

**East Lyme Zoning Commission
March 18th, 2021
Regular Meeting & Public Hearing Minutes**

Meeting Link:

<https://us02web.zoom.us/j/89853718191?pwd=VytJYUM1K3diRE5aVWp0UmRwRm5NZz09>

Members Present:

Matthew Walker, Chairman
Norm Peck
Terence Donovan, Secretary
Bill Dwyer
Anne Thurlow
Denise Markovitz, Alternate
George McPherson, Alternate (sat as a Regular Member)

Also Present:

Bill Mulholland, Zoning Official
Jennifer Lindo, Zoom Moderator
Rose Ann Hardy, Ex-Officio

Absent:

Kimberly Kalajainen
James Liska, Alternate

FILED

Mar 24 2021 AT 9:00 AM/PM
Karen Thelin

EAST LYME TOWN CLERK

Present for Applications:

Ken Biega
Chris Gagnon
Bob Rizzo
Ed Barry

The Regular Meeting of the East Lyme Zoning Commission was held on Thursday, March 18th, 2021, at 7:30 p.m., via Zoom; this teleconference was recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to be held over teleconference.

I. Roll Call and Call to Order

Mr. Walker called the meeting of the Zoning Commission to order at 7:32 p.m., took roll call, and sat Mr. McPherson as a regular member for the evening.

II. Public Delegations

Time set aside for the public to address the Commission on subject matters not on the Agenda.

Ms. Lindo asked the members of the public in attendance if anyone wished to speak and there were no comments..

III. Public Hearings

- 1. Application of Kenneth Biega, O&G Industries, Agent, Ryder Truck Rental Inc., Owner; for a Special Permit for a change of use from an existing truck facility to a mason contractor supply yard and store, at 10 Colton Road, East Lyme, Connecticut.**

Mr. Donovan read the list of exhibits into the record:

- Exhibit A. Application, Elevation and Plan -submitted 2/12/2021.
- Exhibit B. Earth Products Showcase O&G Industries, Inc -submitted 2/11/2021.
- Exhibit C. Stormwater Management Report O&G Earth Products -submitted 2/11/2021
- Exhibit D. Legal Ad Town Clerk & The Day -submitted 2/19/2021
- Exhibit E. Engineering Comments of February 22, 2021 -submitted 2/22/2021
- Exhibit F. Water and Sewer Comments of March 1, 2021 -submitted 3/1/2021
- Exhibit G. Proof of Sign Posting -submitted 3/8/2021
- Exhibit H. Revised Plan Set dated March 11, 2021 -submitted 3/11/2021
- Exhibit I. Lighting Plan dated March 11, 2021 -submitted 3/11/2021
- Exhibit J. BL Company Response to V Benni Comments dated March 11 2021-submitted 3/11/2021
- Exhibit K. ~~Stormwater Report~~ of March 11-2021 -submitted 3/11/2021
- Exhibit L. Engineering Comments of March 15, 2021 -submitted 3/15/2021
- Exhibit M. Wetlands Agent Review of March 16 2021 -submitted 3/16/2021
- Exhibit N. Grading, Drainage and Utilities Plan dated February 11, 2021 updated through March 16, 2021 -submitted 3/16/2021
- Exhibit O. Lighting Plan dated February 11, 2021 updated through March 16, 2021 -submitted 3/16/2021
- Exhibit P. BL Companies Response to V Benni Comments of March 15 2021 -submitted 3/16/2021
- Exhibit Q. Stormwater Management Report dated March 16 2021 -submitted 3/16/2021

Mr. Biega of O&G Industries came forward and said they're not looking for the Commission to take action tonight, as they're still waiting on the final wetlands approval.

Mr. Biega showed renderings of the building and shared some of the following:

- This project concerns the masonry department of O&G Industries and the property is 10 Colton Road.
- They're going to make changes to the exterior of the building but the size of the warehouse will remain the same size as it is now.

- The building will have a stone veneer and 6x6 windows; present will be more of that New England look with a cupola on top.
- Soft lighting will illuminate the sign.
- The building will have a contracting store as well as a showroom.
- The showroom gives the customer the opportunity to see their products on display.
- The intent is for contractors to assist their customers in product selection.
- Stone walling and fencing displays will be outside, in front of the building.
- 18 inch bins to store loose material and stone will be outside in the back of the building, but will be designed so they're not seen from I-95 and it's not an exorbitant volume.

Chris Gagnon P.E. of BL Companies in Meridan, Connecticut, walked the Commission through the proposed site plan for the building. He shared some of the following:

- They're proposing to pave out the southeastern portion of the site- this is where the bins and material storage will be located.
- The patio display will complement nicely with the stone facade improvements Mr. Biega spoke of.
- They're not proposing to do anything to the footprint of the building merely to improve the appearance.
- The store is designed for contractors so it's not a customer generator like a True Value Hardware, and the parking reflects this and is in compliance with the regulations.
- This is more of a warehouse showcase with a small retail area.
- Currently there is no storm water management for the existing building and the system they're proposing truly is an improvement.
- They're going to collect the runoff from all of the paved areas and direct it to two separators which go underground to an infiltration retention system.
- With this system they meet the required water quality and quantity per the regulations and are actually providing more in regards to the water quality volume.
- They've been working with Mr. Benni, the Town Engineer throughout this process.

Mr. Gagnon briefly discussed the lighting and landscape plans for the project.

Mr. Biega said they're seeking a sidewalk waiver for along the road since there currently is no sidewalk for the existing building; if the Commission determines that it's needed they would be looking to sidewalk-like pavers in that area.

Mr. Mulholland asked the Applicant to review the buffering along the perimeter of the property, north, east, and west. Mr. Gagnon shared the following:

- Along the eastern side of the site they'll be maintaining the existing vegetation for 10 feet.
- Along the frontage they felt it was appropriate to provide the street trees given the amount of frontage they have.
- This meets the requirement of the regulation.
- They're not proposing any changes with respect to any clearing or anything of that nature.

- They're maintaining the existing conditions around the western side of East Society and the northern side of the site.
- The outside showcase will be a real improvement to what's there now.
- They're maintaining the 10 foot vegetative buffer along the eastern side of the site.
- They're not proposing any changes along the western side of the site.

Mr. Biega added that they plan to take down the yellow guardrail along the front of I-95.

Mr. Walker noted the site is currently unoccupied and Mr. Mulholland and Mr. Donovan said it has been empty for several years.

Mr. Donovan asked about the bins and Mr. Rizzo said the building blocks are 18 inches high, 3 feet wide, and 3 feet long; similar to the Town garage across the street. Mr. Rizzo added that they sell high end tile, interior and exterior, and their focused market is the residential construction process.

Mr. Donovan asked if there will be any onsite fuel storage and Mr. Rizzo said their company has a large fleet of rolling equipment but is unsure whether they will bring propane forklifts or diesel to this location; they would obviously need to go through the fire department if diesel is brought there. He added they're a family owned business and take pride in the appearance of their facilities.

Mr. Gagnon briefly discussed the permanent maintenance plan required by Mr. Benni.

Mr. Donovan asked about the sidewalk waiver and discussed how that entire road would now be sidewalked had they not previously granted waivers. Mr. Biega replied that they have no problem installing a sidewalk and Mr. Mulholland clarified that the sidewalk would have to be built to Town standard; concrete in material and they will have to see the engineering department.

Mr. Walker observed that this looks to be a minor redevelopment of an existing site in regards to overall impact. He said it's a beautiful looking building and a huge improvement.

Ms. Thurlow said she's happy about the trees along Colton Road and thinks the project will be a huge improvement. She added that she personally doesn't see the need for sidewalks and Mr. Dwyer concurred.

Mr. Mcpherson said he's in agreement with Mr. Donovan in regards to the sidewalk and asked Mr. Mulholland about the development planned for behind the site. Mr. Mulholland said that development will have internal sidewalks which will lead pedestrians from the interior of that development to the southern end of Capitol Drive.

Mr. Walker said technically these properties don't connect and Mr. Donovan said if we keep saying no to sidewalks, we will never have them.

Ms. Hardy said she agrees with Mr. Donovan in regards to the sidewalks which she briefly discussed.

Mr. Peck said one of the issues the Commission had with the JAG Capitol Drive Development was that it's an industrial zone which will attract large trucks and is potentially dangerous. He said now they're going to provide sidewalks and he doesn't care either way, but wanted to make that point. Mr. Walker agreed that they're inviting foot traffic in a potentially dangerous area and Mr. Peck added that if they require this they will have to require it of everyone else, in order to accommodate something we were opposed to in the first place.

Mr. Donovan discussed sidewalk waivers in areas such as Industrial Road.

Mr. Walker said we have to be fair and consistent while keeping in mind that each site is different. He added that in the case of Industrial Road you have the schools on one side and Stop & Shop Supermarket on the other; it's a very different area than the Colton Road area but Mr. Donovan's larger point is well taken.

Mr. Walker said he personally doesn't see the need for sidewalks at this location or anywhere on Colton Road but acknowledges the goal of interconnectivity as expressed in the Plan of Conservation and Development. He said in this particular case he agrees with Mr. Peck that no sidewalk is needed.

There was no further Public Comment.

Mr. Mulholland said there is a need to go before Inland Wetlands given their new rules and that this is a redevelopment, and he spoke with the Wetlands Agent who believes this can be handled administratively however, we cannot make a decision until such time as the Inland Wetlands Agent signs off on it. He added that in his opinion, we can close the Public Hearing.

Ms. Hardy said after Mr. Peck made his remarks she thought about safety with walkers and in rethinking it, perhaps we don't want to encourage walking there.

Mr. Donovan said he understands their point, he's just not a fan of granting sidewalk waivers and Mr. Walker responded that looking back, perhaps the Commission granted too many in the past.

Mr. Gagnon asked if closing the Public Hearing will still allow them to include the wetlands approval if they receive it, as part of the file. Mr. Mulholland said it can be accepted at a regular meeting; it's outside of our purview and we just have to be informed that it has been acted upon. He said in addition, it will come in as a staff report which they're allowed to do at a regular meeting.

MOTION (1)
Mr. McPherson moved to close the Public Hearing.

Ms. Thurlow seconded the motion.
Motion carried, 6-0-0.

IV. Regular Meeting

- 1. Application of Kenneth Biega, O&G Industries, Agent, Ryder Truck Rental Inc., Owner; for a Special Permit for a change of use from an existing truck facility to a mason contractor supply yard and store, at 10 Colton Road, East Lyme, Connecticut.**

This item has been tabled until the next meeting.

2. Approval of Minutes

- a. March 4th, 2021

MOTION (2)

Mr. Donovan moved to approve the meeting minutes of March 4th, 2021 as presented.

Mr. Dwyer seconded the motion.

Motion carried, 5-0-1.

Mr. Walker abstained from the vote due to his absence from the March 4th, 2021 meeting.

V. Old Business

There was none.

VI. New Business

- 1. Application of Eugen Emini for Black Point Pizza, for a renewal of Special Permit for Outdoor Dining at 44 Black Point Road, Niantic.**
- 2. Application of Edwardo Martone, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.**
- 3. Application of Petrit Marku, for il Pomo d'Oro, for a Special Permit for Outdoor Dining at 117 Boston Post Road, East Lyme.**
- 4. Application of Scott O'Reilly, Owner, East Lyme Café, LLC dba Smokey O'Grady's, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 306 Flanders Road, Niantic.**
- 5. Application of Niantic Morton House, LLC, for renewal of a Special Permit for Outdoor Dining at property identified in the application as 215 Main Street, Niantic.**
- 6. Application of Harry and Trifonas Loginiidis d/b/a Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 233 Main Street, Niantic.**

7. Application of Leo Roche, for Strive LLC, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 247-2 Main Street, Niantic.
8. Application of Teddy Ignatiadis for Main Street Grille, for a renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic.
9. 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.
10. Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic.
11. Application of Kostas Anastasiou, for Niantic Diner, for a renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.
12. 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.
13. Application of Steve Carpenteri for Niantic Bay Inn, Inc, (aka Lyme Tavern), for renewal of a Special Permit for Outdoor Dining at 229 W Main Street, Niantic.

Mr. Walker asked Mr. Mulholland to schedule these items for April 8th, 2021. Mr. Donovan said several are improperly labeled and Mr. Walker asked for those items to be corrected.

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

Mr. McPherson said several years ago the Town was given money in lieu of sidewalks and suggested that we put in our zoning regulations that we get like for like, not dollars. Mr. Mulholland said the Zoning Board didn't do that, it was another administrative entity.

15. Zoning Official

Mr. Mulholland said they're still busy but he thinks it will slow down for a bit and noted the Town Hall will unlock its doors tomorrow.

Mr. Peck asked for an update regarding the trees in front of Stop & Shop Supermarket and Mr. Mulholland said he's monitoring the trees in back but didn't notice the dead tree in front Mr. Peck mentioned. He said he will take a look and will ask the Town Attorney to send a letter. Mr. Walker observed the fencing is also falling apart there as well.

Mr. Peck asked if Mr. Mulholland asked about the State of Connecticut hearings- how the State wants to take a lot of the powers away from local zoning boards. Mr. Mulholland said there are a couple different movements going and one of the organizations is called

Desegregate Connecticut and there is some other legislation that is being discussed. He said under the affordable housing statutes they would take more power and along duplexes as well as triplexes to land anywhere in the town, on any property, and at any time without our input. Mr. Mulholland said it's become a political issue and he has spoken to State Representative, Holly Cheeseman about it. He said it has the potential to affect whether adversely or not, every small town in the State.

The Commission briefly discussed matching the language of ordinances and zoning regulations where relevant.

16. Comments from Ex-Officio

Ms. Hardy said in regards to legislation being discussed there is a lot of discussion about equity and equality, and they are two very different issues with two very different meanings but are used interchangeably.

She also discussed another piece of legislation that would require certain properties which exceed \$500,000 to pay an extra tax to the State; the State would redistribute these funds as they see fit, to other communities.

Ms. Hardy said she thinks the time has come not to speak out individually but each Commission as a whole when in agreement. She said they have a special Board of Selectmen meeting next week and she has asked that our State Representative and State Senator come forward to speak on these bills in particular, as well as any other bills they think might be of concern to us. She noted public hearings have already begun on several of these items but she doesn't believe any of them have been closed yet.

17. Comments from Zoning board liaison to Planning Commission

- a. Kalajainen - March 9th, 2021
- b. Peck- April 13th, 2021

Mr. Walker reminded Mr. Peck he is scheduled to attend April 13th, 2021 meeting and said we will have to ask Ms. Kalajainen for her report at the next meeting. The Commission discussed including alternates for Planning meetings attendee assignments like they used to. Mr. Walker said we will have to add the alternates to the rotation.

1. 18. Comments from Chairman

Mr. Walker said Happy St. Patrick's Day to everyone, He said he wanted to give a special thanks now to Ms. Lindo for facilitating these meetings in case virtual meetings come to an end in the near future. Mr. Walker said he misses live meetings with actual people in person and is hoping for some normalcy.

Adjournment

MOTION (3)

Mr. McPherson moved to adjourn the March 18th, 2021 Zoning Commission meeting at 9:04 p.m.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

Respectfully Submitted, Brooke Stevens, Recording Secretary