

FILED IN EAST LYME  
Feb 5, 2007 AT 3:57 M

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, FEBRUARY 1st, 2007  
MINUTES**

*L. Blais, etc*  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on February 1st, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Marc Salerno, Ed Gada, Norm Peck, Joe Barry, Alternate

**ALSO PRESENT:** William Mulholland, Zoning Official

**ABSENT:** Pamela Byrnes, William Dwyer, Alternate

**PANEL:** Mark Nickerson, Chairman, Rosanna Carabelas,  
Secretary, Marc Salerno, Ed Gada, Norm Peck, Joe  
Barry, Alternate

**1. Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 8:18 PM after two previously scheduled Public Hearings. Mr. Nickerson noted that Mr. Barry, Alternate was seated at the table.

**Public Delegations**

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There was no one.

**Regular Meeting**

**1. Request of Dick Karsmarski of Ford Plaza Inc. of 218 Flanders Road for a site plan modification to install lighting on the northerly lot.**

Mr. Nickerson said that this has been postponed to the February 15, 2007 meeting of the Commission.

**2. East Lyme Zoning Commission proposal to amend Section 20.28 "Drive-thru Facilities"**

Mr. Nickerson called for discussion on this as they had just closed the public hearing. He said that while he would like to throw in the 'by Special Permit factor' that he has to agree that it is not appropriate to do so now and that it would have to go to Public Hearing. He called for other comments.

Mr. Salemo said that he thought that in Item f. where they had added the word vehicle that they should also add the word 'stacking' after it to be consistent with how it reads in Item d. The members agreed with this change.

Mr. Peck asked that Item d. be read for the changes that were made.

The Recording Secretary read Item d. – *"A minimum of five vehicle stacking spaces shall be provided on site for each drive-thru station, including the vehicle being serviced. Where a restaurant order board and service window are proposed each service aisle shall provide a minimum of ten (10) stacking spaces with a minimum of five (5) stacking spaces before the order board. Each service aisle shall not have more than two service windows."*

Item f. was changed to read: "Stacking lanes shall be a minimum of ten feet (10') wide and each vehicle stacking space shall be twenty feet (20') in length."

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

**Ms. Carabelas moved to approve the East Lyme Zoning Commission proposal to add Section 20.28 Drive-Thru Facilities (new language items a. thru j.) to Section 20 General Regulations of the East Lyme Zoning Regulations as amended (Items d. and f. were amended as indicated above).**

**Mr. Peck seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson said that this notice would publish on February 8, 2007 and become effective on February 9, 2007. He also asked that Mr. Mulholland prepare language regarding approval by Special Permit so that they can review it.

**3. East Lyme Zoning Commission proposal to amend Section 9.3.5 "Height" in CB Commercial Zones**

Mr. Nickerson said that this applies to the downtown area and noted that they would be seeing other regulations specifically designed for the downtown district in the future.

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

**Mr. Peck moved to approve the East Lyme Zoning Commission proposal to add the following new language to the East Lyme Zoning Regulations Section 9.3.5 Height in CB Commercial Zones – change 40 feet in height to 30 feet in height.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**4. Approval of Minutes – Public Hearing I and Regular Meeting of January 18, 2007**

Mr. Nickerson called for discussion on, or corrections to the Public Hearing I and Regular Meeting Minutes of January 18, 2007.

Mr. Salerno asked that in the Public Hearing I Minutes on Page two (2) where he is speaking that after the word Town a comma be added with the following language: *'and could cause the industrial areas to increase in value to the point where they would be driven out.'*

**\*\*MOTION (3)**

**Mr. Salerno moved to approve the January 18, 2007 Public Hearing I and Regular Meeting Minutes of the Zoning Commission as amended.**

**Mr. Barry seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Gada**

**Old Business**

**1. Stormwater**

Mr. Nickerson said that they had heard an excellent stormwater presentation earlier by Bruce Morton in a Special Meeting.

**2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Norm Peck)**

Mr. Nickerson said that they are still working on this and the development of a pattern book.

**3. By-Laws Subcommittee (Mark Nickerson & Pamela Byrnes)**

Mr. Nickerson said that the draft of these changes is with the Town Attorney for his review. He said that he has not heard anything on this and that he would check with the Attorney to see if they are ready.

**4. Subcommittee – Adult Uses (Rosanna Carabelas)**

Ms. Carabelas reported that she is trying to get John Rozum in to speak to them through the UConn NEMO program. She said that she has tentatively scheduled Monday March 12, 2007 as a date for this presentation.

Regarding the subcommittee report on adult uses she said that she called Jim Gibbons and asked for some regulations that he would know of on this. Also, at Mr. Mulholland's suggestion, she searched on-line and was able to pull off some information. She noted that this could be done by regulation and special codes or by ordinance. She said that she would work with Mr. Mulholland on this so that she can present the Commission with something for discussion.

### New Business

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

Mr. Nickerson asked that they add to this agenda an application for a text amendment change to add bakeries to the drive-thru regulations.

#### **\*\*MOTION (4)**

Ms. Carabelas moved to add a new item 2. to this agenda and move all other items down one – Text Amendment Application to add 'bakeries' to Section 20.28, Drive-thru Facilities of the East Lyme Zoning Regulations.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

#### **2. Application for a Text Amendment change to add 'bakeries' to Section 20.28 Drive-thru Facilities**

Mr. Nickerson asked that Mr. Mulholland schedule this for public hearing.

#### **3. Zoning Official**

Mr. Mulholland reported that he received an application for retail use – fast food restaurant for the Flanders McDonalds that wants to move and for a retail building to be put where that McDonalds currently sits. This will be coming to them and is currently under administrative review in his office.

Mr. Nickerson asked if the retail has a drive-thru function.

Mr. Mulholland said that both of them do. He also said that there has been discussion regarding the Gateway Development District and some text amendments could be coming along with some large development. He suggested that when this comes before them that they ask all of the questions that they might have so that they have a full understanding of the proposal.

Mr. Salerno asked about the number of acres.

Mr. Mulholland said that he thinks that there is around 200 acres there. He noted that when discussing this type of development in this area that it is important to build a public record.

Mr. Nickerson noted that in the newspaper today that the Old Saybrook Zoning Commission was being sued by Big Y, etc. specifically because they did not base their decision on the facts presented. He said that he could not agree more or stress enough how important it is to build a good public record and to base decisions on that record.

#### **4. Comments from Ex-Officio**

Ms. Hardy was not present and there was no report.

#### **5. Comments from Zoning Commission liaison to Planning Commission**

No one was present to comment.

#### **6. Comments from Chairman**

Mr. Nickerson said that he had already commented previously and had no further comments.

**7. Adjournment**

**\*\*MOTION (5)**

**Mr. Barry moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:45 PM.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

**EAST LYME ZONING COMMISSION**  
Proposed Zoning Regulation Text Amendment  
Drive-thru Facilities

✂ December 19, 2006

It is specifically proposed to add the following new language to Section 20 General Regulations:

SECTION 20.28 DRIVE-THRU FACILITIES

Drive-thru Facilities are permitted for Banks, Financial Institutions, Pharmacies, Bakeries and Fast Food Restaurants only in CA Zones and are subject to the following requirements:

- a) The drive-thru facilities shall clearly be accessory and subordinate to the primary use;
- b) Drive-thru facilities, including required stacking lanes, shall be located in the rear or side yards only;
- c) Drive-thru facilities shall not generate the need for additional driveway curb cuts;
- d) A minimum of five vehicle stacking spaces shall be provided on site for each drive-thru station, including the vehicle being serviced. ~~where a restaurant order board and service window are proposed each service aisle shall provide ten (10) stacking spaces with a minimum of five (5) stacking spaces before the order board and five (5) before the pick-up window.~~ <sup>minimum of</sup> Each service aisle shall not have more than two service windows;
- e) Stacking lanes shall be separate from internal traffic aisles to allow traffic to circulate through the site without entering the drive-thru facilities;
- ✂ f) Stacking lanes shall be a minimum of ten feet (10') wide and each space shall be <sup>Vehicle Stacking</sup> twenty feet (20') in length;
- g) Stacking lanes shall be designed to minimize traffic congestion and to promote pedestrian safety;
- h) Drive-thru facilities shall be screened from view from public streets with substantial landscaping using a variety of evergreen and deciduous species;
- i) Outdoor speakers shall be located a minimum of one hundred (100) feet from the boundary of any residentially zoned property and shall not be audible from other property;
- j) Drive-thru facilities should be designed as a compatible architectural element of the primary building;

NOTE: All Fast Food Restaurants are by Special Permit. See Section 8.27.

Zoning Commission 2/1/07

Dec. 20.06  
As approved

**EAST LYME ZONING COMMISSION**  
**Proposed Zoning Regulation Text Amendment**  
**CB Commercial Zones**

It is specifically proposed to add the following new language to Section 9.3.5 "Height" in CB Commercial Zones.

The existing language states: "Height" no building or structure shall exceed 40 feet in height". It is proposed to delete the "40 feet" and replace it with "thirty feet (30)".