

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

The East Lyme Zoning Commission held the East Lyme Zoning Commission proposal to amend the Zoning Regulations to allow outdoor dining in CB Commercial Zones, 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 20 06 at 8:30 AM PM

ESTHER B. WILLIAMS  
EAST LYME TOWN CLERK

**Public Hearing II**

- 1. East Lyme Zoning Commission proposal to amend the Zoning Regulations to allow outdoor dining in CB Commercial Zones. Chairman Nickerson opened the Public Hearing and called it to order immediately following the first Public Hearing.**

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 Zoning Commission is to act in a legislative capacity in regards to this proposal and is free to make any necessary modifications to such.

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. Ms. Balint states that they find the proposal generally consistent with the goals and policies of the CCMA.

Mr. Nickerson noted that the legal add was proposal run for his hearing.

Mr. Nickerson read the following correspondence into the record:

- ◆ Letter dated 5/18/06 to Mr. Nickerson from Vergil Horton, 2 Amber Leaf Lane, Niantic expressed that this is a strategic move, necessary for the revitalization of downtown Niantic. The commission should however take into consideration some preventative measures, such as noise ordinances, restrictions on hours of operations, trash clean-up, and lighting issues. This letter was marked as **Exhibit 1**.

Mr. Nickerson noted that Mr. Peck has done a lot of work on this proposal and asked that he read the proposed text into record.

Mr. Peck read the Proposed Zoning Amendment / Outdoor Dining into the record.

Mr. Peck said that # 8 is underlined by mistake and will not be underlined in the amendment.

Mr. Dwyer asked if # 12 of the Amendment includes tents or a canvas cover.

Mr. Mulholland said that it does.

Mr. Nickerson asked why it can't be covered as it would be a draw for business.

Mr. Salerno said that it would be unattractive and could lead to too many issues for people using inappropriate covers.

Mr. Dwyer asked where smoking will fit in with this amendment. If there is a cover, will people be allowed to smoke?

Mr. Mulholland said that will fall to State Regulations, the Fire Marshall, and may be up to the owner of the property.

Mr. Nickerson said that the smoking issue is not applicable at this time.

Mr. Peck said that this amendment is an experiment. That is why the applications are up for a 1 year renewal.

Mr. Nickerson said that # 8 should not be underlined in the regulation and that # 14 is redundant.

Mr. Peck said that # 8 is a reminder for future boards as to what the intent and concerns were at this time.

Mr. Salerno expressed a concern for # 10. He said he is extremely concerned about noise and wants to say that PA Systems and Speakers should not be allowed.

Mr. Barry said that he wants # 11 to say "no promotional signage" at all (on fences, or other areas) and should be listed for future enforcement issues.

Mr. Salerno agrees that saying umbrellas is too specific.

Mr. Mulholland said that he agrees with Mr. Barry and Mr. Salerno.

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

Richard Fadden 346 Main St, Niantic, Owner of the Eclectic Shop spoke in favor of the application but expressed a need for noise regulations for music and a concern for loud outdoor bands.

Mike Manifold, 11 Solitaire Ave, spoke in favor of the proposal on behalf of Niantic Main St. and feels that it will increase the pedestrian traffic over the summer months.

Mr. Nickerson asked if 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. Mulholland expressed a concern over PA systems and referenced Abbotts restaurant in Noank, CT and that it is a constant source of complaints.

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

**\*\*MOTION (2)**

**Mr. Barry moved that the Public Hearing (for the East Lyme Zoning Commission proposal to amend the Zoning Regulations to allow outdoor dining in CB Commercial Zones) be adjourned.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson adjourned this Public Hearing at 8:46 PM.

Respectfully submitted,

Beth Ricker,  
Recording Secretary (Pro-Tem)