

TOWN OF EAST LYME
ZONING COMMISSION
September 16th, 2021
PUBLIC & REGULAR MEETING MINUTES

FILED

Members Present:
Kimberly Kalajainen
Norm Peck
Terence Donovan
Bill Dwyer
Anne Thurlow
James Liska, Alternate (Sat as a Regular Member for item #1)
Denise Markovitz, Alternate (Sat as a Regular Member for item #2)

Sept 24, 2021 AT 4 AM (PM)
Brenda Hansen ATC
EAST LYME TOWN CLERK

Absent:
Matthew Walker, Chairman
George McPherson, Alternate

Also Present:
Bill Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio

Acting Chairman Donovan called the Zoning Commission meeting to order at 7:30 p.m.

Pledge of Allegiance
Mr. Donovan led the Pledge.

Mr. Donovan sat Mr. Liska as a Regular Member for item #1.

Public Delegations

1. Lindsey Rush of 15 Grassy Hill Road made some of the following remarks:
 - She has general questions at this time not pertaining to anything on the agenda.
 - If a parcel of land over 10 acres is being split into smaller lots for sale, is she correct in understanding that those changes would come before the zoning committee, appear on meeting agendas, and be noticed to abutting neighbors.

Mr. Mulholland explained that it would be a subdivision which would go before the Planning Commission as well as the Inland Wetlands Agency for review. He recommended seeking out Gary Goeschel the Town Planner and Inland Wetlands Officer, for guidance.

Ms. Rush asked if outstanding deficiencies with one specific town agency impact progress with another agency, and gave the example of non permitted work that would go before the Inland Review Agency impact progress for a particular parcel of land before the Zoning Commission.

Mr. Mulholland explained that when the Zoning Commission has an application that involves wetlands they will not make a decision until they receive a report from the Wetlands Commission; if there's wetlands on the site, the property owner is obligated to go before the Wetlands Commission to determine if the activity might have some kind of adverse impact and to obtain a permit if needed.

Ms. Rush commented that this concerns someone who did work and should have had a wetlands permit, and just submitted the application for one.

Mr. Mulholland explained that would not be the purview of the Zoning Commission and that it therefore would not impact a zoning change for that same parcel of land. He said that Mr. Goeschel would be a great resource for her.

Public Hearing

1. Application of Harvest Christian Fellowship of Niantic, Inc., for a Special Permit for a church/religious institution on the subject property. Said parcel is located at N Bride Brook Rd, East Lyme Assessor's Map 24.0, Lot 76.

Mr. Donovan noted the Public Hearing was left open for the purpose of inquiries from this Commission, and there will be no additional public testimony.

Ms. Thurlow read Jason Erban's letter dated September 9th, 2021 into the record.

Mr. Donovan read an email from Frank Ellsworth, the Town's Deputy Fire Marshal, dated September 15 2021 into the record.

Joe Wren of Indigo Land Design in Old Saybrook, CT, came forward representing the Applicant and noted the Fire Marshal's email was in response to their updated plans which were submitted to Town Staff yesterday. Mr. Wren said some of the following:

- They did minor changes on this plan.
- A fire apparatus hammerhead turnaround located in the north corner of the property. was about 120 feet long and 15 feet wide, and per your request, the fire marshal reviewed those dimensions and generated that email response.
- The other site related matter that he mentioned was the location of a hydrant that was more than 100 feet off the road; It is now a little bit more than 50 feet off the road.
- After speaking with him and discussing weather conditions, abilities, trying to find it quickly and so forth, they agreed that the move made a lot of sense.
- They have relocated that hydrant up to the island directly across from the front door, per his recommendation.
- There will be a fire alarm.
- There were some emails between the fire marshal's office and the project architect, and they are choosing to do compartmentalization of the building; no compartment of the building will be able to have a capacity of more than 300, which would be the requirement for sprinklers, so there will be no sprinklers in the building.

- They made a couple other very minor changes in response to what they heard at the last meeting.
- In the south corner along the property line they've had several large arborvitae posed in that area.
- The same quantity and configuration is proposed, but they've added a 2 ft high berm.
- This will elevate that landscaping, and if there's any notion of drainage making it from this site to that property in that area, it now physically cannot because the ground is 2 ft. higher.
- Drainage would have to either divert to the north or the south.
- It's designed so that any overflow would overflow that last little small basin, and go towards the road where there are catch basins.
- They also have an email from Gary Goeschel, the Town Planner and Wetlands Officer dated September 16th, 2021 which they submitted into the record.
- Mr. Goeschel reviewed the plan modifications and noted that the proposed hammerhead doesn't significantly change the plan, and is well within the scope of the inland wetlands permit, as previously issued for this process.
- The latest plan is dated September 15th, 2021 which they submitted this evening as an exhibit.
- He noted for the record that they have Ledge Light Health approval, which they received on March 11 2021.
- They have the Fire Marshal comments and the Inland Wetlands approval and permit, which is dated February, 9 2021.
- They also have a few reviews that were done by the previous Town Engineer who did a detailed review of the stormwater analysis.
- He had no open concerns or comments to improve the drainage.

Mr. Wren said he wanted to make sure that all of these items are part of the record.

MOTION (1)

Ms. Kalajainen moved to close the Public Hearing of Harvest Christian Fellowship of Niantic, Inc., for a Special Permit for a church/religious institution on the subject property, at 7:45 p.m.

Ms. Thurlow seconded the motion.

Motion carried, 6-0-0.

The Commission took a 10 minute break while the next team set up for their public hearing.

The Commission reconvened at 7:56 p.m.

- 2. Application of Noble Energy Real Estate Holdings, LLC, Applicant, for a Special Permit to construct a Fast-Food restaurant with drive thru, a Coastal**

Area Management Site Plan and a Gasoline Service Station at 51 Boston Post Road, East Lyme Assessor's Map 36.0 Lot 61.

Mr. Donovan noted the legal ad has been run for this item.

Mr. Liska returned to the audience and the Commission sat Ms. Markovitz for this item.

Ms. Thurlow read Mr. Mulholland's memorandum dated September 16th, 2021 into the record.

Bill Sweeney of Tobin Carberry (TCORS) in New London came forward to represent the Applicant. He explained that Noble Energy has a pending purchase contract on property located along I-95, and located at 51 Boston Post Road here in East Lyme. Mr. Sweeney introduced Mike Frisbie, the owner of Noble Energy, and James Bernardino of CMG Engineering, who's the project civil engineer, and Scott Hesketh of Hesketh & Associates, who is their project Traffic Engineer.

Mr. Sweeney made some of the comments:

- This site is a fairly well known site here in the community.
- It is owned by Herb Chambers Incorporated, and it is located squarely in their CA commercial district.
- This site was previously developed along the highway on the outskirts of town, as an abandoned and blighted commercial property, literally for decades.
- The project is for an industry standard Travel Center development.
- These types of projects and this type of configuration are commonplace throughout Connecticut and the rest of the country.
- Gasoline stations with retail are permitted in their CA zone, subject to site plan approval and pursuant to section 8.1.6, but the fast food restaurant, and the drive thru facility require special permit approval.
- This plan is consistent and harmonious with the I-95 interstate.
- They have requested formal waivers of sidewalks for the project along Boston Post Road, due to safety reasons, considering properties located directly next to the on ramps for i 95, and the lack of sidewalks in general in the area.
- They've also requested a waiver of the side yard landscape buffers, due to existing encroachments including the neighbor's driveway, and an access way that exists along the eastern property line for the Riverhead cemetery, which is also next door to the property.
- A coastal area site plan review is required for the project, despite the fact that this property has no waterfront whatsoever.
- The project was required to obtain an inland wetland approval from the Town's Wetland Agency, due to the proximity of Latimer Brook, which is actually 300 feet south of the property, across Boston Post Road and beyond another property.
- The Riverhead Cemetery Association has had access across this property, and they've met with the attorney for the Association and they've made an agreement

with them to maintain their access going forward, and provide a new recordable easement for them to address some deficiencies in the easement they have over the project property.

- Mr Frisbie has also agreed to donate and install a new gate for the cemetery, given that the previous one was stolen.

Mr. Frisbie came forward and reviewed the architectural plans and the floor plans for the new Travel Center building and made some of the following remarks:

- His office is located at 131 Main Street in Hartford.
- He's a Connecticut resident and Noble Energy is a family owned business and they have six locations in Connecticut.
- They worked closely with Mr. Mulholland to come up with the current rendition of the site.
- It's a New England style building with cultured stone.
- There are two main entrances and it's an 8,000 square foot building.
- It's finished all the way around, including the back of the building.
- They have larger sidewalks than typical so people can get in and walk comfortably alongside and not worry about the cars in front.
- The design of the building has a great deal of glass which allows the employees a view of everything going on in front of them.
- The ceramic tile and the granite countertops is a nicer material than you would normally see in this type of building.
- There's a main entrance way into the normal market, and another entranceway into the food court.
- They'll offer coffee and breakfast, and they'll have a grinder shop.
- They'll have an open seating area, which will entice their customers to come in and actually want to sit down and enjoy the food offerings as opposed to the standard convenience store, where they want to get in, get you off property.
- They'll have an ice cream shop, which would be able to have some seating at the bench at the windows but they will also have an outdoor patio.
- The grinder shop will be a Nardellis which offers a higher end product than a Subway would offer.

Mr Bernardino walked the Commission through their engineered site plan, the location of the various buildings and other improvements, and discussed the internal traffic circulation on the site. He offered some of the following comments:

- The proposed site will be accessed by two curb cuts, one will be a full movement curb cut which aligns with the existing driveway, as it currently stands today on the site.
- There will be a full access curb egress access coming into the site which will be restricted to normal SUVs and pedestrian passenger vehicle cars.
- The larger tractor trailers will access the secondary driveway further to the east of the site.
- This will also serve the existing cemetery.

- This access will be signed for tractor trailer trucks use so there won't be any confusion as to where tractor trailer trucks will be.
- They want to make sure they can separate larger vehicles from the passenger vehicles as well.
- The anticipated site circulation will be an entrance only for the tractor trailer vehicles around the back of the site that will be separated completely from the passenger vehicles.
- They have curbing barriers between the circulation of the tractor trailers and the passenger vehicles all the way around, so there will be no intermingle of the vehicles.
- The same driveway access will service the cemetery in the rear from this location.
- They propose two parking spots in case a tractor trailer truck wants to come in and get a cup of coffee.
- No overnight parking will be permitted.
- They will ensure they have the appropriate turning radius around the proposed driveway to accommodate the tractor trailers.
- The truck circulation will be around the perimeter of the outside of the site, and there'll be a small retaining wall as well as a curving in the lines, so there will be no cross connection with pedestrians.

Mr. Donovan asked where they come back out and Mr. Bernardino explained they'll come out the same exit and they will have controlled stop signs and things of that nature, and the visibility is relatively open, so they don't anticipate any type of conflict, as far as internal site circulation; they will have the ability to circle the building for the drive thru window will be located on the side, and they have a bypass lane, so there's ability to escape, and drive around the site and not have to wait in the line.

Mr. Bernardino described their stormwater management plan:

- Currently there is a large impervious area and water flows uncontrolled out to the roadway.
- They're proposing to collect that and infiltrate it within two different systems- a large underground infiltration system and a conventional open air detention basin, collecting all the runoff with deep catch basins and water quality units.
- They will have underground infiltration chambers that are fitted with what they call isolator rows, which provide an additional level of treatment of infiltration.
- They will be collecting and infiltrating everything from the 25 year storm.
- There's about a 70% average of stormwater runoff from the site and they're knocking it down to 30%.
- There's no sewers available in the area so they've coordinated with Ledge Light Health District who are reviewing their application.
- They're going to have on site underground propane tanks

Mr. Bernardino briefly reviewed their lighting plan which he said adheres to the regulations, and he noted they also worked with staff to make sure they got the right light levels. He

said they've also developed a comprehensive landscaping plan that was part of the application package, as well as a comprehensive erosion sediment and erosion control set of plans.

Mr. Bernardino also briefly discussed how there's going to be two underground storage tanks, one will service the passenger vehicle, and they will have a separate underground diesel tank that will service the high speed diesel for the tractor trailer trucks. He noted they will be installing a state of the art underground fuel storage system.

Ms. Kalajainen said she thinks it's great that they're looking to diversify the entrance of vehicles separating autos from tractor trailers, but she's very concerned that they didn't create a separate exit, and that they're trying to funnel both tractor trailers and autos out of the same exit. She asked if there is a reason why when you're wrapping around the tractor trailers, you wouldn't take them out a separate entrance on the south side.

Mr. Bernardino said they looked at potential options of coming further off, but the close proximity to the on ramp was a concern, and topography in this area did not allow for a usable tractor trailer or truck path, it would be too steep, even too steep for a progressive vehicle. He said when you look at topography they have a relatively steep grade but it gets even worse when you get a little further away; they looked at those options and found that with this layout, it did separate them, even though they're combining them at the end, and they do have some controls in open sightlines that allow for safe exiting of the site.

Mr. Sweeney said the traffic circulation will be reviewed by the DOT. He said their initial review by the DOT indicated that they will be subject to an encroachment permit, and although this is not a major traffic generator permit project, both access points need to meet state requirements for the issuance of the encroachment permit.

Mr. Donovan noted how another site in Town impressed him with the technology they used for fuel storage which he detailed. Mr. Sweeney said Mr. Frisbie has indicated to him that he is more than willing to explore any type of technology they can add that's reasonable to provide the level of comfort the Commission wants.

Ms. Kalajainen asked Mr. Donovan if he saw the fuel dispensing system general information on page two; it speaks to all piping into pacer double walled and continuously electronically monitored which constitutes continuous precision.

Ms. Hardy asked what happens if a truck pulls in there, and it's already at capacity and Mr. Bernardino said there's a bypass lane to help alleviate congestion.

Mr. Sweeney pointed out two parking spaces that are signed for 15 minute parking only. He said they do not want long term parking of any tractor trailers and the only reason they actually added those spaces was at the suggestion of Mr Mulholland; there may be a driver wants to use the bathroom facilities or, pick up a sandwich, and he can continue to

move along, but there is no long term parking whatsoever for tractor trailers on the property.

Mr. Peck asked if they looked at the hairpin turn headed southbound on I-95, getting off Exit 75 and coming back to the site.

Scott Hesketh of Hesketh & Associates came forward to briefly discuss his traffic report. He said they did not specifically review turning movements off of the highway ramps, as they are highway ramps designed by the State of Connecticut and he would expect they're capable of accommodating tractor trailer truck traffic and all types of movements now.

The Commission briefly discussed their concerns regarding traffic safety in this area.

Mr. Mulholland asked about coastal resources and Mr. Sweeney said some of the following:

- The property does not have any waterfront, it's not on the water, and it doesn't have any coastal resources whatsoever.
- They're 1,000 feet from tightly influenced waters associated with the Niantic River.
- As they heard earlier, there is currently a large impervious surface and when a drop of water lands on that property it runs, there are no catch basins, and there's no capture of stormwater.
- There's no even attenuation of peak flow, it literally runs off the land like off of a table into Boston Post Road and runs down the gutter line, ultimately, reaching the Niantic River.
- They decided that since they're redeveloping the site, they should completely revamp that system.
- Instead of a drop of water hitting that broken surface and just running out into the road, they can capture that in the catch basin system, put it into underground infiltration, and they have underground stormwater swirl technology units to actually clean that water, as well as a surface detention basin, to take that water allow it to infiltrate back in, and not just simply run off into the road and down to the river.
- What they've implemented here will leave the site better than it is today.
- There's no threat, there's no coastal resources being impacted whatsoever.
- They've minimized the indirect impacts that may be happening to distant coastal resources as well so he thinks they're certainly compliant with the Coastal Management Act.

Mr. Donovan asked why they asked for a sidewalk waiver and Mr. Sweeney explained that they don't want a sidewalk there; it's directly adjacent to the big I-95 North ramp and it would be a sidewalk literally, not just to nowhere, because there's no sidewalks on either side of the street, but that's not a place to encourage any pedestrian traffic. Mr. Sweeney said this is a vehicular driven site and it's strictly driven by passenger vehicles and trucks,

and from a safety standpoint, they don't think they should be encouraging pedestrian traffic that close to the interstate.

Mr. Bernardino briefly discussed their landscape plan and shared some of the following:

- They've incorporated a number of street trees around the perimeter of the property.
- They're going to have some plantings around the sign in front, specifically annuals.
- They will have a comprehensive landscape screening buffer for the detention basin up front.
- They've incorporated a fair amount of plantings along the front to visually buffer the detention basin so when it is inundated with water, which they expect it to be, it won't kill the vegetation.
- They have moisture tolerant plantings around that.
- Because of that, there's a fair amount of different species throughout the site and around the perimeter.

Mr. Mulholland noted that the State requires they put up a fence where they abutt their property. He said no one is a fan of chain link but that is what the State mandates, and they're hoping the black color will help it disappear.

Mr. Bernardino further detailed the private wastewater disposal system.

The Commission further discussed the application.

Mr. Donovan called for Public Comment.

- a. Deb Mosher from Save the River, Save the Hills read a letter into the record (**Exhibit B**) and noted some of the following:
 - They're glad to see that some good use can be made in this property because it's been an eyesore for years.
 - The Niantic River remains on the EPA list of impaired water bodies, and Save the River, Save the Hills has been testing the water and the water quality of the river in conjunction with the sound, in a program called the Unified Water Study.
 - They're finding very high bacterial counts in the Niantic River after heavy rain storm levels, which are much higher than those that would close a beach if it was measured by the State.
 - They're looking forward to hearing how the site can be a showcase on keeping groundwater and the river from being polluted.
- b. Ron Luich of 13 Enid Lane said this is a great idea for a facility. He discussed how the future of cars is electric and that he didn't see any stations for charging.

Mr. Donovan noted they have plans for three charging stations.

- c. Donald Danila of 24 Pattagansett Drive said he's an appointed Member of the Niantic River Watershed Committee and the Conservation of Natural Resources. He said his comments are his alone and would welcome the cleanup and development of this property which has been long abandoned and certainly it's an eyesore.

Mr. Danila was happy to hear a number of positive points made by the applicants with regard to their fuel handling and storage but he begs to disagree with the statement that they do not feel that they will have any impact on waterways, which he discussed. He also discussed his hope that they will have a good program for cleaning their stormwater basins. Mr. Danila also recommended installing a station for pets so that pet waste doesn't become an added concern for water pollution.

- d. Paul Mastroianni of 23 Holmes Road said that due to Covid a lot of people have purchased RV's and he wonders how they will accommodate such vehicles.
- e. Mark Sperry from Save the River, Save the Hills asked if they've heard about the Darker Skies Initiative where cities are turning their lights off, for migrating birds which he detailed.
- f. Elizabeth Kutcha of 154 Pennsylvania Avenue said she is a Member of the East Lyme Cemetery Association and discussed the access. She said the problem is if you look at the entrance to the cemetery people go in there; If they come out, there should be large signage directing them, if not everybody coming out of that cemetery is going to drive headlong right into the semis coming into the access there.

Mr. Sweeney briefly gave a quick rebuttal to the Public Comments and said some of the following:

- They've done their best to do an environmentally sensitive and sensible project.
- They appreciate the fact that the river is an important area in town and truly believe that the design they put together is a drastic improvement over the stormwater situation that's currently on the site.
- Ledge Light Health District is in charge of the septic here and they will be working with them, and can't build their project without their approval because they don't have access to public sewer here.
- They have a 70% reduction in runoff coming off of their site, but that doesn't mean 30% of our runoff goes off into the road.
- They designed their passenger vehicle fueling station so their pumps are farther apart than pumps at other stations, and they have additional turning room and radius and greater aisle widths than your typical national gas stations, to

accommodate those larger sort of box truck or RV size vehicles that are gas powered.

- Almost any modern project now and almost all fixtures are dark sky compliant, as are theirs.
- One of the tenants of their agreement with Ed O'Connell, the Cemetery Association Attorney, is signage that is two ways, so people coming out of the cemetery know that they can't go straight and go down the intake for trucks, but it's also, for when you're coming up so that you know you can't go right into the cemetery.
- Traffic patterns are governed by the DOT.

Mr. Sweeney discussed how the gas station and the convenience store are permitted uses in the CA district and consistent with the Plan of Conservation and Development.

MOTION (2)

Ms. Kalajainen moved to close the Public Hearing of Noble Energy Real Estate Holdings, LLC, Applicant, for a Special Permit to construct a Fast-Food restaurant with drive thru, a Coastal Area Management Site Plan and a Gasoline Service Station at 5L Boston Post Road, East Lyme Assessor's Map 36.0 Lot 61.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

3. Application of Paul Geraghty, Esq., for Duval Partners, LLC, Owner, for a Zone change from SU/SU-E to RU-80, for property located at Holmes Road and Grassy Hill Road, identified in the application as East Lyme Assessor's Map 57.0, Lot 30, Map 55.0, Lot 3-L and Map 52.0, Lot 3.

The Commission took a 10 minute break and reconvened at 9:34 p.m.

Ms. Kalajainen read Mr. Mulholland's memorandum dated September 16th, 2021 into the record.

Ms. Thurlow read the Planning Commission letter dated August 10th, 2021 into the record.

Mr. Donovan read the correspondence from Marcy Balint of DEEP, dated August 25th, 2021 into the record.

Mr. Geraghty came forward representing the Applicant and noted for the record that notice of this public hearing was sent to the abutters 10 days ago. He detailed how a zone change was previously sought to build multi-family housing and a golf course which was never built; the East Lyme Land Trust would now like to change the zone back because they have an agreement with Duval, to acquire 301 acres at a minimum of this property to retain as open space.

Mr. Geraghty said they have an approved grant from the Department of Environmental Protection for funds to purchase the property, but one of the issues they have to address is the previous project was proposed under a special permit which is recorded on the Land Records, and they will not close on the transaction with them, because of the title insurance policy, which requires them to be in first position and not subject to any conditions that might cause them to lose the property or impact the conservation easement on it.

Mr. Geraghty discussed how page 16 of the POCD references this particular property and recommends it remain as open space.

Mr. Donovan called for Public Comment.

- a. Paul Mastroianni of 23 Holmes Road asked if individuals on Upper Walnut were also sent a letter notifying them about this Public Hearing and if there are any other plans for this property.

Mr. Geraghty said they were and that information is generated by the Assessor's records. He said Duval Partners is retaining approximately 25 acres of land and at this point in time they don't have any development plans that he's aware of.

Mr. Mastroianni discussed how narrow the road is on Upper Walnut and how it would be even more problematic if further developed.

The Commission briefly discussed the details of the formally approved special permit for this property.

- b. Lindsay Rush of 15 Grassy Hill Road said she'd like to add on to the previous comment, and said it's her understanding that the previous application didn't go through because of a sewer issue. She was encouraged by the previous mention of caring about the tributaries and the aquifers in the region, and wants to point out that some of the land that they're hoping to reserve along the southern portion of Grassy Hill Road is the confluence of several tributaries.

MOTION (3)

Ms. Thurlow moved to close the Public Hearing of of Paul Geraghty, Esq., for Duval Partners, LLC, Owner, for a Zone change from SU/SU-E to RU-80, for property located at Holmes Road and Grassy Hill Road, identified in the application as East Lyme Assessor's Map 57.0, Lot 30, Map 55.0, Lot 3-L and Map 52.0, Lot 3.

Ms. Kalajainen seconded the motion.

Motion carried, 6-0-0.

Regular Meeting

- 1. Application of Harvest Christian Fellowship of Niantic, Inc., for a Special Permit for a church/religious institution on the subject property. Said parcel is located at N Bride Brook Rd, East Lyme Assessor's Map 24.0, Lot 76.**

Ms. Markovitz returned to the audience and Mr. Liska rejoined the Commission.

Mr. Donovan called for any Commission comments.

Mr. Donovan said his main concern is what will happen to this property if the Church continues to grow. He said that you can't tell someone they can't do something because you don't believe it fits in the neighborhood.

Mr. Peck said he's with the adjustments to the site plan in regards to fire safety concerns and that it complies with all their regulations.

Mr. Liska said he doesn't think a 8,000 sq ft building stabilizes the property values of the homes in that neighborhood, so he can't support the project.

Ms. Thurlow said she has empathy for everyone in the neighborhood that doesn't like the project. She noted the church is set back, there's a lot of open space, and there are a lot of trees. She said instead, the neighborhood could be getting affordable housing or a 200 foot cell tower.

Ms. Thurlow said she encourages the design team to work with the architect to do whatever they can to add charm to the building; she thinks it still looks a little bit like a warehouse with the steeple on top.

Ms. Kalajainen said for the purpose of the record she did not attend the previous meeting but has read through the minutes and materials, and feels confident that she can vote on this. She said she appreciates Mr. Liska's comments but if you look at our Town, particularly here in Niantic, we have multiple churches in town that are very large in comparison to the residential neighborhoods that they are carved out within, and she doesn't believe that they, in any way destabilized the value of the community, or devalued the properties around them.

Mr. Dwyer said he's in favor of the Church and prefers it to anything else that might be put there.

MOTION (4)

Ms. Kalajainen moved to approve the Application of Harvest Christian Fellowship of Niantic, Inc., for a Special Permit for a church/religious institution on the subject

property. Said parcel is located at N Bride Brook Rd, East Lyme Assessor's Map 24.0, Lot 76.

Mr. Dwyer seconded the motion.

Motion carried, 4-1-1.

Nay: Mr. Liska

Mr. Peck Abstained from the vote.

2. **Application of Noble Energy Real Estate Holdings, LLC, Applicant, for a Special Permit to construct a Fast-Food restaurant with drive thru, a Coastal Area Management Site Plan and a Gasoline Service Station at 51 Boston Post Road, East Lyme Assessor's Map 36.0 Lot 61.**

Mr. Liska returned to the audience and Ms. Markovitz rejoined the Commission.

MOTION (5)

Mr. Donovan moved to continue the Public Hearing in order to further review the application materials.

Ms. Markovitz seconded the motion.

Motion failed, 2-4-0.

Yay: Mr. Donovan and Ms. Markovitz.

Nay: Ms. Kalajainen, Ms. Thurlow, Mr. Dwyer and Mr. Peck.

The Commission further discussed the application.

Ms. Kalajainen said they're not the critical path on this and it's the jurisdiction of the DOT. She noted that East Lyme is focused on being business friendly and f on continuing to improve our Town, and she doesn't see how delaying this accomplishes that.

Mr. Peck suggested that Mr. Mulholland assist in regards to the Cemetery access.

Ms. Thurlow said she thinks it's great they have an Applicant who wants to be involved in the community.

Ms. Kalajainen expressed her concern regarding tractor trailers and people who are accessing the cemetery and wondered if they would consider reversing where the tractors come in and out.

Mr. Mulholland detailed how they debated this issue on a Staff level and what they're line of thinking is.

MOTION (6)

Ms. Kalajainen moved to approve the Application of Noble Energy Real Estate Holdings, LLC, Applicant, for a Special Permit to construct a Fast-Food restaurant with drive thru,

and a Gasoline Service Station at 51 Boston Post Road, East Lyme Assessor's Map 36.0 Lot 61.

Mr. Dwyer seconded the motion.

Motion carried, 5-0-1.

Mr. Donovan abstained from the vote.

Motion (7)

Ms. Thurlow moved to approve the Application of Noble Energy Real Estate Holdings, LLC, Applicant, for a Coastal Area Management site plan review for a gasoline service station with a fast food restaurant and drive thru facilities, at 51 Boston Post Road, East Lyme Assessor's Map 36.0 Lot 61, because the application is consistent with all applicants goals and conditions of combat, and the applicant has taken all reasonable measures to mitigate any adverse impact of the proposed activity on both coastal resources and future water dependent uses.

Ms. Kalajainen seconded the motion.

Motion carried, 5-0-1.

Mr. Donovan abstained from the vote.

Mr. Donovan asked that this item be published next Thursday and effective Friday.

3. Application of Paul Geraghty, Esq., for Duval Partners, LLC, Owner, for a Zone change from SU/SU-E to RU-80, for property located at Holmes Road and Grassy Hill Road, identified in the application as East Lyme Assessor's Map 57.0, Lot 30, Map 55.0, Lot 3-L and Map 52.0, Lot 3.

MOTION (8)

Ms. Kalajainen moved to approve the Application of Paul Geraghty, Esq., for Duval Partners, LLC, Owner, for a Zone change from SU/SU-E to RU-80, for property located at Holmes Road and Grassy Hill Road, identified in the application as East Lyme Assessor's Map 57.0, Lot 30, Map 55.0, Lot 3-L and Map 52.0, Lot 3.

Ms. Markovitz seconded the motion.

Motion carried, 5-0-1.

Mr. Dwyer abstained from the vote.

4. Approval of Minutes of September 2nd, 2021.

Ms. Thurlow said she thinks it should be included in the minutes that they discussed signage with the Church and the Church said they're not planning on putting any signage on North Bride Brook Road.

MOTION (9)

Mr. Donovan moved to approve the Meeting Minutes of September 2nd, 2021 as amended.

Ms. Thurlow seconded the motion.

Motion carried, 4-0-2.

Ms. Kalajainen and Ms. Thurlow abstained from the vote.

Old Business-

There was none.

New Business-

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

The Commission discussed with Mr. Mulholland how the next three meetings will be just as busy, and include the Public Hearing for accessory use apartments amongst other things.

Ms. Thurlow said she saw Mr. McPherson and he wanted her to convey for him how great he thinks the Boats Inc. building turned out, and she concurs.

1. Zoning Official

Mr. Mulholland had nothing to report.

2. Comments from Ex-Officio

Mr. Donovan noted Ms. Hardy had to leave before the meeting ended.

3. Comments from Zoning Board Liaison to Planning Commission
 - a. Kalajainen - September 14th, 2021

Ms. Kalajainen said there was one public delegation presentation that was on the Hawthorne property; they want to purchase it and put it into the trust, and they also had a couple of subdivision presentations.

4. Comments from Chairman

Mr. Donovan said Mr. Walker is feeling better.

Adjournment

MOTION (10)

Ms. Kalajainen moved to adjourn the Zoning Commission Meeting at 10:30 p.m.

Ms. Markovitz seconded the motion.

Motion carried, 6-0-0.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

