

TOWN OF EAST LYME

ZONING COMMISSION

March 7, 2013

PUBLIC HEARING MINUTES

Filed  
Recorded March 11, 2013  
(AM)  
8:40 PM Leahy, A. Bliss  
East Lyme Town Clerk

**Members Present:**

Marc Salerno, Chairman  
Matthew Kane  
George McPherson  
Matthew Walker  
Terence Donovan  
Norm Peck  
William Dwyer, Alternate (Sat for Item 2, 4, & 5)

**Also Present:**

Bill Mulholland, Zoning Officer  
Attorney Ed O'Connell  
Attorney Mark Zamarka

**Call to Order**

Chairman Salerno called the meeting to order at 7:32 p.m.

**Pledge of Allegiance**

Chairman Salerno led the assembly in the Pledge of Allegiance.

**Public Delegations**

1. **Application of Mirabell, LLC, for a Special Permit for Outdoor Dining to include the serving of alcohol, at property identified in the application as 344 Main Street, Niantic, Connecticut.**

Mr. Mulholland confirmed the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

Brian Bellmore, 25 Marsh Hill Road presented the application. They will surround the existing patio with fence. They are applying for outdoor dining, and the State Liquor Control Board for a beer and wine license to serve on the patio.

The patio is now surrounded by gardens, now there is no fence, except for the west side. If it is required they will enclose the patio.

The following exhibit was submitted:

## **Exhibit A – Fence Options**

All of the options were acceptable to the applicant; he prefers the black powder coated steel. The patio will stay the same size. Currently they are not open at night. They have no plans to be open past sunlight hours. They are not planning outdoor entertainment, but they may have a speaker out there.

### **Public Comment:**

Gary Smith, 369 Main Street, Niantic recommended this application, it is a great operation.

**Motion (1) Mr. McPherson moved to close the Public Hearing.**

**Seconded by Mr. Walker.**

**Motion Passed 6-0.**

2. Application of Bill Wild, for Wild-Froyo, LLC dba Peachwave Frozen Yogurt East Lyme, Owner/Applicant, for a Special Permit to operate a Fast Food Restaurant at property identified in the application as 170 Flanders Road, East Lyme, Connecticut, Assessor's Map 26.3, lot 11.

Mr. Peck recused himself, and Mr. Dwyer sat for Mr. Peck.

Mr. Mulholland confirmed the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

Bill Wild, 16 Town Road, Niantic presented the application.

**The following exhibit was submitted:**

### **Exhibit A – Overview**

Mr. Wild stated this is a fast moving concept around the country. They will sell healthy frozen desserts, with no and low fat options. It will be similar to one in the Crystal Mall, but larger. They will be doing large improvements to the interior. There will be 1100 square feet of public space. Hopefully in the future they will have outdoor seating. They are working with the landlord on exterior improvements to the building, and improved exterior lighting. There is a lot of available parking. Their peak hours will be in the evening. This is not fast food, there is substantially less traffic, no drive thru, no stoves, no cooking, no soda fountain service. They will have a cooler with bottled drinks.

Mr. Mulholland stated he called the City of Danbury. That city recognized the difference between this type of business and a fast food restaurant.

Mr. Wild stated the tenants are encouraging the landlord to improve the parking lot lighting, and the signage lighting on the building.

There was no Public Comment.

Motion (2) Mr. Walker moved to close the Public Hearing.

Seconded by Mr. McPherson.

Motion Passed 6-0.

Mr. Peck returned, and Mr. Dwyer stepped down.

**3. Application of Francis G. Grace for Main Street Grille, Niantic for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 252-2 Main Street, Niantic, Connecticut. Assessor's Map 12.1, Lot 115.**

Mr. Mulholland confirmed that the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

Frank Grace, 58 Denison Avenue, Mystic presented the application. He is renewing his Special Permit from last year under the same conditions.

Mr. Kane stated he was at the restaurant at the end of July last year and they were not allowing dining upstairs, just drinks.

Mr. Grace stated by July 4<sup>th</sup> they had a full service menu up top. They had a lot of kinks to work out at first, but he assured the Commission that he serves his full menu upstairs.

Mr. Salerno reminded Mr. Grace that umbrellas must be advertisement free.

There was no public comment.

Motion (3) Mr. Donovan moved to close the Public Hearing.

Seconded by Mr. Peck.

Motion Passed 6-0.

**4. Application of Steve Carpenteri for Niantic Bay Inn, Inc., (aka Lyme Tavern) for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 229 W. Main Street, Niantic, Connecticut. Assessor's Map 10.3, Lot 1.**

Mr. Donovan recused himself, and Mr. Dwyer sat for this item.

Steven Carpenteri, 25 Harvest Glen, East Lyme presented this application. He is renewing the Special Permit from last year with all of the same conditions.

Mr. Salerno stated there had been some complaints. Could he have a buffer between the bar and the road constructed?

Mr. Carpenteri stated they are looking into lattice and posts, and they can put that up.

There was no public comment.

**Motion (4) Mr. McPherson moved to close the Public Hearing.**

**Seconded by Mr. Dwyer.**

**Motion Passed 6-0.**

**Mr. Donovan returned, and Mr. Dwyer stepped down.**

- 5. Application of Kostas Anastasiou, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 26 W. Main Street, Niantic, Connecticut. Assessor's Map 11.2, Lot 17.**

**Mr. Peck recused himself and Mr. Dwyer sat for this item.**

Mr. Mulholland confirmed that the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

The applicant was not present.

Mr. Salerno stated there were no changes, and it has not been built yet.

**Motion (5) Mr. Donovan moved to close the Public Hearing.**

**Seconded by Mr. Walker.**

**Motion Passed 6-0.**

**Respectfully Submitted,**



**Karen Miller Galbo  
Recording Secretary**