

**EAST LYME ZONING COMMISSION**

**REGULAR MEETING**

**September 20, 2001**

**MINUTES**

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

9/24, 01 at 1:20 AM/PM

L. Blais, etc  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on Thursday, September 20, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Bulmer called the meeting to order at 7:30 PM.

**PRESENT:** Chairman Robert Bulmer, Shawn McLaughlin, Ed Gada, Alternate William Dwyer, and Alternate Mark Nickerson.

**Absent:** Secretary Athena Cone, Norman Peck, David Chamberlain and Alternate Donna Orefice

**Also present:** William Mulholland, Zoning Officer; Rose Ann Hardy, ex-officio.

**PUBLIC HEARING AND REGULAR MEETING**

**Panel:** Mr. Bulmer, Mr. McLaughlin, Mr. Gada, Mr. Dwyer and Mr. Nickerson

Mr. Bulmer called the Meeting to order at 7:30 PM

**Moment of Silence**

Mr. Bulmer called for a moment of silence to remember those who lost their lives in the September 11, 2001 Trade Center disaster.

**Pledge of Allegiance**

**Public Delegations**

None

**Regular Meeting**

1. Following the Public Hearing, Mr. Bulmer called the Regular Meeting to order at 9:14 PM.

2. Acceptance of the Minutes of September 6, 2001

**MOTION (1)** Mr. Gada moved to accept the Minutes of September 6, 2001 as amended.  
**Amended: Page 4 of 5, New Business, #5.** Add: Mr. Bulmer requested that Mr. Mulholland schedule a Public Hearing for the next available date.  
Mr. Dwyer seconded the motion.  
Vote in favor: (4-0), Mr. Nickerson abstained.

3. Application of Attorney David F. Sherwood, agent for Wendy's International, Inc., for a Special Permit to construct and operate a Wendy's Restaurant at 293 and 295 Flanders Rd., East Lyme, CT.

Mr. Bulmer invited questions and comments from the Commission members.

Mr. Dwyer noted the full and organized presentation made by the applicant.

Mr. Nickerson clarified that CT Dept. of Transportation determines where the curb cuts are located on a State road such as Route 161, Flanders Rd. Mr. Nickerson further noted the difficulty of merging into traffic on Route 161 at that location with True Value and The Shack across the street and I-95 ramps just south of the Wendy's location.

Mr. Mulholland stated that when development takes place in the Gateway district, DOT will most likely examine all traffic patterns and roadways.

**MOTION (2)** Mr. Dwyer moved to approve the Special Permit application of Attorney David F. Sherwood, agent for Wendy's International, Inc. to construct and operate a Wendy's Restaurant at 293 and 295 Flanders Road, East Lyme, CT and to grant the waiver regarding sidewalks on the south side toward Interstate 95.  
Mr. Nickerson seconded the motion.  
Vote in favor: (5-0), Unanimous.

**MOTION (3)** Mr. Dwyer moved to make the effective date of the approval of the application of Attorney David F. Sherwood, agent for Wendy's International, Inc. to construct and operate a Wendy's Restaurant at 293 and 295 Flanders Road, East Lyme, CT September 28, 2001.  
Mr. Gada seconded the motion.  
Vote in favor: (5-0), Unanimous.

**Old Business**

A. Subcommittees

1. Backlots

Mr. Mulholland stated that due to conflicting schedules the subcommittee has not been able to meet. He and Meg Parulis, Planning Department, will be putting together a document for the subcommittee members in an effort to expedite work of the subcommittee.

**New Business**

1. None
2. Correspondence – none
3. Any business on the floor, if any, by the majority vote of the Commission – none
4. Zoning Official – none
5. Comments from Ex-officio

Mrs. Hardy stated that she believed the Board of Selectmen will be very pleased with the work of Mr. Mulholland and the Zoning Commission with regard to Wendy's Restaurant. She commended the Zoning Dept. Staff, the Commission and Mr. Mulholland/

Mrs. Hardy reported that the Board of Selectmen have decided to propose to the Town the sale of the former library building on Main Street. The Selectmen are in the process of considering some deed restrictions to preclude losing the building. She indicated they would like to work with Zoning Commission and the Architectural Subcommittee through Mr. Mulholland to

determine what controls the Town can place on the property to ensure it complements the Main Street area and brings people into the area. She indicated that any preliminary work done by the Architectural Subcommittee may prove helpful.

Mr. Peck, of the Architectural Review Subcommittee, stated that the Subcommittee concluded that Mr. Mulholland's approach with developers, to ask for what the Town wants, may be more productive and conducive to good relations than written regulations. Additionally, Mr. Bulmer stated that it was his understanding that if Architectural Regulations are approved, a licensed architect must be hired to oversee the Review process. Mr. Peck stated that the Commission could construct Guidelines, however, these would not be binding on a developer or builder.

6. Comments from Zoning Board Liaison to Planning Commission (A. Cone). Mr. Mulholland indicated that Mrs. Cone was unable to attend the Planning Commission meeting due to personal matters. Mr. Bulmer requested that if the Liaison is unable to attend his/her scheduled Planning Commission meeting to try to obtain a substitute or notify Mr. Mulholland, Zoning Official.
7. Zoning Board Liaison to Planning Commission – William Dwyer, October 2, 2001
8. Chairman's Report

Mr. Bulmer commended Mr. Mulholland for his hard work and diligence in obtaining a building design for Wendy's Restaurant that is attractive and blends with the Town. He also noted that the architect on the project noted that this design is only one of two such designs in New England.

Mr. Bulmer reminded the Commission that if the Planning Commission passes something and the Zoning Commission wants to reject it, it would require a two-thirds vote of the Zoning Commission. If the Planning Commission wanted to reject something passed by the Zoning Commission, it would take them three-quarters vote of the full Commission to overturn it.

### Adjournment

- MOTION (4)** Mr. Nickerson moved to adjourn the Regular Meeting at 9:35 PM.  
Mr. Gada seconded the motion.  
Vote in favor: (5-0), Unanimous.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
24 September 2001