

Town of

P.O. Drawer 519
Zoning Department

August 17, 2020

Kirk Scott, Chairman
East Lyme Planning Commission
Town of East Lyme
PO Box 519
Niantic, CT 06357



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

RE: Referral/Text Amendment Proposal

Dear Mr. Scott,

I am writing to refer the following application for your review and comment in accordance with Section 8-3 a (a), (b) of chapter 124 of the Connecticut General Statutes.

1. Application of Todd Sakowski for a text amendment to the East Lyme Zoning Regulations Section 20.28 and 25.3.3 to allow Taproom Brewery Service in CB Zones by way of a Special Permit.

The Zoning Commission has scheduled a public hearing for **May 20, 2021**. Please forward any comments for inclusion into the public hearing record. If you have any questions please do not hesitate to contact the Zoning Commission staff person, Mr. Mulholland.

Sincerely,

Terence Donovan
Secretary, East Lyme Zoning Commission

TD/jl

Town of East Lyme

PO Box 519
Niantic, CT 06357
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Fax: (860) 691-0351

Zone TA Permit # _____

Date Entered into ZTA Log _____

APPLICATION FOR ZONING REGULATION TEXT AMENDMENT

Date of Application: 3/22/2021

Applicant's Name: Todd Saksowski

Applicant's Address: 374A Main Street, Niantic, CT 06357 Telephone: 860-384-1849

Text Amendment of Section #: 20.28 25.3.3

DESCRIPTION OF TEXT AMENDMENT OF ZONING REGULATIONS REQUESTED *{must comply all other applicable Zoning Regulations of the Town of East Lyme}*:

Amendment to allow Taproom Breweries to provide outdoor service by way of special permit.

Signature of Applicant: Todd Saksowski

Below this line for Office Use Only:

Attach a copy of what is being changed, omitted or added to the Zoning Regulations.

AMENDMENT PROPOSAL ATTACHED YES NO

PERMIT FEE: TEXT AMENDMENT \$300.00

STATE FEE: \$60.00

CHECK #: 974

TOTAL DUE: \$ 360.00

At its meeting on the _____ day of _____, _____, the East Lyme Zoning Commission voted and accepted the above referenced Text Amendment to the Town of East Lyme Zoning Regulations.

Dated: _____

Matthew Walker, Chairman
East Lyme Zoning Commission

20.28 Taproom Brewery Outdoor Service in CB Zones

The purpose of this section is to promote and regulate Outdoor Service. Outdoor service shall be permitted subject to a Special Permit (see section 25 "Special Permits") and to compliance with Section 20.28 and approval by the Zoning Official.

A taproom brewery, may, as an accessory use, provide outdoor service subject to the following standard:

- A. Applicant shall submit a site plan to the Zoning Official for administrative review and the Zoning Commission for Special Permit Applications.
- B. The area subject to such service shall not exceed one thousand square feet (1000sqft.). It shall be located on a deck, patio, or a grass area immediately adjacent to the restaurant. Existing outdoor service areas shall be included in the total outdoor service square footage calculation.
- C. Outdoor service shall be used in conjunction with, and shall be under the same management and exclusive control of the taproom brewery located on the same property.
- D. Outdoor service shall be designed as an integral element of the taproom brewery. The outdoor service area shall be architecturally separated from public spaces by a wall, fence, or plantings of significant size.
- E. The taproom brewery operator shall provide adequate facilities for refuse disposal.
- F. Fermented beverages may be served in approved outdoor service areas provided that food is available during the hours such premises are open. The availability of food from outside vendors and/or restaurants located on or near the premises shall be deemed compliance with such requirement. Such beverages may not be served to patrons who are not seated.
- G. The Zoning Commission may designate closing times for outdoor service areas. The commission may permit entertainment and shall limit such entertainment including hours and operation. Outdoor public address system and outdoor speakers may be permitted during designated hours as approved by the Zoning Commission.
- H. Any outdoor lighting shall be of low intensity.
- I. The area devoted to outdoor service shall not be included in the calculation for parking pursuant to Section 22, nor included in the calculation for lot coverage pursuant to Section 9.3.4. The Zoning Board/Zoning Official shall consider the availability of shared and public parking when deciding on an application.
- J. Notwithstanding Section 9.3.4 the Zoning Commission may waive the setback requirements for outdoor service areas. (See Section 20.25 L 1). A waiver of setbacks for establishments where alcohol is not served may be granted as an administrative action and shall not require a special permit or public hearing. (See Section 20.25 L 2) K. Advertising or promotional signage shall not be permitted in outdoor service areas, including advertisements on umbrellas.

L. Outdoor service areas shall not be enclosed either by permanent or temporary structures, tents or buildings. It may be established under a covered porch area which is an integral part of the building in which a restaurant operates.

Permitting Process

The special permit for establishments which serve alcoholic beverages under this section shall be valid for one year from the date of approval and may be renewed for a period not to exceed one (1) year subject to an approval of a special permit.

Amend section 25.3.3 as follows – changes highlighted in yellow.

25.3.3 Procedures: The Commission shall hold a public hearing on the application in accordance with the Connecticut General Statutes.

25.3.3-1 Public Notice - In addition to notice of hearing by publication, public notice of application for special permit shall be made as follows:

Posting of Sign - At least 15 days prior to any public hearing on a special permit, the applicant shall post a sign on the premises indicating that such action is proposed. The sign shall be of durable material 4' by 4' in size and shall be firmly set at least three feet above ground surface and located so as to be clearly visible and legible from the most heavily used adjacent Town road or two lane state highway. When in the opinion of the Commission or its designee, there is not sufficient land area to post the sign, a 2' by 2' sign may be posted in a window which is clearly visible and legible from the most heavily used adjacent Town road or two lane state highway. The sign shall contain the following, in black block lettering not less than 3 inches in height for a road sign and 2 inches in height for a window sign on a white background: The sign shall be removed within 10 days of completion of Public Hearing.

Notwithstanding the above section, applicants for annual special permit renewals for restaurant outdoor dining facilities in CA or CB Zones where alcohol is served and Taproom Breweries in CB zones shall not be required to post an on premises public notice advertising sign.