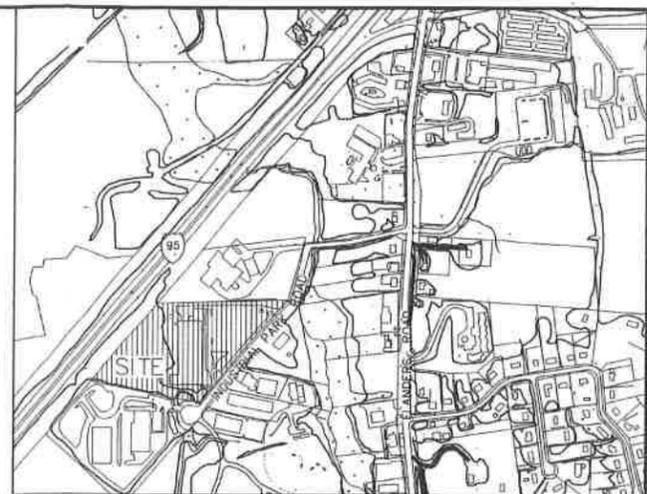
Scale: 1"=94'

Scale is approximate

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.



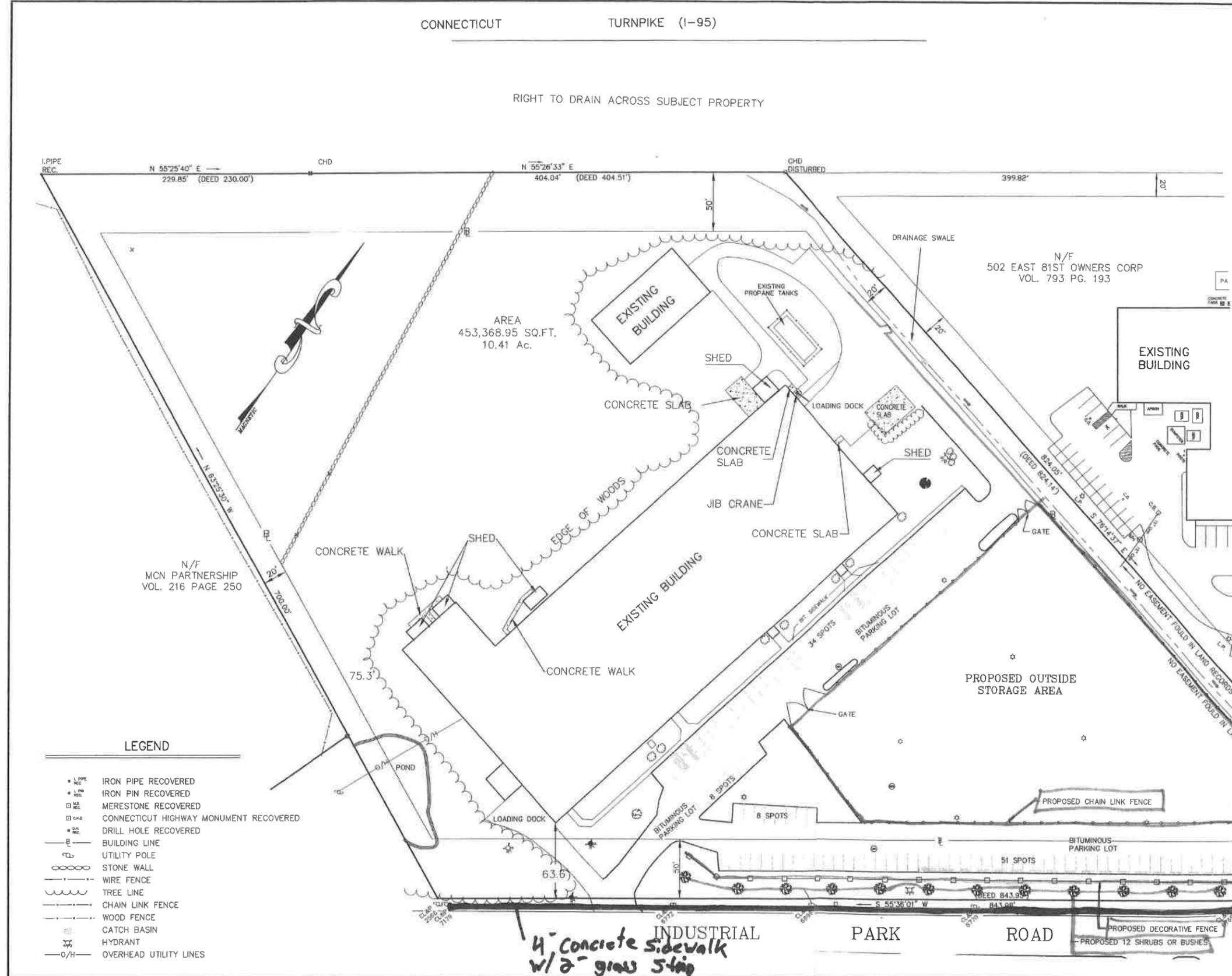
RIGHT TO DRAIN ACROSS SUBJECT PROPERTY



LOCATION MAP  
SCALE 1"=500'

NOTES:

1. THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300B-1 THROUGH 20-300B-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996. IT IS A BOUNDARY SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2 AND IS INTENDED TO SHOW THE PROPERTY BOUNDARY AND BUILDINGS.
2. A. THIS PROPERTY IS SUBJECT TO RIGHT GRANTED TO THE STATE OF CONNECTICUT FOR THE DISCHARGE WATER OVER THIS LOT AS PER VOLUME 72 PAGE 340.  
B. RIGHTS TO SLOPE TO TOWN OF EAST LYME RECORDED IN VOLUME 120 PAGE 337.  
C. RELINQUISHMENT OF ACCESS RIGHT TO ROUTE #1 AND GRANT OF RIGHT TO DRAIN TO THE STATE OF CONNECTICUT TO DISCHARGE SURFACE WATER AS PER VOLUME 48 PAGE 411.
3. THE PARCEL SHOWN DOES NOT LIE WITHIN FLOOD HAZARD AREAS IN ACCORDANCE WITH MAP ENTITLED: "FLOOD INSURANCE RATE MAP NEW LONDON COUNTY PANEL 477 OF 554 MAP NUMBER 090110477J REVISED AUGUST 5, 2013
4. THIS PARCEL OF LAND IS REFERENCED IN A DEED FROM OZONE INDUSTRIES, INC TO HTD AEROSPACE INC. RECORDED IN VOLUME 566 PAGE 257.
5. MAP REFERENCES:  
A. PROPERTY OF TOWN OF EAST LYME BETWEEN PATTAGANSETT RIVER AND CONN. TPK EAST LYME, CONN. ENGINEERING LANDSCAPE COLLABORATE SHEET 1 OF 2 SCALE 1" = 100' DATED 5-22-88  
B. LAND OF TRI-COUNTY DISTRIBUTORS EAST LYME, CONN. DATED 5-16-88 SCALE 1" = 40' BY FREDERIC A. RADCLIFF  
C. PROPERTY SUBJECT TO RIGHT OF TOWN OF EAST LYME TO SLOPE ALONG SOUTHEASTERLY LINE TO CONFORM TO THE TYPICAL ROAD CROSS SECTION FOR PURPOSES OF THE RECONSTRUCTION OF ROADWAY.  
D. BOUNDARY SURVEY 29 INDUSTRIAL PARK ROAD EAST LYME, CONN. SCALE 1" = 40' DATED DECEMBER 13, 1994 BY J. ROBERT PFANNER & ASSOCIATES P.C.  
E. TOWN OF EAST LYME PLAN SHOWING LAND & RIGHTS OF ACCESS TO BE ACQUIRED FROM HERMAN W. SMITH & FRANK A. HARRIS BY THE STATE OF CONNECTICUT RELOCATION OF US ROUTE NO. 1 SCALE 1"=40' DATED NOVEMBER 1947 BY G. ALBERT HILL COMMISSIONER



LEGEND

- I.P.P.E. IRON PIPE RECOVERED
- I.P.C. IRON PIN RECOVERED
- M.E. MERESTONE RECOVERED
- C.H.D. CONNECTICUT HIGHWAY MONUMENT RECOVERED
- D.H. DRILL HOLE RECOVERED
- B.L. BUILDING LINE
- U.P. UTILITY POLE
- S.W. STONE WALL
- W.F. WIRE FENCE
- T.L. TREE LINE
- C.L.F. CHAIN LINK FENCE
- W.F. WOOD FENCE
- C.B. CATCH BASIN
- H. HYDRANT
- O/H OVERHEAD UTILITY LINES

*4" Concrete Sidewalk w/ 2" grass strip*

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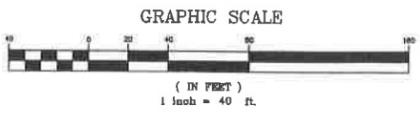
DRAWN BY: RDP		DATE: FEBRUARY 10, 2019	
NO.	DATE	DESCRIPTION	BY

**J. ROBERT PFANNER & ASSOCIATES, P.C.**  
**CIVIL ENGINEERS & LAND SURVEYORS**

37 GRAND STREET NIANITIC, CONNECTICUT 06357  
 TEL. 860-739-6216 FAX 860-739-0693

J. ROBERT PFANNER, CONNECTICUT PE, LS No. 9442

THIS SURVEY CONFORMS TO A CLASS A-2 SURVEY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS SUBSTANTIALLY CORRECT AS NOTED HEREON (SEE NOTE 1).



TITLE:  
**IMPROVEMENT LOCATION SURVEY**  
 PREPARED FOR  
**ABC SUPPLY CO., INC.**  
 LOCATION: 29 INDUSTRIAL PARK RD - NIANITIC, CONNECTICUT

SHEET NUMBER  
**1**  
 OF  
**1**  
 18005-3.DWG

# Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357



Town Engineer  
Victor A. Benni, P.E.

860-691-4112  
FAX 860-739-6930

To: William Mulholland, Zoning Official  
From: Victor Benni, P.E., Town Engineer   
Date: July 17, 2019  
Re: 29 Industrial Park Road - ABC Supply Company  
Special Permit Staff Review

Information submitted by the Applicant which was considered in this review:

- Property Survey, Prepared for HTD Aerospace Inc, 29 Industrial Park Rd, Niantic, Connecticut, Sheet:  
1 of 1, Date: March 5, 2018, by: J. Robert Pfanner & Associates, P.C.

This office has reviewed the above referenced information and has the following comments:

1. A written Stormwater Management & Pollution Prevention Plan should be developed; naming the people responsible for carrying out the provisions of the Plan. An example of a Plan that was developed as part of a nearby site development has been included as an Enclosure.
2. The southeastern catch basin and pipe network, running adjacent to the front property line, should be video inspected to determine the structural integrity of the system. There are sinkholes developing in the pavement, next to both of the existing catch basins.
3. As a Best Management Practice (BMP), the two above referenced catch basins should be retrofitted with hoods to trap trash, floatables, oil, and grease.
4. The outlet point of the above referenced catch basin network should include an appropriately sized Energy Dissipator (Riprap Splash Pad).
5. Clean leaves, sand, trash, and debris from the entire length of the existing drainage swale, running adjacent to the northeastern side property line. Cut grass and vegetation in the swale and replant bare spots with New England Erosion Control/Restoration Mix for Moist Sites, or approved equal. Install temporary haybale check dams, at 50' to 100' intervals, along the length of the swale; until seed mix stabilizes.
6. Repair and replace the bituminous curb running along the entire length of the existing drainage swale.
7. Replace the existing paved leakoffs along the above referenced curb line. A site walk by this Engineer identified at least four paved leakoffs that need to be replaced in entirety. Install an appropriately sized riprap splash pad at the downslope edge of each paved leakoff.
8. Locate the existing catch basin northeast of the existing building. The catch basin is located in the existing drainage swale. The pipe network leading into and out of the existing catch basin should also be located on the survey; including the source and terminating points of the pipe network. Verify if roof runoff contributes to the catch basin/pipe network.
9. The southwestern most driveway access to the property appears to have unevenly settled in relation to the existing edge of road elevations along Industrial Park Road. Ponding and icing at this location could be of concern. Provide verification of positive surface drainage away from the access drive.
10. Provide verification as to whether or not chemicals will be stored on-site. If so, provide a list of the types and amounts of chemicals that may be stored on-site, including the storage and transfer areas.
11. The Applicant should verify if there are any floor drains, sumps, slop sinks and other wastewater sources in the existing building; including their discharge points.

*Connecticut's Aquifer Protection Area Program, Municipal Manual (Manual), by CT DEEP, suggests guidelines for Best Management Practices (BMP's) and/or procedural changes in order to mitigate potential risks to the aquifer. The Manual indicates that stormwater discharge, including overland flow, swales, open channels, basins, roofs and parking lots, should discharge to the land surface.*

Enclosure

## STORMWATER MANAGEMENT & POLLUTION PREVENTION PLAN

1. POLLUTION PREVENTION TEAM:  
THE OWNERS WILL BE RESPONSIBLE FOR CARRYING OUT THE PROVISIONS OF THIS PLAN.
2. SWEEPING:  
PARKING LOTS, SIDEWALKS AND OTHER IMPERVIOUS SURFACES SHALL BE SWEEPED CLEAN OF SAND AND LITTER AND ANY OTHER POLLUTANTS AT LEAST TWICE PER YEAR.
  - A. BETWEEN NOVEMBER 15 AND DECEMBER 15 (AFTER LEAF FALL).
  - B. DURING APRIL (AFTER SNOW MELT)
3. OUTSIDE STORAGE:  
ACCESSORIES OR EQUIPMENT STORED OUTSIDE SHALL BE COVERED OR MAINTAINED TO MINIMIZE POSSIBILITY OF THESE MATERIALS OR THEIR RESIDUE PASSING TO STORM WATER.
4. WASHING:  
NO WASHING OF VEHICLES, ACCESSORIES, EQUIPMENT OR APPLIANCES IN PARKING AREAS.
5. MAINTENANCE AND INSPECTION:
  - A. MONTHLY INSPECTION OF STORM WATER STRUCTURES AND OUTFALLS.
  - B. CLEAN SEDIMENT AND DEBRIS FROM STRUCTURES AT LEAST ONCE PER YEAR DURING APRIL.
  - C. REMOVE SEDIMENT AND DEBRIS FROM WATER QUALITY, RETENTION, DETENTION BASINS AND RAIN GARDENS WHEN SEDIMENT ACCUMULATION REACHES  $\frac{1}{2}$  OF THE THE STORAGE VOLUME OF THE BASIN OR GARDEN.
  - D. RETENTION BASIN: MOW/BRUSH HOG BOTTOM ONCE PER YEAR ON SEPTEMBER.
  - E. RAIN GARDENS: MOW BOTTOM 2-3 TIMES PER YEARS, AS NEEDED.  
REMOVE SEDIMENT AND LEAF LITTER TWICE YEARLY
    - a. BETWEEN NOVEMBER 15 AND DECEMBER 15 (AFTER LEAF FALL)
    - b. DURING APRIL (AFTER SNOW MELT)
6. SPILLS OR ACCIDENTAL DISCHARGES:  
COMPLY WITH STATE AND FEDERAL REGULATIONS TO CONTAIN AND CLEAN UP ANY SPILL OR DISCHARGE AND DISPOSE OF MATERIALS AT AN APPROVED FACILITY.

CONTACT CONNECTICUT DEEP OIL AND CHEMICAL SPILL RESPONSE DIVISION (860) 424-3338

THE FOLLOWING STEPS SHOULD BE PERFORMED AS SOON AS POSSIBLE:

- A. STOP THE SOURCE OF THE SPILL
- B. CONTAIN THE SPILL
- C. COVER SPILL WITH ABSORBENT MATERIAL SUCH AS KITTY LITER, SAWDUST OR OIL ABSORBENT PADS. DO NOT USE STRAW.
- D. DISPOSE OF ABSORBER IN ACCORDANCE WITH LOCAL AND STATE REGULATIONS.

## SECTION 9

### CB COMMERCIAL DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - To represent the central business district of the Town, characterized by intensive commercial and related development. The purpose of this district is to concentrate the main commercial enterprises of the town.

9.1 PERMITTED USES - The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

9.1.0 Single Family Dwelling

9.1.1 Two-family dwelling

9.1.2 Retail sales stores less than 20,000 square feet gross area

9.1.3 Business or professional offices

9.1.4 Standard restaurant, bakery, confectionery store, cafeteria.

9.1.5 Hotel

9.1.6 Personal service shops

9.1.7 Business service establishments

9.1.8 Inn, Bed and Breakfast

9.1.9 Wholesale commercial uses, cold storage lockers, in-building storage

9.1.10 Gasoline service station, public lot or garage, automobile sales agency

9.1.11 Private educational uses under 2000 square feet in gross floor area

9.1.12 All related accessory uses customarily incidental to the above permitted uses.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

9.2 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.

9.2.1 Private club

9.2.2 Commercial recreation, indoor theatre

9.2.3 Mixed Use Development - Mixed Use Dwelling Units - Dwelling units, limited to mixed use situations in which dwelling units are contained within a building dedicated principally to a permitted commercial, non-residential use. A portion of the jointly used building committed to dwelling units shall not exceed 50 percent of the improved floor area. Sub-grade floor area is not to be considered in this calculation.

9.2.4 Fast food restaurant

9.2.5 Small Animal Veterinary Clinics

9.2.6 Parking Lots

Proposed C- Zoning District Mixed Use Text Amendment  
Section 9 and Section 25.5

9.2.7 Additions to Assisted Living Facilities existing as the effective date of this provision, subject to the following:

- A. No such addition shall increase gross floor area by more than twenty-five (25%) percent or extend to additional land not part of the facility as of the effective date of this provision.
- B. The facility after any such addition shall comply with the standards outlined in Section 25.5.

9.2.8 Private Educational Uses 2000 square feet and over in gross floor area

9.2.9 Retail 20,000 square feet and over gross square footage.

9.2.10 Taproom Brewery.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

9.3 DIMENSIONAL REQUIREMENTS

9.3.1 LOT SIZE - All lots used for commercial purposes shall have a minimum of 10,000 square feet of area. Lots used for mixed use shall have a minimum of 7,500 square feet plus 1,200 square feet for each efficiency or one bedroom living unit and 2,000 square feet for each two-bedroom living unit. Lots used for two-family dwellings shall have a minimum of 20,000 square feet. All lots used for residential purposes shall have a minimum of 10,000 square feet of area. No Building shall exceed 5,000 square feet.

9.3.2 FRONTAGE - Each lot shall have frontage of not less than 80 feet.

9.3.3 SETBACK - No building or structure shall be placed not less than six (6) feet or more than twenty (20) feet from the street line or less than ten (10) feet from other property lines if not built on the property line in accordance with Section 20.18. The front setback area shall be used for landscape purposes.

An increase in the twenty-foot (20') front setback may be permitted when granted a Special Permit by the Zoning Commission if the following standards are met:

- A. The location of the building will not significantly impair views from, or the availability of light and air to, abutting properties.
- B. The location of the building shall not adversely affect surrounding properties.
- C. On site traffic patterns and parking design will not adversely affect other onsite issues.

9.3.4 COVERAGE - The total area covered by all buildings and structures on a lot shall not exceed 40 percent of the lot area.

9.3.5 HEIGHT - No building or structure shall exceed thirty feet (30') in height.

9.3.6 OFF-STREET PARKING AND LOADING SPACE - Off-street parking and loading space shall be provided in accordance with the provision of Section 22 of these regulations.

Mixed Use  
Development

CB Zone

1. The purpose of this Regulation is to encourage development of Niantic Village, create an attractive environment, and provide an incentive for commercial development in the context of a mixed use.
2. Submission Requirements:
  - A. Site Plan as provided in Section 24.
  - ~~B. Traffic Study for developments exceeding 15,000 sq ft gross floor area.~~
  - C. Architectural plans including building, elevations, floor plans, and exterior materials. All such plans shall be prepared by a licensed architect. Such design shall reflect New England Village Character and shall be an enhancement to neighboring buildings. Architectural consideration shall be a significant element of the commission decision.
  - D. Those items as shall be required in Section 25 or Section 24.
  - E. Such additional items as may be required by the Commission to fully evaluate the proposal.
3. Controls:
  - A. Minimum lot size: 7,500 sq ft.
  - B. Residential Density: In addition to the minimum lot size, the following additional lot area shall be required for the residential portion of the Development.  
1,200 sq ft for each efficiency or one bedroom  
2,000 sq ft for each two bedroom
  - ~~C. Parking: See Section 22. Notwithstanding Section 9.3.6, parking shall be provided based upon the greater of the calculation for the commercial portion of the premises, or the residential calculation as~~

~~provided in Section 22.1.3 plus 50% of that for the use requiring the lesser calculation. Required parking may be provided at ground level under a portion of the building provided that the first floor thereof along the street line shall contain commercial use(s). The Commission may require all or portions of covered parking to be enclosed.~~

- ~~D.~~ Building height: **See Section 9.** ~~In order to encourage attractive roof line designs, except for the south side of Main Street, the Commission may approve a building height not to exceed 40'; provided however, no such building shall exceed three (3) stories. The Commission may consider the goal of this regulation in determining whether to grant such additional height.~~
- E. Minimum floor area:
  - Efficiency: 500 sq ft
  - One bedroom: 650 sq ft
  - Two bedroom: 850 sq ft
- F. Municipal Sewer and Water must be provided.
- G. No individual building shall exceed ~~30,000~~ 5,000 sq ft. gross floor area. ~~Covered parking, whether or not enclosed, shall not be included in "gross floor area".~~
- H. The ground floor commercial use must occupy no less than ~~30%~~ 50% of the footprint of any building, including elevated portions.

## Mark Nickerson

---

**From:** Dan Walsh [DANOWALSH@msn.com]  
**Sent:** Thursday, August 01, 2019 1:26 PM  
**To:** Mark Nickerson  
**Cc:** Teri Smith; Susan Kumro; Rita Rivera  
**Subject:** Re: Nominate an Outstanding Professional for CRPA's Awards & Scholarship Program

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Thanks mark  
I am out of town in California  
That said I agree with you. It sounds far too limiting as we look to improve and attract visitors to our Main Street  
Pls feel free to offer this as my thoughts if it would be helpful.  
Thanks  
Dan

Sent from my iPhone

On Aug 1, 2019, at 9:57 AM, Mark Nickerson <[MNickerson@eltownhall.com](mailto:MNickerson@eltownhall.com)> wrote:

Tonight the zoning commission's proposal to limit all buildings in our CB zone to 5,000 sqft will go to public hearing. If this were to pass, most buildings in our downtown would be non-compliant (and therefore struggle to be redeveloped/upgraded). It would jeopardize the police building redevelopment, Main St grill and future plans for the movie theater/Dousis building, and Lionheart block. It is far too limiting. I am strongly opposed to it.  
I cannot speak for your organization but have heard from many business/property owners that they are opposed.

I expect there to be some additional negative comments made at the public hearing. Feel free to join me...or send a letter to be read into the record.

Mark C. Nickerson  
First Selectman  
Town of East Lyme, CT

860-691-4110

---

**From:** Teri Smith [<mailto:jsmith5@snet.net>]  
**Sent:** Wednesday, March 21, 2018 8:28 AM  
**To:** [cdkruse@gmail.com](mailto:cdkruse@gmail.com)  
**Cc:** Niantic Main St; Dan Walsh; Susan Kumro; Rita Rivera; Carol Faye; Dana Chapel; John Schweizer; Jim Capodiece; Rosemary Vann; Madeleine Makiaris; Mark Nickerson  
**Subject:** Re: Nominate an Outstanding Professional for CRPA's Awards & Scholarship Program

Exactly why I sent the info out ☐

Sent from my iPhone

On Mar 20, 2018, at 10:42 PM, [cdkruse@gmail.com](mailto:cdkruse@gmail.com) wrote:

Interesting award possibility. Any thoughts about submitting Dave Putnam?  
Best, Carol

On Mar 21, 2018, at 3:10 AM, Teri Smith <[jsmith5@snet.net](mailto:jsmith5@snet.net)> wrote:

Teri Smith  
Smith's Acres LLC  
4 West Main Street  
Niantic, CT 06357  
[www.smithsacres.com](http://www.smithsacres.com)  
860-691-0528

On Monday, March 19, 2018 9:31 AM, "Connecticut Recreation & Parks Association, Inc." <[info@crpa.com](mailto:info@crpa.com)> wrote:

Connecticut Recreation & Parks Association, Inc.

# 2018 Award & Scholarship Nominations



## Award & Scholarship Links

[Awards Website](#)

[Award & Scholarship  
Nomination Packet](#)

## Award Categories

### Nominate Someone Today!

CRPA is now accepting nominations for the 2018 Awards & Scholarship Program.

This is your chance to recognize individuals who have made **outstanding contributions** to the parks and recreation profession!

Please take the time to participate in this worthwhile program and **submit a nomination** for consideration.

### About the Awards:

CRPA's Awards Program provides an opportunity

**Mark Nickerson**

---

**From:** Smith's Acres [terismith179@gmail.com]  
**Sent:** Thursday, August 01, 2019 2:02 PM  
**To:** Mark Nickerson  
**Subject:** Proposal for Downtown

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

I am a business & property owner on Main Street, as well as serving on the Niantic Main Street Board of Directors for several years.

In my opinion, this regulation would thwart the redevelopment of several properties in our downtown area. If owners cannot renovate, or change the usage of existing building, because the building there would be no reason for property owners to invest in their buildings. We have several properties in our downtown area that would become noncompliant with the passage of this regulation. I feel that this proposal is much to rigid and would offer nothing to enhance our downtown area, and would become a financial burden to the property owners in town, at a time when businesses are struggling.

Perhaps a regulation for no NEW construction, over the 5,000 sq ft rule might be acceptable - I am not sure. Need to ponder that a bit more. But I am totally in disagreement with the proposed regulation as it stands now.

--

Teri Smith  
Smith's Acres LLC  
4 West Main Street  
Niantic, CT 06357  
[www.smithsacres.com](http://www.smithsacres.com)