

# Minutes of East Lyme Zoning Commission September 7, 2023, Regular Meeting - 09/07/23

**Date and time:** 09/07/23 07:31 pm to: 09/07/23 07:51 pm  
**Present:** Jessica Laroco  
**Location:** East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut

## Topics

### 1. Call to Order

Chairman Anne Thurlow called the September 7, 2023, Regular Meeting of the East Lyme Zoning Commission to order at 7:31 p.m.

The Pledge of Allegiance was recited by all.

### 2. Attendance

Ms. Thurlow noted that the Secretary, Terry Granatek, would not be present. Present were Anne Thurlow, Chair, Norman Peck, Member, John Manning, Member, David Schmitt, Member, Jay Ginsberg, Alternate, Denise Markovitz, Alternate, Marc Peterson, Alternate, William Mulholland, Staff, Roseanne Hardy, Ex-Officio, and Jessica Laroco, Recording Secretary.

Ms. Thurlow seated Mr. Peterson as Alternate.

### 3. Public Delegations

Nancy Kalal, of 80 Grassy Hill Rd, East Lyme said she heard the Zoning Commission was looking at upgrading the Zoning Regulations and had the following Comments:  
She wanted to mention the Aquifer Protection System.

She pointed out the original protection system, prior to Costco and Gateway Community opening, there was a primary and secondary Aquifer Protection Zones and that the opening of the Soapy Noble gas station, and a car wash, and a minimart will be within 300 feet of an aquifer.

We buy water from New London, but we have to give some back and that our water is not pristine and if you read the bottom of the Water Report, which is sent to every household, all of the electrolytes are at max. If that continues and the wells are contaminated New London will not want our water back. She questioned what would happen to Niantic without water. It would behoove our town agencies to upgrade our water regulations. She mentioned the ribbon driveway and backlot subdivision regulations and believes those should go back to original also, where RU-80 has 200 square feet of road frontage and RU-40 has 1% etc. Only 10% of the lots in a subdivision can then become flag lots for rear lots and the purpose of that would be to preserve land for water regeneration to end up in the aquifer that Niantic needs. The Four Mile River Watershed starts at the top of Grassy Hill Rd, one can see it if ones goes down between Avenue A and the state forest and the Stefanski property. A large amount of water comes from the north end of town, and we need to protect it.

Ms. Thurlow thanked Ms. Kalal for her comments.

### 4. Public Hearing

RECEIVED FOR RECORD  
EAST LYME, CT  
2023 SEP 11 A 11:36  
Cassie Mitchell  
TOWN CLERK

**Note** Ms. Thurlow read Public Hearing Agenda item 1: Application of Joseph Basileo, Of Illiano's Grill, for a Special Permit for Outdoor Dining at 228 Flanders Road, Niantic, Assessor's Map 26.1 Lot 26.

**Note** Mr. Mulholland confirmed he had a Legal Ad and a prepared memo, however, the Applicant was not present. He confirmed that the Applicant was notified.  
Ms. Thurlow stated that the Applicant needed to be present.

Mr. Mulholland suggested the Commission continue the application and the staff would attempt to contact the applicant.

**Note** Ms. Thurlow asked for a Motion.

**Decision** MOTION 1.

Ms. Jett-Harris moved to Continue the Application of Joseph Basileo, Of Illiano's Grill, for a Special Permit for Outdoor Dining at 228 Flanders Road, Niantic, Assessor's Map 26.1 Lot 26.  
Mr. Schmitt seconded.  
Motion carried 6-0-0.

## 5. Regular Meeting

**Note** Ms. Thurlow asked if everyone had a copy of the minutes from the July 20, 2023, Special Meeting, all confirmed.

**Note** Ms. Thurlow stated that Mr. Ginsberg had previously emailed her with a correction. On the last page of the July 20, 2023 Special Meeting Minutes, Under the heading New Business, item number 4 "Comments from Ex-Officio:" The sentence incorrectly reads: "The Charter Revision Committee is considering education mailer on the questions." The sentence should read: "The Board of Selectmen is considering education mailer on the questions."

**Decision** MOTION 2.

Mr. Schmitt moved to accept the Minutes as amended.  
Ms. Jett-Harris seconded.  
Mr. Peterson abstained.  
Motion carried 5-1-0.

**Note** Ms. Thurlow noted to skip the Regular Meeting of Item 2 for the Special Permit Application.

## 6. Old Business

**Note** Ms. Thurlow noted there is no Old Business.

## 7. New Business

**Note** Ms. Thurlow read Item 1. Application of William R Sweeney, Esq., Agent for Jasmina and Franc Paradise, LLC for Proposed Text Amendment to Section 12.1.1A and 20.20.9 of the East Lyme Zoning Regulations.

**Note** Ms. Thurlow read Item 2. Application of Jerry Lokken, East Lyme Parks and Recreation Director, for Special Permit for installation of one (1) 130' by 70' area to contain four (4) Pickleball Courts at Bride Brook Park, 221 W Main Street, Niantic, Assessor Map Lot 1.

**Note** Ms. Thurlow read Item 3. Application of Robert Lorenzo, Owner, for a Coastal Area Management site plan review for a single-family home construction, for property located at 12 E Shore Drive, BPBC, Niantic, Assessor Map 05.11 Lot 66.

**Note** Ms. Thurlow read Item 4. Application of Paul Geraghty, Esq., Agent for English Harbor Capital Partners, LLC, Owner, for a zone change at property located at 237 Upper Pattagansett Road, East Lyme, Assessor Map 39.0 Lot 10-2.

**Note** Ms. Thurlow read Item 5. Application of Waterview Landscaping, LLC, for a Special Permit for Outdoor Dining at property located at 26 W Main Street, Niantic, Assessor Map 11.2 Lot 17.

**Note** Item 6 Ms. Thurlow asked if anyone on the Commission had anything they would like to bring up or discuss. There was nothing brought forward.

**Note** Item 7 Mr. Mulholland stated that he will get Items 1-5 of the New Business Items scheduled for Public Hearings. He stated that the Zoning Department has been busy and anticipates a busy fall, as evidenced by the many New Business Items.

Mr. Mulholland stated that the Soapy Noble Car Wash will be open sometime between the end of the month or the second week of October.

Mr. Mulholland stated that the Exit 75 Travel Center is done and online.

He also related that construction for the Bride Brook affordable housing continues.

The senior housing development at 138 Boston Post Road with 18 units, from a few years ago, is back online and has a new developer who is going to build it out.

**Note** Ms. Jett-Harris stated that she had two (2) things to bring up.  
Number 1 Ms. Jett-Harris asked when was the last time they discussed Aquifer Protection..

**Note** Mr. Mulholland stated that it had been a while. He is trying to get a spot to get it scheduled in. He has been discussing it with Staff and has a couple of renewals, a couple of businesses, that need to come up and they will come before the Commission.

**Note** Ms. Jett-Harris also stated that a while ago Mr. Peck had brought up the situation over at Stop and Shop with the trees. She questioned whether there was an update on that.

**Note** Mr. Mulholland stated that their attorney wrote a lengthy letter, which was forwarded to Mr. Peck, and he was willing to come in and discuss it if necessary. It is their position that they have the right to maintain their landscaping and with that stated there is a handout later in the evening tonight where there are adjustments to the site plan and hopefully what you will find is an attractive amendment to the maintenance and trimming of landscaping. He added that he wanted to jeep it at staff level.

**Note** Ms. Jett-Harris asked if there was something sent to Commissioner Peck in regard to this.

**Note** Mr. Mulholland confirmed Attorney Bill Sweeney from TCOR is representing them (Stop & Shop)

**Note** Mr. Peck stated he is still waiting for the meeting.

**Note:** Mr. Mulholland stated he will contact Attorney Sweeney and invite him to the next meeting to present his case.

**Note:** Ms. Jett-Harris requested that the information that was sent to Mr. Peck be sent to all Commission Members.

**Task**  Mr. Mulholland agreed to send it.

**Note:** Ms. Hardy spoke of the Short-Term Rental Subcommittee and there was a new appointment made.

**Note:** Ms. Thurlow stated that next STR meeting is scheduled for September 12, 2023.

**Note:** Ms. Hardy stated the BOS heard an update and briefly did some review of the proposed Planning Commission Revisions for Regulations, a large document at 148 pages.

**Note:** Ms. Hardy wanted to note of particular concern to this Commission is the Environmental Review Subcommittee. As proposed, particularly for any nonconforming properties, which would have an environmental impact, would require a review by the Conservation of Natural Resources Commission and Ms. Hardy stated that she had asked that they also include the Aquifer Protection Agency.

**Note:** Item 9. Mr. Peck attended the last Planning Commission Meeting as Liaison.

**Note:** Mr. Peck stated that there were no applications submitted for the August 8, 2023, meeting and that the Commission spoke about the following proposed changes:

- Property taxes must be current to gain approval.
- Environmental review by the Board was discussed.
- There didn't appear to be any changes regarding setbacks or frontages.
- Fines in relation to violations.

**Note:** Discussion on who would attend the next Planning Meetings due to Commission member changes. It was noted by an audience member, that the next Planning Commission Meeting scheduled for September 12, 2023, had been moved to September 19, 2023

**Note:** The next Planning Commission Meeting on September 19, 2023, will be attended by Mr. Peterson as liaison.

**Note:** Item 10. Ms. Thurlow stated that we did not receive any correspondence this month.

**Note:** Item 11. Ms. Thurlow stated she had 3 things to bring up.

**Note:** First, Ms. Thurlow stated that the Board had asked Mr. Mulholland to have the Architectural Design Review Regulations for the Flanders end of town since they already have the for Niantic Village. She asked the Commission to review them for the next meeting (Mr. Mulholland passed out packets to the Board Members.)

**Note:** Second, Ms. Thurlow stated there is another Text Amendment to be discussed at the next meeting. This is in regard to the presentation a few weeks ago of Mrs. Meekhoff on maximizing the use of native plants instead of invasive plants. The idea is to integrate this into the Commercial Landscaping Regulations. Additionally, there is a section on the outdoor lighting regulations. (Mr. Mulholland passed out packets to the Board Members.)

**Note** Third, Ms. Thurlow stated that previously Ms. Jett-Harris had asked if it were possible to put a moratorium on affordable housing and whether we were qualified to do that. Ms. Thurlow stated that she spoke to Attorney Bleasdale who is going to do a review of the question. More information will be forthcoming.

## 8. Adjourned

**Decision** MOTION 3.

Ms. Jett-Harris moved to adjourn.

Mr. Schmitt seconded.

Motion carried 6-0-0

Meeting adjourned at 7:51 p.m.

**Note** Respectfully Submitted,  
Jessica Laroco  
Recording Secretary