

EASTLYME ZONING COMMISSION

Oct 26 2021 AT 2:51 AM/PM
 Bill Mulholland
 EAST LYME TOWN CLERK

Regular Meeting, October 21, 2021. 7:30 PM

East Lyme Town Hall, main room

Members Present: Matthew Walker, Chairman, Terence Donovan, Secretary, Norm Peck, Kimberly Kalajainen, Bill Dwyer, Anne Thurlow, James Liska, Alt., Denise Markovitz, Alt.,

Members Absent: George McPherson, Alt.

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

Call to Order: Chairman Walker called the meeting to order at 7:33 and the Pledge of Allegiance was recited

I. **PUBLIC DELEGATION:** none

II. **PUBLIC HEARINGS:**

1. **Continuation of Application of Theodore A. Harris, Esq. for Christopher Manwaring for a text amendment to the East Lyme Zoning Regulations to add to Section 8.2 Landscaping Service Company as a Special Permit in a CA Zone.**

(The Public Hearing started at 7:36)

B. Mulholland stated the legal ad was run. T. Donovan read letters for the record, from the Planning Commission (August 12, 2021), Southeastern Connecticut Council of Governments (September 8, 2021), and DEEP (August 25, 2021)

T. Harris, 351 Main St., East Lyme for the applicant explained they are proposing a zone change requiring a special permit so the Commission will have controls to each application. He described where the CA Zones are in East Lyme as well as permitted uses.

All landscaping materials and equipment will be stored inside.

The building is designed to be a combination office space, meeting room and storage.

Parking will be according to regulations.

T. Harris stated the amendment is consistent with zoning and with the POCD.

B. Mulholland informed the Commission that the special permit would allow for the Commission to put conditions on any application for a landscaping business that came before them.

T. Harris said a condition of approval could be hours of operation.

Discussion of enforcement of the special permit and conditions was held.

Chairman Walker called for Public Comment-there was no public comment

MOTION: (Donovan/Peck) to close the Public Hearing. (7:50) Vote: APPROVED unanimously.

2. **Continuation of Application of Theodore A. Harris, Esq., for Laurie Zrenda, for a text Amendment to the East Lyme Zoning Regulations to add to Section 11.2 Marijuana Dispensary as a special Permit in an LI Zone and to add restrictions to Section 25.5 Table of Minimum Controls for Marijuana Dispensary.**

N. Peck recused himself and J. Liska was seated.

(The Public Hearing started at 7:52)

B. Mulholland stated the legal ad was run.

Letters from the Planning Commission (August 12, 2021), Southeastern Connecticut Council of Governments (September 8, 2021), and DEEP (August 25, 2021) were read into the record.

T. Harris submitted a revised change to the proposed amendment removing, "micro cultivator".

He said the recreational use and sale of cannabis was made legal by the Connecticut State Legislature and involved an elaborate system of compliance from "seed to sale". T. Harris cited some of the provisions of the law and said there is an application process to the State for all aspects of cannabis growing, distribution, growing and sale.

T. Harris said the law allows 50% of the licenses to go to groups that are challenged individuals, (Social equity permits) and 50% of the licenses will be by lottery. He informed the members the application forms are not available at this time.

T. Harris said the proposed amendment is the initial stage to show that it is feasible in the town of East Lyme and possibly move the application up in the lottery.

There are separation distances proposed from various other establishments in town, such as schools, churches, and liquor stores. The proposal is for the LI Zone and due to the proposed separation distance restrictions, the only LI Zone available is the Colton Road Industrial Park. The location provides easy access from I95 which would limit traffic.

The law provides for one retail establishment for a population of 25,000 people in a town.

The Commission had concerns about a housing development within 2000 ft. of the proposed location. T. Harris said the development is somewhat divorced from the proposed retail location. B. Mulholland said there was no pass through from Capital Drive to the proposed location.

T. Harris informed the members that everything at the retail store must happen within the building, there can be no smoking outside the building.

The Commission questioned why the applicant would not include micro cultivator in the proposal to be more flexible.

The town could receive 3% of the gross sales which has been estimated to be from \$600,000-\$1,200,000 in revenue from the proposed retail operation.

There are restrictions to the use of the funds received.

T. Harris listed some of the restrictions on retail sales according to the law:

- There is required reporting for every stage, "seed to sale" and for retail sales, there must be a Point of Sale and the reporting is transmitted to the State, electronically by the minute.
- The product is tracked at every stage from growth to sale.

- The facility must provide separate public space from the rest of the building
- Required training
- Outside lighting
- Video surveillance
- Storage of product in a safe/vault
- Prohibited in restaurants
- The municipality can prohibit use on town owned property

Laurie Zrenda, 40 Mostowy Road responded to the use of cannabis on the proposed location. She described the required security measures that will be taken.

Chairman Walker called for Public Comment-no public comment.

MOTION: (Thurlow/Liska) to close the Public Hearing. (8:30). Vote: APPROVED unanimously

3. Request of the East Lyme Zoning Commission to amend the East Lyme Zoning Regulations, Section 15, Flood Hazard Areas.

N. Peck was reseated

(The Public Hearing started at 8:32)

The legal ad was run.

Letters from the Planning Commission (October 15, 2021) and DEEP (September 27, 2021) were read into the record. It was noted there was no response from Southeastern Connecticut Council of Governments.

B. Mulholland stated the proposed changes are basically housekeeping changes designed to make the regulation clearer, more understandable and easier to apply for everyone. Most of the proposed changes were provided by DEEP.

B. Mulholland informed the members that he contacted DEEP in response to the letter from the Planning Commission citing the POCD and the recommendation of 2 ft of freeboard above the BFE as opposed to the 1ft proposed by the Zoning Commission to the East Lyme Zoning Regulations, Section 15, Flood Hazard Areas.

He relayed that they require 2 ft. of freeboard on state projects and that DEEP may require 2 ft in the future and the town will need to update their regulations to comply at that time.

B. Mulholland informed the members that the cost of flood insurance is going to go up dramatically and FEMA is looking to recoup some of the losses and to minimize the subsidization of flood insurance.

There are some numeration errors that will be fixed.

The changes were reviewed by B. Mulholland. It was recommended to adopt the zoning regulation which would apply to the beach associations.

The Town participates in the CRS program and B. Mulholland is certified, the program provides a 10% reduction to people in a flood zone for insurance.

Chairman Walker called for Public Comment-no public comment.

MOTION: (Kalajainen/Donovan) to close the Public Hearing. (8:52) Vote: APPROVED

unanimously.

(Break, the regular meeting resumed at 8:56)

III. REGULAR MEETING

1. **Application of Theodore A. Harris, Esq. for Christopher Manwaring for a text amendment to the East Lyme Zoning Regulations to add to Section 8.2 landscaping service Company as a Special Permit in a CA Zone.**

The Commission noted that the special permit gives the Commission a lot of control and commended the applicant for applying for the text amendment to conform to the regulations for his business.

MOTION: (Donovan/Peck) to APPROVE the Application of Theodore A. Harris, Esq. for Christopher Manwaring for a text amendment to the East Lyme Zoning Regulations to add to Section 8.2 landscaping service Company as a Special Permit in a CA Zone.

Vote: APPROVED unanimously.

The amendment will be effective on October 22, 2021.

2. **Application of Theodore A. Harris, Esq., for Laurie Zrenda, for a text Amendment to the East Lyme Zoning Regulations to add to Section 11.2 marijuana Dispensary as a special Permit in an LI Zone and to add restrictions to Section 25.5 Table of Minimum Controls for Marijuana Dispensary.**

(N. Peck recused and J. Liska was seated.)

Discussion: the members discussed adding micro cultivator back in the language, adding the word, "licensed" to childcare facilities and reduce the hours from 9:00 AM to 9:00 PM to 9:00AM to 7:00 PM.

L. Zrenda described a micro cultivator.

T. Donovan attended the BOS meeting discussion and the issue the BOS was most concerned about was the cultivation of cannabis as opposed to the retail sale.

The hours of 9:00AM to 7:00 PM. and licensed day care were revised to the text amendment.

MOTION: (Donovan/ Kalajainen) to Approve the Application of Theodore A. Harris, Esq., for Laurie Zrenda, for a text Amendment to the East Lyme Zoning Regulations to add to Section 11.2 Cannabis Establishment and Micro Cultivator as a Special Permit in an LI Zone and to add restrictions to Section 25.5 Table of Minimum Controls for Cannabis Cultivator as presented with the addition of a licensed childcare facility in location restrictions, Section B of 25.5.

Vote: APPROVED unanimously.

The amendment will be effective on October 22, 2021.

3. **Request of the East Lyme Zoning Commission to amend the East Lyme Zoning Regulations, Section 15, Flood Hazard Areas.**

N. Peck is reseated.

MOTION: (Donovan/ Kalajainen) to APPROVE the changes to the East Lyme Zoning Regulations, Section 15, Flood Hazard Areas with the minor numeric corrections. Vote: APPROVED unanimously.

4. Application of ES Goodman, LLC and/or assigns for a Site Plan Review for Mixed Use Development, and property identified in the application as 185 Main Street, Niantic. East Lyme Assessor's Map 12.1 Lot 79.

B. Mulholland, Zoning Official letter (October 21,2021) was read into the record.

B. Mulholland informed the members that the previous site plan has expired and the new one has no changes; he considers this a housekeeping item.

The Commission asked about any new drainage changes.

B. Mulholland and the Town Engineer has reviewed the site plan and drainage, they will look at the plans and it is possible there may be changes in the future.

MOTION: (Thurlow/Donovan) to APPROVE the Application of ES Goodman, LLC and/or assigns for a Site Plan Review for Mixed Use Development, and property identified in the application as 185 Main Street, Niantic. East Lyme Assessor's Map 12.1 Lot 79.

The applicants Eric Goodman and Cody Blake introduced themselves and informed the Commission of their various projects and historic renovations. They will be using local subcontractors and suppliers. It will be a mixed-use building consisting of 10 residential units with a rooftop deck and retail space below.

Vote: APPROVED unanimously

5. Approval of Minutes of October 7, 2021, and Special Meeting of October 14, 2021.

MOTION: (Donovan/Peck) to approve the October 7, 2021, meeting as amended:

Page 3, ¶ 1: ~~Ms. Markovitz~~ **Mr. Dwyer** seconded the motion

Vote: APPROVED. In favor-Donovan, Peck, Dwyer, Thurlow. Opposed-none. Abstaining-Walker, Kalajainen

MOTION: (Donovan/Kalajainen) to approve the October 14, 2021, Special Meeting Minutes as amended:

Page 10, ¶ 8: The Board agreed to continue this item until the ~~November 4th, 2021~~

October 28th, 2021 meeting and decided it would be prudent to meet at 7:00 PM for ~~their October 28th, 2021~~ **that** meeting given the heavy agenda.

Vote: Vote: APPROVED. In favor-Donovan, Peck, Dwyer, Kalajainen, Thurlow. Opposed-none. Abstaining- Walker.

IV. OLD BUSINESS-none

V. NEW BUSINESS

1. Any Business on the floor, if any buy the majority vote of the Commission-none

2. Zoning Official

B. Mulholland informed the Commission that the Building Dept. is inundated with permits, they are very busy.

3. Comments from Ex-Officio-none

4. Comments from Zoning Board liaison to the Planning Commission

A. Thurlow reported the Planning Commission approved a 5-lot subdivision, administrative fix for a lot line adjustment and comment on the Zoning Commission proposed regulation change on the flood zone.

Thurlow-November 9, 2021

Walker-December 14, 2021

5. Comments from Chairman-no report

ADJOURNMENT

MOTION: (Kalajainen/Donovan) to adjourn at 9:40. Vote: APPROVED unanimously

Respectfully Submitted
Sue Spang,
Recording Secretary