

**Town of East Lyme  
Zoning Commission  
June 18, 1998  
Minutes**

FILED IN EAST LYME TOWN

CLERK'S OFFICE

June 25, 19 98 at 11:05 AM  
PM

*Esther B. Willaw*

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held its regular meeting on June 18, 1998, at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut. Athena Cone chaired the meeting.

PRESENT: Athena Cone, Shawn McLaughlin, William Dwyer, Bill Weber, Christopher Mullaney, Norman Peck., Bill Mulholland, Zoning Officer

ABSENT: Paul Formica, Daniel Price, and Alternate Robert Bulmer

The Meeting was called to order at 7:35 PM by Athena Cone. Chris Mullaney will serve as Secretary.

**I. Public Delegation**

Albert Yost, 21 Green Cliff Drive noted that there had been no Zoning Official visits to a new construction site on Green Cliff Drive. After two weeks, he had filed a complaint to this effect. Mr. Yost suggested perhaps a zoning assistant is needed.

**II. Public Hearing**

- A. Application of Walter R. Scott for a Special Permit to operate a road-side stand to sell agricultural produce at 70 Mostoway Road, East Lyme, Connecticut, further identified as Tax Assessor Map 44, Lot 8.**
- B. Application of the Town of East Lyme for a Special Permit to construct a (Municipal) Parking Lot at 11 Hope Street, Niantic, CT, property further identified as Tax Assessor Map 12.1, Lot 94.**
- C. Application of Douglas J. Beach for a Special Permit to construct a Fast Food Restaurant on property off Flanders Road, Niantic, CT, property further identified as Tax Assessor Map 26.3, Lot 18.**

**III. Regular Meeting of the East Lyme Zoning Commission**

Athena Cone called the Regular Meeting of the East Lyme Zoning Commission was called to order at 9:49PM.

- A. Acceptance of the Minutes of May 7, 1998.**

**Motion (1):** Mr. Norman Peck moved to accept the East Lyme Zoning Commission Regular Meeting Minutes L May 7, 1998, as presented. Seconded by Mr. Christopher Mullaney. Motion passed unanimously. Vote (6-0).

**B. Acceptance of the Minutes of June 4, 1998.**

**Motion (2):** Mr. Norman Peck moved to accept the East Lyme Zoning Commission Regular Meeting Minutes of June 4, 1998, as presented. Seconded by Mr. Shawn McLaughlin. The motion passed unanimously. Vote (6-0).

**C. Application of Walter R. Scott for a Special Permit to operate a road-side stand to sell agricultural produce at 70 Mostowy Rd., East Lyme, CT, property further identified as Tax Assessor Map 44, Lot 8.**

**Motion (3):** Mr. Shawn McLaughlin moved to approve Special Permit to Walter R. Scott to operate a road-side stand to sell agriculture produce at 70 Mostowy Road, East Lyme, Connecticut, further identified as Tax Assessor Map 44, Lot 8. The motion passed unanimously. Vote (6-0). Effective upon publication.

**D. Application of the Town of East Lyme for a Special Permit to construct a (Municipal) Parking Lot at 11 Hope Street, Niantic, CT, property further identified as Tax Assessor Map 12.1, Lot 94...**

**Motion (4):** Mr. Christopher Mullaney moved to approve the application of the Town of East Lyme for a Special Permit to construct a Municipal Parking Lot at 11 Hope Street, Niantic, Connecticut, property further identified as Tax Assessor Map 12.1, Lot 94 with the proviso that

- (1) The paved areas shown on the site plan review include curbing to restrict free traffic movement across the plot line.
- (2) Include an exception to the requirements of Section 24.6.E3 by eliminating the evergreen planting on the westerly and southerly lot lines.
- (3) Grant an exception for the requirements of Section 24.6C, which requires installation of sidewalk along property line abutting Hope Street.
- (4) Complies with applicable zoning regulations and proviso noted above.

Mr. Mullaney seconded the motion. Following brief discussion concerning drainage and noting a catch basin in the center of the lot, the motion passed by a vote of (5-0). Mrs. Cone abstained.

**E. Application of Douglas J. Beach for a Special Permit to construct a Fast Food Restaurant on property off Flanders Road, Niantic, CT, property further identified as Tax Assessor Map 26.3, Lot 18.**

Discussion: Mr. Peck noted his concern regarding the impact on traffic on Flanders Road. Mr. Mulholland read Section 49.16 of Judge Fuller. Connecticut Superior Court writing to shed more light on the Commissions rights in this regard. Mr. Peck suggested the Commission seek legal council to clarify this matter and inquired of Mr. Mulholland what known time constraints existed. Mr. Mulholland Indicated that a Special Meeting could be called with a 24 hour Town Clerk Posting. Legal council, however, may take at least a week if Council prioritized this inquiry.

**Motion (5):** Mr. Mullaney moved to tentatively set a Special Meeting for Thursday, June 25, 1998, 7:30 PM at the Town Hall, 108 Pennsylvania Ave., Niantic, Connecticut to obtain legal council concerning the Commission's rights with regard to the traffic issue concerning Mr. Beach's application. Mr. Peck seconded the motion. Motion was passed unanimously. Vote (6-0).

#### **IV. Subcommittees**

##### **A. East Lyme Commission Subcommittee on Sign Regulations**

Mr. Mullaney, Chairman submitted the Sign Regulation Subcommittee minutes of Oct. 22, 1996. The purpose of the subcommittee was to look at the sign regulations of the zoning code. The committee submitted their recommendations to the Zoning Commission for review and future discussion:

- 18.1.7.1 For clarity and ease of communication, add after the second paragraph on page 80, words to the effect that a current list of the sign committee members be maintained in the Zoning Enforcement Office.
- 18.1.9.2 For clarity and ease of understanding, add an explanation of what is considered a public right-of-way. Suggested wording: "A public right-of-way is considered the area of a public roadway extending from the center of the road out to the further side of the sidewalk or shoulder".
- 18.1.11.2 For the convenience of merchants and local civic organizations:
  - a. Change the title of this section to read: "Temporary Business/Identity Signs and Community Bulletin Boards".
  - b. Add a paragraph with words to the effect that: "Temporary Portable signs may be displayed without first having to obtain a permit in the CA, CB and CM Zones during business hours only. These signs are to be removed when the business is not open and must conform to all other requirements contained in these regulations."
  - c. Add a paragraph with words to the effect that, "Temporary portable public service signs will be allowed to be erected advertising public service events 14 days prior to and must be removed 7 days after such event."

The subcommittee indicated that there is presently no language in the regulations, which addresses Community Activity Signs. It has been suggested that a large bulletin board type sign might be advantageous to the community. This subcommittee felt that such a sign or signs may well fit this community. Further, that by special permit, such community bulletin board sign might be erected by an individual, company, community or business or civic organization or group of such organizations. Further, that a 2 sign limit be placed on this type of sign.

- 18.1.12 In order to be consistent with the wording suggested, delete from the list of prohibited signs, "portable signs, except temporary business/identity signs (Sec. 1.11.2)".
- 18.1.12.1 The subcommittee suggests that the word "special" be deleted from this paragraph.

Mr. Mullaney stated that without exception, the work of this subcommittee is considered complete.

- B. Neighborhood Business Zones. Mr. Peck indicated the subcommittee is awaiting Jean Davies presentation of formal mapping and proposal.
- C. Parking Subcommittee. Subcommittee is still working reviewing other town's parking regulations.

- D. Zoning Office Committee. Mrs. Cone indicated that the committee is still working, but has almost completed its work.

#### **V. New Business**

- A. Set a date for application of Benjamin Ovredahl for a Special Permit to deposit and store fill at 239 Flanders Road, property further identified as Tax Assessor Map 26, Lot 3. Mr. Mulholland
- B. Mr. Mulholland presented an application submitted on 6/25/98, at 4:25Pm. The application of G. R. Morris on behalf of Orchard Associates LLP to amend Section 23.4, Open Spaces/Cluster developments of the East Lyme Zoning Regulation.

**Motion (6):** Mr. Dwyer moved to add to the evenings agenda an application to amend Zoning Regulation 23.4 from O'Brien, Shafner, Stuart, Kelly & Morris of Groton, Connecticut to set date for public hearing.

#### **VI. Correspondence**

- A. Memo from Harold Kaplan, Chairman, East Lyme Planning Commission announcing that there was a public workshop on June 16, 1998 on the Working Draft of the Plan of Development of the Town of East Lyme for the purpose of receiving public comments on an informal basis. Another public workshop will be held 7/7/98, 7:00 PM to receive comments on Sections 8-13. Mr. Kaplan requested members of the Zoning Commission to forward to the Planning Commission any comments or suggestions about the recommendations in the Working Draft. A Public Hearing is tentatively scheduled for August.
- B. Mr. Peck proposed a Zoning Regulation Amendment, Fast Food Restaurants, add definition 1.49A Restaurant, Fast Food Category 2. "A Fast Food Restaurant as defined in Section 1.49 that exceeds 25% of the total building area or is housed in a stand alone building. Section 20.25 Fast Food Category 2. No Category 2 Fast Food Restaurant shall be installed within a building or erected or established upon a lot or premises within a radius of 1,000 feet of any part of any other building, lot or premises used for such purposes. Existing premises used for such a purpose prior to adoption of this regulation shall not be deem nonconforming. All other regulations applying to Fast Food Restaurants shall apply to Fast Food Category 2."

Mr. Peck inquired as to the date for voting on the Amendment and inquired if there were any other parts of the Zoning Regulations that this Amendment would effect which would have to be changed. Mr. Mulholland indicated that at this time he did not believe any other regulation would be effected. Mrs. Cone indicated that there were other members of the Commission who are not present who should have the opportunity to review the above prior to voting. It was agreed that the vote should occur at the next Zoning Commission meeting 7/9/98.

- C. Zoning Official: Mr. Mulholland stated that there were not other applications at this time.
- D. Comments from Planning Representative: Mr. Locarno had left the meeting prior to this time.
- E. Comments from Ex-Officio: Mrs. Hardy was not present.

**Motion (7)** Mr. Mullaney moved to adjourn the Regular Meeting of the East Lyme Zoning Commission. Mr. Peck seconded the motion. Motion approved unanimously. Vote (6-0) The meeting was adjourned at 10:48PM.

Respectfully submitted,



~~Bill Mulholland~~  
~~Zoning Officer~~

*Commission Clerk*

## PUBLIC HEARING

### **A. Application of Walter R. Scott for a Special Permit to operate a roadside stand to sell agricultural produce at 70 Mostoway Road, East Lyme, Connecticut, further identified as Tax Assessor Map 44, Lot 8.**

A legal ad has been duly posted in The Day. Letter from Mr. Scott to the Commissions was read. 89 acres property, sales will be out of existing barn for the purpose of selling farm, nursery and related items on a seasonal basis, hours 6AM-8PM, 7 per week. Attached hand draw sketch describing barn and location.

Memo was read from Bill Mulholland indicating it is in RU40 rural zone and permitted under Sec. 4.24 of the Zoning Regulation. Section 25.5 requires a maximum floor of 1000 sq. ft. or less. Mr. Mulholland indicated that the barn space Mr. Scott will use would conform. Off street parking must be provided for at least 3 cars. Building/stand must be 20 ft. from the road. Mr. Scott can comply with all applicable zoning criteria.

Speakers in favor: J. Kwasniewski, 67 Walnut Hill Rd.; Bob Simpson, 30 Sleepy Hollow Rd.; Bob Foster, 22A Scott Rd.; W. Scott, 32 Scott Rd.

No opposition stated.

Mrs. Cone closed public hearing for this item.

### **B. Application of the Town of East Lyme for a Special Permit to construct a (Municipal) Parking Lot at 11 Hope Street, Niantic, CT, property further identified as Tax Assessor Map 12.1, Lot 94.**

Mrs. Cone stepped down as chair and appointed Norman Peck, Chair.

Memo from Bill Mulholland was read: 6/18/98 This use is permitted under the East Lyme Zoning Code (Section 9.2.7) which allows stand along parking lots by special permit. The application is subject to meeting the site plan requirements of Section 24. A review of the proposal reveals that it complies with all the applicable requirements. However, the applicant is requesting an exception to Section 24.6.E3, Buffer Strips. Specifically, an exception (1) is requested to eliminate the evergreen planting on the westerly and southerly property lines. The applicant is also requesting a waiver of the sidewalk requirements of Section 24.6.C, which require installation of sidewalks along the lot line abutting Hope Street.

6/5/98 Legal ad was posted in The Day.

Wayne Fraser represented the Town of East Lyme. The town is in lease negotiations to lease the property for 5 years with an option to renew/purchase. A drawing was submitted, which meets the regulations. Minimum requirements are 300 sq. ft./space, the plan allows for 430 sq. ft./space; 9x18 parking stalls, total of 30 spaces, entrance 30 ft. (1) Town requests to waive sidewalk requirements; sidewalks on other side of street. Town will be coming down with sidewalks in the future and believes sidewalks are better being placed in other areas at this time. 10' butter has been met on the corners. Parking lot is perpendicular to Hope Street with interior landscaped island. (2) Waiver is requested on evergreen planting for security reasons, so the lot can be clearly seen from the street by police. At this time, there is no lighting within the proposed.

Speakers in favor: Bob Simpson, Albert Yost, W. Scott, J. Kwasniewski

No opposition was voiced.

Mr. Peck closed the public hearing was closed.

**D. Application of Douglas J. Beach for a Special Permit to construct a Fast Food Restaurant on property off Flanders Road, Niantic, CT, property further identified as Tax Assessor Map 26.3, Lot 18.**

Mrs. Cone noted that Shawn McLaughlin is standing out for this hearing.

Legal ad was posted 6/15/98 in The Day.

Memo from Mr. Bill Mulholland: Property located in CA Commercial Zone.

Letter from Harold Kaplan, Chairman, East Lyme Planning Commission. 5/19/98

Planning Commission approved with recommendation that adequate planting of trees and shrubs are included in plan to ensure that water within retention ponds and on the impervious surface meet requirements of the ground water system and does not evaporate too rapidly.

Statement of Use from the applicant was read into the record: The proposed development includes the construction of a Kentucky Fried Chicken with a drive-thru and 900 sq. ft. storage building to be use as an accessory tot the KFC business and a 3000 sq. ft. retail building with 3, 1000 sq. ft. units. KFC has provided 39 parking spaces. Retail parking provides additional 12 spaces (total parking spaces 51). Retail is not now part of this application.

Letter to DOT, Chester Lickwola, Head of Permitting, Norwich, CT. from Matthew White, Angus McDonald/Gary Sharpe Associates, Inc., Civil Engineers, Planners & Surveyors, Old Saybrook, CT. Plan revised to accommodate one exit and one entrance. Radii designed to accommodate SU30 design vehicle. Catch basin changed to manhole

Matt White presented site plan and its particulars with regard to traffic flow, drainage, lighting.

Letter from Citizen Pat Revero, 12 Damon Heights to Zoning Commission, Town of East Lyme addressed traffic and safety concerns, in particular auto accidents on that stretch of Rte. 161 and the safety of school children waiting for the school bus at the intersection of Rte. 161 Flanders Rd. and Damon Heights Rd.

Statements in Favor: Lloyd Bayreuther, 151 Pennsylvania Ave., Bob Foster, 22A Scott Rd., J. Kwasniewsky, 67 Walnut Hill Rd.

Statements Opposed: Raymond Murallo, 11 Damon Heights Rd., Stan Moskal, 20 Damon Heights Rd., John McCaffery, 18 Damon Heights Rd., Albert Yost, 214 Green Cliff Dr., Pat Ravero, 42 Damon Heights Rd.,

The Public Hearing was closed at 9:41PM.