

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I  
Thursday, FEBRUARY 1st, 2007  
MINUTES**

The East Lyme Zoning Commission held a Public Hearing to amend the Zoning Regulations to add a new Section 20.28 – 'Drive-thru Facilities', on February 1, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:37 PM.

**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

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Feb 9 20 07 at 1:35 AM  
PM

*Esther B. Williams*

EAST LYME TOWN CLERK

**Pledge of Allegiance**

The Pledge was previously observed.

**Public Hearing I**

1. The East Lyme Zoning Commission proposal to amend the Zoning Regulations by adding new Section 20.28 'Drive-thru Facilities.' It is proposed to adopt specific criteria to regulate accessory drive-thru window facilities for Banks, Financial Institutions, Pharmacies, Bakeries and Fast Food Restaurants in CA Commercial Zones. The proposal provides requirements for vehicle stacking, curb cuts, window location, traffic aisles, stacking dimensions and other regulations.

Chairman Nickerson noted that he had seated Joe Barry, Alternate, at the table for this Public Hearing.

Mr. Nickerson asked that Ms. Carabelas, Secretary read the correspondence into the record.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 1/24/07 to EL Zoning Commission Chairman Mark Nickerson from Lisa Picarazzi, Chairman of East Lyme Planning Commission – Re: Proposed amendments to Town's Zoning Regulations Section 20.28 concerning Drive-thru Facilities – finding that the proposed text amendments are Consistent with the Plan of Conservation and Development.
- ◆ Letter dated 1/03/07 to EL Zoning Commission from Marcy Balint DEP OSLIP – Re: Proposed amendments to Town's Zoning Regulations Section 20.28 concerning Drive-thru Facilities - finding them consistent with the goals and policies of the Connecticut Coastal Management Act.

Mr. Nickerson noted that there was no letter from SECCOG as their January meeting had been cancelled.

Mr. Nickerson noted that the legal ad had run in the New London Day on January 19, 2007 and January 29, 2007.

Mr. Nickerson read over the items in Section 20.28 regarding Drive-thru facilities, particularly noting item d. the stacking spaces. He asked Mr. Mulholland to explain this.

Mr. Mulholland explained that they would have five (5) spaces before the order board so that with the stacking for 'a minimum of' ten (10) would prevent the overflow of cars out into the street.

Mr. Salerno asked that in item f. that they insert the words '*vehicle stacking*' before space shall be....., so that it will be consistent with the language in item d. He also noted that a lot of these controls came from other Towns' regulations that they have in use now. He said that he would also like to see this be by special permit so that any business that wants a drive-thru has to come before them.

Mr. Mulholland explained that the approval would be for the accessory piece – the drive-thru only – and he cautioned that he thinks that they need to carefully think about this and what their intent is.

Mr. Barry said that he thinks that they should see it for a special permit.

Mr. Peck said that he thinks that what they are talking about now would be a substantial change from what they have proposed here and that it would be the subject of another public hearing.

Ms. Carabelas questioned that they were already covered enough in their current regulations and why they would want to make them come in again and go through another layer.

Mr. Nickerson cited the Starbucks as an example.

Ms. Carabelas noted that having the regulations in place now would be redundant to have them come back before them. She asked what the main focus was here as Mr. Mulholland can look through this and review the list of items and determine this as he has been doing.

Mr. Nickerson said that traffic is the issue –

Mr. Peck said that he thinks that this discussion is for another time and that he also thinks that asking for this to be by special permit for fast food restaurants is precisely because they want the public involved and in order to do that they would have to hold a public hearing on this matter.

Mr. Salerno and Mr. Nickerson said that they would like to see it be by special permit.

Mr. Barry proposed some language of his own –

Mr. Mulholland said that if it is to be by special permit that they would have to follow the format that is already present in the regulations and that this is for another public hearing as Mr. Peck has said. He also cautioned that they are looking at drive-thrus from the traffic issue and that other than for SU, and SU-E projects, traffic studies are not required – so they may not get what they are looking for. He said that he would draft up language for them and re-advertise for that item.

Ms. Carabelas said that she is for re-advertising it as she wants the public to be able to comment.

Mr. Peck reminded everyone that they are still in public hearing format.

Mr. Nickerson called for anyone from the public who wished to speak in favor of these changes –

Hearing no one –

Mr. Nickerson called for anyone from the public who wished to speak against or neutrally on these changes –

Hearing no one –

Mr. Nickerson asked if the Commission members had other comments –

Hearing none –

Mr. Nickerson called for a motion to close this Public Hearing.

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

**Mr. Gada 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 8:10 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary