

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I  
Thursday, DECEMBER 7th, 2006  
MINUTES**

*L. Blair*  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Harmony Fitness and Day Spa, LLC Public Hearing for a Special Permit (Indoor Recreation) to operate a fitness center at 58 Pennsylvania Avenue, Niantic, Connecticut, on December 7, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:35 PM.

**PRESENT:** Mark Nickerson, Chairman, Marc Salerno, Acting Secretary, Pamela Byrnes, William Dwyer, Alternate, Joe Barry, Alternate, Bob Bulmer, Alternate

**ALSO PRESENT:** Norm Peck  
Thomas Payne, Applicant  
Russell Sergeant, Architect representing the Applicant  
William Mulholland, Zoning Official  
Rose Ann Hardy, Ex-Officio, Board of Selectmen

**ABSENT:** Rosanna Carabelas, Secretary, Ed Gada

**PANEL:** Mark Nickerson, Chairman, Marc Salerno, Pamela Byrnes, William Dwyer, Alternate, Joe Barry, Alternate, Bob Bulmer, Alternate

**Pledge of Allegiance**

The Pledge was observed.

Chairman Nickerson called for a moment of silence for Pearl Harbor Day.

**Public Hearing I**

- 1. Application of Harmony Fitness and Day spa, LLC for a special permit (indoor recreation) to operate a fitness center at 58 Pennsylvania avenue, Niantic, Connecticut 06357.**

Chairman Nickerson noted that Mr. Peck had recused himself for this Public Hearing and was seated in the audience and that he had seated Alternates Joe Barry, Bob Bulmer and William Dwyer at the table for this Public Hearing.

Mr. Nickerson asked that Mr. Salerno be the Acting Secretary this evening.

Mr. Salerno read the following correspondence into the record:

- ◆ Letter dated 12/07/06 to EL Zoning Commission from Wm. Mulholland, Zoning Official – Re: Special Permit – Harmony Fitness & Day Spa LLC, 58 Pennsylvania Ave., Niantic, CT - Proposed Day Spa & Fitness Center in a portion of the space previously occupied by CVS Pharmacy – noting that the spa portion of the business is an outright permitted use and the fitness center portion of the business is classified as 'indoor recreation' and allowed under section 9.2.2 a special permit use. The fitness center will occupy 850 sq. ft. of the total 2500 sq. ft. It was also noted that the Commission previously approved an updated site plan for the property during the CVS CAM review and that this site plan is still compliant. The Spa would require ten parking spaces and the current on-site parking is more than what is required.

Mr. Nickerson noted that the legal ad had run in the New London Day on November 24, 2006 and December 4, 2006. He called for the applicant or their representative to present this application.

Chris Payne, applicant, 44 Cardinal Road, East Lyme said that he and his wife Camellia would be operating the business, which is a personal service business, by appointment only. He said that it would not be a commercial business such as Work Out World. The Spa would have four treatment rooms for massages, facials, body wraps etc. The fitness area consists of 850-sq. ft. and would be used for personal training by appointment only. Staffing would be approximately six people to begin with (including he and his wife, the owner-managers) and as demand would increase, they would be equipped to staff four therapists for the spa and three personal trainers for the fitness sector and two part-time receptionists.

Mr. Nickerson asked how many trainers they would have.

Mr. Payne said that they would have one trainer to one client and that it would be difficult to determine how many they would have over time as the business progresses. Initially he would be the trainer. They could have two trainers and two clients as the business progresses.

Russell Sergeant, place of business, 3 Rowland St., Mystic, CT said that with only 850-sq. ft. for the fitness, personal training end of it that they were not going to be able to get that many people and trainers in the area along with the equipment. He then presented the site plan noting that they were taking about one-third of the overall area of the old CVS building site. He passed out his parking summary and plans for the area of the old CVS building that they would be occupying. (Attached at end of Minutes) He said that the remainder of the old CVS space has not been spoken for. He explained his parking summary and noted that the Post Office would be closed during the times that the Fitness and Day Spa would be the busiest. He also noted that he thought that the Post Officer should perhaps have been required to have more spaces than it has.

Ms. Bymes said that there are more spaces than necessary for the entire area so she does not see parking as the issue.

Mr. Sergeant explained how the floor space would be used, noting the four treatment rooms.

Ms. Bymes asked if the treatment rooms would be used for the facials, pedicures, etc.

Mr. Payne said yes, they would be used for that and also for make-up.

Mr. Bulmer asked about the turnover time regarding the appointments.

Mr. Payne said that some of them are a half-hour although it depends upon the choice of time frames that the customer makes. They could be changing out hourly. He noted that the peak times for the gym use are from 7 – 9 AM and 6 – 8 PM which are times when the Post Office is not open.

Mr. Nickerson entered the site plan board and a photocopy of it into the record as **Exhibit A**.

Mr. Mulholland said that the personal service part of the business is permitted outright and that they would have to make a decision on the parking separately. He noted that much of the space is not being used at all.

Mr. Nickerson said that he calculates that roughly 17 spaces would be needed.

Mr. Mulholland said that they have ten (10) and that they meet the spa portion in the code. The gym would have seven (7) spaces on site, which is required, and they are allocated to the gym according to the formula. There are seven extra spaces for the entire area. They would also be parking in the back of the facility.

Ms. Bymes asked about the lavatory facilities.

Mr. Sergeant said that they have a sink, toilet and a shower.

Mr. Nickerson asked Mr. Mulholland about the showers, as the area is not on the sewer system.

Mr. Mulholland said that was up to Ledge Light.

Mr. Sergeant said that they have had approval from Ledge Light for a few months now on the facilities.

Mr. Bulmer summed up that the personal trainers times and appointments would basically be in the early AM and after work.

Mr. Barry reviewed the hours of operation stating that they have indicated that they would be open until 6 PM, a few days until 8 PM but once fully staffed the personal training would operate during the hours of 7 AM to 9 PM every day. He said that there does not seem to be any division of the hours of operation.

Mr. Payne said that the reason for those hours is that very rarely do people want to come to the spa at 7 AM.

Mr. Barry said that he sees the hours of operation as being open-ended and that he would not want them to stretch to being open to 11 PM.

Mr. Payne said that he could assure them that there would not be any misuse of the hours or facilities as he and his wife would be the owner-managers and they were not looking to work until 11 PM.

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application --

Calvin Cooper, 44 Cardinal Road said that he is the father in-law and that while he may be biased, his son in-law is a professional fitness trainer who is trained to football standards. He said that he could assure them that this would be a first class business establishment.

Mr. Nickerson called for anyone else wishing to speak in favor of this application --

Hearing no one --

Mr. Nickerson called for anyone from the public who wished to speak against this application --

Hearing no one --

Mr. Nickerson called for anyone from the public who wished to speak neutrally regarding this application --

Hearing no one --

Mr. Nickerson asked if there were any other comments --

Hearing none he called for a motion to close this public hearing.

**\*\*MOTION (1)**

**Ms. Byrnes moved that this Public Hearing be closed.**

**Mr. Salerno seconded the motion.**

**Vote: 6 - 0 - 0. Motion passed.**

Mr. Nickerson closed this Public Hearing at 8:17 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary (Pro-Tem)

## Parking Summary Chart

| Description                  | Size      |           | EXISTING BUILDING 1 |           | EXISTING BUILDING 2 |           | PROPOSED PHARMACY |           | Total      |            |
|------------------------------|-----------|-----------|---------------------|-----------|---------------------|-----------|-------------------|-----------|------------|------------|
|                              | Required  | Provided  | Required            | Provided  | Required            | Provided  | Required          | Provided  | Required   | Provided   |
| STANDARD SPACES              | 9' x 18'  | 9' x 18'  | 38                  | 42        | 22                  | 23        | 40                | 55        | 114        | 120        |
| STANDARD ACCESSIBLE SPACES * | 16' X 18' | 15' X 18' | 1                   | 1         | 1                   | 1         | 2                 | 2         | 4          | 4          |
| VAN ACCESSIBLE SPACES        | 16' X 18' | 16' X 18' | 1                   | 1         | 1                   | 1         | 1                 | 1         | 1          | 3          |
| <b>TOTAL SPACES</b>          |           |           | <b>42</b>           | <b>44</b> | <b>24</b>           | <b>25</b> | <b>52</b>         | <b>58</b> | <b>118</b> | <b>127</b> |
| LOADING BAYS **              | 10' X 30' | 10' X 30' | 1                   | 1         | 1                   | 1         | 1                 | 1         | 3          | 3          |

• **ADA/STATE/LOCAL REQUIREMENTS:**

28-50 SPACES REQUIRES 2 ACCESSIBLE SPACES (1 VAN SPACE)  
 51-75 SPACES REQUIRES 3 ACCESSIBLE SPACES (1 VAN SPACE)

\*\* **LOADING BAYS:** RETAIL WITH GFA 5,000-8,000 SF AT LEAST ONE BERTH. ADDITIONAL BERTH AT THE RATE OF ONE BERTH FOR EACH ADDITIONAL 8,000 SF OR THE NEAREST MULTIPLE THEREOF

**Parking Requirements:**

EXISTING BUILDING 1 10,328 SF x 1 SPACE/250 SF = 42

EXISTING BUILDING 2 6,080 SF x 1 SPACE/250 SF = 24

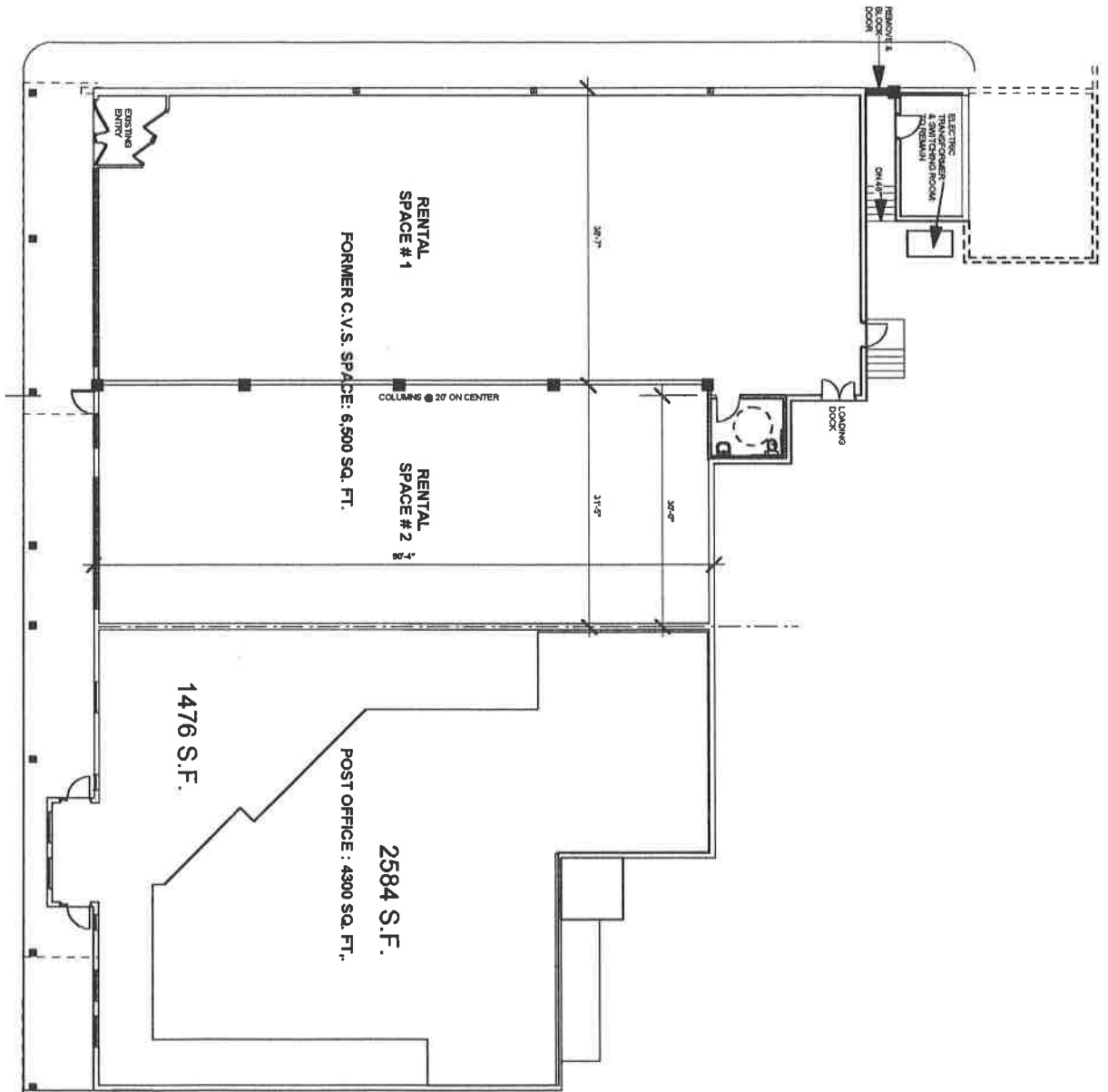
PROPOSED PHARMACY 12,900 SF x 1 SPACE/250 SF = 52

**TOTAL PARKING REQUIRED = 118**

Attachment Zoning Public Hearing 12/7/06 submitted



**FIRST FLOOR PLAN**

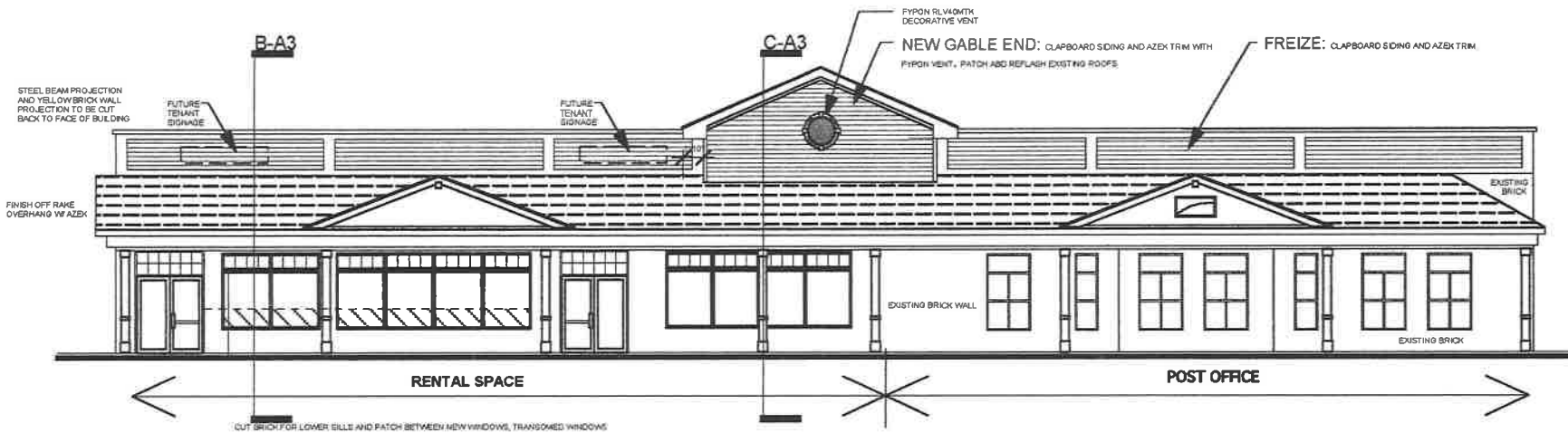


**A1**

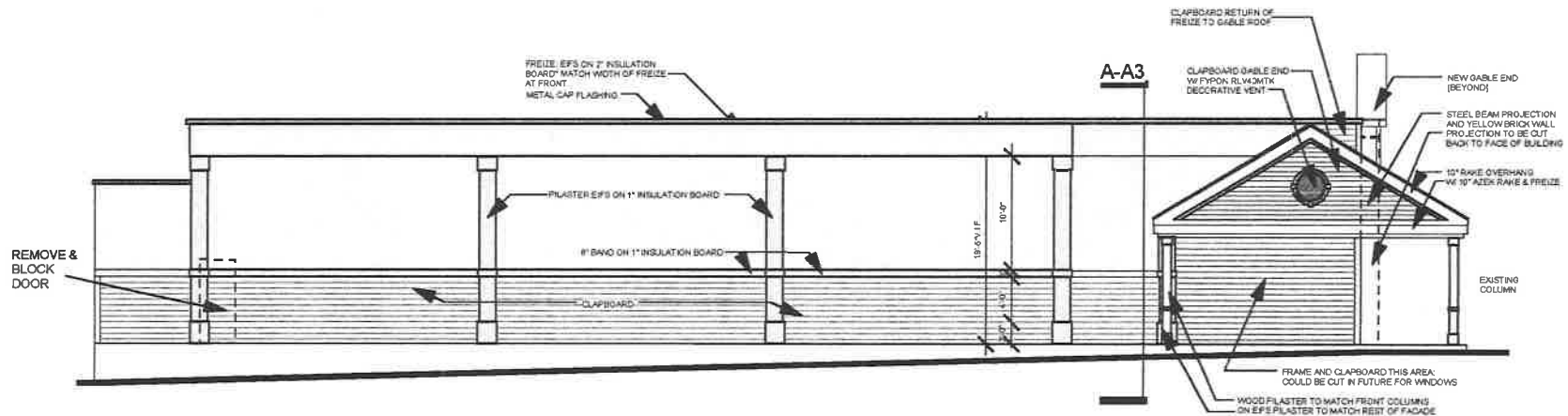
**MODIFICATION OF REAR BUILDING  
HARBOR PLAZA  
PENNSYLVANIA AVE.  
NIANTIC, CT for**

**ZONING COMMISSION MEETING  
DECEMBER 7, 2006**

Russell E. Sergeant, A.I.A.  
ARCHITECT  
3 Rowland St. Mystic CT 06355  
(860) 536-3925



**FRONT [EAST] ELEVATION**



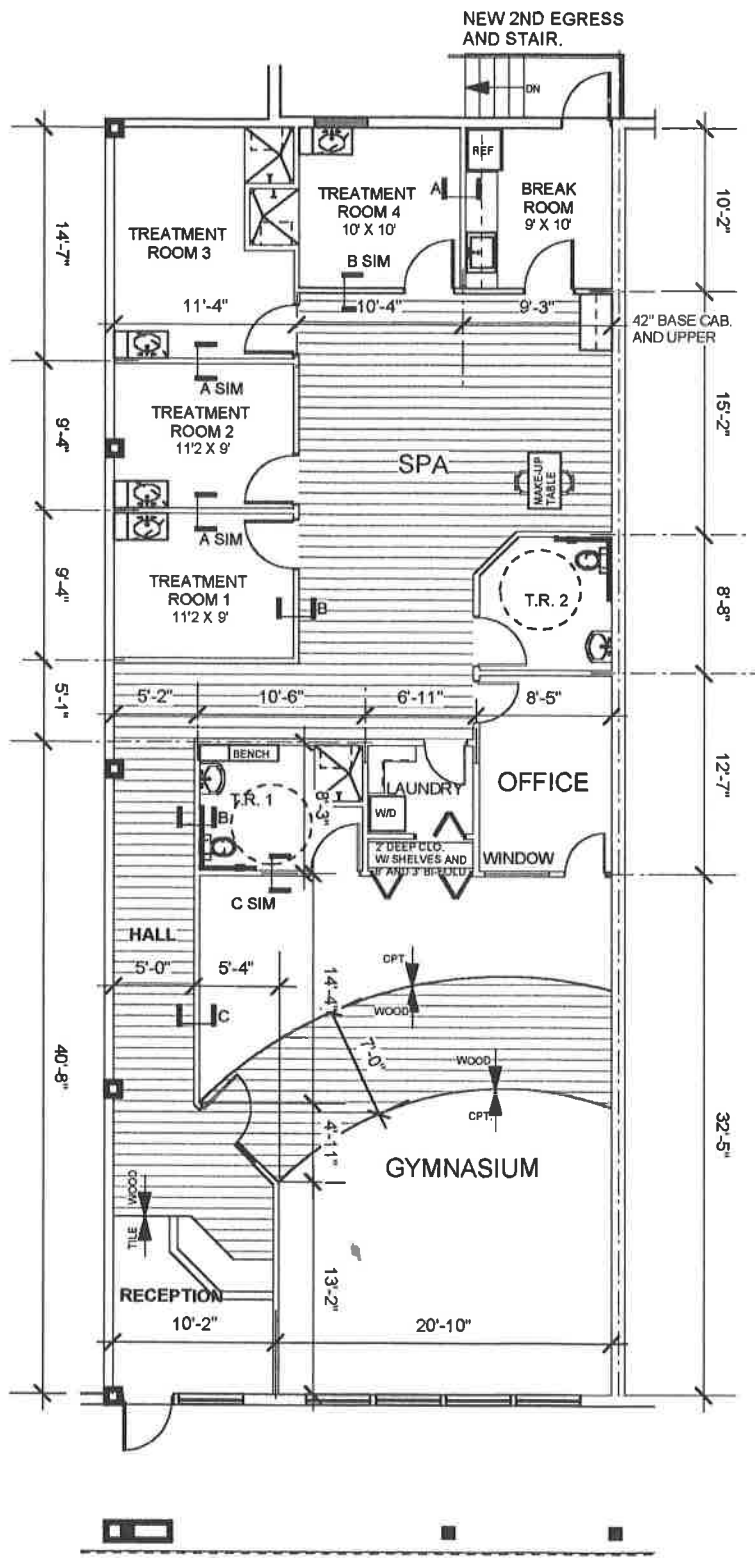
**SIDE [SOUTH] ELEVATION**

Russell E. Sargeant, A.I.A.,  
 ARCHITECT  
 3 Rowland St., Mystic CT 06355  
 (860) 534-3925

ZONING COMMISSION MEETING  
 DECEMBER 7, 2006

MODIFICATION OF REAR BUILDING  
 HARBOR PLAZA  
 PENNSYLVANIA AVE,  
 NIAATIC, CT for

**A2**



# FIRST FLOOR PLAN

**HARMONY FITNESS AND DAY SPA  
HARBOR PLAZA  
PENNSYLVANIA AVE.**

**ZONING COMMISSION MEETING  
DECEMBER 7, 2006**

**Russell E. Sergeant, A.I.A.  
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