

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, April 17, 2023
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, April 17, 2023 at 7 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Steve Carpenteri, Chairman, Wayne Blair, Michael Strube, Alternate,
Spencer Clapp, Acting Secretary

ALSO PRESENT: Attorney Harris, representing L & L East Lyme
Attorney William Sweeney, Assisting representation L & L East Lyme
John Smith, Alternate

ABSENT: Larry Fitzgerald, Kevin Mace

1. Call Public Hearing to Order

Chairman Carpenteri called the Public Hearing to order at 7:00 PM. The Pledge was observed.

2. Read Notice of Public Hearing

Mr. Carpenteri asked Mr. Clapp to read the Agenda call of Case #2-2023 of the Public Hearing.

Case No. 2-2023 Application of L & L East Lyme, LLC, c/o Readco Property Management, Owner for a variance of the East Lyme Zoning Regulations Section 24.6E(2) Landscaping and Buffers – Front Landscaping, for property located at 248 and 250 Flanders Road. Said parcel appears on East Lyme Assessor's Map 26.1, Lot 4 and Lot 6.

The Public Hearing notice was sent to the New London Day for publication on 4/10/2023 and 4/14/2023.

Mr. Carpenteri introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest from the members, he explained the rules of the meeting, and noted that notices had been sent to the abutters.

Mr. Carpenteri then called for the applicant or their representative to make their presentation.

Attorney Sweeney from Tobin Carberry of New London, CT said that he is assisting Attorney Harris this evening. He explained that the State of CT is taking some of the area for the Rte 161 widening and that this is the same application as the one from January 9, 2023. He asked that they make a motion to enter into the record the minutes and record from that meeting as they are the same.

****MOTION (1)**

Mr. Blair moved to enter into the record the Minutes and items from the January 9, 2023 hearing.

Mr. Clapp seconded the motion.

Vote: 4 – 0 – 0. Motion passed. (Items Attached)

Mr. Sweeney continued that one of the effects of the I-95 roadwork is the taking of 4 feet of land in front of the Stop & Shop plaza. This will eat into the band of trees planted there by some 3'4". The loss of the trees would have an impact but would also create a non-conformity. This 'taking' will happen. State law states that a variance would be sought and that while a taking is a hardship it is not something that won't be done. It does not necessarily mean that they would have to grant a variance. There was previous discussion about alternatives – it was noted in January that the parking lot could be moved back a bit and the trees could be saved. However, unfortunately the State has a policy that they will not even discuss any of this unless the variance is denied.

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EAST LYME, CT
2023 APR 20 A 10:09
Caulfield
TOWN CLERK

This could go both ways – you could agree that it is a hardship or deny the variance at which point it would go back to the State and they would have to work this out with the Town. He said that while it is sort of odd and unusual that is how the State does this.

Mr. Carpenteri said that at the last meeting the options were brought up –
Mr. Sweeney said that the State won't discuss the options. If you deny it and they then modify the parking lot – there will be no need for a variance.

Mr. Carpenteri called for any further comments -
Hearing none -
He asked if the Board members had any further questions –
Hearing none -
Mr. Carpenteri closed the Public Hearing at 7:13 PM.

REGULAR MEETING

Mr. Carpenteri opened the Regular Meeting at 7:14 PM.

Case No. 2-2023 Application of L & L East Lyme, LLC, c/o Readco Property Management, Owner for a variance of the East Lyme Zoning Regulations Section 24.6E(2) Landscaping and Buffers – Front Landscaping, for property located at 248 and 250 Flanders Road. Said parcel appears on East Lyme Assessor's Map 26.1, Lot 4 and Lot 6.

Mr. Carpenteri asked if they were ready to make a motion on this item as there is no legal hardship.

****MOTION (2)**

Mr. Clapp moved to DENY the Application of L & L East Lyme, LLC, c/o Readco Property Management, Owner for a variance of the East Lyme Zoning Regulations Section 24.6E(2) Landscaping and Buffers – Front Landscaping, for property located at 248 and 250 Flanders Road. Said parcel appears on East Lyme Assessor's Map 26.1, Lot 4 and Lot 6. Reason for denial – There is No demonstrated legal hardship.

**Mr. Blair seconded the motion.
Vote: 4 – 0 – 0. Motion passed.**

Mr. Carpenteri noted that they had one other matter of business to take care of. He asked that they motion for a Secretary as Mr. Smith and Mr. Clapp had swapped positions.

****MOTION (3)**

**Mr. Carpenteri moved that Mr. Clapp be ZBA Secretary.
Mr. Blair seconded the motion.
Hearing no other motions, he called for a vote.
Vote: 4 – 0 – 0. Motion passed.**

ADJOURNMENT

Mr. Carpenteri called for a motion to adjourn.

****MOTION (4)**

**Mr. Clapp moved to adjourn Case #2-2023 of the East Lyme Zoning Board of Appeals at 7:20 PM.
Mr. Strube seconded the motion.
Vote: 4 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,
(Attachments)

Narrative on Application for Variance

As revealed in the State of Connecticut plan for taking along the Route 161 frontage of the Stop and Shop Center. it is proposed to reduce the required 6 foot buffer, by 3.4 feet, leaving a 2.6 foot buffer, along the frontage of the property from Industrial Park Road on the South to the Northerly entrance to the Center. Pursuant to East Lyme Zoning Regulations, Section 24.6 E(2)

“ FRONT LANDSCAPING – Each lot will be provided with a landscaped strip, 6 feet or more in width, along the street line. This strip will be curbed, planted with grass or suitable ground cover, and will include appropriate trees and shrubs....”

Hence this application is twofold: To reduce the width of the buffer; and to eliminate much of the plantings along the frontage, as there would be little room to have substantial plantings. The hardship is the necessary modifications to the street frontage to accommodate the redesign of the I-95 Exit 74 intersection.

Attachments - from Jan. 9, 2023

(Same —
Case # 3-2022) 6
PS:

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, JANUARY 9th, 2023
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, January 9, 2023 at 7 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Steve Carpenteri, Chairman, Wayne Blair, Michael Strube, Alternate,
Spencer Clapp, Alternate, Acting Secretary

ALSO PRESENT: Attorney Harris, representing L & L East Lyme
Attorney McNamara, Assisting representation L & L East Lyme
Ludwig Pulaski, State of CT DOT

ABSENT: John Smith, Larry Fitzgerald, Kevin Mace

RECEIVED FOR RECORD
EAST LYME, CT
2023 JAN 17 A 10:09
TOWN CLERK

1. **Call Public Hearing to Order**
Chairman Carpenteri called the Public Hearing to order at 7:40 PM. The Pledge was previously observed.

2. **Read Notice of Public Hearing**
Mr. Carpenteri asked Mr. Clapp to read the Agenda call of Case #3-2022 of the Public Hearing.

Case No. 3-2022: Application of L & L East Lyme, LLC, c/o Readco Property Management, Owner for a variance of the East Lyme Zoning Regulations Section 24.6E(2) Landscaping and Buffers – Front Landscaping, for property located at 248 and 250 Flanders Road. Said parcel appears on East Lyme Assessor's Map 26.1, Lot 4 and Lot 6.

The Public Hearing notice was sent to the New London Day for publication on 12/28/2022 and 1/5/2023.

Mr. Carpenteri introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest from the members, he explained the rules of the meeting, and noted that notices had been sent to the abutters.

Mr. Carpenteri then called for the applicant or their representative to make their presentation.

Attorney McNamara explained that the State of CT is taking some of the area for the Rte 161 widening. Mr. Carpenteri said that they are cutting back 6 feet to 2.6 feet and asked what the hardship is. He said that they could configure the area to work and that they cannot give a variance when one is not needed.

Mr. Pulaski said that the state is taking the property and will now own it. Attorney Harris said that his understanding was that some of the trees will be coming down. Mr. Pulaski said that the sidewalk and also the corner will be re-engineered.

Mr. Carpenteri said that there is a way to do this without a variance and as it would not be needed they could not give one.

Mr. Pulaski said that the sidewalk would be rebuilt in the same location and that some of the trees would come down.

Mr. Blair asked about the trees.

Mr. Carpenteri said that the Town wants the trees in the buffer zone; however they feel that all of this can be done with just a bit more work involved to do it.

Mr. Clapp said that if there is a way to do it that it is not a hardship. He asked Mr. McNamara if he knew of any precedent.

Mr. McNamara said that the hardship is being created by the State taking the property.

Mr. Clapp asked Mr. Pulaski if he knew of anything.

Mr. Pulaski said that if it is a taking with regard to the frontage then the owner has to go for the variance instead of the State – this involved parking spaces and they said that they would lose six (6) spaces. So L&L is the applicant.

Mr. Harris said that there are six parking spaces that are being lost which has to do with the approval for the site from the very beginning.

Mr. Carpenteri said that he could see a way for this to work where the spaces would be okay as there are other options. Because there are options to get what is necessary, there is no reason for a variance. He suggested that they at least take a good look at it and for now they can continue the public hearing pending review for other options.

Mr. Carpenteri called for any comments from the public -

Hearing none -

He asked if the Board members had any further questions -

Hearing none -

Mr. Carpenteri said that the Public Hearing would be continued at a time to be noticed (or not) once the applicants and the State had further reviewed all the options.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

ZONING INFORMATION

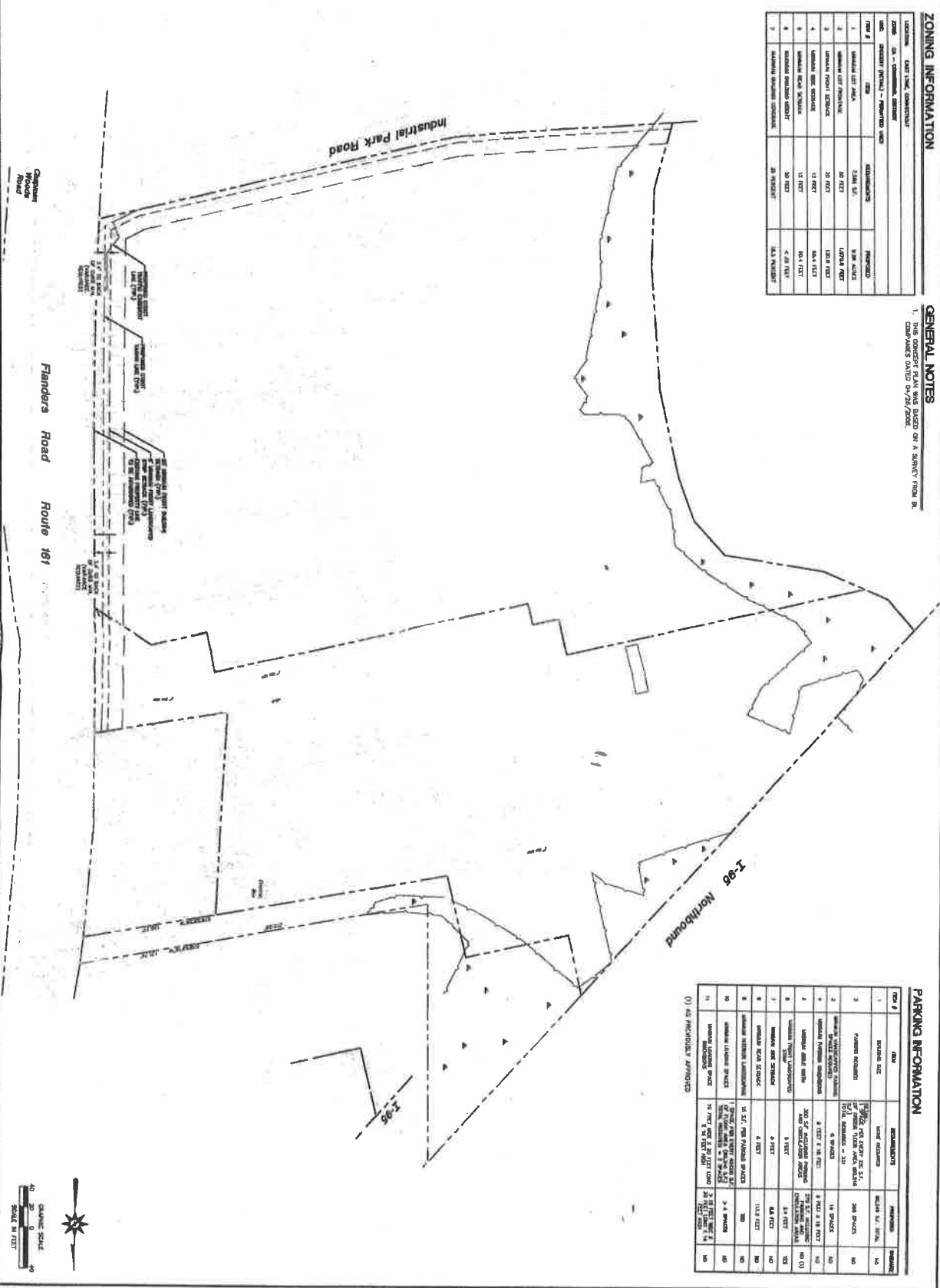
Zone	Min. Lot Area	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Min. Height
1. Residential Single-Family	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet
2. Residential Two-Family	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet
3. Residential Medium-Density	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet
4. Residential High-Density	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet
5. Commercial General	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet
6. Industrial Light	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet
7. Industrial Medium	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet
8. Industrial Heavy	10,000 sq. ft.	30 feet	5 feet	5 feet	35 feet

GENERAL NOTES

1. THIS CONCEPT PLAN WAS BASED ON A SURVEY FROM 01/11/2022. CONVEYANCES DATED 01/11/2022.

PARKING INFORMATION

Item #	Description	Quantity	Area (sq. ft.)	Notes
1	Surface Parking	100	10,000	
2	Surface Parking	100	10,000	
3	Surface Parking	100	10,000	
4	Surface Parking	100	10,000	
5	Surface Parking	100	10,000	
6	Surface Parking	100	10,000	
7	Surface Parking	100	10,000	
8	Surface Parking	100	10,000	
9	Surface Parking	100	10,000	
10	Surface Parking	100	10,000	
11	Surface Parking	100	10,000	

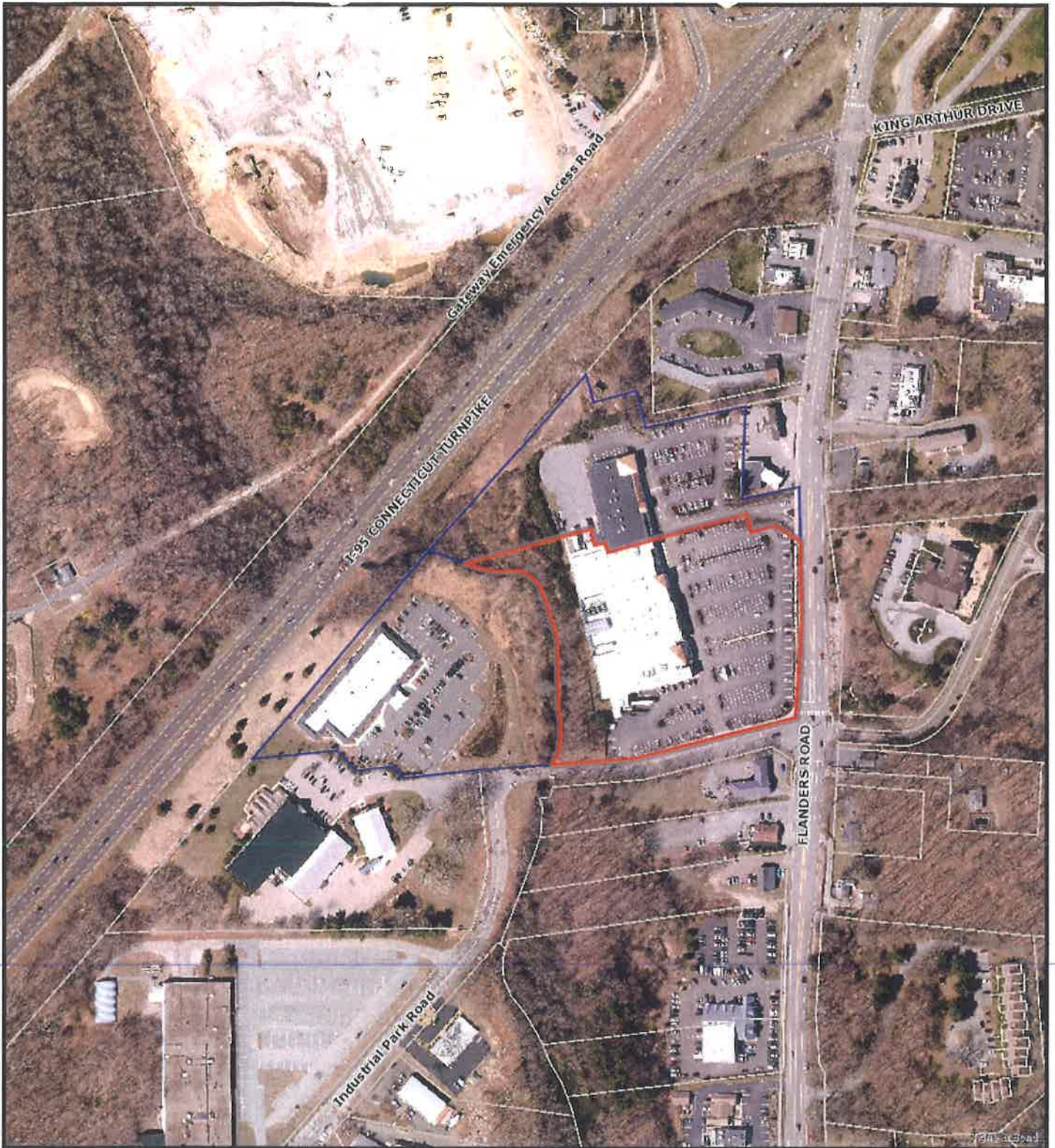


Attachment ERA 3-2022 Col Salt Lane - State for 101 Damming 1/9/2023

PROPOSED PROPERTY TAKING PLAN
FLANDERS ROAD (ROUTE 161)
EAST LYME, CONNECTICUT



VP-1
VARIANCE PLAN



12/12/2022 11:20:21 AM

Scale: 1"=300'
Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.





12/12/2022 11:21:06 AM

Scale: 1"=300'

Scale is approximate

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.

