

# Town of East Lyme

P.O. DRAWER 519

Zoning Commission

NIANTIC, CONNECTICUT 06357  
Filed in East Lyme Town  
Clerk's Office

PUBLIC HEARING  
May 4, 1995

May 9, 1995 AT 4:00 AM  
Dorothy A. Bliss  
East Lyme Town Clerk

PRESENT:

Wayne Fraser, chmn.; William Dwyer, Norman Peck III  
Alternates: Chris Mullaney and Shawn McLaughlin

ABSENT:

Paul Formica, Athena Cone and Sharon Baroni

PUBLIC DELEGATIONS:

Greg Grippo, 480 Main St., Niantic, read a letter from his file of April 1992 regarding a complaint against Ronald Walker, 61 Beechwood So. Mr. Grippo said his complaints have not been investigated, and has been told the investigation is now closed.

Al Crowley, 24 Lincoln St., Niantic, inquired about the re-opening of the old Texaco station on Main St. with a canopy to be added. He asked about the rationale behind this.

Mr. Mulholland asked him if he would like to come in to the office, and he would be happy to go through the file with him.

PUBLIC HEARING:

Mr. Fraser asked Chris Mullaney and Shawn McLaughlin to sit with the Board, thus making five voting members tonight.

1. Application of Patricia Waddington, 147 Main St., Niantic to amend Section 1.49 "Restaurant, Fast Food" and Section 1.50 "Restaurant Standard" of the East Lyme Zoning Regulations.

Mr. Fraser stated the hearing was properly advertised and posted. Letters were received from SCRPA and from East Lyme Planning Commission. No comment was received from CAM. Letters were received from SCRPA and from East Lyme Planning Commission. Planning Commission wrote they unanimously voted to disapprove the change in the regulations as the rules provide a good distinction between standard and fast-food restaurants. A copy of their research on definitions of restaurants in the regulations of other Connecticut towns was included with the letter.

The Southeastern Conn. Council of Governments Regional Planning Commission recommended against adoption of the proposed amendment in its current form. They felt the change would eliminate the heart of the East Lyme definitions for "restaurant-fast food" and "restaurant\*standard".

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Memos from Bill Mulholland and from Atty. Francis T. Londregan were noted.

Atty. Francis T. Londregan was present to represent Patricia Waddington in this request. He stated she is the owner of the land and the proprietor of the restaurant.

He noted that there would have to be a 2/3 vote to approve the application, and if the Board does not vote this evening then another member could read and study up on the proposal. The chairman said we have 30 days in which to extend and complete the hearing.

Atty. Londregan reviewed the history of the Waddington restaurant (Dad's Restaurant). He said the business was established in 1960. He said the food is prepared and cooked on the premises. He said they have added restrooms, a loading dock and many other changes.

In 1989 the Commission enacted regulations re: fast food restaurants. He said the Waddingtons did not consider themselves "fast food". He said the problem right now is the zoning definition of a standard restaurant as to how the food order is taken and how it is served. Because they do not have waiters and waitresses it put them in a different category. He said they want to raise the picnic area to the level of the main floor, but they can't because it is a non-conforming building.

Atty. Londregan said the key word missing is "normally", and he asked that 1.50 Restaurant Standard be amended by inserting the word "normally" between the words "employee" and "takes.....order", in the first sentence of that definition.

Atty. Londregan submitted EXHIBIT A- restaurant definitions. He said Waddington's take 20 minutes to prepare food, - not two minutes like MacDonaldis or Burger King. He said they don't want to increase the seating capacity, and they don't need more parking. They have a shared parking area with Boats Inc. They do not want to be classified as a "fast food" restaurant"

Mr. Mulholland said it has to be made a conforming restaurant.

Atty. Londregan said they wish to withdraw the application as Zoning received it.

EXHIBIT B --new proposed changes.

Atty. Londregan said the only difference between "fast food" and "restaurant standard" is how the food is prepared.

There was some discussion as to whether the Board could consider this latest change because of the way it was advertised.

Mr. Fraser pointed out that this is not an expansion of the regulation. It is now down to the inclusion of one word "normally".

Atty. Londregan said this is less than the legal ad or scope.

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Atty. Londregan said the statement that Groton's definition for standard and fast food restaurants is almost identical with East Lyme's is not correct.

He said Old Saybrook calls them "indoor restaurants" and they are not like East Lyme's.

Mr. Fraser wanted it made clear that we are here to make a change in the regulations- not to approve Waddington's restaurant.

Atty. Londregan claimed our regulations could prevent a lot of high scale restaurants from coming in.

EXHIBIT C - a menu, (copy of Dad's Restaurant.

Mr. Fraser asked them to show how it pertains to the amendment.

Patricia Waddington, 137 Black Pt. Rd., said they employ 46 people, and have 6-9 people just preparing food. She said "Dads" is a standard restaurant, and always will be. She said the reason for this concern and change is because they want to make an addition to a non-conforming structure. They now only are looking at an amendment to 1.50 by inserting "normally".

They would be going back to Mr. Mulholland for a permit. It is in a CM zone, said Mr. Peck, and must be by Special Permit.

SPEAKING IN FAVOR:

Jay Gionet, Indian Rocks Rd., Niantic, said with the new board walk along Main St. this should be an asset to the town.

Jack Lewis, a member of the down-town merchants, said he hoped this proposal could be approved. He said the new board walk will bring people in, and they will want to eat.

Al Crowley, 24 Lincoln St., said Dad's Restaurant is a jewel and this should be approved

SPEAKING AGAINST: none

A five minute recess was taken at 8:45 p.m. and the Board was called back at 8:50 p.m.

Discussion by Commission members:

Mr. Fraser remarked that we want to help business in this town.

A vote on the standard restaurant definition and how it would affect East Lyme is to be considered.

The commissioners decided to close the public hearing at 9:00 a.m.

Attest:

*Elizabeth J. Taylor*  
Elizabeth J. Taylor  
Recording Secretary