

EAST LYME ZONING COMMISSION FILED IN EAST LYME TOWN

Regular Meeting

August 3, 2000

CLERK'S OFFICE

Aug 11 20 10 at 12:20 AM PM

MINUTES

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on August 3, 2000 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. William Weber chaired the meeting. Mr. Weber called the meeting to order at 7:30 PM.

PRESENT: Chairman William Weber, Ed Gada, Secretary Athena Cone, and Alternate Mark Nickerson, Donna Orefice

Absent: David Chamberlain, Robert Bulmer, Norman Peck, Shawn McLaughlin. William Mulholland, Zoning Officer

Also present: Rose Ann Hardy, Ex-officio.

Pledge of Allegiance

Public Delegations

George McPherson, 419 Boston Post Rd., East Lyme stated that illegal neon signs are being used and apparently nothing is being done to expedite their removal.

Regular Meeting

1. Mr. Weber called the meeting of the Zoning Commission to order at 7:30 PM.
2. Acceptance of the Minutes of June 1, 2000, June 15, 2000 and July 13, 2000

Acceptance of the Minutes will be tabled until the next regular meeting, as there was not a quorum.

3. Application of Thomas J. Londregan, agent for Peter Andrade, for a Special Permit to operate a fast food restaurant (Dunkin Donuts) at 255 Main Street, Niantic, CT. Property further identified as Lot #107 on Assessor's Tax Map #12.1

Panel: Mr. Weber, Mr. Gada, Mr. Nickerson, Mrs. Orefice. (Mr. Peck, absent; Mrs. Cone sat out)

Mr. Weber inquired if Mrs. Orefice had read the Minutes, studied the evidence presented, and was prepared to deliberate and vote on the application. Mrs. Orefice stated that she had familiarized herself with the evidence and Minutes and felt prepared to deliberate and vote.

Mr. Nickerson requested a reading from the Zoning Regulations of the definition of "Fast Food Restaurant".

Mr. Weber read from the Zoning Regulations, Section 1.48, the definition of "Fast Food Restaurant".

Mr. Weber opened discussion and deliberation initially regarding the application for a drive-thru.

Mr. Gada stated that he had visited the site several times over the past several weeks. He stated that the drive-thru would contribute to more congestion on the site and on Main St.

Mrs. Orefice stated her concern regarding pedestrian and vehicular safety. She stated that the drive-thru would contribute to more congestion on Main St.

Mr. Nickerson stated that the east side of the building provides parking spaces for walk-in traffic into the restaurant. In backing-up out of these spots, one must back directly into the drive-thru line approaching the order-area microphone. He noted that the back-up in the drive-thru lane begins at car 5.

Mr. Weber indicated that access to the parking area would not only be from Main St., but also from IGA Colonial Market parking lot. His concern was with safety and congestion in the area. He stated that the loss of a few parking spaces is not a concern for him.

Mr. Weber then opened discussion regarding the applicant's request for exceptions: (1) Buffers and setback (2) A2 Survey.

Mr. Nickerson stated that based on the previous use of the site, i.e., Friendly's, he would approve the exception. The other Commission members concurred.

Mr. Nickerson also stated that the use conforms to the Zoning Regulations. Taking into consideration the evidence and opinions expressed at the Public Hearing, he stated that the Commission cannot deny an application if the use conforms to the Regulations. He stated that use of the site for Dunkin Donuts does conform to the Regulations. He also noted that traffic is what the Town has been seeking in the Niantic area, i.e. attract people to the Niantic Village area. He doubted that the Dunkin Donuts would attract buses of people, and most traffic would occur in the morning.

Mrs. Orefice stated that the use as a fast food restaurant conforms to the Zoning Regulations.

Mr. Weber stated that the use as a Dunkin Donuts conforms to the Zoning Regulation definition of 'Fast Food Restaurant'. The applicant had stated that he would be preparing food on the premises.

Discussion followed regarding signage, including the exit signs. Mr. Nickerson noted the Town Engineer's report and referral from the Planning Commission recommending one-way traffic and stated he supported this recommendation.

Mr. Weber indicated that the Traffic Report submitted by the applicant was not required.

There being no further comment, questions or discussion, Mr. Weber invited a motion.

Motion (1): Mr. Nickerson moved to approve the application of Thomas J. Londregan, agent for Peter Andrade, for a Special Permit to operate a fast food restaurant (Dunkin Donuts) at 255 Main Street, Niantic, CT, Assessors Map 12.1, Lot #107, without the Drive-Thru. (Reference Site Plan 6/00).

Mr. Gada seconded the motion.

Vote in favor: (4-0), Unanimous. Mr. Weber, Mr. Nickerson, Mr. Gada, Mrs. Orefice.

Effective upon publication.

4. Request of Jeffrey A. McNamara, agent for Webster Scott, for an extension of the Special Permit for the Nathan Hale Elderly Project at 33 Dean Road, Niantic, CT.

Panel: Mr. Weber, Mr. Gada, Mr. Nickerson, Mrs. Cone and Mrs. Orefice.

Mrs. Cone read into the record:

1. Letter dated July 19, 2000 to William Mulholland, ZEO from Attorney Jeffrey A. McNamara.
2. Memorandum dated August 3, 2000 to the Zoning Commission from William Mulholland, Zoning Official.

Mrs. Cone stated that the situation was beyond the control of Mr. Scott and she supported a 6 month extension of the Special Permit. The Commission members concurred.

Motion (2): Mrs. Cone moved to approve the request of Jeffery A. McNamara agent for Webster Scott of an extension of the Special Permit for the Nathan Hale Elderly Project at 33 Dean Road, Niantic, CT.

Mr. Nickerson seconded the motion.

Vote in favor: (5-0), Unanimous. Mr. Weber, Mrs. Cone, Mr. Nickerson, Mr. Gada, Mrs. Orefice

Old Business

1. Gateway Planned Development District

First Selectman Wayne Fraser addressed the Commission Members.

Mr. Fraser stated that town officials and staff have been working on the GPDD for some time. He stated that the proposed district area is the last remaining 'jewel'. He stated that he has been working with the State of CT in an effort to get a service road or entrance road constructed. He stated this service road is the key to getting a new exit 74 on I-95. Development of the area is dependent upon this construction.

Mr. Fraser stated that SECTOR has been trying to bring development into the region, especially in the bio-tech and other areas, without much success. In the near future, the Town may have opportunities to get someone to put in the service road. In order to put the investment into road construction, the developer would have to be satisfied with the return on his investment. This road would lead to the new Exit and eventually to connecting to Exit 73. The service road would relieve traffic on Rte. 161 and Rte. 1, and provide the opportunity to develop the property and add to the tax revenues.

Mr. Fraser stated that the retail mix in the District is crucial. He stated that he has talked with investors from Boston to New York and the service road and retail mix were vital conditions for their investment in an area. The retail limitation allowed in the last Proposal was 30% anything less would be detrimental to development of the District. Mr. Fraser also noted that consideration must be given to the property owners. The Commission cannot be too restrictive. The regulations should provide for what the town wants in the District and at the same time not preclude property owners from selling and/or developing their property.

Mr. Weber inquired as to any marketing analysis that may have been done.

Mr. Fraser stated that he has been out on a number of site visits, met with developers, and as a member of the Board of Directors of SECTOR, has been attempting to bring businesses into the town. He noted that many businesses are moving into Enterprise Zones where they receive tax benefits or abatements rather than build anew with no tax incentive or benefit.

Mr. Fraser stated that there is an interest in mixed retail/residential with the residential townhouse-type dwellings around the perimeter of the District and mixed into the setting. Exit 74 is considered one of the prime areas to be developed that has turnpike access, sewer and water.

Mr. Weber stated that one of the concerns of the Zoning Commission was a 5-story (height 60') building with retail on the first floor and four floors of residential. He added that the Commission would be willing to consider other possibilities, however, what the Commission does support at this time is a single floor of residential over retail. Mr. Fraser stated that one floor of residential may be a little restrictive since some townhouses are three floors.

Mr. Weber stated that the Commission must do the best they can to establish controls that are designed to create the type of area, type of building, etc. that they want and not get too focused on the specific use percentages.

Mrs. Parulis stated that the original proposal was designed to create a mixed use in the District. The main reason for the retail restriction was to ensure a mixed use. She added that the Planning Commission is anxious to continue moving forward, but it is important to take the necessary time to have a good result.

Mr. Fraser stated that he would like to target the Public Hearing prior to November, which was discussed at the July 27, 2000 special meeting.

Mr. Weber stated that the Commission believes an educational meeting regarding PGDD is important before any Public Hearing.

2. Subcommittees – Architectural Review
Tabled until the next regular meeting.

New Business

1. Application of Robert N. Dees, 233 Upper Pattagansett Rd., East Lyme for a Special Permit to keep horses.
Schedule for public hearing
2. Correspondence – none
3. Any business of the floor, if any, by the majority vote of the Commission. – none
4. Zoning Official – none
5. Comments from Planning Representative – none
6. Comments from Ex Officio – none
7. Adjournment

Motion (3): Mrs. Cone moved to adjourn the meeting at 8:55 PM.
Mr. Gada seconded the motion.
Vote in favor: (5-0), Unanimous – Mr. Weber, Mrs. Cone, Mr. Nickerson, Mr. Gada,
Mrs. Orefice

Respectfully submitted,



Anita M. Bennett
Recording Secretary
11 August 2000