

Minutes of the East Lyme Zoning Commission July 11, 2024 Regular Meeting

Date and Time: 7/11/2024 7:28PM to 8:40PM

Present: Members: Chairman, Anne Thurlow, Secretary, Nancy Kalal, Norman Peck, Michael Foley, Denise Markovitz, Debbie Jett-Harris. Alternates: Jim Liska, Sarah Yuhas, Cathy Yuhas. Ex-Officio: Roseanne Hardy. Recording Secretary: Jessica Laroco.
Town Attorney: Michael Carey

Absent: Staff: William Mulholland

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

1. Call to Order and Pledge

Ms. Thurlow called the Regular Meeting of the East Lyme Zoning Commission to order at 7:28PM and led the Pledge of Allegiance.

2. Attendance

Ms. Thurlow called the roll and noted Staff Member William Mulholland was absent.

3. Executive Session

Motion (1)

Ms. Jett-Harris moved to enter Executive Session at 7:29PM for the purpose of discussing the Duval Partners vs. the Town of East Lyme Appeal and invited Attorney Carey and Ms. Laroco to join them.

Ms. Markovitz seconded the motion.

Motion passed 6-0-0.

Executive Session ended at 8:01PM with no action taken.

4. Public Hearing

4-a Application of Ricky Au, for Spice Club, for a renewal of a Special Permit for Outdoor Dining at 239 Main St, Niantic.

Ms. Kalal read a Memo from Mr. Mulholland to the Zoning Commission (Attachment 1)

Ms. Thurlow noted that the Applicant had previously neglected to include "string lights" in the application.

Ms. Thurlow asked for comments from the public for, against or neutral and there were none.

Motion (2)

Mr. Foley moved to close the Public Hearing.

Ms. Markovitz seconded the motion.

Motion passed 6-0-0.

4-b Application of William R Sweeney, Esq, for proposed Text Amendment to Section 11.1.4 of the East Lyme Zoning Regulations.

Ms. Markovitz read a Memo from Mr. Mulholland to the Zoning Commission (Attachment 2).

Ms. Kalal read a Memo from SECCOG to the Zoning Commission (Attachment 3).

RECEIVED FOR RECORD
EAST LYME, CT
2024 JUL 15 A 9:55
Cecilia M. Mulholland
TOWN CLERK

Ms. Markovitz read a Memo from the Planning Commission to the Zoning Commission- note the typo which reads that Attorney Sweeney is the agent for Jasmina & Franc Paradise, LLC. Attorney Sweeney is the agent for Denison Capital Partners, LLC. (Attachment 4)

Attorney Sweeney, of TCORS in New London, presented the following information:

- Denison Capital Partners, LLC is a local company which owns several self-storage facilities in the area including one at 5 Liberty Way, In Niantic.
- CJ Bardy is one of the principal partners and was present
- The intention of the proposed text amendment is to permit the storage of large items such as boats and RV's, etc. in the Light Industrial area only, as an accessory use to a storage facility.
- This would require a separate site plan application to the Zoning Commission for any business, current or future
- This type of storage would encourage getting the larger vehicles out of residential zones and neighborhoods.
- This amendment is written specifically to provide flexibility to the Zoning Commission to require minimum screening requirements "that such outdoor storage is fully screened from view by a building, fence, wall, shrubbery, or embankment not less than 6 feet in height"
- This is narrowly targeted and focused to the Light Industrial Zone

At 8:15PM, Mr. Peck recused himself from the public hearing and Ms. Susco was seated in his stead.

Ms. Thurlow asked how tall boats and RV's are, since the minimum height requirement for screening is 6 feet.

Atty Sweeney noted that the idea is to screen the majority and the minimum is 6 feet, but the Commission could, in approval, require a taller screen as appropriate to each individual application. As every site is different, the purpose for the language was to give flexibility to the Commission for each application. Additionally, fences over 8 feet become structures and require building department approvals, and trees over 8 feet are difficult to plant. With each application, the Commission could require certain species (such as the fast-growing Green Giant Arborvitae) for approval.

Ms. Thurlow asked for public comments for, against or neutral and there was none.

Motion (3)

Mr. Foley moved to close the Public Hearing.

Ms. Markovitz seconded the motion.

Motion passed 6-0-0.

Ms. Susco stepped down and Mr. Peck resumed his seat.

5. Regular Meeting

5-a Duval Partners

Ms. Thurlow stated that there would be another Executive Session held in the future.

5-b Application of Ricky Au, for Spice Club, for a renewal of a Special Permit for Outdoor Dining at 239 Main St, Niantic.

Ms. Kalal asked to clarify the term string lights to also be known as twinkle lights.

Ms. Thurlow stated she thought they looked good.

Motion (4)

Mr. Foley moved to approve the application of Ricky Au, for Spice Club, for a renewal of a Special Permit for Outdoor Dining, including string lights, at 239 Main St, Niantic.

Ms. Jett-Harris seconded the motion.

Motion passed 6-0-0.

Approval to be published July 18, 2024, effective July 19, 2024.

Mr. Peck stepped down and Ms. Susco took his seat.

5-c Application of William R Sweeney, Esq, for proposed Text Amendment to Section 11.1.4 of the East Lyme Zoning Regulations.

Ms. Kalal stated the following: This is a seasonal use and if someone were to complain about a violation, she worried that the offending object would be off site. She also noted that, in her opinion, 8-foot trees are not difficult to plant.

Ms. Markovitz remembered that the Applicant had mentioned that the Commission could ask for specific fencing and screening during an application, during is presentation. She noted that she frequently sees large vehicles in residential neighborhoods and providing a place for storage is a good idea.

Ms. Thurlow was in favor of the Commission being in control of conditional approval on applications.

Motion (5)

Ms. Markovitz moved to approve the application of William R Sweeney, Esq, for proposed Text Amendment to Section 11.1.4 of the East Lyme Zoning Regulations.

Ms. Jett-Harris seconded the motion.

Ms. Kalal was opposed.

Motion passed 5-1-0.

Approval to be published July 18, 2024, effective July 19, 2024.

Ms. Susco stepped down and Mr. Peck resumed his seat.

5-d Request of John Paul Mereen, LLS, of Gerwick Mereen, LLC, for waiver of the East Lyme Zoning Regulations Section 20.8, ownership requirement of access-way.

Ms. Kalal read a Memo from Mr. Mulholland to the Zoning Commission (Attachment 5)

Mr. Mereen, of Gerwick Mereen, LLC, 191 Boston Post Rd East Lyme, presented the following:

-The intention of the waiver request is for the owner to create access to a rear lot to build a home for a family member. He showed the Commission a map which showed an abutter who is willing to sell the client a piece of a lot which would be the rear lot in question.

-The ability to put a 25-foot strip between the closely spaced lots would impact the building setbacks. The abutter at 7 Islanda Ct would give access to the lot which would be created from 21 Pattagansett Dr. by extending the existing Right of Way that already exists by 35 feet to the parcel that would come from the lot split of 21 Pattagansett Dr.

-This waiver request is the first step before a Wetlands or Planning Commission application for a resubdivision of the lot.

-The waiver does not fall on a main road, nor is it part of a cluster.

Motion (6)

Ms. Markovitz moved to approve the waiver request of John Paul Mereen, of Gerwick Mereen, LLC, to Section 20.8 of the East Lyme Zoning Regulations for ownership requirement access-way for proposed additional lot on property located at 21 Pattagansett Dr, access from an easement over remaining property of 21 Pattagansett Dr and 7 Islandia Ct.

Ms. Jett-Harris seconded the motion.

Ms. Kalal opposed.

Motion passed 5-1-0.

6. Disposition of Minutes

Approval of Minutes of June 20, 2024, Regular Meeting

Motion (7)

Ms. Kalal moved to approve the Minutes of the June 20, 2024, Regular Meeting, as presented.

Ms. Jett-Harris seconded the motion.

Mr. Foley abstained.

Motion passed 5-0-1.

7. Old Business-None

8. Subcommittee Reports

8-a Text Amendment-CZ Zone (Mixed Use)

Mr. Peck stated that Mr. Mulholland was working on writing the text amendment.

8-b Affordable Housing

Ms. Thurlow noted that the report for the Sea Spray Condos at Liberty Way is the last piece of information and once that is received, and Attorney Bleasdale has reviewed it, he will come to address the committee on affordable housing.

9. New Business

9-a Any business on the floor, if any, by majority vote of the Commission.

Ms. Markovitz wished to state her disagreement with the discussion and approval of moving the agenda item, Public Delegations. She noted that she found it unopen and dishonest to the residents.

Ms. Kalal asked her to elaborate on the dishonesty remark.

Ms. Markovitz stated that if a resident didn't have an issue with land use, but perhaps had an issue with the Commission, they should be allowed to voice that.

9-b Correspondence -None

10. Public Delegations

Ms. Thurlow asked for comments to be kept to 2 minutes.

Lisa McGowan, 33 Spinnaker Dr, asked about the previously discussed affordable housing and the moratorium. She wanted to know how close the numbers were to the requirement for a moratorium.

Mr. Peck responded that he believed it was just under 7%

11. Zoning Official-None

12. Comments from Ex-Officio-None

13. Zoning Board Liaison to the Planning Commission

There was no rep in July

Ms. Susco will be attending August 13, 2024

14. Comments from the Chairman-None

15. Adjournment

Motion (7)

Ms. Kalal moved to adjourn the Regular Meeting of the East Lyme Zoning Commission at 8:39PM.

Ms. Jett-Harris seconded the motion.

Motion passed 6-0-0.

Respectfully submitted,
Jessica Laroco,
Recording Secretary

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

A handwritten signature in black ink, appearing to be "W. Mulholland", is written over the printed name.

RE: Outdoor Dining Renewal
239 Main St-The Spice Club

DATE: July 10, 2024

This application is a renewal for the exiting outdoor dining area at The Spice Club Restaurant in Niantic Village, which the Commission may recall approving. The patio location, tables, and chairs will remain the same. The only change would be the addition of "strings of lights" that have already been installed. These lights provide an ambient background illumination which provides a minimal level of light. Because these lights have not previously been requested, they would need to be included in any approval.

Town of

Zoning Department



Attachment 2

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 Section 11.1.4

DATE: July 10, 2024

The Applicant, Denison Capital Partners, LLC, is applying to amend Section 11.1.4 of the Zoning Regulations. This section is a subsection of section 11 which regulates uses in the Light Industrial Districts. Section 11.1.4 permits 'warehouse and wholesale storage; self-storage warehouses' as an as of right activity.

The Applicant is proposing to amend this section to allow accessory outdoor storage to the section. It is specifically proposed to add the following language "including accessory outdoor storage of motor vehicles, boats, trailers, and recreational trailers, provided that such outdoor storage is adequately screened from the road and/or adjacent properties".

If adopted, this modification would only allow outside storage as an accessory activity to the primary activity of warehouse storage.

Attorney William R Sweeney is here representing the Applicant and will give a brief presentation.

Purpose

The Applicant, Denison Capital Partners LLC, desires to develop a self-storage warehouse with outdoor vehicle storage at 22 Liberty Way, East Lyme, Connecticut. The proposed zoning regulation text amendment would permit screened outdoor vehicle storage as accessory to self-storage warehouses in the LI District. Within the self-storage industry there exists significant demand for the outdoor storage of motor vehicles, boats, trailers, and recreational trailers. Many regional self-storage facilities currently offer this service. Most importantly, providing storage areas for these types of vehicles in industrial zones encourages and provides opportunities for such storage outside of residential neighborhoods where this storage can be unsightly and adverse to adjacent unscreened properties.

Proposed Zoning Regulation Text Amendment

LI LIGHT INDUSTRIAL DISTRICTS

11.1 PERMITTED USES - The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

11.1.4 Warehouse and wholesale storage; self-storage warehouses including accessory outdoor storage of motor vehicles, boats, trailers, and recreational trailers provided that such outdoor storage is fully screened from view by a building, fence, wall, shrubbery, or embankment not less than 6 feet in height.

Attachment 3

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)

June 3, 2024

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 05/03/2024. The application was referred to this agency pursuant to Section 8-3 of the Connecticut General Statutes.

The proposed amendment would allow for accessory outdoor storage of motor vehicles, oars, trailers, and recreational trailers with screening in the light industrial district.

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

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

Sincerely,



Nicole Haggerty, AICP
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

Attachment 4

Town of



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

P.O. Drawer 519

Department of Planning &
Inland Wetlands

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

July 3, 2024

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 11.1.4 of the Zoning Regulations; to amend permitted uses in the Light Industrial (LI) Zone for the outdoor storage of vehicles, boats, trailers, and recreational trailers.

Chairwoman Thurlow:

The East Lyme Planning Commission at its meeting of March 12, 2024, unanimously found the above referenced text amendment, CONSISTENT with the 2020 East Lyme Plan of Conservation and Development in terms of economic development as long as issues involving safety are addressed.

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

Zoning Department



Attachment 5

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: Waiver Request of the East Lyme Zoning Regulations
Section 20.8-Back Lots

DATE: July 10, 2024

The Applicant, John Paul Mereen, LLS, of Gerwick Mereen, LLC, is requesting a waiver of Section 20.8 of the Zoning Regulations. This section provides regulatory controls for the creation of back lots.

This section states in full:

20.8 BACK LOTS – Notwithstanding the minimum frontage requirements for each district back lots are permitted in any zone. Lots created after August 9, 2002 shall have a minimum of 25' frontage on an accepted or approved street and be accessible by a 25' wide permanent, unobstructed access-way of the same ownership. The ownership requirement may be waived by the Zoning Commission by a two-thirds vote of all members upon demonstration by the applicant that the physical features of the property preclude strict compliance with the requirement and that the granting of the waiver will not have a significantly adverse impact upon adjacent property, the environment, or the public health and safety. The following additional requirements shall be met for the creation of back lots:

- A. The minimum lot width at the building line shall be equal to the frontage requirement specified for the district.
- B. The area of the access-way shall not be included in the minimum required area of the lot.
- C. The maximum length of the access way measured from the street line to the front building line of the back lot shall not exceed 1000 feet.
- D. No back lots shall be created on the following streets (Rte. 1, Rte. 156, & Rte. 161) unless access is combined with a driveway serving a lot which fronts on the street.
- E. Lots created using a cluster/open space design which have less than the required average frontage shall not be considered back lots as long as the average frontage requirement for the entire subdivision is met.

Mr. Mereen's application will comply with all the requirements of this section except for the ownership of the 25-foot frontage requirement for a back lot. This section authorizes the Commission to waive ownership requirements by a two-thirds vote. Such a waiver would allow the creation of a right-of-way from a street to a back lot, which would not need to be owned by the back lot. This waiver would

essentially provide a frontage savings of 25 feet for the front lot thus allowing the creation of the back lot if the front lot did not meet the minimum frontage requirement for its zoning district.