

TOWN OF EAST LYME

ZONING COMMISSION

JUNE 24, 2015

PUBLIC HEARING MINUTES

Members Present:

Matthew Walker, Chairman
William Dwyer
Norm Peck
Terence Donovan
George McPherson
Peter Lukas, Alternate (Entered at 7:10 p.m., Did not Sit)

FILED IN EAST LYME
CONNECTICUT
June 29 2015 AT 9:35 AM/PM
William Dwyer
EAST LYME TOWN CLERK

Members Absent:

Matthew Kane
James Liska, Alternate
Shawn Singer, Alternate

Also Present:

Bill Mulholland, Zoning Officer
Mark Nickerson, First Selectman
Rita Franco-Palazzo, Planning Representative

CALL TO ORDER

Chairman Walker called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

Mr. Nickerson thanked the members for their service to the Town. It is tough work, and they do great. Chairman Walker is doing an outstanding job, and the rest of the Commission has been very supportive.

1. APPLICATION OF TODD SAKOWSKI, TO AMEND THE EAST LYME ZONING REGULATIONS SECTION 1.79, 9.2.10, 20.20.8 AND 25.5 TO PERMIT THE OPERATION OF A TAPROOM BREWERY

Chairman Walker confirmed the legal advertisement ran on this item.

Mr. McPherson read a letter from the Planning Commission.

Mr. McPherson read a letter from James Rabbitt of SCCOG Regional Planning Commission.

Mr. McPherson read a memo from Mr. Mulholland.

Todd Sakowski of 968 Shewville Road, Ledyard stated he has been at some of the past meeting, and this Commission does not have an easy job. In 2012 Connecticut started allowing breweries to sell directly to consumers. Niantic is prime location for this type of business. They will brew three barrels per batch. 50% of what they sell will be sold at retail. A large percentage of sales will be growler sales. Connecticut prohibits the sale of growlers beyond when package stores close. They would close between 7:00 p.m. and 9:00 p.m. Their business plan calls for them to close at 9:00 p.m. There will be a "bring your own food" policy. There is no shortage of restaurants in Niantic. There are 2 other restaurants in their building, and one is willing to delivery to the brewery.

Mr. Mulholland stated they would have to apply for a Special Permit if they find this favorable. This is just background information.

Mr. Sakowski stated he and his wife are TIPS trained, and they are trained to recognize and mitigate intoxication. The price of a craft beer pint is \$5.50 to \$8.00, the higher price reduces overconsumption. There are thirteen craft breweries in Connecticut right now and none of them stay open past 9:00 p.m. Cranberry Meadow Farm will take their spent grain every day free of charge to use on their farm. The spent grain does have an odor.

Mr. Donovan asked if there is an odor during manufacturing.

Mr. Sakowski stated it is a sweet smell, and doesn't travel far.

Mr. Mulholland asked if it will be vented to outside.

Mr. Sakowski stated that depends on the brewery, their brewery would not be vented to the outside. He spoke to Mr. Mulholland about the wording of Section 20.20.8, and that should read "malt beverage".

Mr. Mulholland stated he is asking in the definition for the manufacture and sale of malt beverages. Connecticut Statutes allow different things. We want this business to be successful. The definition seems to limit what can be sold, and the definition is what the Town would be charged with enforcing.

Mr. Sakowski stated they would produce and sell what they are producing, along with other beer and wine.

Mr. Mulholland stated the definition may need to be broadened.

PUBLIC COMMENT

Mr. Nickerson entered a letter (**Exhibit 1**) in support of this application.

Mr. McPherson asked about the recommendation from the Planning Commission to include the CA zone.

Mr. Mulholland stated that would be a subject for another night. The legal advertisement was run on this application. It is food for thought for the future though.

Mr. Peck suggested the following sentence be added to the definition: "Taproom Brewery may also sell other non-manufactured fermented beverages."

Mr. Sakowski stated it would be beer and wine only.

Mr. Peck also suggested that the language "no more than 50% of the above products may be manufactured elsewhere."

Mr. Sakowski stated fermented beverages include beer, wine, sake, mead, and cider.

Chairman Walker asked if they would sell cider in the fall.

Mr. Sakowski stated they have no plans to, but they may do that.

Mr. Donovan asked if they would stay open past 9:00 p.m.

Mr. Sakowski stated there is a chance, they may look to expand.

Mr. Dwyer stated he feels they are broadening it too much.

Chairman Walker stated this is a unique application. The downtown has come to life. The goal is to keep it that way. He asked Mr. Sakowski if they will have any food at all.

Mr. Sakowski stated they will have a popcorn machine, and may have some snacks.

Mr. Mulholland asked about the setting of other breweries within the State.

Mr. Sakowski stated some are in downtown settings. A lot are in warehouses, those with big budgets also have a restaurant.

Chairman Walker stated we don't want a host of bars downtown. Mr. Dwyer has concerns about this evolving into a bar. The cost will reduce over consumption. When would trucks be leaving to deliver the product elsewhere?

Mr. Sakowski stated it will not be an invasive delivery system.

Mr. Peck asked if the applicant could live with the stipulation that other sales of non-manufactured products are the minority percentage of their retail sales, at 50%.

Mr. Sakowski stated those don't envision that being the majority of sales. They will only have a few guest taps.

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

Seconded by Mr. McPherson.

Motion Passed 5-0.

2. APPLICATION OF JULIE SMART, FOR SMARTY'S, FOR A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 215 MAIN STREET, NIAN TIC

Chairman Walker confirmed the legal advertisement ran on this item.

Mr. Mulholland stated this is an application for a patio, and they would like to have music.

Gilbert Smart stated they would like to have outdoor music. There would be no entertainment beyond 10:00 p.m. That is stated in their lease with their landlord. They do not have a young crowd. They are a restaurant. There is nothing across the street from them. It wouldn't intrude on anyone. They would like to have a single guitar player for entertainment. They are looking for ways to generate funds. They would use a small amplifier. He will control the volume. It is really more of background music.

Mr. Mulholland asked what the hours of operation for the music would be.

Mr. Smart stated 6:30 p.m. to 9:30 p.m.

Mr. Donovan asked if that would be the same on weekends.

Mr. Smart stated it would only be done on weekends.

There was no public comment.

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

Seconded by Mr. Donovan.

Motion Passed 5-0.

3. APPLICATION OF DAVID J. HAYLON, JR, FOR HAYLON'S DELI, FOR A SPECIAL PERMIT FOR FAST FOOD RESTAURANT AT PROPERTY IDENTIFIED IN THE APPLICATION AS 157 W MAIN STREET, NIAN TIC

Chairman Walker confirmed the legal advertisement ran on this item.

****Mr. Peck recused himself from this item.**

Mr. Mulholland stated the applicant is not here, he is applying for a Special Permit for a deli in the new building on Route 156.

Mr. Mulholland stated it is a 1000 square foot location. 12 parking spaces are required. In the future he would like to have a small outdoor patio with small tables.

Mr. Haylon arrived at 7:05 p.m.

David Haylon of 157 West Main street stated he is applying for a prepared food bakery, in the future he would love to move next door to have produce, and a mini grocery store, he will make the breads himself. They will have breakfast, lunch and take home dinners. They would be open 5:30 a.m. to 7:00 p.m. He was a private chef in New York City. He is excited to bring what he learned to this area.

There was no public comment.

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

Seconded by Mr. Dwyer.

Motion Passed 4-0.

4. APPLICATION OF PATRICK & LORI MASSEY, FOR A SPECIAL PERMIT FOR FAST FOOD RESTAURANT AT PROPERTY IDENTIFIED IN THE APPLICATION AS 44 BLACK POINT ROAD, NIANTIC

Mr. Peck returned for this Item.

Mr. Mulholland stated the applicant is not here. Currently they are running a convenience store in the laundromat building. This will be a small restaurant, approximately 400 square feet of floor area. There is more than enough parking on site.

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

Seconded by Mr. Donovan.

Motion Passed 5-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**

Exhibit 1

Town of



East Lyme

Mark C. Nickerson
First Selectman
MNickerson@eltownhall.com

108 Pennsylvania Ave.
P.O. Box 519
Niantic, Connecticut 06357
Phone (860) 691-4110
Fax (860) 739-2851

To: Zoning Committee

From: Mark Nickerson, First Selectman

Re: Tap Room application

Date June 24, 2015

I apologize that I cannot attend tonight's meeting to speak at delegation. I am committed to attend a meeting with the Southeastern CT Council of Governments' Regional POCD.

I am writing this letter of support for the Tap Room application.

This is the type of ancillary business we expected to attract when we set out to make Niantic Main Street more friendly for businesses and restaurants to open over 12 years ago. And as a community we have been wildly successful in bringing our village back to life. There are pedestrians, both residents and visitors throughout Niantic like never before.

The tap room will be a great place to meet friends before or after dining at our fine restaurants or after spending the afternoon on our beaches or boardwalk. It will become another option; one that will bring an upscale crowd that is fiercely loyal to the artisan craft brews made throughout our region. Think of it as a Starbucks that serves beer...because that is the crowd and the atmosphere that they hope to achieve.

As for the manufacturing element of the operation, just like Mystic and Stonington Borough, Niantic has had a long history of eclectic uses in its downtown area. Besides the residential, retail, and restaurants uses, we have a lumber yard, marine repair shops, a gas station and an auto repair shop...all equally successful. Only a few years ago, we had a large scale medical tape manufacture (NL Tape) and a medial gauze manufacturer (now 38 Hope Street).

I am hopeful you see this business as one with great potential and unique enough to add flavor and spice to our downtown community.

Most Respectfully,



Mark C. Nickerson

First Selectman