

Minutes of East Lyme Zoning Commission - 01/19/23

Date and time: 01/19/23 7:30 PM to: 01/19/23 8:30 PM

Present: Brooke Stevens, Recording Secretary, Members Present:, Terence Donovan, William Dwyer, Debbie Jett-Harris, Anne Thurlow, Alternates:, Denise Markovitz, Dave Schmitt, Absent:, Norman Peck, Terry Granatek, Jay Ginsberg

CC: Also Present: , William Mulholland, Zoning Official, Rose Ann Hardy, Ex-Officio

Location: East Lyme Town Hall Upper Conference Room, 108 Pennsylvania Avenue, Niantic, CT, 06357

Link: <https://app.meetingking.com/meetings/391638>

Topics

1. Call to Order & Pledge of Allegiance

Note Chairman Thurlow called the January 19th, 2023, Zoning Commission meeting to order at 7:30 and led the Pledge.

Note Ms. Thurlow sat Ms. Markovitz and Mr. Schmitt as Regular Members for the evening.

2. Public Delegations

Note Public delegation is the time when members of the public are invited to speak to the Commission on such matters that are not on the agenda.

Note No members of the Public were in attendance.

3. Public Hearing

3-1. Application of Charles Koch for a Special Permit for indoor recreation at 170 Flanders Rd, for Cardio Sport by the Bay. East Lyme Assessor's Map 26.3, Lot 11.

Note Mr. Mulholland noted for the record that the legal ad for this item has been run, and the sign has been posted.

Note Ms. Jett-Harris read Mr. Mulholland's memorandum dated January 19th, 2023, into the record.

Note Charles Koch of 108 Hillcrest in Niantic, the Applicant, came forward and said some of the following:
They will be a class-based gym located in the Midway Plaza.
Classes will be conducted during non-high traffic times early in the morning, and late in the evening.
The normal flow of business will not be disrupted.
This will be the first franchise in the State of Connecticut.
The concept of the classes is to simulate being in a game time environment, so there's no set clock or repetitions; It's just all based off of movement.
It is as much a physical workout as it is a mental workout and is choreographed that way as well.

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Note Mr. Koch added that there will be no individual training, no free access, everything will be scheduled based off of the classes, and will be led by one individual coach. He noted there's no heavyweight equipment, and most of the things they use are sports equipment, soccer balls, tennis balls, and items of that nature. Mr. Koch explained there is a monthly membership associated with the program.

Note Ms. Jett-Harris asked if there will be music and Mr. Koch replied that the music will be isolated inside an 800 square foot box that they're building out, they're insulating the ceiling and providing speakers just inside that box, so they do not disrupt the rest of the tenants.

Note Mr. Dwyer said the classes don't seem very large and Mr. Koch replied that if you coach a football team, you have to keep track of 11 people at a time, want to and they want to keep it tight, so they can give everyone the attention that they need in order to be successful.

Note Ms. Thurlow asked about vibrations from people jumping around and Mr. Koch replied they're at ground level, laying a pad, laying an eight-millimeter turf on top of that, and the exterior floor will be rolled rubber which will also be eight millimeters thick, so it should dampen any noise.

Note Mr. Dwyer said he thinks this is a good use of the space.

Note There were no Public Comments.

Decision MOTION (1)

Mr. Dwyer moved to close the Public Hearing.

Ms. Jett-Harris seconded the motion.

Motion carried, 6-0-0.

3-2. Application of Niantic Soapy Noble, LLC, owner/applicant, for a Special Permit, and Site Plan to redevelop and rebuild the existing car wash facility at property located at 230 Flanders Road, East Lyme, East Lyme Assessors Map 26.1, Lot 27.

Note Mr. Mulholland noted for the record that the legal ad for this item has been run, and the sign has been posted.

Note Ms. Jett-Harris read an email dated September 27th, 2022, from Kim Czaplak of DEEP into the record.

Note Ms. Jett-Harris read Mr. Mulholland's memorandum dated January 19th, 2023, into the record.

Note: Ms. Jett-Harris read the list of exhibits into the record:

- Exhibit A Special Permit Application Niantic Soapy Noble 230 Flanders Rd
- Exhibit B Site Plan Review Application Niantic Soapy Noble 230 Flanders Rd
- Exhibit C Cover Letter Narrative Niantic Soapy Noble 230 Flanders Rd
- Exhibit D Proposed Soapy Noble Express Car Wash Site Plans 230 Flanders Rd
- Exhibit E Alternate Site Layout Plan Soapy Noble Carwash 230 Flanders Rd
- Exhibit F Project Narrative and Stormwater Report Niantic Soapy Noble 230 Flanders Rd
- Exhibit G Limited Warranty Deed Niantic Soapy Noble 230 Flanders Rd
- Exhibit H Abutters List Niantic Soapy Noble 230 Flanders Rd
- Exhibit I Revision Narrative of December 2, 2022, Niantic Soapy Noble 230 Flanders Rd
- Exhibit J Revised Dec 2, 2022, Proposed Site Plan Niantic Soapy Noble 230 Flanders Rd
- Exhibit K Project Narrative and Stormwater Report Soapy Noble Express Revised Dec 2, 2022
- Exhibit L Town Engineer Staff Review Niantic Soapy Noble 230 Flanders Rd Dec 5, 2022
- Exhibit M Public Utilities Engineer Staff Review Niantic Soapy Noble 230 Flanders Rd
- Exhibit N Notice to Applicant of Public Hearing Niantic Soapy Noble 230 Flanders Rd
- Exhibit O Town Clerk Recording and Legal Publication Niantic Soapy Noble 230 Flanders Rd
- Exhibit P State of CT DEEP Email Aquifer Protection Zone of 9/27/2022
- Exhibit Q Sign Posting

Note: Kevin Solli P.E., of Solli Engineering came forward representing the Applicant. He noted that Mike Frisbie of Soapy Noble is in attendance, as are some other members of the team, who are here to answer questions regarding the everyday operations.

Note Mr. Solli shared some of the following:

They haven't received wetlands approval yet, but they believe this approval is imminent.

They expect to have the Commission keep this Public Hearing open until they obtain wetlands approval.

The site is located at the intersection of Industrial Park Road and Flanders Road.

The site actually is currently improved with an old carwash.

The current building is pretty close to the to the street, and because of the age of that facility there aren't really any stormwater control measures, and no real protection measures in place to deal with the wash water and the like.

Right now, when it rains, and when someone's cleaning a car, the water runs right off the back of the site towards the wetlands in the rear.

This application will have the newest technology.

They're proposing a fully automated carwash, just under 3400 square feet.

Access to the carwash will be provided via full movement driveway on Industrial Park Road.

They wanted to make sure that we're able to design something that kind of took a lot of the existing site constraints into consideration.

They actually proposed to close the existing access off of Flanders Road, which is a great improvement.

They pulled that driveway pretty far back off from the signal at the intersection of Flanders and Industrial Park Road.

They have an egress only bypass lane- it's up at the end of the carwash, but all customers will come in through the rear entrance that's furthest away from Flanders.

The site has a total of 17 parking spaces and of that, 13 vacuum spaces.

They've started a dialogue with the DOT regarding the Flanders Road access and they're very supportive of the project.

They're proposing sidewalks on the entire frontage of both Industrial Park Road and Flanders Road.

It will wrap all the way around the limits of the property and continue all the way down to the bridge on Industrial Park Road.

The additional sidewalks will be a great improvement for the site.

They're site has been designed with a robust stormwater management system.

All stormwater is collected and routed through series of catch basins with deep sumps.

The storm water is routed through piping systems and discharge into a hydrodynamic separator, which is in accordance with the 2004 storm water body manual administered by DEEP.

After the stormwater is cleaned and treated its outlet-ed into an above ground detention basin.

This system has been designed to actually provide additional attenuation.

It'll allow for water to sit, stuff to settle out and be discharged into attenuating flows, to reduce the peak runoff from the site from existing conditions.

It is then outlet-ed into a larger wetland mitigation area, which is being proposed just east of some existing wetlands on the property.

They're reducing flows for all storm events.

The water is recirculated and treated and 70% of it is actually reused in the wash cycle for future car washes and then whatever isn't is actually discharged into the sanitary sewer system, so it does not go into the stormwater at all.

Note Mr. Solli briefly reviewed the soil erosion sedimentation control plan, utility plan, and landscaping plan for the site.

Note Mr. Solli noted the lighting proposed is dark sky compliant, they will be utilizing recessed fixtures and LEDs, so it reduces glare, and ensures that they don't have any light spillage off of the property.

Note Mr. Solli reviewed the architectural design of the proposed building and noted the carwash is designed to primarily service passenger vehicles, and not larger box trucks.

Note Mr. Mulholland asked about the elevation which Mr. Solli reviewed for the Commission.

Note Mr. Donovan asked about the drawing that renders vacuums attached to the building and Mr. Solli confirmed that there is no vacuum proposal on or along the building.

Note Mr. Schmitt asked how the size of the building compares to the existing building, and Mr. Solli replied that it's slightly larger but has self service bays, so it functions differently; it's a bit larger footprint, but from an operation standpoint much more efficient, self-contained, and controlled.

Note Matt Hoger, the operator for the chain, came forward and noted the following:
The proposed hours are 7am to 8pm every day of the week, except Sundays.
Sundays will be open from 8am to 6pm.
The carwash is not self-serving, it's fully automated.

Note Mr. Hoger detailed the washing chemicals and materials that will be utilized on the site.

Note Mr. Hoger said the employees on site will range from four to six, plus a manager; an assistant manager will be split between this site and another. He added that they always have a manager present and anytime they're open, they will have a cashier there as well.

Note Mr. Hoger detailed the two unmanned pay stations they will have as well as the associated license plate readers that will be available to recognize patrons with a membership plan.

Note Ms. Thurlow asked if they've ever had issues with leaks and Mr. Hoger replied that as of now, they have not. He explained that the system is designed is to accommodate anything shy of a major earthquake; the large holding tanks outside are underground, within very thick cement encasements, and anything inside the carwash is in the trench, which has the cement outside and all the pipes come through cement as well.

Note Ms. Hardy asked Mr. Solli to review the front facade of the building, which he did.

Note Ms. Hardy asked if the potential widening of the road due to the revamping of exit 74, and Mr. Mulholland replied that the width of the road is going to finish down on the bridge on I-95, on the west side, which would be at the end of Industrial Park Road and Flanders Road, next to Stop & Shop; it's going to feather down to zero, so the widening is really on the north end of Stop & Shop.

Note Mr. Solli noted the existing building is approximately 21 feet away from the property line, and this proposal actually brings that back, they will be 32 feet away from the front property line.

Note Ms. Jett-Harris asked about the specific cleaners they will be using, which Mr. Hoger detailed. He noted that nothing they use is a high-risk chemical, overly corrosive, or an environmental hazard. Mr. Solli said the SDS sheets on every chemical used is included in their application.

Note Ms. Hardy asked if there is a waiting room facility and Mr. Solli said there is not, only a small storefront with a couple of chairs. He added that a waiting room is not needed since people stay with, and in their vehicles.

Note Ms. Hardy asked how long each client would be at the site and Mr. Hoger replied that the average length of a carwash is two minutes; they can process four cars at a time so they can service around 120 cars an hour.

Note Mr. Solli discussed how the plans he's reviewing are already part of the record, and no revisions have been made.

Note Mr. Donovan pointed out that the rendering of the building with vacuums along it is not applicable, which Mr. Solli confirmed.

Note Ms. Markovitz said the plans show two different scenarios for the vacuum station, and Mr. Solli explained they're proposing vacuums on both sides of the egress lane from the carwash, 7 to the north, and 6 to the south.

Note Ms. Jett-Harris asked how many cars can go through the operation in one day, and Mr. Hoyer said they can actually process just shy of 200 cars an hour but will never do more than 120 cars an hour. He said with anything above 120 cars an hour you start to sacrifice the quality of the carwash.

Note There were no Public Comments.

Note Ms. Hardy asked if the motion should make it clear that approval is contingent on Inland Wetlands approval, and Ms. Thurlow said they plan to address that.

Decision MOTION (2)

Ms. Jett-Harris moved to continue the Public Hearing for the sole purpose of receiving the wetland agency's decision.

Ms. Markovitz seconded the motion.

Motion carried, 6-0-0.

4. Regular Meeting

Note The regular meeting opened at 8:16 p.m.

4-1. Application of Charles Koch for a Special Permit for indoor recreation at 170 Flanders Rd, for Cardio Sport by the Bay. East Lyme Assessor's Map 26.3, Lot 11.

Note Mr. Dwyer and Ms. Markovitz commented that this is a good use for this area and Ms. Thurlow noted there is plenty of parking available.

Decision MOTION (1)

Ms. Jett-Harris moved to approve the application of Charles Koch for a Special Permit for indoor recreation at 170 Flanders Rd, for Cardio Sport by the Bay. East Lyme Assessor's Map 26.3, Lot 11.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

4-2. Application of Niantic Soapy Noble, LLC, owner/applicant, for a Special Permit, and Site Plan to redevelop and rebuild the existing car wash facility at property located at 230 Flanders Road, East Lyme, East Lyme Assessors Map 26.1, Lot 27.

Note This item has been continued.

5. Approval of Minutes

5-1. Zoning Commission January 5th, 2023, Meeting Minutes

Note Ms. Jett-Harris said she has a correction- the minutes read:
"Ms. Jett-Harris said she would like to revisit the earlier topic. She said that she was reading the Charter, and they're supposed to pick a Chairman by December 31st."

Ms. Jett-Harris said she misspoke; she said Charter when she should have said Bylaws and the Bylaws say a Chairman is selected in December, and don't actually specify December 31st.

Decision MOTION (2)

Ms. Markovitz moved to approve the meeting minutes of January 5th, 2023, as amended.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

6. Old Business

6-1. Architectural Design Review Regulations CA Commercial Zone

Note Mr. Mulholland said he has no new updates and is working on this.

6-2. Niantic Village CB Zone Bulk Regulations

Note Mr. Mulholland said they've met twice and expect to have something for the next meeting.

7. New Business

7-1. Any business on the floor, if any by the majority of the Commission

Note Mr. Donovan said some of the following:

At the last meeting Commission Members were emailed copies of the Zoning Bylaws that was submitted to the Town Clerk's Office.

According to our Bylaws, we must vote on these, and the effective date will be immediately after they voted on it.

To his knowledge, the last Bylaws that were voted on and we're back in 2008.

The ones that he found were from 2010.

There are some small clerical errors.

Note MOTION (3)

Mr. Donovan moved they accept the Bylaws as presented, so that they have a legal record on file, as they're required to.

Ms. Markovitz seconded the motion.

Note Mr. Donovan suggested forming a subcommittee to review the Bylaws.

Note Ms. Thurlow suggested they each review the Bylaws individually, determine any needed corrections, and add this to the next meeting agenda, at which time they can be voted on.

Note Mr. Donovan withdrew his motion and Ms. Markovitz withdrew her second.

Note The Bylaws will be added to the next meeting agenda.

7-2. Zoning Official

Note Mr. Mulholland said he thinks the Soapy Noble crew did a nice presentation, which was very thorough. He had nothing else to report.

7-3. Comments from Ex-Officio

Note Ms. Hardy shared some of the following:

The Board of Selectmen are continuing to review the ethics policy for Town employees.

Once this is finished, as new hires come in, they will be required to sign and acknowledge the ethics policy, which notes that there may be no gifts accepted that are greater than \$25.

They're still working on the upgrade of the policy.

They had hoped to have four EV Energy Efficient Charging Stations but it's more expensive than they thought it was going to be.

They're going to have to reduce the amount and are still reviewing exactly where those would be located, as well as how much the Town would recoup from the cost of this.

Note Mr. Mulholland added that there's a new State Statute that's going to require developers to put them in their site plans; a text amendment will be forthcoming to add that to our site plan regulations, to mimic the State Statute.

Note Ms. Hardy further shared the following:

The Natural Resources Commission has been working on sustainability in conjunction with the Inland Wetlands, and they have received a Bronze award from the State.

She has a list of the items that enabled them to receive Bronze status.

This work was done by volunteers and Natural Resources spearheaded the 20 projects.

This was accomplished by volunteers, who contributed hundreds of hours of their time.

The Board of Selectmen are still seeking additional legal documents before making a decision regarding purchasing the Hathaway property from the East Lyme Land Trust.

7-4. Comments from Zoning Board Liaison to Planning Commission

Note Ms. Thurlow noted Mr. Donovan is scheduled to attend the next Planning Commission meeting.

Note Ms. Thurlow asked everyone to mark March 11th on their calendars, since there's a Statutory requirement for municipal land use officials to take training on land use laws and issues beginning in January 2023; the Zoning Office is arranging the required 4 hours of land use training and more information will be forthcoming.

7-5. Chairman Comments

Note Ms. Thurlow had no comments.

8. Adjournment

Decision MOTION (4)

Mr. Dwyer moved to adjourn the January 19th, 2023, Zoning Commission Meeting at 8:30 p.m.

Mr. Schmitt seconded the motion.

Motion carried, 6-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary