

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I  
Thursday, MAY 18, 2006  
MINUTES**

The East Lyme Zoning Commission held the Application of Jeffrey A. McNamara to amend the East Lyme Zoning Regulations Section 1.4, Bed & Breakfast definition to allow Bed & Breakfast facilities to serve meals to overnight guests, on May 18, 2006 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Marc Salerno, Norm Peck, Ed Gada, William Dwyer, Alternate, Joe Barry, Alternate,

**ALSO PRESENT:** William Mulholland, Zoning Official  
RoseAnn Hardy, Ex-Officio, Board of Selectman (arrived at 8:15pm)

**ABSENT:** Bob Bulmer, Alternate, Rosanna Carabelas, Secretary,  
Pamela Byrnes

**PANEL:** Mark Nickerson, Chairman, Marc Salerno, Ed Gada,  
Acting Secretary, Norm Peck, William Dwyer,  
Alternate, Joe Barry, Alternate

**FILED IN EAST LYME TOWN  
CLERK'S OFFICE**

May 30 2006 at 8:30 AM  
PM  
*Esther B. Williams*  
EAST LYME TOWN CLERK

**Pledge of Allegiance**  
The Pledge was observed.

Mr. Nickerson sat Mr. Barry and Mr. Dwyer as alternates and noted that they would be seated on the panel for the duration of the evening unless otherwise noted.

**Public Delegations**  
There were no public delegations.

**Public Hearing I**

- 1. Application of Jeffrey A. McNamara to amend the East Lyme Zoning Regulations Section 1.4, Bed & Breakfast definition to allow Bed & Breakfast facilities to serve meals to overnight guests. Chairman Nickerson opened the Public Hearing and called it to order at 7:35 PM.**

Mr. Nickerson noted that Mr. Gada would be the acting Secretary for the evening

Mr. Nickerson asked Mr. Gada to read the following correspondence into the record:

- ◆ Letter dated 5/18/06 to East Lyme Zoning Commission from Mr. Mulholland, East Lyme Zoning Official, outlined that the applicant is requesting to replace the restriction only allowing Bed & Breakfasts to serve breakfast, and change it to allow them to serve "meals to overnight paying guests." Mr. Mulholland suggests adding the word "registered" to the text change so that it will read "meals to registered overnight paying guests."

Mr. Nickerson asked Mr. Salerno to read the following correspondence into the record:

- ◆ Letter dated 4/18/06 to Ms. Carabelas, Secretary from Gene Lohrs, Chairman, Reference Committee, Regional Planning Commission. Ms. Lohrs states that based on their review, the proposed text amendment will not have any adverse inter-municipal impact.

Mr. Nickerson asked Mr. Gada to read the following correspondence into the record:

- ◆ Letter dated 5/9/06 to Mr. Mulholland from Marcy Balint, Sr. Coastal Planner, CT DEP, RE: Zone Change referral per CGS Sec. 22a-104(e) of the CCMA re amendment to Section 1.4 Bed and Breakfast modified definition to include "meals." Ms. Balint states that they find the proposed amendment generally consistent with the goals and policies of the CCMA.

Mr. Nickerson read the following correspondence into the record:

- ◆ Letter dated 3/21/06 to Mr. Mulholland, East Lyme Zoning Official from Jeffrey A. McNamara asking that the letter be accepted as an application to change the definition of 1.4 Bed and Breakfast as contained in the East Lyme Zoning Regulations to include "meals" for overnight paying guests.

Mr. Nickerson noted that the public Notice has been properly run for this hearing.

Mr. Nickerson invited Attorney McNamara to come up and speak to the commission.

Attorney McNamara introduced himself as the representative of 14 Lincoln St., LLC. He explained that the only change to the proposed amendment is the delete the word "breakfast" and insert the word "meals", as well as insert the words "registered guests" at the suggestion of Mr. Mulholland. The reason for this change is to allow for his client to better serve his guests. He explained that he has lost business because of his inability to provide other meals to guests. He feels that this would not only benefit his business, but also the business of surrounding shops by bringing more people in to town. This amendment will not be increasing traffic or parking because this will already be people staying there. He explained that it wouldn't require any changes in what is client currently has to serve guests because he is already equipped to serve breakfast to them. There were expressed concerns about this being the first step in becoming a restaurant, but that is not the intent of his client and the area is not zoned for that (even by special permit). They have an existing special permit allowing them to be a Bed and Breakfast and only wish to have the ability to better serve their guests.

Mr. Nickerson asked if a Bed and Breakfast has to follow the same Health Department regulations as a restaurant.

Mr. Bengy Hann, Owner, 14 Lincoln St. explained that that are already consider them as a restaurant in terms of inspections and requirements as a restaurant and they would not have to do anything different to meet their codes.

Mr. Nickerson asked if they intend to serve alcohol.

Mr. Hann explained that they do not serve alcohol, nor do they have the desire to serve alcohol. They do have a relationship with Devine Wines that allows guest to call there and have alcohol delivered to the guest. That arrangement, however, is solely between the guest and Devine Wines.

Mr. Nickerson asked how many B&Bs are in town and reconfirmed that this amendment would only apply to B&Bs with 5 or less guest rooms.

Mr. Mulholland said that there are 2 or 3 B&Bs in that town at this time and that, yes, this amendment would only apply to those with 5 or less rooms.

Mr. Nickerson expressed a concern about B&B guests inviting family who are not registered guests to have dinner with them at the B&B and if that would be an issue.

Mr. Hann explained that is something that they have run in to in the past for breakfast, but that the answer has always been no.

Mr. Peck asked if they will have to come back to the commission for a new special permit.

Mr. Mulholland said that no, they wouldn't have to come back for a new special permit because it will be a pre-emptive change to the regulation.

Mr. Barry asked how this would benefit neighbor's restaurants if they will be serving meals at the B&B.

Attorney McNamara explained that what most guests would be looking to do, would be to have dinner in on Friday night, and then typically go out Saturday night. Most people don't want to stay in both nights. Where as if they are not able to come in to have dinner Friday night, they do not come in to town at all. Also, that

this will not allow for them to ask as a restaurant because it only allows for registered guests in a 5 or less room B&B (in the case of 14 Lincoln St, 4 rooms, equaling a maximum of 8 guests).

Mr. Nickerson stated that this would only be for Bed and Breakfast's of 5 rooms or less and would be up for Special Permit by the commission.

Mr. Barry expressed concerns about putting a B&B in an Inn category.

Mr. Gada clarified that his understanding is that what they are looking to do is to have the ability to serve basic meals to guests who arrive late in the evening.

Mr. Nickerson asked if there was anyone that would like to speak in favor of the application.

Richard Fadden 346 Main St, Niantic, Owner of the Eclectic Shop spoke in favor of the application and expressed that he doesn't feel that there is any way that a 4 room B&B could have a negative impact on a local restaurant. In addition, Mr. Hann consistently refers his guests to local area shops which will only benefit the area.

Jim Lanateri, 20 Lincoln St, Niantic, spoke in favor of the application and expressed that after speaking with Mr. Hann, he does not feel the need for any concern over the B&B turning into a restaurant.

Bill Cavanah, 15 Lincoln St, Niantic, spoke in favor of the application.

Sally O'Rourke, 386 Main St, Niantic, owner of The Shop on Main, spoke in favor of the application. She said that it will be beneficial town and will be nice to have people stop in the area.

Mr. Nickerson asked id there was anyone who would like to speak in opposition to the application. There were none.

Mr. Nickerson asked if there was anyone that would like to speak neutral to the application. There were none.

Mr. Nickerson asked for comments from the commission.

Mr. Barry expressed concerns over the B&B becoming an Inn and does not want this to be the first step for that to progress.

Mr. Fadden said that Mr. Barry's concern is unfounded. This is only a 4 room B&B with no room to expand and even if they wanted to expand, it would have to come back through the commission for approval.

Mr. Nickerson said that the bottom line is that it may progress but if that is the desire, it will have to come back before the commission.

Mr. Nickerson asked Mr. Gada to read the following correspondence into the record:

- ◆ Letter dated 5/15/05 to East Lyme Zoning Commission from Beth Akton, 11 River Rd, East Lyme, said she is in favor of the application. 14 Lincoln St is an asset to the town feels that the change would be favorable to the whole town.

Mr. Nickerson asked Mr. Salerno to read the following correspondence into the record:

- ◆ Letter dated 5/14/06 to East Lyme Zoning Commission from Elizabeth Hall Kutcha, Church Historian, Niantic Community Church, wrote in favor of the application and expressed that she hopes the commission will approve the application.

Mr. Nickerson called for a motion to adjourn the Public Hearing.

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

**Mr. Salerno moved that the Public Hearing (for the Application of Jeffrey A. McNamara to amend the East Lyme Zoning Regulations Section 1.4, Bed & Breakfast definition to allow Bed & Breakfast facilities to serve meals to overnight guests) be adjourned.  
Mr. Gada seconded the motion.  
Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson adjourned this Public Hearing.

Respectfully submitted,

Beth Ricker,  
Recording Secretary (Pro-Tem)