

EASTLYME ZONING COMMISSION

Regular Meeting, April 20, 2023. 7:30 PM

East Lyme Town Hall, main room

RECEIVED FOR RECORD
EAST LYME, CT

2023 APR 24 P 1:36

Members Present: Chairman Anne Thurlow, Debbie Jett-Harris, Terence Donovan, Norm Peck, Bill Dwyer, Terry Granatek, Denise Markovitz, Alt. Dave Schmitt, Alt., Jay Ginsberg, Alt,

Members Absent: none.

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

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

Camille Mulholland
TOWN CLERK

- I. PLEDGE OF ALLEGIANCE-recited
- II. PUBLIC DELEGATION: none
- III. PUBLIC HEARINGS:

1. Continuation 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.

Norm Thibeault, Killingly Engineering Associates, 114 Westcott Rd. Killingly, CT., presented a letter to the Commission (Exhibit A) requesting the restaurant use be stricken from the application at this time. He responded to a member asking about a CAM review at the previous meeting. He cited Section 14.2.2b and section 25 of the regulations and section 8.2 of the stated regulations qualify for an exemption of the Coastal Site plan review.

N. Thibeault spoke to the town engineer, Bill Sheer concerning the entrance to Baptist Lane. He received a memo from B. Sheer, April 18, 2023, outlining the history of Baptist Lane and some comments concerning road width and signage.:

- Town acquired a sidewalk easement from the owner on the opposite side of Baptist Lane years ago.
- 22' road width is appropriate for this road
- Entrance to Baptist Lane was limited to 21' due to a utility pole.
- The pole has been replaced with a new pole to the west providing an opportunity to widen Baptist Lane
- The applicant is prepared to widen the entrance to 23 feet.
- Town does not recommend a sidewalk on the west side of Baptist Lane.

N. Thibeault affirmed that the applicant will increase the radius/width of the entrance to Baptist Lane. Considering comments from the town engineer about the sidewalk, he is submitting a waiver request (Exhibit B) for a sidewalk on the west side of Baptist Lane. T. Granatek pointed out that the waiver should be for east side of Baptist Lane, N. Thibeault changed the wording from western to eastern.

N. Thibeault said the applicant will install requested signage, painted crosswalks, and type 4 handicap ramp on the sidewalk.

Peter Springsteel, architect, described the reconfigured ancillaries on the first floor to accommodate resident storage.

He informed the Commission that some of the one-bedroom units were not designed to the town's regulations. The minimum unit sizes are described in the mixed-use section and in the multifamily section. In the multifamily section the units are; 480 sq ft for an efficiency, 540 sq ft for 1 bedroom, and 700 for a 2 bedroom, which is the regulation he used to determine the unit sizes which was a mistake.

The mixed-use requirements are 500 sq ft for efficiency, 1 bedroom 650 sq ft and 2 bedroom 850. Springsteel went back and calculated for net square footage instead of gross square footage. Most of the units fit the requirements except for 6, one-bedroom apartments. They will now be reclassified as efficiencies. On the second floor there will be 2, 2-bedroom apartments, 4 one-bedroom apartments and 3 efficiencies, the same will be on the third floor. The previous one-bedroom units that were turned into efficiencies will have the bedroom doors removed to fit efficiency requirements.

The applicant noted that the proposed building is smaller and shorter than the Norton Building.

The proposed building will have 7 street parking spaces and 26 onsite parking spaces.

T. Donovan asked B. Mulholland for department documents with comments. B. Mulholland replied that staff has reviewed and signed off. D. Jett-Harris would also like to see the documents.

PUBLIC COMMENT

In favor:

Bob Davis, 110 East Pattagansett Rd., sees both pros and cons of the project, the congestion and parking has increased over the years. The building lends itself to the character of the community. He thinks the future residents of the building will contribute to the community and it will be a shot in the arm for the community.

Virginia Brennan, 364 Main St., was originally against the project but is now for it. She said the proposed building will not be right on her property line and the Café Sol building has not been kept up and the Buckley Building is ugly. It is a shame to tear down the historical Victorian building.

Melinda Graus, 27 East Shore Dr., is still concerned about parking but thinks the building is nice and would be good for business.

P. Springsteel described the materials used for the exterior of the building and informed the Commission that there would be no problem with getting the materials as the supply chain has caught up.

Against comments

Abby Hancock, 10 South St., lifelong resident has seen the town change and is losing its character. The loss of Café Sol is heart breaking, and she believes the proposed building would be a better fit somewhere else. The rent prices are going up and the small-town charm is being taken away. She said that demolishing a building where there is a woman owned business does not look good for East Lyme. The heart of the town is in its small local businesses.

Jessica Dunnegan, 366 Main St., can't find fault with the building, the property is already bought, and the project is part of doing business and progress in the town.

Mary Day, 94 Pennsylvania Ave., said the proposed building and previously built large buildings remind her of a Joni Mitchel song, "Big Yellow Taxi", "pave paradise and put up a parking lot". The building does not fit in, tells no story and will forever impact seaside charm.

Russel Ferrignol, 8 Bayview Ave., parking is a problem downtown. The new building across the street, which is mixed use and had retail businesses, have all gone out of business. The applicant is going to bring business in but not have enough parking, especially with all the congestion downtown. He suggested moving their building and put driveway on other side but not access from Baptist Lane.

Mary Jean Hull, 46, Quarry Dock Rd., has seen the town change and is not sure if she could afford to buy a house in Niantic as a retiree. She would like to see a traffic study to determine if a light needs to be placed at Main St. and Baptist Lane. There are so many people living in town that she now must specify which days she would like to use the beach when she applies for a beach pass. The proposed building is very dark, thinks it should be lighter.

Gale Santamaria, 26 Haigh Ave., building is in the worst possible place on Main Street because the traffic is backed up already. Last weekend the traffic was backed up both ways on Main Street. The Norton Building is an isore. She does not want Niantic to be a Mystic.

Madeline Miller, 28 Bush Hill Rd., wanted to know when construction was going to start and suggested the Commission put a condition that construction not take place in the summer. She thought the

Commission should get a legal opinion on the 25' parking spots. Was a legal opinion obtained on discussing an unsigned, incomplete package. Why not have a CAM review like the building across the street?

Rose Ann Hardy, is speaking as a resident and not as a member of the BOS. She gave a history of her move to town and when she was hired as a teacher in 1966. She thought the proposed building was lovely but in the wrong place. She is a 58-year resident of the town. When she looks up and down Main Street, she wonders what is next, will it be big box buildings lining the street. She said the new building across the street promised condos and shops, all the businesses that were there and would be attractions for tourists have all closed because they could not afford the rent. The types of business there now are not the type to draw visitors. The historic Victorian building, which will be demolished to make way for the proposed building, is a reminder of what the town used to be like. The only people who will decide on whether this proposal is built are the 6 people on the Commission. She thinks approving the building is a big sacrifice and will determine the future of the town.

Daniel Glynn, 103 Flanders Rd., licensed architect offered an alternative to the proposed building. He suggested keeping the existing building but building onto the back of the existing buildings. He said it would accomplish the same goals as the proposed building.

MOTION: (Dwyer/Granatek) to close 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. (8:49)

Vote: APPROVED unanimously.

(Break from 8:49-8:54)

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

2. Proposed East Lyme Zoning Commission Text Amendment to Section 9, CB Commercial Districts, and Section 25.5, CB Zone under Mixed Use of the East Lyme Zoning Regulations.

The legal ad was run and the memos/letters from B. Mulholland, DEEP, SECOG and the East Lyme Planning Commission were read.

N. Peck gave a background on the subcommittee. He stated that if the amendment was passed it would have no effect on the previous application.

Years ago, the Commission thought that if people lived downtown, it would help the businesses which were suffering at the time. When Crescent Point came in, they changed the regs, when Bayside came in they changed the regs to accommodate the new projects. Since then, they changed the regs to allow multi family buildings, Windward Village, and affordable housing on Hope St. and the Norton. They have eliminated multifamily housing because they thought there was enough in the CB zone.

We are losing the small buildings which are part of the town's heritage. There is no way to replace a small historical building once it is torn down. It is time to turn off the valve on the large box mixed use buildings.

PUBLIC COMMENT

Jim Snow, 164 Pennsylvania Ave., wanted to know what area would be affected?

Dan Cunninham, 161 Main St., stated he was speaking as a resident and not a member of the BOS. He informed the Commission he had difficulty getting the proposed language from the website. He would like to see a side-by-side comparison of what is being replaced or changed in the regulations. D.

Cunninham said the amendment seems to be opposed to buildings like the one previously discussed. He said the amendment could be interpreted as a taking of property rights.

N. Peck said the regulations have changed many times and have never been construed as a taking of property rights.

MOTION: (Jett-Harris/Dwyer) to continue the application of Proposed East Lyme Zoning Commission Text Amendment to Section 9, CB Commercial Districts, and Section 25.5, CB Zone under Mixed Use of the East Lyme Zoning Regulations.

Jett-Harris said she had not seen the letter from the Planning Commission until tonight and needed more time to understand it.

Vote: APPROVED. In favor-Jett-Harris, Thurlow, Dwyer, Granatek. Opposed-Donovan. Abstaining-Peck

3. Application of Anna Lathrop, for Gourmet Galley, for a Special Permit for Outdoor Dining at 185 Main Street, Niantic.

The legal notice was run and the memo from B. Mulholland, dated April 20,2023 was read. They are proposing 4, outdoor tables accommodating 16 people.

James Roth, 19 Elliot Ave. New London, for the applicant said the business is open 7 days a week from 10:00 a.m. to 7:00 p.m. There is no outside music. There will be no advertising on the umbrellas.

MOTION: (Donovan/Jett-Harris) to close the public hearing for Application of Anna Lathrop, for Gourmet Galley, for a Special Permit for Outdoor Dining at 185 Main Street, Niantic.

Vote: APPROVED unanimously.

4. 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.

The applicant asked for the application to be continued.

MOTION: (Jett-Harris) to continue the 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. Vote: APPROVED unanimously.

IV. REGULAR MEETING

1. Approval of Minutes of April 13, 2023

MOTION: (Peck/Jett-Harris) to approve the April 13, 2023, minutes as presented.

Typos noted.

Vote: APPROVED unanimously.

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.

N. Peck recuses and D. Schmitt is seated.

B. Dwyer stated he reviewed the minutes from the last meeting.

Thurlow stated she is in favor of the proposal but would not want to see a string of similar buildings lining Main Street. Two of the buildings scheduled to be demolished have no architectural value and the white Victorian is run down. She appreciates the businesses that have moved into the Norton Building.

T. Granatek is in favor of the application but has apprehensions and he shares some of the same concerns that have been voiced by the public. He thought there are others that are in favor of the proposed building, but the Commission has not heard from them. Some of the sentiments about the proposal were generational. But if the application meets all the requirements, they have to approve it.

B. Dwyer said if it meets the regulations, they must approve it.

D. Jett-Harris read from the regulations that the purpose of the regulations is to promote the health, safety and general welfare of the town. She acknowledged that if the application meets the regulations, they have no choice but to approve. The proposal will cause an undue concentration of people and traffic. D. Jett-Harris also pointed to the language in the regulations that refer to, stabilize and conserve value of land and homes, she wondered if this application does that.

D. Schmitt said it complies with the regulations and conforms to the POCD.

T. Donovan said the information submitted for the traffic study is outdated, he would like to see a more recent study. He cited section 24, site plan requirements; ...provide safe and efficient vehicular and pedestrian circulation... protect public health safety and general welfare.

He does like the look of the building. The application does not fit right with him, seems like it was thrown together, and he would like to see a third-party traffic study.

D. Jett-Harris wants to be sure what they are voting on is correct as for a the submitted application. She commented that an efficiency could have more than two people living there.

B. Mulholland said the town does not regulate the number of people living in a dwelling.

T. Granatek did not think that a new traffic study would have an impact on the thousands of cars that pass through Main Street.

MOTION: (Dwyer/Granatek) to approve Application of ZDM Properties, LLC for a special Permit to develop properties identified in the application as 338, 344. & 348, Main Street Assessors 11.2 Lots 165 & 166 into a mixed-use building.

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

MOTION: (Dwyer/Granatek) to approve Application of ZDM Properties, LLC for a Design Appropriateness to redevelop properties identified in the application as 338, 344. & 348, Main Street Assessors 11.2 Lots 165 & 166 into a mixed-use building. Vote: APPROVED. In favor-Thurlow, Granatek, Dwyer, Jett-Harris, Schmitt. Opposed-, Donovan. Abstaining-none

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

3. **Proposed East Lyme Zoning Commission Text Amendment to Section 9, CB Commercial Districts, and Section 25.5, CB Zone under Mixed Use of the East Lyme Zoning Regulations.**
Continued

4. **Application of Anna Lathrop, for Gourmet Galley, for a Special Permit for Outdoor Dining at 185 Main Street, Niantic.**

MOTION: (Donovan/Jett-Harris) to approve the Application of Anna Lathrop, for Gourmet Galley, for a Special Permit for Outdoor Dining at 185 Main Street, Niantic.

Vote: APPROVED unanimously.

5. **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.**

Continued.

V. OLD BUSINESS-

1. Subcommittees

A. Architectural Design Review Regulations CA Commercial Zone

B. Mulholland is refining the regulations.

VI. NEW BUSINESS

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

2. **Zoning Official:**

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

Comments from Ex-Officio-A. Cicchiello informed the members that any Board or Commission meetings that are recorded will be made available on the town's website. The First Selectman is in discussions with Dominion concerning the building on Main Street.

3. **Comments from Zoning Commission liaison to Planning Commission:**

4. **Comments from the Chairman:**

VII. ADJOURNMENT

MOTION: (Dwyer/Jett-Harris) to adjourn at 9:56. Vote: APPROVED unanimously

Respectfully Submitted
Sue Spang,
Recording Secretary