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TOWN CLERK

East Lyme

Zoning Commission

October 19, 2023, Regular Meeting Minutes

Date and time: 10/19/2023 7:00 PM to 8:40 PM

Present: Jessica Laroco, Recording Secretary, Members Present: Anne Thurlow, Chairman, Norman Peck, David Schmitt, Deb Jett-Harris, John Manning, Denise Markovitz, Alternat, Jay Ginsberg, Alternate, Marc Peterson, Alternate, Roseann Hardy, Ex-Officio, William Mulholland, Staff. Terry Granatek, Secretary, absent.

Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Avenue

1. Call Meeting to Order & Pledge

Chairman Thurlow called the October 19, 2023, Regular Meeting of the Zoning Commission to order at 7:00 PM and led the Pledge of Allegiance.

2. Attendance

Ms. Thurlow noted that the Secretary, Terry Granatek, resigned on October 18, 2023, due to personal reasons. Ms. Thurlow noted that there will be discussion in an upcoming meeting regarding his place on the Board as he did have two (2) years left to his term.

Ms. Thurlow sat Ms. Markovitz, alt.

3. Public Delegations

There was none.

4. Public Hearing

4-1. Application of William R Sweeney Esq., Agent for Jasmina & Franc Paradise, LLC, for proposed text amendments to Sections 12.1.1A and 20.20.9 of the East Lyme Zoning Regulations.

Mr. Mulholland noted that the legal ads had been run.

Ms. Jett-Harris read a memo from Mr. Mulholland, Zoning Official, to the EL Zoning Commission into the record (Attachment 1).

Ms. Jett-Harris read a memo from Marcy Balint, of the CT DEEP to the EL Zoning Commission into the record (Attachment 2).

Ms. Jett-Harris read a memo from Kirk Scott, Secretary, of the EL Planning Commission to the EL Zoning Commission into the record (Attachment 3).

Ms. Jett-Harris read a memo from Nicole Haggerty, of the Southeastern CT Council of Governments to the EL Zoning Commission into the record (Attachment 4).

Attorney William Sweeney, Land Use Attorney and Partner at the law firm of Tobin-Carberry in New London CT, presented on behalf of the applicant, Jasmina & Franc, LLC, owner of the Aces High RV Park on Chesterfield Rd in East Lyme.

Mr. Sweeney also noted the operators of the park, Chris Taylor and Daniela Gjergaj, were present to answer any operational questions if needed. The proposed text amendment was intended to modify Section 12.1.1A and to add Section 20.20.9 to the EL Zoning Regulations. This is to clarify the ability to establish restaurants and cafes both with and without liquor service as uses within commercial recreation complexes and resort areas in the SU Zone. A zoning text amendment is not directly associated with a specific project or location, but one of general applicability and would apply to all SU Zones. This application is solely focused on whether restaurants and cafes with and without liquor service should be allowed as part of commercial recreation complex for resorts in that SU Zone. If the amendment is adopted, Mr. Sweeney's client would then, in the future, apply to the Commission for a Special Permit application to add a restaurant or café with or without liquor service.

Mr. Sweeney noted that the award-winning Aces High Camping Resort is located on 94 acres, at 301 Chesterfield Rd. There are only a few other SU Zones in town as noted in Mr. Mulholland's memo. There are over 80 campsites at the park, and it has several facilities such as a fishing pond, a beach, a swimming pool, a play area, a camp store and an outdoor pavilion.

Mr. Sweeney stated that there had previously been a restaurant onsite and the clients would like to eventually bring that back to support their residents, or campers.

The initial plan, as previously discussed by Mr. Taylor and Ms. Gjergaj and Mr. Mulholland, is to add a small snack bar café next to the outdoor pavilion, where campers (residents) could buy hamburgers, hot dogs, french fries and perhaps even beer or wine to be brought to the open-air pavilion. This is not a late-night venue or bar. The anticipation is only to operate it seasonally and it would close much earlier than a typical bar. Mr. Sweeney suggested 9 or 10 PM as a closing time.

If this were to be successful, then Mr. Sweeney noted his clients may be interested in creating a more traditional sit-down restaurant.

Mr. Sweeney stated that the State of CT requires full sit-down meals to be served for a full restaurant liquor permit and the word "café" is inserted into the Regulation because that is the next level down of liquor permit. Cafes are considered bars, but food must be served as well, by CT law.

Mr. Sweeney then went on to point out that the EL Zoning Regulations 12.1.1A already allows commercial recreation complexes, and resort areas, with restaurants as ancillary by Special Permit.

Mr. Sweeney noted that in earlier conversations with Mr. Mulholland, it was noted that in accordance with current Zoning Regulations, the desired snack bar may be covered, but that Mr. Mulholland thought it preferable to come before the EL Zoning Commission with this proposed text amendment to clarify to make sure that both restaurants and cafes, regardless of which liquor permit they are operating under, with or without liquor service, would be allowed as part of a commercial recreation complex or resort.

The addition of Section 20.20.9 would ensure the restaurants and cafes with liquor service, approved under Section 12 don't run afoul of separation requirements. Mr. Sweeney pointed out that in Section 20.20 specifically notes there are a variety of different types of liquor uses that start with "notwithstanding the above provisions" and basically allows those in certain areas and this addition would be a different allowance for these types of uses.

Mr. Sweeney noted that many modern campground/resorts do offer food and beverage services, it is a desirable amenity. It would be important in helping this business stay competitive.

Mr. Sweeney reminded the Board that any restaurant or café permitted under this amendment would still be subject to Special Permit review and an applicant would have to come before the Commission

with specific plans, for a specific project at a specific location, and that ensures that the Board is involved in the process. The Board would evaluate every proposal individually.

Additionally, Mr. Sweeney noted that restaurants and cafes that have liquor service, are permitted and regulated by the Department of Consumer Protection, Liquor Control Division and must have a liquor license to sell liquor in CT and they are strictly regulated for compliance by liquor enforcement agents. Mr. Sweeney called the proposed text amendment clarification of existing regulations and sees it as supporting the economic viability of small local businesses and promoting tourism related businesses in town which is consistent with the POCD.

Mr. Manning questioned Mr. Sweeney regarding Mr. Mulholland's memo in which Mr. Mulholland noted "as written, this section would eliminate all the existing alcoholic liquor outlet regulations found in Section 20".

Mr. Sweeney responded that what would be eliminated would be the separation distances. Section 20.20 lays out three (3) types of separation distances for alcoholic use. The first one is for the sale of alcoholic beverages for consumption on premise. That is 1500 feet from any other similar type of use. The next section speaks of 1500 feet for consumption off premise, such as with a package store. The third is 500 feet to certain types of uses like public schools and libraries. However, he pointed out that if this text amendment were to be adopted, it would have a notwithstanding clause and these distance requirements would not apply to this 20.20.9 Regulation.

There is a parcel of land directly to the north of Aces High RV Park, which directly abuts the parcel and is a Catholic Church. Under the separation requirement of Section 20.20.3, this is not allowed but if the text amendment is adopted then, with a Special Permit, it could be granted. He wanted to note that because the Special Permits go before the Board, they could require, at a particular site, additional buffering or certain locations on a parcel as part of the Special Permit approval.

Ms. Thurlow asked if the Campground café would be open to the public or only people staying at the RV Park.

Mr. Sweeney responded that the intention would be just for the camper residents and their guests only. He suggested it would be similar in structure to Fairview Oddfellows Retirement Community in Groton CT in that there is a café with a café liquor license which is only open to the residents and their guests, and one would not even know such a café existed because it is not advertised nor open to the public.

Mr. Peck noted that Mr. Sweeney stated that the proposed text amendment would apply to any SU Zone and wondered if Mr. Sweeney was applying for public access to the restaurant and bar or only campers only.

Mr. Sweeney stated that the Special Permit could be granted to a project that is ancillary to a campground or resort, and therefore the only other established SU Zone address which could apply for a Special Permit under this proposed text amendment would be the KOA on Route 156.

Mr. Sweeney clarified that the basic requirement of being a commercial recreation complex or resort area would prevent other locations, such as the AHEPA from applying under this proposed text amendment.

Mr. Sweeney advised that the Board had three (3) choices with an application like this. To approve, to deny, or to approve with conditions, and those conditions could be “approved, with the condition it is only open to campers and their guests”.

Ms. Jett-Harris asked how close the café would be to the onsite playground.

Mr. Sweeney stated that the beach, pond and campground are close to the entrance and to the right whereas the pavilion is beyond the access gates, because it is a secure facility. Mr. Sweeney pointed out that with the approval of this text amendment of 20.20.9 the separation distances would not apply. However, because it would require Special Permit approval, there could be some control over the location of the café to the playground upon approval.

Mr. Mulholland asked that Mr. Sweeney go over the state of CT definitions of a café.

Mr. Sweeney responded: cafes and restaurants are both considered “on premise establishments” meaning the liquor must be consumed on premise. There is one exception, because of COVID, that you can take a corked bottle of wine off premise. The difference between a café and a restaurant is time. Cafés must open later than restaurants. Cafes may open at 11am and restaurants can open earlier. The primary difference, though, is the level of food. A restaurant must provide full course sit down meals, typically with wait service. Cafés may serve alcohol as well, but they must serve substantial food, not peanuts and chips, but sandwiches, soups etc. Mr. Sweeney noted that CT does not allow bars, it used to allow taverns, but has now wrapped those into cafes.

Ms. Markovitz asked: because it is outdoor dining would it require a permit annually?

Mr. Mulholland responded that because the facility hadn’t been discussed, because this is a text amendment not the Special Permit application.

Mr. Sweeney responded that any outdoor dining Special Permit application there would have to meet all of the requirements of the outdoor dining regulations to be approved, which would include an annual application.

Mr. Mulholland wanted it noted that Mr. Sweeney had mentioned a pavilion and asked if said pavilion had a roof, to which Mr. Sweeney responded “yes”. Mr. Mulholland then noted that the current Regulations do not permit that. Mr. Sweeney acknowledged.

Ms. Jett-Harris asked if the RV Park currently permitted campers to bring alcohol onto the premises.

Mr. Sweeney responded that this is currently allowed, and the campground rules have significant controls.

Mr. Schmitt noted he had been to the RV Park on invite from the owner and as he tried to gain access the gate came down on his vehicle and so he agreed that the access is limited.

Ms. Thurlow asked for public comment for in support, or against or neutral to the proposed amendment.

There was none.

DECISION MOTION 1

Ms. Markovitz moved to close the hearing.

Mr. Schmitt seconded the motion.

Motion carried 6-0-0.

4-2. Application of Paul Geraghty, Esq., Agent for English Harbor Capital Partners, LLC, for zone change at property located at 237 Upper Pattagansett Road, East Lyme, Assessor Map 39.0 Lot 10-2, as noted by the applicant.

Mr. Mulholland noted that the legal ads had been run.

Ms. Jett-Harris read a memo from Mr. Mulholland, Zoning Official, to the EL Zoning Commission into the record (Attachment 5).

Ms. Jett-Harris read a memo from Marcy Balint, of the CT DEEP, to the EL Zoning Commission into the record (Attachment 6).

Ms. Jett-Harris read a memo from Kirk Scott, Secretary, of the EL Planning Commission, to the EL Zoning Commission into the record (Attachment 7).

Ms. Jett-Harris read a memo from Kevin Seery, Chairman of the EL Water & Sewer Commission, to the EL Zoning Commission into the record (Attachment 8).

Attorney Paul Geraghty, of Law Firm of Geraghty and Bonnano, in New London CT spoke on behalf of the applicant. Mr. Geraghty handed out three (3) maps (Attachments 9-11).

Mr. Geraghty indicated the GIS map showed the abutters to the referenced property, all of which had been notified via certified mail and of which copies were provided to Mr. Mulholland. Mr. Mulholland agreed. The second map was of the current area sought under the zone change. The third map was the original affordable housing district zone which showed the phases of the affordable housing project. Mr. Geraghty stated that the original affordable housing application and designation was done by the predecessor of title who was New England National. Several years ago, English Harbor conveyed 38 of the 44 acres to the East Lyme Land Trust, subject to a DEEP conservation easement, which would be held in perpetuity preserving the 38 acres that were conveyed to the EL Land Trust.

Mr. Geraghty noted that affordable housing district requires a minimum of ten (10) acres. After the transfer there were only six (6) acres left and so the affordable housing project is no longer viable for this property. His client believes that converting it back to the RU-40 district is consistent with the POCD and the Planning Commission felt the same way and approved that. He is asking the EL Zoning Commission to revert the property back to the RU-40mso there may be some potential development of the property in the future. Presently there are no articular plans. Mr. Geraghty stated that this would be a less intense proposal of development the property and would eliminate a number of concerns of the local residents and with the Planning and Zoning Commissions relative to the intensity of development.

Ms. Thurlow noted her pleasure with the application.

Mr. Schmitt wanted to confirm that this previously was an RU-40 zone and Mr. Geraghty confirmed.

Ms. Thurlow asked for public comment for in support, or against or neutral to the proposed zone change.

There was none.

DECISION MOTION 2

Mr. Schmitt moved to close the hearing.

Ms. Jett-Harris seconded the motion.

Motion carried 6-0-0.

5. Regular Meeting

5-1. Approval of Regular Meeting Minutes of October 5, 2023 (Attachment 12).

DECISION MOTION 3

Mr. Schmitt moved to approve the Regular Meeting Minutes of October 5, 2023, as presented.

Ms. Jett-Harris seconded the motion.

Ms. Markovitz abstained.

Motion carried 5-0-1.

5-2. Application of William R Sweeney Esq., Agent for Jasmina & Franc Paradise, LLC, for proposed text amendment to Sections 12.1.1A and 20.20.9 of the East Lyme Zoning Regulations.

Mr. Peck stated he wanted to require the approval have the condition of the residents and guests only.

Ms. Jett-Harris agreed.

Mr. Schmitt noted, for the record, he had owned properties in a different RV Park, and he liked the idea of offering a beverage with a meal, to the residents and guests.

Ms. Jett-Harris asked to be sure that the alcohol would only be served in the café and not in the camp store.

Mr. Mulholland noted that would be addressed with a Special Permit application.

DECISION MOTION 4

Mr. Schmitt moved to approve the Application of William R Sweeney Esq., Agent for Jasmina & Franc Paradise, LLC, for proposed text amendment to Sections 12.1.1A and 20.20.9 of the East Lyme Zoning Regulations, with the modification to restrict to resort residents and their guests.

Ms. Jett-Harris seconded the motion.

Motion carried 6-0-0.

TASK Staff will run the legal ad 10/26/23, effective 10/27/23.

5-3. Application of William R Sweeney Esq., Agent for Jasmina & Franc Paradise, LLC, for proposed text amendment to Sections 12.1.1A and 20.20.9 of the East Lyme Zoning Regulations.

General discussion of happiness with the application.

There was no concern.

DECISION MOTION 5

Mr. Schmitt moved to approve the Application of Paul Geraghty, Esq., Agent for English Harbor Capital Partners, LLC, for zone change at property located at 237 Upper Pattagansett Road, East Lyme, Assessor Map 39.0 Lot 10-2, as noted by the applicant.

Ms. Jett-Harris seconded the motion.

Motion carried 6-0-0.

TASK Staff will run the legal ad 10/26/23, effective 10/27/23.

5-4. 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 Dr, BPBC, Niantic, Assessor Map 05.11 Lot 66.

Ms. Jett-Harris read a memo from Mr. Mulholland, Zoning Official, to the EL Zoning Commission into the record (Attachment 13).

Mr. David Coonrod, Land Surveyor for DMC LLS, representing the owner, gave a presentation. He stated there was a house on the property originally, and it had been removed in 2019. The owner has decided to build a house in the same location as the old house, which is outside the flood zone as per the FEMA maps. The new house will also be outside the flood zone. There will be a silt fence construction and the grading will not change from what is currently there. The garage was not removed when the house was and it will stay up, where it is. The pea stone driveway is already there and will be used for the new house. The construction would follow the Black Point Zoning Regulations.

Mr. Mulholland noted on page four (4) of the application that the following had been marked as on-site: general coastal resources, beaches & dunes, and rocky shorefront.

Mr. Coonrod confirmed.

Mr. Mulholland asked that the General Development- CGS Sections 22a-92(a)(1), 22a-92(a)(2), and 22a-92(a)(9) would be followed for the project and Mr. Coonrod confirmed.

Mr. Mulholland stated that the application noted no identification of Potential Adverse Impacts on Water-dependent Uses.

Mr. Coonrod confirmed.

Mr. Mulholland summarized by asking Mr. Coonrod; in his opinion, that there would be no adverse Impacts on coastal resources from the proposed activity.

Mr. Conrod confirmed.

Mr. Schmitt asked about the water and sewer and Mr. Coonrod confirmed the property is public sewer and water.

DECISION MOTION 6

Ms. Jett-Harris moved to approve the 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 Dr, BPBC, Niantic, Assessor Map 05.11 Lot 66.

Mr. Schmitt seconded the motion.

Motion carried 6-0-0.

6. Old Business

There was none.

7. New Business

7-1. Application of Christopher Herbert, for Constantine's on the Bay, for a Special Permit for Outdoor Dining for property located at 252-2 Main Street, Niantic, Assessor Map 12.1 Lot 15.

7-2. Application of Michael Frisbie, for Noble East Lyme, LLC, for a Special Permit for additional signage for property located at 51 Boston Post Road, Niantic, Assessor Map 36.0 Lot 61.

7-3. Any business on the floor, if any.

Ms. Jett-Harris asked Mr. Mulholland if he had heard back regarding the Stop & Shop questions.

Mr. Mulholland indicated that although Attorney Sweeney had been there previously in the evening, he could not stay. Mr. Mulholland indicated that Atty. Sweeney would tentatively be at the 11/19/2023 Regular Zoning Commission Meeting to speak about it.

7-4. Zoning Official

Mr. Mulholland indicated that Café Sol was about 70% finished with the renovations and anticipated a November 2023 opening.

He also noted that the 326 Main Street gas station remodel was moving along and there was just some landscaping to be done.

Mr. Mulholland mentioned that the Main Street Grille would change management and reopen as Constantine's on the Bay, year-round, in November 2023.

Mr. Mulholland noted that t Lillian's had changed hands.

Mr. Mulholland stated that the Soapy Noble Carwash is about a month behind because of the rain but that they are preparing to pave soon.

Mr. Mulholland also shared that another fulltime staff person had been hired for the Land Use department and will start in October.

Ms. Thurlow noted her recent experience with hearing good things about the changes downtown.

7-5. Ex-Officio

Ms. Hardy briefly touched on the Charter Revisions and that the proposed changes will be at the polls as individual questions in November during the regular elections.

Ms. Hardy noted that the referendum on the Land Use had passed, and that the voter turnout was somewhat small. She noted that the decision gave the town the ability to negotiate with the owners about a sale price, but the town could not exceed that number.

7-6. Planning Liaison to the Zoning Commission

Mr. Peck reported the two (2) referrals from the Zoning Commission (the proposed text amendment and the proposed zone change) were discussed and approved.

Additionally, there was a discussion of a three (3) lot subdivision on Scott Road which is an extension of a previously approved subdivision.

The other discussion was regarding no business to be conducted (regarding subdivisions) until all taxes and fees due to the town are brought current.

7-6a.

Ms. Thurlow indicated Mr. Schmitt would be attending the 11/21/2023 Planning Commission Meeting.

7-7. Chairman's Comments

Ms. Thurlow noted that in December there would be hearings on two (2) text amendments: the design review for the Flanders end of town as well as revisions on the landscaping.

She noted 10/23/2023 would be the next Ad Hoc Committee meeting regarding Short Term Rentals at the Town Hall at 7:00 PM.

DECISION MOTION 7

Mr. Schmitt moved to adjourn the Regular Meeting of the East Lyme Zoning Commission at 8:40 PM.

Ms. Jett-Harris seconded the motion.

Motion carried 6-0-0.

Respectfully Submitted,

Jessica Laroco

Recording Secretary

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Town of

Zoning Department



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

MEMO TO: East Lyme Zoning Commission
FROM: William Mulholland, Zoning Official *WM*
RE: Proposed Zoning Regulation Text Amendment
Sections 12.1.1A & 20.20.9
DATE: October 18, 2023

The Applicant, William R Sweeney, has proposed a Text Amendment to the Zoning Regulations which, if approved, would allow alcoholic beverages to be served in Special Use (SU) zoning districts. SU zones are floating zones that can be approved by the Zoning Commission provided they can conform to the provisions found in Section 12 of the Zoning Regulations. The process would require a zone change application to rezone a property or properties from the underlying zone to an SU zoning district.

Special Use zones are primarily regulated under the criteria found in the noted section. This Section allows numerous unique uses such as a commercial recreation complex, or resort area, including restaurants, dance halls, scientific labs, multifamily housing, campgrounds, and many other uses.

Examples of existing SU districts in East Lyme are the KOA campground facility on Route 156, Aces High RV Park on Chesterfield Road, the AHEPA Housing on Roxbury Road, and the Chapman Farms Senior Housing on Pennsylvania Avenue.

Future proposals for a zone change to an SU zone would require application to the Commission for the change and a Special Permit for use.

This proposal would add a new section to Section 12. This Section would be identified as 12.1.1A and would state:

12.1.1A Commercial recreation complex, resort area, including restaurants and cafes (**with and without the sale of alcoholic liquors or alcoholic beverages**), dance halls, bowling alleys, theaters, billiard and pool parlors, picnic area, swimming pools, motels, hotels, tourist cabin establishments, and similar places of public recreation and accommodation operated as a business.

The language would allow the sale of alcoholic beverages in a café setting. Such a facility, in my view, would essentially be identified as a bar. This amendment would allow such a use in any of the SU zones, However, in my opinion, it would require an amendment to any existing Special Permits for such developments if we received such a request. In addition, at question is whether a commercial facility (bar) serving alcohol in an SU zone would be open to the public or to a campground resident only.

Further, it is also proposed to amend Section 20 of the Zoning Regulations. This section contains criteria for the regulation of alcohol in East Lyme. The applicant is proposing to add a new section 20.20.9 to specifically allow the serving of alcohol in a “commercial recreation complex or resort”. The specific language states:

20.20.9 Notwithstanding the foregoing provisions, it is hereby expressly provided that any restaurant or café which is part of a commercial complex or resort area may apply for and operate under a restaurant permit or café for the sale of alcoholic liquors or alcoholic beverages.

As written, this section would eliminate all the existing alcoholic liquor outlet regulations found in Section 20.

In conclusion, the Commission should carefully evaluate the potential adverse impacts of the proposal and whether allowing alcohol to be served in a commercial manner in SU zones is appropriate in our community.

Motion to Approve: Application of William R Sweeney, Esq., Agent for Jasmina & Franc Paradise, LLC, for Proposed Text Amendment to Sections 12.1.1A and 20.20.9 of the East Lyme Zoning Regulations.

Motion to Deny: Application of William R Sweeney, Esq., Agent for Jasmina & Franc Paradise, LLC, for Proposed Text Amendment to Sections 12.1.1A and 20.20.9 of the East Lyme Zoning Regulations.

Jessica Laroco

From: Bill Mulholland
Sent: Tuesday, September 26, 2023 11:24 AM
To: Jessica Laroco
Subject: FW: CT DEEP Comments on Proposed Zoning Amendments to Section 12 and 20 regarding adding cafe with or without sale of alcoholic liquor

Importance: Low

Important add to the file for the meeting

From: Balint, Marcy <Marcy.Balint@ct.gov>
Sent: Tuesday, September 26, 2023 10:09 AM
To: Bill Mulholland <billm@eltonhall.com>; Terry Granatek <tgranatek@hotmail.com>
Subject: CT DEEP Comments on Proposed Zoning Amendments to Section 12 and 20 regarding adding cafe with or without sale of alcoholic liquor
Importance: Low

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Connecticut
Department of Energy &
Environmental Protection

East Lyme Zoning Commission
c/o William Mulholland, Zoning Official
P.O. Drawer 519
Niantic, Connecticut 06357

September 26, 2023

Subject: CT DEEP LWRD Comments on Proposed Zoning Amendments to Section 12 and 20 regarding adding cafe with or without sale of alcoholic liquor

Dear Commissioners:

Thank you for notifying the Land and Water Resources Division (LWRD) of the proposed text amendment noted above received by mail on September 20, 2023. Acting as the Commissioner's staff, our office has reviewed the revised text amendments for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA Connecticut General Statutes (CGS) sections 22a-90 through 22a-112, inclusive) and finds them generally consistent.

These comments are made in response to the review requirement contained in C.G.S. Section 22a-104(e) which requires that any zoning regulations or changes thereto affecting the area within the coastal boundary, shall be consistent with the policies of C.G.S. Section 22a-92 and the criteria of subsection (b) of Section 22a-102 of the CCMA. Further, this section requires that notification be sent to the Commissioner of Energy and Environmental Protection *at least 35 days prior* to the commencement of the public hearing. Once notified, our Office is responsible for reviewing the proposal's consistency with the policies of Section 22a-92 and the criteria of Section 22a-102(b) of the CCMA. This response does not necessarily reflect other planning and zoning considerations which may apply.

Should you have any questions regarding this letter or any other coastal management matter, please feel free to contact me via email:

Marcy.Balint@ct.gov

Sincerely,

Marcy L. Balint

Marcy L. Balint, Sr. Coastal Planner
Land and Water Resources Division
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
Marcy.Balint@ct.gov
860 424-3623

www.ct.gov/deep

Conserving, improving and protecting our natural resources and environment;

Ensuring a clean, affordable

3

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

*Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent*



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

October 17, 2023

Anne Thurlow, Chairwoman
East Lyme Zoning Commission
Town of East Lyme
P.O. Box 519
108 Pennsylvania Avenue
Niantic, Connecticut 06357

RE: Zoning Referral (CGS 8-3a) – Application of William R. Sweeney, Esq. Agent for Jasmina & Franc Paradise, LLC to amend Sections 12.1.1A and 20.20.9 of the Zoning Regulations; to permit the sale of alcoholic liquor or alcoholic beverages in any commercial recreation complex, or resort area including restaurants and cafes.

Chairwoman Thurlow:

The East Lyme Planning Commission at its meeting of October 10, 2023, found the above referenced text amendment, CONSISTENT with the 2020 East Lyme Plan of Conservation and Development.

In addition, the Planning Commission noted the Commission may want some additional provisions similar to Section 20.20 in order to provide consistency between the proposed regulation and existing Zoning Regulations (i.e., the distance required to sell alcoholic beverages from a religious institution or school).

If you have any further questions regarding this letter or the POCD, please do not hesitate to contact the Director of Planning, Gary A. Goeschel II, at (860) 691-4105.

Sincerely,

Kirk Scott, Secretary
Planning Commission

cc: William Mulholland, Zoning Official

(4)

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS
5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

October 11, 2023

William Mulholland, Zoning Official
Town of East Lyme Zoning Department
108 Pennsylvania Ave
Niantic, Connecticut 06357

Dear Mr. Mulholland,

I am writing in response to an application for regulation amendments for the Town of East Lyme. The application was received on 9/18/2023. The application was referred to this agency pursuant to Section 8-3 of the Connecticut General Statutes.

The proposed amendments include changes to Sections 12.1.1A and 20.20.9 regarding the Special Use (SU) zone. The proposed amendments would permit restaurants or cafes within a commercial recreation complex or resort area to apply for state permits for alcohol sales.

Based a review of the material provided, I have determined that the proposed amendments are not likely to have a negative inter-municipal impact.

If you have any questions, please contact me at 860-889-2324.

Sincerely,



Nicole Haggerty
Planner II
nhaggerty@seccog.org

Member Municipalities:

Bozrah * Colchester * East Lyme * Franklin * Griswold * Borough of Jewett City * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

*If language assistance is needed, please contact SCCOG at 860-889-2324. office@seccog.org.
Si necesita asistencia lingüística, por favor comuníquese a 860-889-2324. office@seccog.org.
如果您需要语言帮助, 请致电860-889-2324或发送电子邮件至 office@seccog.org.*

⑤

Town of

Zoning Department



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

MEMO TO: East Lyme Zoning Commission

FROM: William Mulholland, Zoning Official

RE: English Harbor Capital Partners, LLC
Proposed Zone Change, 237 Upper Pattagansett Rd East Lyme

DATE: October 18, 2023

The applicant is proposing to change the existing zoning designation for the subject property, which is identified in the application as 237 Upper Pattagansett Road, East Lyme, Assessor Map 39.0 Lot 10-2, from AHD (Affordable Housing District) back to the underlying zone; RU-40 Residential.

Several years ago, the Zoning Commission granted a zone change for the property to AHD for the purpose of building an Affordable Housing Development. The original zoning district was RU-40. Should the Commission approve the application, the property would revert to the RU-40 designation and the Affordable Housing approval would be abandoned. The applicant's attorney, Paul Geraghty, is present this evening and will give a brief presentation.

During the Board's deliberations, it should carefully evaluate the proposal, taking into consideration that an approval would eventually eliminate multi-family development from the underlying RU-40 zone.

Move to Approve: 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, as noted by the applicant.

Move to Deny: 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, as noted by the applicant.

(e)

Jessica Laroco

From: Bill Mulholland
Sent: Wednesday, October 18, 2023 9:50 AM
To: Jessica Laroco
Subject: FW: CT DEEP Comments on Proposed Zoning Amendments to change zone to RU40 at 237 Pattagansett Road, East Lyme

Importance: Low

Add to the file for this application

From: Balint, Marcy <Marcy.Balint@ct.gov>
Sent: Monday, October 16, 2023 5:24 PM
To: Bill Mulholland <billm@eltonhall.com>
Subject: CT DEEP Comments on Proposed Zoning Amendments to change zone to RU40 at 237 Pattagansett Road, East Lyme
Importance: Low

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Connecticut
Department of Energy &
Environmental Protection

East Lyme Zoning Commission
c/o William Mulholland, Zoning Official
P.O. Drawer 519
Niantic, Connecticut 06357

October 16, 2023

Subject: CT DEEP LWRD Comments on Proposed Zoning Amendments to change zone from AHD to RU 40 at 237 Pattagansett Road, East Lyme

Dear Commissioners:

Thank you for notifying the Land and Water Resources Division (LWRD) of the proposed text amendment noted above received by mail on September 20, 2023. After requesting clarification, we understand lot 10-2 is the only lot proposed to revert back to RU40 from the current AHD zone. Acting as the Commissioner's staff, our office has reviewed the revised text amendments for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA Connecticut General Statutes (CGS) sections 22a-90 through 22a-112, inclusive) and finds them generally consistent.

These comments are made in response to the review requirement contained in C.G.S. Section 22a-104(e) which requires that any zoning regulations or changes thereto affecting the area within the coastal boundary, shall be consistent with the policies of C.G.S. Section 22a-92 and the criteria of subsection (b) of Section 22a-102 of the CCMA. Further, this section requires that notification be sent to the Commissioner of Energy and Environmental Protection *at least 35 days prior* to the commencement of the public hearing. Once notified, our Office is responsible for reviewing the proposal's consistency with the policies of Section 22a-92 and the criteria of Section 22a-102(b) of the CCMA. This response does not necessarily reflect other planning and zoning considerations which may apply.

Should you have any questions regarding this letter or any other coastal management matter, please feel free to contact me via email:

Marcy.Balint@ct.gov

Sincerely,

Marcy L. Balint

Marcy L. Balint, Sr. Coastal Planner
Land and Water Resources Division
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
Marcy.Balint@ct.gov
860 424-3623

www.ct.gov/deep

Conserving, improving and protecting our natural resources and environment;

Ensuring a clean, affordable

7

Town of



East Lyme

P.O. Drawer 519

**Department of Planning &
Inland Wetlands**

*Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent*

**108 Pennsylvania Ave
Niantic, Connecticut 06357**

Phone: (860) 691-4114

Fax: (860) 860-691-0351

October 17, 2023

Anne Thurlow, Chairwoman
East Lyme Zoning Commission
Town of East Lyme
P.O. Box 519
108 Pennsylvania Avenue
Niantic, Connecticut 06357

**RE: Zone Change; AHD Affordable Housing District to RU-40 Rural Residential at 237 Upper
Pattagansett Road.**

Chairwoman Thurlow:

The East Lyme Planning Commission at its meeting of October 10, 2023, found the above referenced text amendment, CONSISTENT with the 2020 East Lyme Plan of Conservation and Development.

If you have any further questions regarding this letter or the POCD, please do not hesitate to contact the Director of Planning, Gary A. Goeschel II, at (860) 691-4105.

Sincerely,

Kirk Scott, Secretary
Planning Commission

cc: William Mulholland, Zoning Official

Town of



East Lyme

P.O. Drawer 519
Kevin Seery
First Selectman
Water and Sewer Chairman

108 Pennsylvania Ave
Niantic, Connecticut 06357
Phone: 860-691-4118

October 16, 2023

Anne Thurlow
East Lyme Zoning Chairwoman
108 Pennsylvania Ave
Niantic, CT 06357

Dear Ms. Thurlow,

I have reviewed the application of Paul Geraghty, Esq 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.

As it pertains to the East Lyme Water and Sewer Commission, the revision of this property back to an RU-40 designation limits the possible negative environmental impacts to a vital local aquifer in the vicinity, as neither water nor sewer infrastructure exists to support housing above and beyond that of single-family development in this area.

Sincerely,

Kevin Seery
First Selectman
Water and Sewer Chairman



Legal description of 237 Upper Pattagansett Road, East Lyme, Connecticut.

Beginning at a 7/8" Rebar Found, which is in the Northeastly Corner of the Parcel, N69°12'02"E a distance of 75.00' To a 5/8" Rebar Found, thence the following courses & distances:

S28°20'05"W a distance of 85.00' to a point
 N63°05'23"W a distance of 65.80' to a point
 S89°12'09"W a distance of 190.00' to a point
 S74°11'59"W a distance of 75.94' to a point
 S72°31'26"W a distance of 112.34' to a point
 S74°25'49"W a distance of 91.03' to a point
 S73°34'12"W a distance of 142.24' to a point
 S64°28'09"W a distance of 15.45' to a point
 S47°22'15"W a distance of 12.90' to a point
 S48°44'07"W a distance of 35.52' to a point
 S49°35'30"W a distance of 54.30' to a point
 S46°40'51"W a distance of 29.20' to a point
 S47°05'42"W a distance of 4.18' to a point
 S47°05'42"W a distance of 44.53' to a point
 S50°13'11"W a distance of 18.28' to a point
 S48°44'03"W a distance of 79.05' to a point
 S48°25'07"W a distance of 84.06' to a point
 N58°20'55"W a distance of 88.85' to a point
 N45°14'24"E a distance of 199.40' to a point
 N36°16'40"W a distance of 81.63' to a point
 N46°22'12"W a distance of 154.78' to a point
 N29°17'53"E a distance of 24.20' to a point
 N44°08'02"E a distance of 214.88' to a Drill Hole Found
 N79°13'39"E a distance of 67.87' to a 5/8" Rebar Found
 N76°13'38"E a distance of 153.44' to a 7/8" Rebar Found
 N82°32'08"E a distance of 268.26' to a 5/8" Rebar Found
 N82°32'08"E a distance of 146.06' to a 7/8" Rebar Found
 S67°54'27"E a distance of 168.46' to a 5/8" Rebar Found
 S67°54'27"E a distance of 170.00' to a 7/8" Rebar Found and point of beginning

Said Parcel area contains 263,648.44 Sq. Ft. ± or 6.51 Acres ±, and is referenced on Property Survey of 237 Upper Pattagansett Road, East Lyme, Connecticut Prepared for English Harbour Asset Management LLC Prepared By Gesick & Associates P.C. Dated March 3, 2023 Scale 1" = 50'

Line Data Table

Number	Direction	Distance
L1	S 28°20'05" W	85.00'
L2	N 63°05'23" W	65.80'
L3	S 89°12'09" W	190.00'
L4	S 74°11'59" W	75.94'
L5	S 72°31'26" W	112.34'
L6	S 74°25'49" W	91.03'
L7	S 73°34'12" W	142.24'
L8	S 64°28'09" W	15.45'
L9	S 47°22'15" W	12.90'
L10	S 48°44'07" W	35.52'
L11	S 49°35'30" W	54.30'
L12	S 46°40'51" W	29.20'
L13	S 47°05'42" W	4.18'
L14	S 47°05'42" W	44.53'
L15	S 50°13'11" W	18.28'
L16	S 48°44'03" W	79.05'
L17	S 48°25'07" W	84.06'
L18	N 58°20'55" W	88.85'
L19	N 45°14'24" E	199.40'
L20	N 36°16'40" W	81.63'
L21	N 46°22'12" W	154.78'
L22	N 29°17'53" E	24.20'
L23	N 44°08'02" E	214.88'
L24	N 79°13'39" E	67.87'
L25	N 76°13'38" E	153.44'
L26	N 82°32'08" E	268.26'
L27	N 82°32'08" E	146.06'
L28	S 67°54'27" E	168.46'
L29	S 67°54'27" E	170.00'

Adjoiners List
Town of East Lyme

Parcel ID	Address	Owner Name	Owner Address	City	State	Zip
40.0.9	2 UPPER KENSINGTON DRIVE	TAYLOR DEAN & ANGELA	2 UPPER KENSINGTON DRIVE	EAST LYME	CT	06333
40.0.10	4 UPPER KENSINGTON DRIVE	ZAKER ADAM IMMANUEL	4 UPPER KENSINGTON DRIVE	EAST LYME	CT	06333
40.0.13	6 UPPER KENSINGTON DRIVE	PAZZ CONSTRUCTION LLC	C/O PAZZ & CONSTRUCTION LLC	EAST LYME	CT	06333
40.0.20	8 UPPER KENSINGTON DRIVE	DONAHUE CHRISTOPHER J &	8 UPPER KENSINGTON DRIVE	EAST LYME	CT	06333
40.0.29	10 UPPER KENSINGTON DRIVE	LEVASSEUR LARUEN J & ROGER JOHN	10 UPPER KENSINGTON DRIVE	EAST LYME	CT	06333
40.0.28	12 UPPER KENSINGTON DRIVE	ROOSEN PHILIPP CHRISTOPHER	12 UPPER KENSINGTON DRIVE	EAST LYME	CT	06333
40.0.27	14 UPPER KENSINGTON DRIVE	TURDO MICHAEL A & WENDY W	14 UPPER KENSINGTON DRIVE	EAST LYME	CT	06333
39.0.10-1 //	UPPER PATTAGANSETT ROAD	EAST LYME LAND TRUST INC	12 ENID LANE	EAST LYME	CT	06333
40.0.2	215 UPPER PATTAGANSETT ROAD	SKINNER LEE T & ALEXA	215 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
40.0.1	221 UPPER PATTAGANSETT ROAD	KORINECK JOSEPH A JR &	221 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.11-4	225 UPPER PATTAGANSETT ROAD	NORMAND MIRKA &	225 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-12	226 UPPER PATTAGANSETT ROAD	TAN HUAMING	226 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.11	227 UPPER PATTAGANSETT ROAD	SATINSKY THEODORE J &	227 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-11	228 UPPER PATTAGANSETT ROAD	TAN BEIHONG & WEI SONG	228 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.11-3	229 UPPER PATTAGANSETT ROAD	SHOFF MICHAEL & JESSICA	229 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-10	230 UPPER PATTAGANSETT ROAD	VENANCIO NIKO & GINA	230 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.11-2	231 UPPER PATTAGANSETT ROAD	WINFREY ROBERT & KERRIE	231 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-9	232 UPPER PATTAGANSETT ROAD	CHEN DEHUA &	232 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.11-1	233 UPPER PATTAGANSETT ROAD	FRISBIE CARLA A & RICHARD K	233 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-8	234 UPPER PATTAGANSETT ROAD	LI XIANTANG & WENDY WEI LIU	234 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.11-5	235 UPPER PATTAGANSETT ROAD	SILVIA COURTNEY P & KELLY E	235 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.11-6	235A UPPER PATTAGANSETT ROAD	PAZZ & CONSTRUCTION LLC	PO BOX 817	EAST LYME	CT	06333
40.0.31	235B UPPER PATTAGANSETT ROAD	BUHLER CHAD & HOLLY	235B UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-7	236 UPPER PATTAGANSETT ROAD	CIROME PASQUALE &	236 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.10-2	237 UPPER PATTAGANSETT ROAD	ENGLISH HARBOR CAPITAL PARTNERS LLC	30 N GOULD STREET STE 21326	SHERIDAN	WY	82801
39.0.23-6	238 UPPER PATTAGANSETT ROAD	HASSAN SHAWKAT &	238 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.10	239 UPPER PATTAGANSETT ROAD	STEVENS ERIN G	239 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.10-3	239R UPPER PATTAGANSETT ROAD	STEVENS ERIN G	239R UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-5	240 UPPER PATTAGANSETT ROAD	FUNFGELD KAREN P	240 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.9	241 UPPER PATTAGANSETT ROAD	CHIMIEL RICHARD	241 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-4	242 UPPER PATTAGANSETT ROAD	CAO XIAOPING & LIAN DIJIAN	242 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.8	243 UPPER PATTAGANSETT ROAD	LONDON JAMES N & HEATHER E	243 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-3	244 UPPER PATTAGANSETT ROAD	HSU HAO JUI &	244 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.7	245 UPPER PATTAGANSETT ROAD	HASSAN MOHAMMAD	245 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.23-2	246 UPPER PATTAGANSETT ROAD	SOLINSKY THOMAS F &	246 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.6-1	247 UPPER PATTAGANSETT ROAD	TAYLOR CLIFTON B & ELAINE MATTERN	78 GLENDALE ROAD	OAKDALE	CT	06370
39.0.23-1	248 UPPER PATTAGANSETT ROAD	HANAFIN BRIDGET K &	248 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.6	249 UPPER PATTAGANSETT ROAD	PAZZAGLIA JASON D	PO BOX 817	EAST LYME	CT	06333
39.0.23	250 UPPER PATTAGANSETT ROAD	PASUITO JOHN J &	250 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333
39.0.5	259 UPPER PATTAGANSETT ROAD	WALDEN HELEN J	259 UPPER PATTAGANSETT ROAD	EAST LYME	CT	06333

ADJACENT LOTS WITHIN 500' FROM THE BOUNDARY OF THE AREA SUBJECT TO ZONE CHANGE REQUEST

Scale: 1"=200'

GESICK & ASSOCIATES, P.C.
 SURVEYORS | MAPPERS | PLANNERS
 19 CEDAR ISLAND AVE
 CLINTON, CONNECTICUT 06413
 OFFICE: 860-669-7799 FAX: 860-669-9833
 www.gesicksurveyors.com

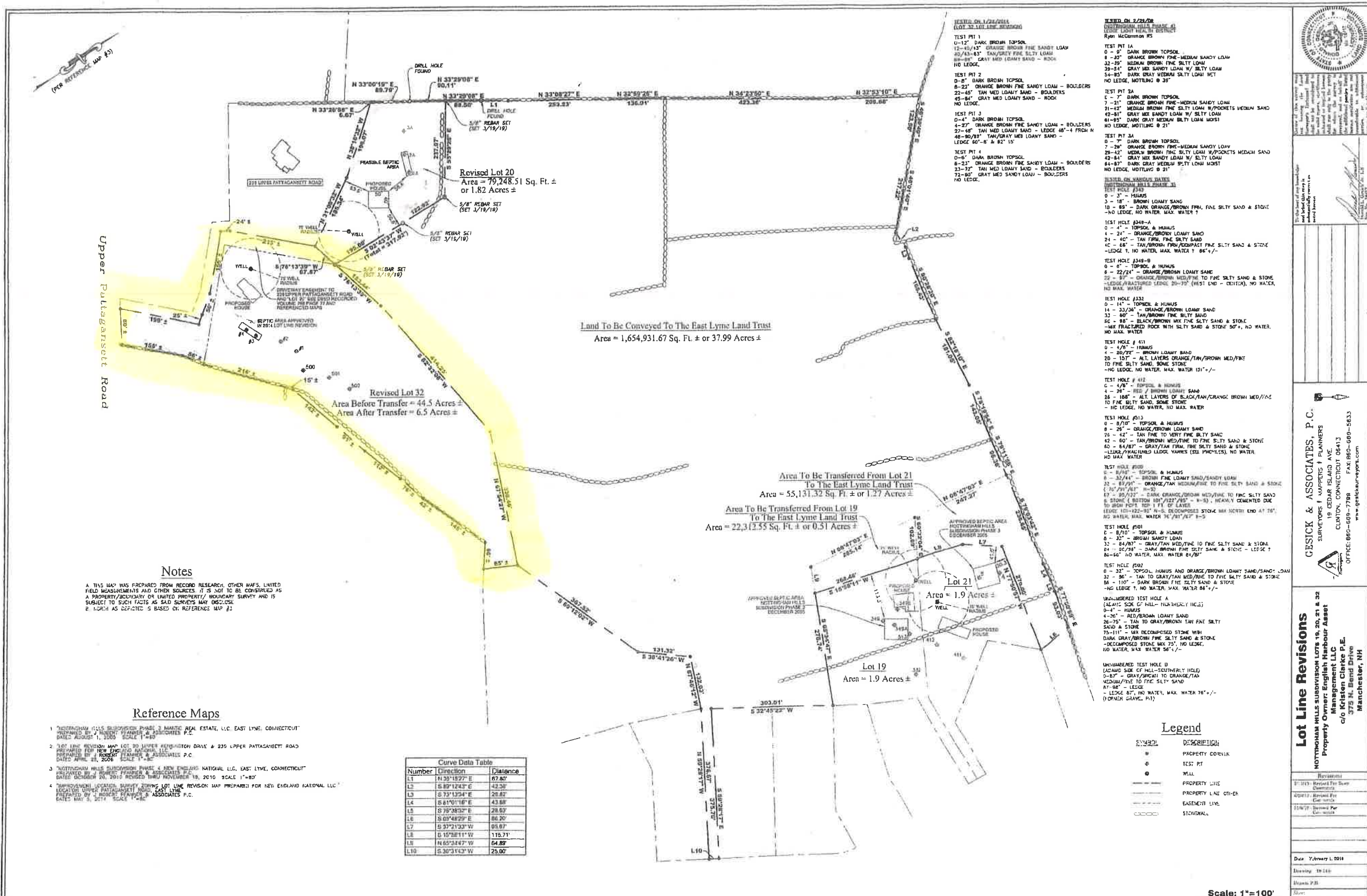
Location Map
 Showing
 Properties 500' from
 237 Pattagansett Road
 East Lyme, Connecticut

Revisions

Date: October 4, 2023
 Drawing: SB-06r1
 Drawn: J.A.
 Sheet: 1 of 1

Recorded
Drum & #118

10



TESTED ON 1/24/06 (LOT 32 LOT LINE REVISION)

TEST PIT 1
0-12" DARK BROWN TOPSOIL
12-30/33" ORANGE BROWN FINE SANDY LOAM
30/43-43" TAN/GREY FINE SILTY LOAM
43-49" GRAY MED LOAMY SAND - ROCK
NO LEDGE.

TEST PIT 2
0-8" DARK BROWN TOPSOIL
8-22" ORANGE BROWN FINE SANDY LOAM - BOULDERS
22-45" TAN MED LOAMY SAND - BOULDERS
45-84" GRAY MED LOAMY SAND - ROCK
NO LEDGE.

TEST PIT 3
0-4" DARK BROWN TOPSOIL
4-27" ORANGE BROWN FINE SANDY LOAM - BOULDERS
27-48" TAN MED LOAMY SAND - LEDGE 68"-1' FROM
48-80/83" TAN/GRAY MED LOAMY SAND -
LEDGE 60"-8' & 82" 15'

TEST PIT 4
0-6" DARK BROWN TOPSOIL
6-23" ORANGE BROWN FINE SANDY LOAM - BOULDERS
23-37" TAN MED LOAMY SAND - BOULDERS
37-80" GRAY MED SANDY LOAM - BOULDERS
NO LEDGE.

TESTED ON 2/28/06 (NORTHMAN HILLS PHASE 4)
LEIGH LIGHT HILL, 10 DISTRICT
Ryan McCannan MS

TEST PIT 1A
0 - 9" DARK BROWN TOPSOIL
9 - 23" ORANGE BROWN FINE-MEDIUM SANDY LOAM
23 - 30" MEDIUM BROWN FINE SILTY LOAM
30 - 34" GRAY MED SANDY LOAM W/ SILTY LOAM
34 - 80" DARK GRAY MEDIUM SILTY LOAM MCT
NO LEDGE, MOTTLING @ 38"

TEST PIT 2A
0 - 7" DARK BROWN TOPSOIL
7 - 21" ORANGE BROWN FINE-MEDIUM SANDY LOAM
21 - 45" MEDIUM BROWN FINE SILTY LOAM W/POCKETS MEDIUM SAND
45 - 81" GRAY MED SANDY LOAM W/ SILTY LOAM
81 - 85" DARK GRAY MEDIUM SILTY LOAM MOST
NO LEDGE, MOTTLING @ 21"

TEST PIT 3A
0 - 7" DARK BROWN TOPSOIL
7 - 26" ORANGE BROWN FINE-MEDIUM SANDY LOAM
26 - 45" MEDIUM BROWN FINE SILTY LOAM W/POCKETS MEDIUM SAND
45 - 84" GRAY MED SANDY LOAM W/ SILTY LOAM
84 - 87" DARK GRAY MEDIUM SILTY LOAM MOST
NO LEDGE, MOTTLING @ 21"

TESTED ON SANDY HILLS (NORTHMAN HILLS PHASE 3)

TEST HOLE # 431
0 - 3" - HUMUS
3 - 18" - BROWN LOAMY SAND
18 - 85" - DARK ORANGE/BROWN FINE SILTY SAND & STONE
-NO LEDGE, NO WATER, MAX. WATER 1'

TEST HOLE # 434-A
0 - 4" - TOPSOIL & HUMUS
4 - 24" - ORANGE/BROWN LOAMY SAND
24 - 40" - TAN FINE, FINE SILTY SAND
40 - 48" - TAN/BROWN FINE/COMPACT FINE SILTY SAND & STONE
-LEDGE 1', NO WATER, MAX. WATER 1' 80"/-/-

TEST HOLE # 434-B
0 - 6" - TOPSOIL & HUMUS
6 - 22/24" - ORANGE/BROWN LOAMY SAND
22 - 85" - ORANGE/BROWN MED/FINE TO FINE SILTY SAND & STONE
-LEDGE/FRACTURED LEDGE 20-25" (WEST END - CENTER), NO WATER,
NO MAX. WATER

TEST HOLE # 432
0 - 14" - TOPSOIL & HUMUS
14 - 33/34" - ORANGE/BROWN LOAMY SAND
33 - 80" - TAN/BROWN FINE SILTY SAND
80 - 88" - BLACK/BROWN MED FINE SILTY SAND & STONE
-MCT FRACTURED ROCK WITH SILTY SAND & STONE 50", NO WATER,
NO MAX. WATER

TEST HOLE # 411
0 - 4 1/2" - HUMUS
4 - 30/32" - BROWN LOAMY SAND
30 - 101" - ALL LAYERS ORANGE/TAN/BROWN MED/FINE
TO FINE SILTY SAND, SOME STONE
-NO LEDGE, NO WATER, MAX. WATER 151"/-/-

TEST HOLE # 412
0 - 4/8" - TOPSOIL & HUMUS
4 - 26" - RED / BROWN LOAMY SAND
26 - 104" - ALL LAYERS OF BLACK/TAN/ORANGE BROWN MED/FINE
TO FINE SILTY SAND, SOME STONE
- NO LEDGE, NO WATER, NO MAX. WATER

TEST HOLE # 413
0 - 8/10" - TOPSOIL & HUMUS
8 - 25" - ORANGE/BROWN LOAMY SAND
25 - 42" - TAN FINE TO VERY FINE SILTY SAND
42 - 80" - TAN/BROWN MED/FINE TO FINE SILTY SAND & STONE
80 - 84/85" - GRAY/TAN FINE, FINE SILTY SAND & STONE
-LEDGE/FRACTURED LEDGE VARIES (SEE PHOTO'S), NO WATER,
NO MAX. WATER

TEST HOLE # 400
0 - 8/8" - TOPSOIL & HUMUS
8 - 32/34" - BROWN FINE LOAMY SAND/SANDY LOAM
32 - 89/91" - ORANGE/TAN MEDIUM/FINE TO FINE SILTY SAND & STONE
(10' 7 1/2" 10' 11")
87 - 95/122" - DARK ORANGE/BROWN MED/FINE TO FINE SILTY SAND
& STONE (BUTTER 101'/122" 85" - 89") - HEAVILY CEMENTED DUE
TO HIGH POPE TOP 1 FT. OF LAYER
LEIGH 101-122-85" H-2, DECOMPOSED STONE WITH NORTH END AT 25',
NO WATER, MAX. WATER 26' 21" 27" 89"

TEST HOLE # 401
0 - 8/10" - TOPSOIL & HUMUS
8 - 32" - BROWN SANDY LOAM
32 - 84/85" - GRAY/TAN MED/FINE TO FINE SILTY SAND & STONE
84 - 86/88" - DARK BROWN FINE SILTY SAND & STONE - LEDGE 1'
86-88" NO WATER, MAX. WATER 87/88"

TEST HOLE # 402
0 - 33" - TOPSOIL, HUMUS AND ORANGE/BROWN LOAMY SAND/SANDY LOAM
33 - 86" - TAN TO GRAY/TAN MED/FINE TO FINE SILTY SAND & STONE
86 - 110" - DARK BROWN FINE SILTY SAND & STONE
-NO LEDGE 1', NO WATER, MAX. WATER 86"/-/-

UNNUMBERED TEST HOLE A (SOUTH SIDE OF HILL - NORTH SLOPE)
0-4" - HUMUS
4-26" - RED/BROWN LOAMY SAND
26-75" - TAN TO GRAY/BROWN TAN FINE SILTY SAND & STONE
75-111" - MCT DECOMPOSED STONE WITH DARK GRAY/BROWN FINE SILTY SAND & STONE
-DECOMPOSED STONE MAX 75", NO LEDGE, NO WATER, MAX. WATER 86"/-/-

UNNUMBERED TEST HOLE B (SOUTH SIDE OF HILL - SOUTHERLY SLOPE)
0-37" - GRAY/SANDY TO ORANGE/TAN MEDIUM/FINE TO FINE SILTY SAND
37-88" - LEDGE
- LEDGE 87', NO WATER, MAX. WATER 76"/-/- (OWNER GRAVE PIT)

Land To Be Conveyed To The East Lyme Land Trust
Area = 1,654,931.67 Sq. Ft. ± or 37.99 Acres ±

Area To Be Transferred From Lot 21
To The East Lyme Land Trust
Area = 55,131.32 Sq. Ft. ± or 1.27 Acres ±

Area To Be Transferred From Lot 19
To The East Lyme Land Trust
Area = 22,312.55 Sq. Ft. ± or 0.51 Acres ±

Lot 21
Area = 1.9 Acres ±

Lot 19
Area = 1.9 Acres ±

Notes
A THIS MAP WAS PREPARED FROM RECORD RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS AND OTHER SOURCES. IT IS NOT TO BE CONSIDERED AS A PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEY AND IS SUBJECT TO SUCH FACTS AS SAID SURVEYS MAY DISCLOSE. E. NORTH AS DEFINED BY SAID SURVEYS MAY DISCLOSE.

Reference Maps

1. NORTHMAN HILLS SUBDIVISION PHASE 3 MANIC REAL ESTATE, LLC, EAST LYME, CONNECTICUT
PREPARED BY T. HENRY HARRIS & ASSOCIATES P.C.
DATE: AUGUST 1, 2005 SCALE: 1"=40'
2. LOT LINE REVISION MAP LOT 20 UPPER PATTAUGHETT DRIVE & 230 UPPER PATTAUGHETT ROAD
PREPARED FOR NEW ENGLAND NATIONAL LLC
PREPARED BY ROBERT STAMER & ASSOCIATES P.C.
DATE: APRIL 28, 2008 SCALE: 1"=40'
3. NORTHMAN HILLS SUBDIVISION PHASE 4 NEW ENGLAND NATIONAL LLC, EAST LYME, CONNECTICUT
PREPARED BY ROBERT STAMER & ASSOCIATES P.C.
DATE: DECEMBER 20, 2013 REVISED THRU NOVEMBER 18, 2016 SCALE: 1"=80'
4. NORTHMAN HILLS SUBDIVISION PHASE 3 MANIC REAL ESTATE, LLC, EAST LYME, CONNECTICUT
LOCATING UPPER PATTAUGHETT ROAD, EAST LYME, CONNECTICUT
PREPARED BY T. HENRY HARRIS & ASSOCIATES P.C.
DATE: MAY 3, 2011 SCALE: 1"=40'

Number	Direction	Distance
L1	N 59°15'27" E	67.80'
L2	S 89°12'45" E	42.20'
L3	S 73°13'24" E	28.82'
L4	S 61°01'16" E	43.88'
L5	S 79°30'32" E	28.63'
L6	S 67°48'29" E	86.20'
L7	S 37°21'33" W	95.67'
L8	S 15°58'11" W	115.71'
L9	N 65°34'47" W	64.89'
L10	S 30°31'43" W	25.00'

Legend

SYMBOL DESCRIPTION

- PROPERTY CORNER
- TEST PIT
- WELL
- PROPERTY LINE
- PROPERTY LINE OTHER
- EASEMENT LINE
- ○ ○ ○ ○ STICHWAL

Scale: 1"=100'

ROBERT STAMER & ASSOCIATES P.C.
SURVEYORS & PLANNERS
19 CEDAR ISLAND AVE.
CLYTON, CONNECTICUT 06413
OFFICE: 860-669-3788 FAX: 860-669-5833
www.rstamersurveyors.com

Lot Line Revisions

NORTHMAN HILLS SUBDIVISION LOTS 19, 20, 21 & 32
Property Owner: English Harbour Asset Management LLC
c/o Kristen Clarke P.E.
375 N. Bend Drive
Manchester, NH

Date: January 1, 2018
Drawing: 18-114
Sheet: P.B.
Scale: 1"=100'



PARCEL AREA 2,045,255 ± S.F. (46.95 ± Acres) PER PFANNER SURVEY
 PARCEL AREA 2,091,914 ± S.F. (48.02 ± Acres) - PER ACTUAL BOUNDARY

UPPER PATTANGANSETT ROAD

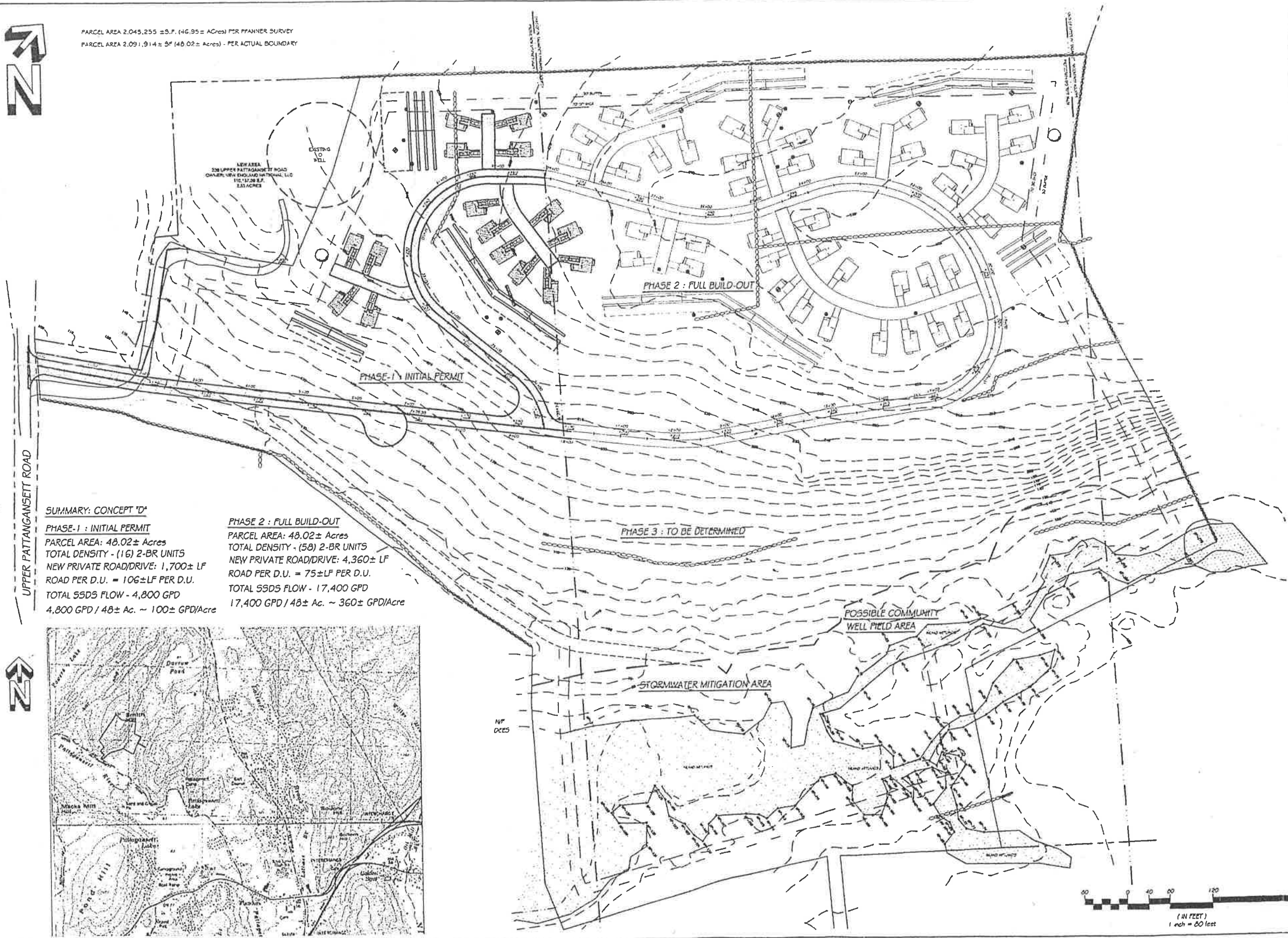
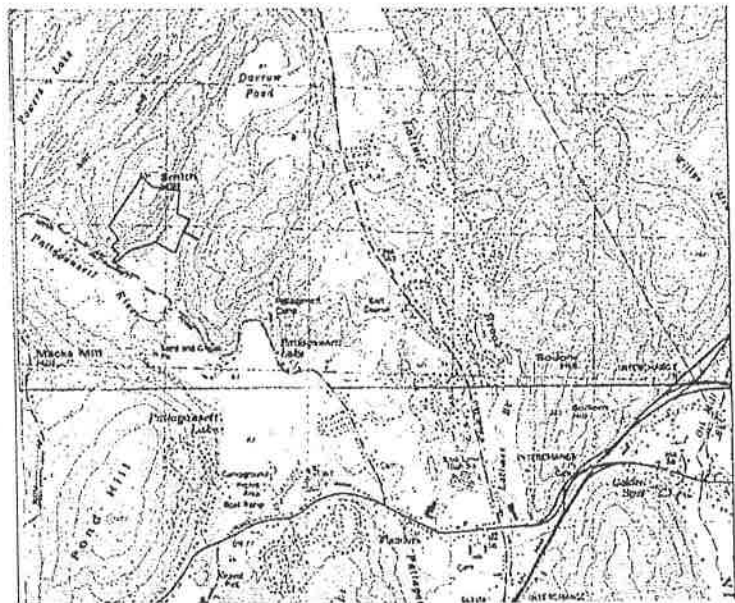
SUMMARY: CONCEPT 'D'

PHASE-1 : INITIAL PERMIT

PARCEL AREA: 48.02 ± Acres
 TOTAL DENSITY - (16) 2-BR UNITS
 NEW PRIVATE ROAD/DRIVE: 1,700 ± LF
 ROAD PER D.U. = 106 ± LF PER D.U.
 TOTAL SSSDS FLOW - 4,800 GPD
 4,800 GPD / 48 ± Ac. ~ 100 ± GPD/Acre

PHASE 2 : FULL BUILD-OUT

PARCEL AREA: 48.02 ± Acres
 TOTAL DENSITY - (58) 2-BR UNITS
 NEW PRIVATE ROAD/DRIVE: 4,360 ± LF
 ROAD PER D.U. = 75 ± LF PER D.U.
 TOTAL SSSDS FLOW - 17,400 GPD
 17,400 GPD / 48 ± Ac. ~ 360 ± GPD/Acre



SITE & STRUCTURES, LLC
 CONSULTING ENGINEERS
 EDWARD H. WENKE III, PE
 12 Lewis Street, P.O. Box 1835 Groton, Connecticut 06040-1835
 PH: 860-400-1836 - Fax: 860-449-8553

NOTICE: THESE DOCUMENTS ARE PREPARED BY A PROFESSIONAL ENGINEER IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERING ACT OF 1908, AS AMENDED. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACTIONS OF ANY OTHER PROFESSIONAL ENGINEER OR ARCHITECT WHOSE SERVICES ARE USED IN CONNECTION WITH THESE DOCUMENTS. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACTIONS OF ANY OTHER PROFESSIONAL ENGINEER OR ARCHITECT WHOSE SERVICES ARE USED IN CONNECTION WITH THESE DOCUMENTS.

REVISIONS		
LTN	DESCRIPTION	DATE
A	PRELIMINARY ISSUE	28.8.08

SITE CONCEPT STUDY
 PROPOSED SILE HOUSING DEVELOPMENT
 PREPARED FOR
NEW ENGLAND NATIONAL LLC
 FOR PROPERTY LOCATED AT
 LOT #20 - NOTTINGHAM HILLS
 UPPER PATTANGANSETT ROAD
 TOWN OF EAST LYME, NEW LONDON COUNTY, CONNECTICUT

Sheet No.
S-01D
 SHEET 1 OF 1
 Scale: 1" = 80'
 Date: AUGUST 2008
 Project No: E&S012



12

Minutes of East Lyme Zoning Commission Regular Meeting October 5, 2023

Sate and time: 10/5/2023 7:30 P.M. to 10/5/2023 9:30 P.M.
 Present: Anne Thurlow, Chair, Terry Granatek, Secretary, Deb Jett-Harris, Member, Norman Peck, Member, John Manning, Member, David Schmitt, Member, Jay Ginsberg, Alternate, Marc Peterson, Alternate, Denise Markovitz, Alternate, Bill Mulholland, Staff, Jessica Laroco, Recording Secretary
 Location: East Lyme Town Hall, 108 Pennsylvania Ave, Niantic Connecticut

1. Call to Order

Chairman Thurlow called the October 5, 2023, Regular Meeting of the East Lyme Zoning Commission to order at 7:30 p.m. and the Pledge of Allegiance was recited.

2. Attendance

Roseann Hardy, Ex-Officio, entered the meeting at 8:30 p.m.

3. Public Delegations

Nancy Kalal 80 Grassy Hill Rd spoke in favor of the Aquifer Protection Program. She would like to see the current wellhead program eliminated in favor of better protection of the aquifers. This would benefit several hundred acres, including the Hathaway Farm parcel, which is a recharge area to the aquifer.

4. Public Hearing

4-1 WITHDRAWN Application Joseph Basileo, of Illiano’s Grill, for a Special Permit for Outdoor Dining at 228 Flanders Road, Niantic, Assessor Map 26.1 Lot 26.

Ms. Thurlow noted this application had been withdrawn by the Applicant.

4-2 Application of Waterview Landscaping, LLC, Agent for Roderick Cornish, Owner, for a Special Permit for outdoor dining at property located at 26. W Main St, Niantic. Assessor Map 11.2 Lot 17.

Mr. Mulholland noted that the legal ad had been run.

Mr. Peck recused himself and Mr. Ginsberg was seated in his place.

Mr. Granatek read Mr. Mulholland’s memo to the Zoning Commission dated October 4, 2023. (Attachment 1)

RECEIVED FOR RECORD
 EAST LYME, CT
 2023 OCT 11 AM 8:02
 TOWN CLERK

Ms. Brenda Barclay, Head of Design for Waterview Landscaping, LLC, gave a presentation. It included the following information: A drawing indicating layout for the proposed patio. It showed fencing, a living wall, bollards, and arborvitae. She included pictures of seating, and the cedar boxes for the living walls. The layout will have post and beam above solely for hanging twinkling lights, this will be an open ceiling, creating the typical seven-foot, six inch arbor. Ms. Barclay spoke of the six-foot arborvitae which will protect neighbors in addition to the five foot fence area around the patio.

Mr. Mulholland asked for the hours of operation, but Ms. Barclay did not know them. It was later indicated by Mr. Schmitt that the establishment's website indicated the restaurant closed at 9 p.m.

Ms. Jett-Harris asked about the fence and Ms. Barclay described it as a black aluminum fence which was intended to resemble wrought iron but would not rust. Mr. Mulholland suggested it looked similar to the fencing currently at Dev's on Main.

There was discussion as to what the fence height requirement is, and Mr. Mulholland stated that it was unique to each project. Ms. Barclay suggested a five foot fence and mentioned that a gate would also be at each end of the patio to keep it an enclosed space.

Ms. Thurlow questioned the capacity of the patio, to which Ms. Barclay responded there would be eight tables of four (32 patrons). The tables would not be fixed so the arrangement could be changed. The space is 17' by 30'.

Mr. Manning questioned the space on one of the drawings and asked for clarification as to its purpose. Ms. Barclay responded that the space is currently used for a smoker. There was indication on the drawing as to what would be new space versus what is current space.

Ms. Barclay described the pavers that the waitstaff would walk on.

It was noted by Ms. Barclay that no alcohol, or anything else, would be stored outside.

Mr. Mulholland pointed out that all the pictured arborvitaes would be installed, and Ms. Barclay agreed that they would be, and very close together, as they grow in a narrow way. They would be three feet, on center, apart. There will be a total of 20 plants, with no space between them. The four at one end of the patio, which would be on either side of a gate, would be in pots, because the owner may consider an application for expansion later on, once he sees how well this outdoor dining does. Ms. Barclay stated this application does not include this extra space at this time.

Ms. Thurlow inquired about the lighting and Ms. Barclay responded that they have no plans because they did not know what the Zoning Commission would want. She stated that once the Commission indicated what they wanted that's what they would do. Mr. Mulholland suggested soft, dim, lighting. The applicant does not want bright harsh lights.

Mr. Granatek asked about property lines and Ms. Barclay pointed them out on the drawing provided.

Mr. Mulholland noted that the EL Zoning Regulations Section 20(Outdoor Dining) required zero lot line and zero lot coverage with the permission of the Commission as well a not requiring additional parking because the Commission wanted to promote outdoor dining. Mr. Mulholland noted that there is a

proliferation of outdoor dining in Niantic. He also indicated that during Covid, this site had outdoor dining, but it was in the front of the building. He pointed out that the outdoor dining application for this site had been renewed annually, however the site in the back was never built. This site is near a sewer pump station.

Ms. Thurlow asked if there would be speakers playing music and Ms. Barclay said no. There would be no outdoor music. Mr. Mulholland indicated that the applicant is not asking for music and as such it would not be granted with this permit. If that were to change in the future, the applicant would have to apply for it.

Ms. Thurlow questioned whether there was adequate parking for 32 more people. Ms. Barclay said there was plenty of parking. Mr. Manning asked how many parking spaces there are currently, but Ms. Barclay could not answer that.

Ms. Jett-Harris was concerned with the fence being sharp and Ms. Barclay suggested using the style with a top rail. Ms. Barclay indicated that the fence would go around the entire patio and the arborvitae would be inside the fence. She indicated she would use a fence with a top rail for safety.

Mr. Mulholland noted that this would be an annual application and as such, if there are issues or concerns at reapplication time, they could be addressed prior to approval.

Mr. Granatek asked if a particular type of arborvitae was being considered and Ms. Barclay indicated she would use Emerald Green. Ms. Jett-Harris asked if that was a native plant and Ms. Barclay responded that it was not. She indicated that this type of arborvitae would not get too large or need to be sheared too often. It is very slow growing. They will go in at six feet tall and will take years for them to reach eight feet. Any other type of arborvitae would require too much maintenance. The point is to make a narrow, tall, evergreen hedge.

Ms. Thurlow asked if anyone from the public wanted to speak in favor of the application. There was no comment. One resident came forward with concerns.

Pat Avery, 32 W Main Street, (to the rear of the restaurant) spoke. She had previously spoken regarding an application for outdoor dining at this location. She continues to ask that she not be affected by the lighting. She has experienced overflow parking on her grass to the south and west of the restaurant. The property at 30 W Main Street shares her driveway by way of a right of way by a Zoning Permit as an exit and not as an entrance. The DO Not Enter sign is ignored. There have been a few close calls as a result and this has all occurred without an outdoor dining facility. She stated that the overflow problems will increase as the seating increases. She asked that the parking be addressed. She entered a copy of her statement and photos into the record.

(Attachment 2)

Mr. Granatek stated that in a satellite photo, there appear to be 25 parking spaces. He asked if this project encroached on any of the existing parking spots and Ms. Barclay said no. He asked if the proposed outdoor dining was on the west side of the property and that was confirmed. He asked Ms. Avery for the location of the right of way and was told by Ms. Jett-Harris that the submitted photos showed the location.

Mr. Manning questioned whether the outdoor dining application would conform to the parking space requirements. Mr. Mulholland stated that the existing parking is adequate, and the Regulations do not require the applicant to supply more parking spaces for outdoor dining.

Mr. Schmitt indicated he had been to the restaurant on more than one occasion and could not find parking and therefore went to another establishment.

Mr. Ginsberg had concerns about the parking and asked that the application be tabled to confirm the number of parking spaces and the number of seats in the restaurant. He would not like to approve the application if there would not be enough parking.

DECISION MOTION (1)

Mr. Schmitt moved to close the Public Hearing of the Application of Waterview Landscaping, LLC, Agent for Roderick Cornish, Owner, for a Special Permit for Outdoor Dining at property located at 26 W. Main St, Niantic, Assessor Map 11.2 Lot 17 not to include outdoor music and paying attention to lighting and the fence top rail.

Ms. Jett-Harris seconded.

Motion carried 6-0-0.

Mr. Ginsberg stepped down and Mr. Peck rejoined the Board.

4-3 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 10.0 Lot 1

Mr. Granatek read a memo from Mr. Mulholland to the East Lyme Zoning Commission (Attachment 3)

Mr. Granatek read a memo from the East Lyme Planning Commission to the Zoning Commission (Attachment 4)

TASK The date of the Special Meeting in the above mentioned memo from the Planning Commission was questioned and the Staff will confirm the correct date and enter a corrected memo into the record.

Mr. Jerry Lokken, Director of the East Lyme Parks and Recreation passed out drawings and gave a presentation. Mr. Lokken indicated Mr. Mulholland's memo was very accurate. He also mentioned Bride Brook Park (specifically Peretz Park) currently has about 200 parking spaces and there are times when all or almost all of those spaces are occupied, particularly when youth sports are happening at the Park. The Parks and Recs would be working with groups for scheduling to try and avoid conflicts or overcrowding. He asked that the Commission consider lighting and although lights are not a part of this application, potentially they could be a consideration at a later date. He would be aware of spillage and energy efficiency considered at that time. Mr. Lokken indicated that the placement of the Pickleball Courts would be just about the exact center of the Park and therefore the farthest away from neighbors on all sides, for example the neighbors on the west are about 600 feet away from the proposed Courts. The impacts of noise and lights would be very minimal, if any. The construction of a post tension concrete slab that would be about 70' by 130' and drainage around that would be handled as any other drainage around the Park. The Park would continue to function as it currently does.

(Attachment 5)

Mr. Granatek asked about the fencing and the hours of operation, specifically in keeping people off the courts when there is not adequate parking. He questioned whether gates and locks would be used.

Mr. Lokken indicated there would be an eight (8) foot fence around the outside perimeter of the courts and that fence would have a windscreen on it. He indicated that on the supplied images there was a picture of courts with windscreens. He indicated that the current plan was not to lock the gates but to let the "Pickleball Community" schedule themselves through things like social media. The Parks and Rec would plan their programs, such as clinics and lessons, and the Pickleball players would know when the open times in the Park would be. Mr. Lokken stated that there was no need to lock the gates as there was no desire to fight over parking. Mr. Granatek disagreed and shared that in his experience working at the High School, people do not yield to schedules, and they may have to lock their courts because word of mouth is not enough.

Ms. Jett-Harris questioned the lighting because of the neighbors and even though they are 600 feet away, the light could impact them. Mr. Lokken pointed out there are numerous lights currently in use at the Park and any lights to be installed down the road would be better technology and would be better directed than the existing lighting. Ms. Jett-Harris asked what time the lights would be shut off typically and Mr. Lokken suggested that by 9 p.m. any lights would be off, but it would really depend on the activity scheduled. Most of the activities at the Park are youth based and parents do not want their kids out in the dark and the lights are driven by that.

Ms. Jett-Harris questioned what the concern for vandalism was as Mr. Lokken had expressed he did not intend to lock the gates, she wondered if there would be cameras. Ms. Jett-Harris inquired about the fence and Mr. Lokken reconfirmed the eight foot fence all the way around the perimeter, with a wind screen, and a gate opening. She then asked if there would be rules posted. Mr. Lokken answered affirmatively that things like rules and times would be posted, as they are at Bride Brook Park on the basketball courts (which have a pickleball court painted on them), to minimize any potential conflicts.

Mr. Peck asked if there would be a charge for using the courts. Mr. Lokken responded that they would charge only if a person were to register to take a lesson or participate in a clinic or tournament, but for everyday use there would be no charge, just like there is no charge to use the playground or playscapes, or other activities.

Mr. Granatek read a letter into the record from resident Arlene Sherman dated October 5, 2023 (Attachment 6)

Mr. Lokken responded to this letter by stating the mound referred to is the location of the proposed courts and the mound would be replaced, and it would be a flat area. The mound was an artificially created area when the park was created. Mr. Lokken does not anticipate any disturbance to the mentioned trees as the proposed courts are to the west of the trees.

Mr. Peck stated he was concerned with the Town using taxpayer money to build a facility that competes with businesses that pay taxes to the Town, specifically the Lyme Shores Racquet Club which has current pickleball facilities. He asked if the businesses would be bothered by the free competition or are there enough people for both. Mr. Lokken responded that he does not have knowledge of what the use levels at Lyme Shores (or other private businesses) are. Mr. Lokken also stated that the Parks and Rec has facilities that provide access to people regardless of their ability to pay. He noted that if a person wanted a particular time slot to be guaranteed to them to play pickleball, perhaps Lyme Shores facility could provide that, whereas the Park courts would not be guaranteed to be open to you at a particular time.

Mr. Manning asked if East Lyme Parks and Recreation has public tennis courts. Mr. Lokken responded that they do not. Mr. Manning questioned why pickleball was proposed and not tennis courts. Mr. Lokken stated that the Parks and Recreation Commission was approached with a petition signed by a number of people asking for pickleball courts to be constructed. The Commission formed a committee to determine the alternative, the number of courts, the cost, a location, and generated a report to the Commission and the budget request that the Parks and Recreation submitted through the most recent referendum was approved by the voters. This was a response to the community demand.

Mr. Manning questioned again the need for pickleball courts but not tennis courts. Mr. Lokken responded that there are any number of facilities that are not offered by the Parks and Recreations, such as a biking facility or a skating facility, and it's a matter of resources. He stated that the group of people petitioning for the courts were successful in convincing the powers that be that this was a wise use of money.

Ms. Jett-Harris wondered if there would be a time limit on individual usage and again brought up a need for rules and scheduling. Mr. Lokken responded that he did not have the rules yet but that there would be rules posted at the courts. It would develop over time and would be changed and adapted as needed over time.

Mr. Granatek voiced concern over building something that seems popular now but may not be over time. He wondered over dual use courts. He indicated that at the High School the tennis courts are closed during certain times and there may be an outcry over pickleball courts being constructed when the tennis courts are closed frequently. He suggested building dual use courts or courts that could be repurposed over time if pickleball fell out of popularity.

Ms. Jett-Harris stated in her neighborhood, they painted pickleball courts onto existing basketball courts and bought a removable net so it could be used for both basketball and pickleball. Mr. Lokken responded that at Peretz Park, currently the basketball courts are painted dually and that frequently causes conflict between basketball players and pickleball players. These proposed courts offer the best of both worlds.

Ms. Thurlow questioned how much it would cost to build a dual use court. Mr. Lokken did not have an answer to the question, but he did suggest that it would be a bigger expense than was allocated because of the referendum. He did suggest that perhaps, with some amount of work, two tennis courts could replace the four pickleball courts.

Jennifer Gartsu of 24 Damon Heights Road spoke in favor of the project. She stated that she worked with the Town organizing pickleball players and has a difficult time finding times to play and has often traveled outside of town to play. She suggested that in her experience it's not needed for the courts to be locked. Lighting is very important. She noted that she has seen dangerous situations where basketball players have fallen into the nets and they could have gotten hurt, but they do their best to share the spaces. She indicated the popularity of the sport is growing and there are several college teams now, such as at UCONN. Ms. Gartsu noted the difficulty of removing and putting nets up. She noted that it is a sport for people of all different ages. She supports the application.

Nancy Kalal of 80 Grassy Hill Road wonders at the consequences of having more courts and more opportunity for vandalism. She asked if the Town would have to hire someone to police the area and the organization. She wonders if it will affect the taxes.

Ms. Thurlow asked Mr. Lokken to address who would hold the keys to the gate. Mr. Lokken noted that the Parks and Recreation Department currently has numerous locations with gates and keys all over town and adding one pickleball courts is not an increase in the budget or staffing.

Ms. Jett-Harris questioned how much nets cost and how often they would have to be replaced. Mr. Lokken responded that he guessed the lifetime of a net to be a few years and cost a two (2) hundred dollars.

DECISION MOTION (2)

Mr. Schmitt moved to close the Public Hearing of the 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 10.0 Lot 1.

Mr. Manning seconded.

Motion carried 6-0-0.

5. Regular Meeting

5-1 Approval of Meeting Minutes of September 7, 2023

(Attachment 7)

DECISION MOTION (3)

Ms. Jett-Harris moved to approve the Meeting Minutes of September 7, 2023, as presented.

Mr. Schmitt seconded the motion.

Mr. Granatek abstained.

Motion carried 5-0-1.

5-2 Application of Joseph Basileo, of Illiano's Grill, for a Special Permit for Outdoor Dining at 228 Flanders Road, Niantic, Assessor Map 26.1 Lot 26.

Ms. Thurlow noted this application had been withdrawn by the applicant.

5-3 Application of Waterview Landscaping, LLC, Agent for Roderick Cornish, Owner, for a Special Permit for Outdoor Dining at property located at 26 W. Main St, Niantic, Assessor Map 11.2 Lot 17

Mr. Peck recused himself and Mr. Ginsberg took his place.

Mr. Manning stated that it was his understanding that the Applicant is in compliance with Zoning with regard to the number of parking spaces already there. Mr. Mulholland pointed out that Section 20.25 of the EL Zoning Regulations, Subsection I states "The area devoted to outdoor dining shall not be included in the calculation for parking pursuant to Section 22, nor included in the calculation for lot coverage pursuant to Section 9.3.4. The

Zoning Board/Zoning Official shall consider the availability of shared and public parking when deciding on an application". Mr. Mulholland noted additional parking spaces were not required under this regulation.

Ms. Jett-Harris reiterated her desire for the fence to have a top bar for safety.

Mr. Granatek noted his concerns about lighting and noise and suggested keeping an eye on the activity over the next year. Mr. Mulholland noted that the Applicant is not asking for amplified music nor anything more than "small twinkle lights". If the Applicant wants to apply for more at a later date, they will do that. Mr. Mulholland noted also that the Applicant would come in with actual construction documents and he would be looking at lighting and if he felt it necessary, he would direct the Applicant back to the Commission.

Mr. Schmitt questioned whether the correct number of parking spaces were present currently. Mr. Mulholland stated that wasn't being factored in because this is an existing business and has been in operation for years. It was approved with the guidelines of 1 parking space per 50 square feet of floor, minus bathrooms and hallways. He noted that all restaurants in Niantic are looking at the parking issue. He also stated that the Board needed to decide if this topic was relevant to this discussion. Ms. Jett-Harris noted that parking is always relevant to the discussion, however, it conforms to the Regulations. Mr. Mulholland stated he did not know the number of parking spaces currently there, because it did not pertain to this application. Mr. Manning again stated that it was already determined that this application did not require additional parking because of the language of the EL Zoning Regulations.

Ms. Thurlow noted that she had compassion for any neighbors but that the application met the requirements of the Regulations. She noted her disappointment that the owner was not present.

Mr. Ginsberg agreed that the application could not be denied because of the parking because the space already conforms with the Regulations.

DECISION MOTION (4)

Ms. Jett-Harris moved to approve the Application of Waterview Landscaping, LLC, Agent for Roderick Cornish, Owner, for a Special Permit for Outdoor Dining at property located at 26 W. Main St, Niantic, Assessor Map 11.2 Lot 17 with the conditions of the discussion regarding lighting, trees, fencing.

Mr. Manning seconded the motion.

Motion carried, 6-0-0.

TASK The Staff will publish October 12, 2023, effective October 13, 2023.

Mr. Ginsberg stepped down and Mr. Peck resumed his place.

5-4 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 10. Lot 1.

Ms. Thurlow noted the sport is a growing phenomenon and does not believe it will end any time soon. She noted that she believed it would be popular in the community and a good idea to have a free and accessible court for everyone.

Ms. Jett-Harris stated that she thought it was good for the community to have access to additional courts. She did mention the incorrect date on the memo from the Planning Commission, and the Staff will have that corrected as noted in the task set above.

DECISION MOTION(5)

Ms. Jett-Harris moved to approve the 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 10. Lot 1.

Mr. Schmitt seconded the motion.

Motion carried, 6-0-0.

TASK The Staff will publish October 12, 2023, effective October 13, 2023.

5-5 Application of Andrew Pajak, Owner, for Site Plan Review for deck expansion with stairs limited to 43 Regatta Drive (Spinnaker), Niantic, Assessor Map 10.4 Lot 10-1 Unit 42.

Ms. Thurlow noted that Attorney Tim Bleasdale was present for discussion.

Mr. Granatek read memo from Attorney Bleasdale into the record.
(Attachment 8)

Mr. Bleasdale explained the memo by stating that the Connecticut Supreme Court requires a Special Permit in order to modify a site plan, that was already attached to a Special Permit. It was intended for significant changes to Site Plans, not necessarily for a small deck expansion. Attorney Bleasdale explained that the intention of this application is to prove the Applicant is only changing the Special Permit in an insignificant way and to be sure that it complies with the setbacks and other typical requirements. Attorney Bleasdale pointed out that this is the type of thing that is typically a staff housekeeping item, it is only required to come before the Commission because of the Special Permit it is attached to.

Mr. Mulholland noted that the application does meet all of the requirements of the Zoning Code except that it is attached to a Special Permit. Mr. Mulholland noted no issues from a staff point of view.

Attorney Bleasdale stated that he did recently become aware that there were other properties in the Spinnaker development which the process was not followed and people put on decks or patios without a permit and Mr. Mulholland was not always aware of these issues but now that the problem has come to light it will be something that is more closely monitored.

Mr. Pajak, owner, spoke to the Commission by explaining the 12' by 6' extension to an existing 12' by 12' foot deck and the addition of stairs. He noted the pictures in each Member's packet and that the deck is not visible to neighbors. He indicated that this would be an improvement to the safety of the deck because of the new materials. Currently the 20 year old deck is made of wood, the replacement and expansion would use Timbertech and this would alleviate any need for the HOA to have to do maintenance to the deck for the next 20 years. Mr. Pajak indicated he is the current Vice President of the HOA at Spinnaker as well as being Chairman of the Maintenance Committee, as such he is very concerned with the maintenance of the capital infrastructure within Spinnaker. He views the expansion as a benefit because it takes it off the ledger for the HOA in terms of having to maintain it. He noted it satisfies all setback requirements.

Ms. Jett-Harris noted that she appreciated his application rather than his circumventing the process.

Mr. Granatek asked if the footings would be changed and Mr. Pajak noted there would be another column because of the platform on the stairs, and that the Building Department had approved the construction piece of the application.

Mr. Granatek asked if the issue was the expansion size or the new stairs or both topics. Mr. Mulholland indicated both and also that the Building Department would be inspecting as it progressed, as in any project.

Mr. Schmitt asked if there were other members of the community having an opinion of the expansion and stairs. Mr. Pajak indicated that he heard all positivity. He also indicated that the HOA itself had approved the application.

Mr. Mulholland noted that the Zoning Department requires any HOA approval prior to approving something like this. Mr. Pajak stated that there is an Alteration Request Process within Spinnaker and this is the first time that the EL Zoning Department approval has been an issue and as such, they (Spinnaker) is changing their approval process to be sure it includes EL Zoning Department approval language to deal with this in the future.

DECISION MOTION (6)

Mr. Granatek moved to approve the Application of Andrew Pajak, Owner, for Site Plan Review for deck expansion with stairs limited to 43 Regatta Drive (Spinnaker), Niantic, Assessor Map 10.4 Lot 10-1 Unit 42. Mr. Granatek noted the following four (4) recommendations:

1. the present application satisfies the requirements of the site plan regulations;
2. that it proposes no substantive change to the nature or intensity of the use;
3. that the proposed amendment is consistent with the special permit criteria; and,
4. that the proposed amendment will improve the safety of 43 Regatta Dr. by adding an additional means of egress from the unit.

Ms. Jett-Harris seconded the motion.

Motion carried, 6-0-0.

5-6 Section 34 Architectural Design Regulations

Mr. Mulholland explained that this is essentially extending the architectural design requirements for Niantic Village, north of Gorton Pond, to all the commercial area in that vicinity of Flanders Four Corners. It is the same set of regulations with some adjustments to reflect this change. He is asking to schedule for a Public Hearing, perhaps in December depending on timing, should the Commission wish to proceed. The staff would need the time to run legal ads and to send referrals to agencies for review.

Mr. Manning asked if the intention was to make the Flanders area conform to the Niantic Village area.

Mr. Mulholland explained that there is a distinct different feel from the industrial type buildings in Flanders to the village feel of downtown Niantic.

Currently there are three (3) levels with regard to design:

1. the Zoning Official can sign off on minor things, 2. there is some middle ground, 3. and anything brand new, the criteria was written that it could be applied in other places.

There is a desire to expand the architectural design town wide.

This is an attempt to step up an incoming developer's game. He respectfully stated that currently developers are only looking at cost. There are materials available now that appear to be upgraded materials, but they are not necessarily as expensive to use. It's up to the Commission to express to the developers to step up their game. It's not intended to be a tool to say no.

Ms. Thurlow stated it has language written to be used as a safeguard against a building that may not be desirable.

Mr. Mulholland agreed and added that it is giving the Commission tools to help the process and encourage the applicant to do better rather than impose a demand. It's not meant to stop development but rather to enhance it and make it better. He reminded the Board that they would be able to vet this further at a Public Hearing.

DECISION MOTION (7)

Ms. Jett-Harris moved to have Mr. Mulholland schedule a Public Hearing for review of Section 34 Architectural Design Regulations.

Mr. Schmitt seconded the motion.

Motion carried, 6-0-0.

5-7 Section 24 Text Amendments (Landscaping/Plantings/Invasive/Nonnative)

Mr. Mulholland noted his memo discussed landscaping, maintenance replacement of plants, nonnative species, outdoor lighting, and while there are reams of material about lighting, a heavy hand wasn't wanted, but instead to have the authority to know what would be required for a large development and to be able to refer to the code for guidance. There would be an illumination plan required as part of the site plan submission, to evaluate if the light would spill over. This would also give guidance to the smaller establishments. Mr. Mulholland asked that it be added to the same Public Hearing as the previously discussed design review.

Ms. Thurlow pointed out specifically nonnative, invasive and noninvasive plant species. In the proposed Sections:
24.6 E 1.1 Non-native invasive and invasive plant species listed on the Connecticut Invasive Plant List shall not be used in the landscaping plan for any new development or redevelopment of property under these regulations.
24.6 E 1.1.2 Native plants shall be used in all landscape plans. (A native plant is defined as one that lives or grows naturally in a particular region without direct or indirect human intervention and is indigenous to the northeast).
24.6 E 1.1.3 Landscape plans shall facilitate greenways and planting to support local fauna, including pollinators.

Mr. Mulholland also pointed out Section 24.6 F "Maintenance and Replacement" and wanting to enhance this section due to previous issues with developers

Mr. Granatek questioned the native/nonnative section with regard to this evening's previously approved Outdoor Dining application of 26 W Main Street Niantic. That application specifically stated using nonnative arborvitaes. While that is true, these proposed Text Amendments are not adopted yet and as such cannot be used to approve or deny a current application.

Mr. Mulholland noted that the proposed Text Amendment would have the built-in ability for the Commission to be flexible with regard to the big box store parking lot requirements versus the mom and pop type store parking lot requirements.

Mr. Granatek and Mr. Manning indicated the need for language clarification.

DECISION MOTION (8)

Ms. Jett-Harris moved to have Mr. Mulholland schedule a Public Hearing for review of Text Amendments to Section 24.

Mr. Granatek seconded the motion.

Motion carried, 6-0-0.

TASK Staff to send out referrals to required departments for review.

6. Old Business

Ms. Jett-Harris questioned if there was anything to report regarding the Stop and Shop situation.

Mr. Mulholland stated that their attorney would be present at another time regarding another matter but would also be addressing this issue at that time.

7. New Business

7-1 New Business to be scheduled.

There was none.

7-2 Zoning Official Comment

There was none.

7-3 Ex-Officio

Ms. Hardy had 2 items to report on.

1. The Charter Revision Commission has drawn up and the recommended changes to the Charter will be available online and will be done by referendum vote.
2. The land purchases coming up for vote on the Hathaway Farms property as well as two (2) other properties.

Mr. Manning asked about the Airbnb update.

Ms. Thurlow responded that an Ad HOC Committee had been formed and there had been two (2) meetings and a hearing.

Ms. Jett-Harris stated there was a planned Public Hearing later this month and that the first Public Hearing was not very well attended, perhaps due to confusion over the meeting location.

Ms. Thurlow noted that it was mostly Airbnb owners in attendance as the meeting had been posted on the Airbnb website.

7-4 Comments from the Zoning Board Liaison to the Planning Commission

Mr. Peterson reported the changes to the Subdivision/Resubdivision Regulations, specifically sections 6, 8, and 11 to make changes to the Environmental Response Team (which we do not have) and add an Environmental Impact Assessment. The discussion was that all land would have to do an environmental impact study, regardless of quality. There would be a hearing on December 1, 2023. Additionally, there was approval to purchase three (3) parcels of land.

Ms. Thurlow cannot attend as liaison at the October 10, 2023, Planning Meeting. Mr. Peck will go in her stead.

7-5 Comments from the Chairman

There was none.

8 Adjournment

DECISION MOTION (9)

Ms. Jett-Harris moved to adjourn the October 5, 2023, Regular Meeting of the East Lyme Zoning Commission at 9:30 p.m.

Mr. Granatek seconded the motion.

Motion carried, 6-0-0.

Respectfully Submitted,
Jessica Laroco
Recording Secretary

Town of

Zoning Department



East Lyme

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MEMO TO: East Lyme Zoning Commission
FROM: William Mulholland, Zoning Official *WM*
RE: Coastal Site Plan Application
12 E Shore Dr, Niantic
DATE: October 18, 2023

The applicant, Robert Lorenzo, is applying for a Municipal Coastal Site Plan (CAM) approval to remove an existing house and construct a new dwelling at the above referenced property. In this case, the Zoning Commission authority and review are limited to the provisions of Section 14 and the State Statutes. As the Commission is aware Coastal Site Plan reviews are mandated under the Coastal Management Act as provided for in Chapter 444 of the Connecticut General Statutes. This regulatory program is designed to protect the State's coastal resources from unsuitable development on lands within the coastal boundary. Local shoreline communities must review specific types of proposed development for compliance with the Act.

Typically, the construction of a single-family dwelling is exempted from review provided it is 100 hundred feet, or more, from certain coastal resources. In this proposal, the home will sit approximately 32 feet from an existing retaining wall which functions as a seawall. Immediately adjacent to the wall and seaward is an additional erosion structure consisting of a large construction of boulders which function as another seawall.

A review of the application finds the only coastal resource on site is the existing rocky shore front and a minor beach area depending on the tides. Given this shorefront is already developed, there will be no adverse impacts from the proposed project on coastal resources.

The applicant is here and will give a brief presentation.

Motion to Approve: 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 Dr, BPBC, Niantic. Assessor Map 05.11 Lot 66.

Motion to Deny: 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 Dr, BPBC, Niantic. Assessor Map 05.11 Lot 66.