

**REGULAR MEETING Thursday, FEBRUARY 5th, 2009  
EAST LYME ZONING COMMISSION  
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, February 5, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Marc Salerno, Acting Secretary,  
Ed Gada, Norm Peck, Steve Carpenteri, William Dwyer, Alternate

**ALSO PRESENT:** Greg Dubrule, Applicant  
Leo Roche, Applicant  
William Mulholland, Zoning Official  
Rose Ann Hardy, Ex-Officio

**ABSENT:** Rosanna Carabelas, Secretary, Bob Bulmer, Alternate, Gregory  
Massad, Alternate

**1. Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 8:01 PM after the previously scheduled Public Hearings. He noted that he had seated William Dwyer, Alternate at the table this evening.

**Pledge of Allegiance**

The Pledge was previously observed.

**Public Delegations**

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were no delegations.

**Regular Meeting**

**1. Application of Greg Dubrule for Blackhawk Sport fishing LLC for a Special Permit for a sign advertising/locating Blackhawk Sport fishing LLC at the western entrance of property identified in the Application as Main Street (Cini Park) Niantic, CT.**

Mr. Nickerson said that they had just closed the Public Hearing on this and called for discussion.

Mr. Salerno said that he thinks that a sign here is good for business and good for the Town and that it is a tricky area to see without a sign letting you know where it is.

**\*\*MOTION (1)**

**Mr. Salerno moved to approve the Application of Greg Dubrule for Blackhawk Sport fishing LLC for a Special Permit for a sign advertising/locating Blackhawk Sport fishing LLC at the western entrance of property identified in the Application as Main Street (Cini Park) Niantic, CT.**

**Mr. Carpenteri seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Mulholland said that this would publish on February 12, 2009 and become effective on February 13, 2009.

**2. Application of Leo Roche for Strive LLC for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 247-2 Main Street, Niantic, CT.**

Mr. Nickerson said that they had also just closed the Public Hearing on this application and called for discussion. He stressed that this is a renewal of a special permit for outdoor dining and suggested they move forward in their discussion.

Mr. Salerno said that he has no problem with this although pushing the time on the patio to 12:30 AM may be pushing it a bit much. He noted that no other outdoor dining in the area is in operation at that time and said that he would like to keep it to 11:30 PM and see how it goes for the actual first year.

Mr. Peck said that he has no problem with the 12:30 AM time as the music is off at that time and people would have to be yelling pretty loud for noise to be a problem. He added that they spent \$4M on a Boardwalk and \$25,000 on the Yale Charrette study on how to bring business and people downtown and nothing works – but they put a bar/restaurant in downtown and all of a sudden they have a parking problem – he said that he has no trouble with the 12:30 AM closing time for the patio for the year.

Mr. Dwyer noted that the police station is across the street and that they would certainly know if there is a problem and a lot of noise.

Mr. Gada suggested that as they have endorsements for 11:30 PM and 12:30 AM closing times for the patio that they compromise at midnight for the first year and see how it goes.

Mr. Nickerson said that sounds reasonable since the kitchen closes at 11 PM.

Mr. Mulholland asked that they be specific on the terms of the renewal as they had been previously. The Commissioners discussed the terms/conditions and said that they have limited the patio to six (6) tables and that they would want to keep it that way and not have 50 people standing out on the patio. They were also interested in not having people standing out there consuming alcohol. They agreed that they would add a condition that would address this concern.

Mr. Gada suggested that with regard to smoking that they could have three tables that would allow smoking and three that would to.

Mr. Nickerson and Mr. Salerno said that while they might not have a problem with that, that Mr. Roche has testified that patrons would smoke at the sidewalk.

Mr. Mulholland asked if speakers should be off during the winter and if they would want to allow them or not.

Mr. Nickerson said that they have not put seasonal on the permit and that it seems to be fairly self-regulating.

**\*\*MOTION (2)**

**Mr. Salerno moved to approve the Application of Leo Roche for Strive LLC for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 247-2 Main Street, Niantic, CT with the following conditions:**

- a. **The outside live acoustic music will not have an amp on the guitar, only the microphone and the microphone will be cut off at 8 PM.**
- b. **The soft, background, outside dinner music from the speakers will be shut off at 10 PM.**
- c. **The patio shall close one hour after the kitchen closes but no later than 12 midnight.**
- d. **The setback requirements will be waived to zero as per the site plan.**
- e. **A sign will be posted that there is “No Sitting on the Wall’ outside in the patio area.**
- f. **Patrons shall not use the patio area for consumption of alcohol unless seated at a table.**

**Mr. Dwyer seconded the motion.**

Mr. Nickerson asked if they wanted anything about the front door being open as the inside noise could spill to the outside.

Mr. Dwyer said that he has not heard of any of that happening when he has been by there and that they would have the AC on and not want the doors open.

It was also noted that there is a double set of doors and that while the outer one may be open, there is another set that is closed.

Mr. Nickerson called for a vote on the motion.

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Carpenteri**

Mr. Mulholland said that this would publish on February 12, 2009 and become effective on February 13, 2009.

**3. Approval of Minutes – Public Hearing I, Public Hearing II and Regular Meeting Minutes – January 22, 2009**

Mr. Nickerson called for discussion on, or corrections to the Commission's Meeting Minutes of January 22, 2009.

**\*\*MOTION (3)**

**Mr. Carpenteri moved to approve the January 22, 2009 Meeting Minutes of the Commission as presented.**

**Mr. Salerno seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Mr. Gada, Mr. Peck**

**Old Business****1. Stormwater**

There was no discussion.

**2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Gregory Massad)**

There was no discussion.

**3. Subcommittee – Adult Uses (Rosanna Carabelas)**

Mr. Mulholland said that he has met with Ms. Carabelas and that they have a draft that will be sent to them for review.

**4. Subcommittee – Conservation Development by Design (Marc Salerno, Norm Peck & Rosanna Carabelas)**

Mr. Peck reported that the first meeting of this subcommittee is set for February 10, 2009.

**New Business****1. Application of Town of East Lyme Parks & Recreation for a Special Permit for athletic lighting at the Smith Harris little league fields located on Society Road, Niantic, CT.**

Mr. Nickerson asked that Mr. Mulholland schedule this for public hearing.

**2. Application of Richard McFadden of the Eclectic chef for renewal of a Special Permit for Outdoor Dining at property identified in the application as 281 Main Street, Niantic, CT.**

Mr. Nickerson asked that Mr. Mulholland schedule this for public hearing.

**3. Application of Jin A. Nguyen for a Special Permit for mixed use commercial at property identified in the application as 159 Boston Post Road, East Lyme, CT.**

Mr. Nickerson asked that Mr. Mulholland schedule this for public hearing.

**4. Application of Melinda Graus for a Special Permit for an Ice Cream window at the side and rear of store located at 334 Main Street, Niantic, CT.**

Mr. Nickerson asked that Mr. Mulholland schedule this for public hearing.

**5. Any business on the floor, if any by the majority vote of the Commission.**

There was none.

**6. Zoning Official**

Mr. Mulholland reported that they would be busy with a number of smaller projects and that the new McDonald's should be opening in a matter of weeks.

**7. Comments from Ex-Officio**

There was no report.

**8. Comments from Zoning Commission liaison to Planning Commission**

There was no report.

**9. Comments from Chairman**

Mr. Nickerson said that he did not have any further comments.

**10. Adjournment**

Mr. Nickerson called for a motion to adjourn.

**\*\*MOTION (4)**

**Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:45 PM.**

**Mr. Gada seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary