

EASTLYME ZONING COMMISSION

Special Meeting, April 13, 2023. 7:30 PM
East Lyme Town Hall, main room

RECEIVED FOR RECORD
EAST LYME, CT

Members Present: Chairman Anne Thurlow, Debbie Jett-Harris, Terence Donovan, Norm Peck, T. Granatek, Denise Markovitz, Alt. Dave Schmitt, Alt.,

Members Absent: Bill Dwyer, Jay Ginsberg, Alt,

Also Present: William Mulholland, Zoning Official, Anne Chicciello, BOS liaison, Sue Spang, Recording Secretary

Call to Order: Chairman Thurlow called the meeting to order at 7:34

I. PLEDGE OF ALLEGIANCE-recited

II. PUBLIC DELEGATION: none

III. PUBLIC HEARINGS:

1. Application of ZDM Properties, LLC for a special Permit and Design Review to redevelop properties identified in the application as 338, 344, & 348 Main Street, Assessor Map 11.2 Lots 165 & 166 into mixed-use (including a takeout restaurant) project per sections 9.2.3 & 9.2.4, 25 & 24 of the Zoning Regulations. (7:44)

N. Peck recused himself and D. Schmitt was seated. D. Markovitz was seated for B. Dwyer Norm Thibeault, Killingly Engineering Associates, 114 Westcott Rd. Killingly, CT., informed the members that after hearing some of the comments last week they have added a narrow sidewalk to the west side of Baptist Lane on their property.

T. Granatek said he visited the site and observed that the entrance/exit of Baptist Ln. is narrower than the road, which makes it difficult for cars entering or exiting the road. He estimated the entrance to Baptist Ln. is approximately 2-3 ft. narrower than the road.

He asked if the sidewalk would cut into Baptist Lane; T. Thibeault said it would not as they are using a small strip of land from the property. He thinks the proposal should include making the street more accessible.

T. Thibeault said that widening the road instead of adding the sidewalk is possible although they would have to work with the electric company to move the pole/guidewire.

T. Donovan asked about the materials used to calculate the traffic for their submitted study. He pointed out that the applicant used ITE, 6th edition from 2000 as opposed to the most recent 11th edition. He stated that in past applications, the Commission received third party traffic reports. T. Donovan asked which version of the DOT traffic numbers were used. The last one that was done was February 2021, T. said the applicant used the 2018 version for their calculations which were done in February.

T. Donovan said he would like to see a traffic study that took the most recent information available. He said in the past, the Commission has received communications from various town departments and engineers. B. Mulholland said all the departments have looked at the proposal and have signed off on all aspects of the application. If a department has concerns, then that would be forwarded to the Commission.

T. Donovan said the Bayview building across the street supplied a CAM review. B. Mulholland stated it was determined the proposed project would have no adverse impact on the coastal area.

T. Thibeault stated a good portion of the stormwater would infiltrate to the ground. They are proposing a subgrade stormwater detention filtration system below the parking area, roof drainage goes directly to that system. There is one catch basin that goes to an isolator row, with any discharge to an existing pipe on Baptist Lane. There is a reduction in the rate of discharge from the site. The runoff is treated in accordance with state guidelines.

T. Donovan said the ramps on the sidewalk already exist. He agrees with T. Granatek's observations on the width of the entrance. There were concerns about large delivery trucks accessing Baptist Lane. T.

Thibeault stated the entrance to the parking lot is designed to allow C-30 type vehicles. He also said the radius for the road entrance could be enlarged. If the radius was enlarged, it would likely take a street parking spot away. They have met with the Fire Marshall and fire departments, and they have reviewed the proposal.

P. Springsteel informed the members that the proposal is taking a non-conforming situation and making it conforming. In response to a previous question of storage for residents they have reconfigured the sprinkler room to accommodate residential storage.

T. Donovan noted that the application is unsigned, also, the current application proposes a take-out restaurant. B. Mulholland said it was most likely an oversight. D. Jett-Harris was not comfortable with an unsigned application with the take-out reference that the Commission has been informed was pulled from the application.

The Commission would like supporting documentation from the various departments and emergency services.

PUBLIC COMMENT

A. Thurlow asked for public comment in favor of the proposed project.

T. Granatek read a letter from Danny Hagen, 9 Haigh Ave., he supported the proposed project 100%. He thought parking lots are the worst use of land for the town. He supports alternative transportation and increased walkability which would benefit the town. The gas stations on Main Street are an isore. He feels Baptist Lane is safe due to the low car speeds.

Mary Louise Reardon, 6 Slocum Dr. is opposed to the proposed project. She thinks it is a monstrosity and does not like what is happening to the town. She thinks about all the businesses that have closed on Main Street. The new yellow (Norton Bldg.) does not fit in this town and neither does the proposed building. She did not see anything about affordable rents for the building.

Joyce Bovais, 377 Main St., agrees with the previous speaker and wondered if the applicant and Zoning Official lived in town. She is opposed to the proposal and believes it is, "ugly." Niantic is magical with charm and Café Sol is the heart of downtown.

Joanne Bretton, 40 Pennsylvania Ave., appreciates the beauty of the proposed design. She agrees that the building should be scaled back, which would be more appropriate. She suggested if the ceiling height was scaled back to 8' that would shorten the building by approximately 6'. She said we are not New London or Mystic.

Peggy Fricks, 21 Attawan Rd., thought the building should be sized down. Baptist Lane is very narrow with walkers, bikers, children, and strollers on the road. The sidewalk is narrow and does not accommodate two-way traffic. She cannot imagine fire trucks pulling into Baptist Lane.

John Mork (?), 18 E. Shore Rd., asked how much in taxes will the property generate, how many children will live there and what does it cost to educate a child?

Matt Buchholtz, 4 Edmond St., it is important that people who live in town get an opportunity to speak and not be asked to be brief in their comments. The existing sidewalk on Baptist land is inadequate for the number of walkers. Each proposed apartment is only allotted one parking space, the proposed parking does not accommodate the potential number of residents. There are no striped parking spaces on Main Street, why the ones in front of the proposed building.

Patty Murphy, 39 Cedarbrook Lane, there is no way 26 parking spaces is enough for the residents of the proposed building. She questioned whether the residents would be coming and going during work hours.

Madeline Miller, 28 Bush Hill Dr., wondered what the Commissions liability is for moving forward with an unsigned application. She agrees with the parking concern and wonders how many handicap parking spaces are provided. The demographics are skewing older, retired, and wealthy, when is someone on these commissions going to do something for the people who live here? At one time Yale did a study of what the town should/could look like, and this proposal is not it, Niantic is a village, and the building is not a village building. She thought some members of the Commission are overly complimentary of the applicant which is not beneficial to the citizens and the same benefit should be given to all the citizens.

Barb Weinschenk, 26 Huntley Ct., is not against the proposal but she and others just see a box and the developers are using every bit of land. It is not a bad design but using recesses would make it look like separate buildings. Also, why is there no CAM required?

Madeline Miller, 28 Bush Hill Dr., addressed the letter writer and said parking lots are needed. During the summer she will not come down on weekends and as a resident that is too bad.

MOTION: (Donovan/Jett-Harris) to continue the Public Hearing for Application of ZDM Properties, LLC for a special Permit and Design Review to redevelop properties identified in the application as 338, 344, & 348 Main Street, Assessor Map 11.2 Lots 165 & 166 into mixed-use (including a takeout restaurant) project per sections 9.2.3 & 9.2.4, 25 & 24 of the Zoning Regulations. (7:44)

Vote: APPROVED. In favor-Thurlow, Donovan, Markovitz, Jett-Harris, Schmitt. Opposed-Granatek. Abstaining-none. (8:45)

(Break from 8:45-8:50)

(N. Peck reseated, D. Schmitt steps down)

- 2. Proposed Text Amendment to section 20 (addition of Section 20.20.9) of the East Lyme Zoning Regulations, for Niantic Bay Playhouse, 267-283 Main St. Niantic, Assessor's Map 12.1, Lot 3.** The legal ad was run and T. Granatek read the memo from B. Mulholland, letter from SECOG and DEEP.

Erin Stanley, 5 Webster Rd., said the Niantic Bay Playhouse is a non-profit and the organization can't wait to bring entertainment and joy to downtown Niantic. She said the approval would help their organization be financially successful and enable them to stay in town.

PUBLIC COMMENT:

Carey Worshel, 252 Giants Neck Rd. supports the playhouse and said it has been a positive experience for her daughter.

MOTION: (Jett-Harris/Markovitz) to close the Public Hearing for Proposed Text Amendment to section 20 (addition of Section 20.20.9) of the East Lyme Zoning Regulations, for Niantic Bay Playhouse, 267-283 Main St. Niantic, Assessor's Map 12.1, Lot 3. APPROVED unanimously. (Matt Walker's name should be removed from the zoning application)

- 3. Continuation of Candace Devendittis, for Dev's on Main, for a renewal of Special Permit for Outdoor Dining at 255 Main Street, Niantic.**

C. Devendittis explained that a contractor came out and looked at the area of the patio. He determined the land under the temporary patio is not stable and her plans for pouring concrete are not possible. As she is leasing the property the cost of the project is prohibitive. C. Devendittis explained plans for raised beds and shrubs. She does plan to take the side railings/fencing down, T. Donovan offered to donate his time to take down the fencing.

T. Granatek would like to see a permanent solution because they have been dealing with a temporary situation for 2 years.

C. Devendittis was asked to fill out a current application.

PUBLIC COMMENT:

None

MOTION: (Jett-Harris/Markovitz) to close the Public Hearing of Candace Devendittis, for Dev's on Main, for a renewal of Special Permit for Outdoor Dining at 255 Main Street. APPROVED unanimously.

IV. REGULAR MEETING

1. **Approval of Minutes of April 6, 2023**

MOTION: (Granatek/Jett-Harris) to approve the minutes of April 6, 2023, as presented.

Vote: APPROVED. In favor- Thurlow, Donovan, Granatek, Jett-Harris, Peck. Opposed-none. Abstaining-Markovitz

2. **Application of ZDM Properties, LLC for a special Permit and Design Review to redevelop properties identified in the application as 338, 344, & 348 Main Street, Assessor Map 11.2 Lots 165 & 166 into mixed-use (including a takeout restaurant) project per sections 9.2.3 & 9.2.4, 25&24 of the Zoning Regulations.**

Public Hearing continued

3. **Proposed Text Amendment to section 20 (addition of Section 20.20.9) of the East Lyme Zoning Regulations, for Niantic Bay Playhouse, 267-283 Main St. Niantic, Assessor's Map 12.1, Lot 3.**

MOTION: (Peck/Donovan) to approve the Text Amendment to section 20 (addition of Section 20.20.9) of the East Lyme Zoning Regulations, for Niantic Bay Playhouse, 267-283 Main St. Niantic, Assessor's Map 12.1, Lot 3. **Vote:** APPROVED unanimously.

4. **Continuation of Candace Devendittis, for Dev's on Main, for a renewal of Special Permit for Outdoor Dining at 255 Main Street, Niantic.**

MOTION: (Peck/Markovitz) to approve the application of Candace Devendittis, for Dev's on Main, renewal of Special Permit for Outdoor Dining at 255 Main Street, Niantic with the following conditions:

- The applicant works with the Zoning Official to make modest improvements as discussed to the outdoor dining area.
- the work must be completed by June 1, 2023
- completion of the application

Vote: APPROVED unanimously.

(Break from 9:21-9:25)

IV. OLD BUSINESS-

1. **Subcommittees**

A. **Architectural Design Review Regulations CA Commercial Zone**

B. Mulholland is refining the regulations.

V. NEW BUSINESS

1. **Application of Todd Donovan, for The Clubhouse, for a Special Permit for Commercial Indoor Recreation (individual baseball/softball training) at 15 Industrial Park Rd, Niantic, Assessor's Map 26.1 lot 2.**

Public Hearing will be scheduled.

2. **Application of Dr Cara Obadowski, of the Niantic Veterinary Hospital, for a Special Permit to operate a veterinary practice at 9 Lake Ave., Niantic, Assessors Map 11.2 Lot131.**

Public Hearing will be scheduled.

3. **Any Business on the floor, if any, by the majority vote of the Commission-none**

4. **Zoning Official:**

The Commission will be very busy in the next few months.

N. Peck asked B. Mulholland if the new car wash needed a special permit from the Commission as the old one was completely torn down and a new car wash is being built.

B. Mulholland responded that it did not need a special permit because the use had not changed.

N. Peck said the old car wash had a special permit; B. Mulholland said the existing special permit does not go

away.

The issue of the tree buffer on the northwest side of Stop and Shop may come before the Commission. Stop and Shop has new tenants coming in which need approval from B. Mulholland. The members expressed frustration and dissatisfaction with an issue that has gone on for many years. As the “gateway” to the town the Commission wanted the area to be attractive and conditions were stipulated to realize those goals. The trees were meant to be a buffer from unsightly trucks, dumpsters, loading docks and garbage from the public. The trees were a condition of the permit, and the owner has cut down trees three times.

5. Comments from Ex-Officio-A. Chicciello gave an update on the budget process and said the budget will go to town meeting on May 8, 2023. She informed them the First Selectman will not be running for reelection and it was an honor and privilege to work with him.

6. Comments from Zoning Commission liaison to Planning Commission-none.

7. Comments from the Chairman:

The Commission had a vigorous debate about the bylaw changes. The change to allow alternates to participate during a public hearing was thoroughly discussed. T. Donovan stated that during their land use training they were informed that alternates have the right to participate in public hearings. The mechanism of how that would work was discussed. Alternates could only vote if they were seated and could not comment during deliberations, only during the public hearing.

MOTION: (Granatek/Jett-Harris) to approve the bylaws as previously presented. Vote: FAILED. In favor-Thurlow, Jett-Harris, Granatek. Opposed-Donovan, Peck, Markovitz. Abstaining-none

MOTION: (Granatek/Jett-Harris) to approve the bylaws as previously amended and re-presented by email from the chairman with the addition of the corrections of Article 3 section 11, adding the terminology to correct a clerical error at the end of the line of, Section 2.5.2 of the town charter. Also, section 4, “order of proceedings” at meetings, adding Chair report and adding item 13, Adjournment. Vote: APPROVED. In favor-Thurlow, Granatek, Jett-Harris, Peck. Opposed-Donovan, Markovitz. Abstaining-none

VII. ADJOURNMENT

MOTION: (Jett-Harris/Donovan) to adjourn at 10:08. Vote: APPROVED unanimously

Respectfully Submitted
Sue Spang,
Recording Secretary

