

**MEETING MINUTES  
OLD LYME ZONING COMMISSION  
REGULAR MEETING  
MONDAY MARCH 13, 2023, 6:30 P.M.  
MEETING HALL, MEMORIAL TOWN HALL  
52 Lyme Street, Old Lyme, CT**

**Present:** Paul Orzel (Chair), Mike Miller, Jane Marsh (Secretary), Michael Peter Barnes (seated for Tammy Tinnerello), Mary Jo Nosal, Alternate Sloan Danenhower, Alternate Gil Soucie

**Absent:** Tammy Tinnerello

**Also present:** Eric Knapp, Zoning Enforcement Officer/Land Use Coordinator; Amy Huot, ZC Clerk

Chair Orzel started the meeting at 6:32 PM.

Prior to the start of the Public Hearing, Chair Orzel requested the Commission vote to change the order of Regular Meeting Agenda items. See Record of Votes document from this meeting for more information.

Chair Orzel also informed the public that a “pulse check” will be done around 9:00 PM to avoid having the meeting run until midnight as it did in February’s Regular Zoning Commission meeting. Chair Orzel also noted that he and Ms. Nosal will work on a proposal that details what the Commission will do by hour and make the proposal to the Commission with a max ending time. More details to follow in the April Regular Zoning Commission meeting.

**CONTINUED PUBLIC HEARING:**

Special Permit Application to allow applicants to replace existing non-conforming Accessory Structure with a new Accessory Structure which will be built in a conforming location and will also be built to FEMA standards on property located at 47 Seaside Lane, Frank and Jessica Antonacci, applicants.

Attorney Fran Sablone, representing the applicants, presented the application. Attorney Sablone noted he had a letter of opposition from Tom and Marsha Zipp of 49 Brighton Rd. in his possession. Ms. Marsh read the letter into the record.

Attorney Sablone also submitted **Exhibit A**, a letter of support from Lisa Barall-Matt and Todd Matt of 47 Seaside Lane.

Attorney Sablone noted that the application required a septic tank move. The tank location was signed off and approved prior to the application for the work on the accessory structure.

Attorney Sablone noted that the structure design is in keeping with the neighborhood and is FEMA compliant. Attorney Sablone submitted **Exhibit B**, a letter addressing questions that were brought to the Commission's attention in the January 2023 Regular Meeting, including commentary on the spot elevation. Attorney Sablone also presented two sets of pictures that were intended to show how the proposed structure is in keeping with the neighborhood.

Attorney Sablone stated the proposed design is of a non-habitable space that is FEMA compliant. Chair Orzel asked why septic work needed to be done given the application is for a shed. Attorney Sablone noted that the septic needed to be redone as it was non-compliant and needed for the house. Mr. Jeff Flower, architect, worked on the septic design. Mr. Flower noted the original tank needed to move to build the proposed structure. Chair Orzel asked Attorney Sablone to confirm the new structure will not be placed in the same (non-compliant) location as the previous shed. Mr. Flowers confirmed it would not go in the same footprint. Chair Orzel asked if the elevation on the property was raised to which Attorney Sablone responded the elevation was done as required for a compliant septic system. Attorney Sablone stated the septic system determined the elevation.

Mr. Flowers further explained that the proposed structure is not in the same footprint and is a little longer and a little narrower than the prior shed on the site. Ms. Nosal questioned the elevation of the new structure to which Attorney Sablone stated it conforms with the zoning and will be under 24'. Chair Orzel inquired about the grade to which Mr. Flower noted that considering the old grade, the design is still under the maximum height allowed in the zone of 24'.

Ms. Nosal asked if there are any plans to cover the fill. Attorney Sablone noted that only crushed stone or grass will be added to the property. Attorney Sablone also offered to make it a condition of approval.

Chair Orzel opened the hearing for public comment.

Mr. Anthony Pepper, of 47 Brighton Rd., spoke in opposition to the application. Mr. Todd Habicht, of 49-1 Seaside Lane, spoke in opposition to the application. Mr. Habicht expressed concern about water runoff onto neighboring properties from the proposed structure.

Ms. Carolyn Miranda, of 2 Biscayne, suggested that information be vetted more carefully to avoid any confusion in the future.

Mr. James Fox, of 45 Seaside Lane, spoke in favor of the application. Mr. Fox showed the Commission pictures of storm water surge covering neighboring properties, taken before the Antonaccis replaced the septic. ZEO/LUC Knapp requested that Mr. Fox email those pictures to him so the pictures may be entered into the record.

No further public comments.

Attorney Sablone responded to public comments regarding the elevation of the septic fill and stated all the elevations and spot elevations are correct on the maps that have been made public. Mr. Sablone noted that flooding comes from storm surges and not from rain.

Ms. Marsh and Chair Orzel asked for confirmation that the proposed structure must be built per FEMA requirements. Attorney Sablone stated he would provide the official document from FEMA to which ZEO/LUC Knapp pointed out that it is in the zoning regulations. Attorney Sablone stated his rebuttal letter that was given to the Commission at the start of the public hearing contains the FEMA requirements. Mr. Flower read the applicable FEMA technical fact sheet that states accessory structures must be built to be FEMA compliant: NFIP technical bulletin 7 May 2022, number 5.

The public hearing was closed. See Record of Votes document from this meeting for more information.

### **PUBLIC HEARING:**

Special Permit Application with associated Coastal Area Management Application to allow applicants to develop a 3.77-acre parcel for the purpose of constructing three buildings to be used for the renting of units on property located at 250 Shore Road, Kids Realty LLC & Pond Road LLC applicants.

Ms. Marsh read the legal notice then noted the documents in the file: Special permit application; receipts for certified mail; documents from Land Use technician dated Feb 17, 2023; Updated site plan dated 3/9/23. Ms. Marsh also accepted more certified mail receipts from the applicant.

Presenting the application were Attorney Michael Cronin, Jr. representing the applicants, and Mr. Bob Doane, P.E., and land surveyor.

Mr. Doane, P.E., and Licensed Land Surveyor presented the site plan to the Commission. Mr. Doane stated the applicants are proposing three buildings at 10,500 SF each for storage use only. Mr. Doane also noted a storm water management basin has been added to the design and site plan at the request of CT Department of Transportation.

Mr. Doane noted that no wetlands were found on the site. Mr. Doane stated the updated application package to the Commission includes the design of the breakaway signpost. Sheet TR-1208\_2, "Metal Sign Posts and Sign Mounting Details, CTDOT Standard Sheet, Office of Engineering", plotted 6/6/2017, showing the details of this sign, have been included with the plans at the express instruction of the Connecticut Department of Transportation.

Mr. Miller asked if CAM had been mentioned. Mr. Doane stated he did submit a CAM (Coastal Area Management) Municipal Site plan review. Mr. Doane noted it also included details on the plantings, the stormwater management mitigation report and noted the compliance within the C-30 zone. Mr. Doane stated the design follows all applicable standards and that is expressed in the CAM review application.

Mr. Doane stated Mr. Norman Miller, a drainage engineer with the CTDOT reviewed the documentation about the stormwater basin, noted it looked acceptable, but the DOT does not act upon submitted applications until the local municipality, in this case, the Town of Old Lyme has approved the municipal Special Permit Application.

Mr. Doane said the applicants are proposing to plant a series of white pine trees or equivalent on the outside of fence wrapping around the facility. Mr. Doane went through the remaining documents of the application and pointed out lighting to be used and it will be a gated facility. Mr. Doane stated it is a higher end building, the design is much more attractive than typical commercial zoned self-storage facilities.

Attorney Cronin presented **EXHIBIT A**, Zoning Commission Meeting Minutes from November 13, 2018, in which the Old Lyme Zoning Commission amended sections of the Zoning Regulations to allow for self-storage facilities.

Mr. Miller asked if outside storage will be permitted and Attorney Cronin confirmed outside storage will not be permitted and this requirement can be made a condition of approval if the Commission wished to do so. Mr. Doane commented that parking will be on a gravel surface and there will be room for 25 spaces while leaving the garage doors accessible. Mr. Doane stated that no parking will be allowed for people other than those renting a unit. Mr. Doane further stated it will be a gated facility with key card access.

Mr. Miller recommended signage to help keep noise down during non-business hours in the area where houses are located. Mr. Doane agreed that signs can be added.

Ms. Nosal asked if the Old Lyme Inland Wetlands Commission had been advised of the plan, to which ZEO/LUC Knapp responded the Wetlands Commission acknowledged they have no jurisdiction in this case.

Mr. Doane clarified for the Commission that a business cannot be run out of these units, it would be in violation of the contract. Mr. Doane further noted the units can only be used for storage, including cars/trucks/boats.

The Commission asked Mr. Doane several questions regarding water runoff, the possible use of chemicals by renters, and plans to minimize risk of water contamination in the surrounding area. Mr. Doane noted that storage unit renters must take care of the units rented per their

contract. Mr. Doane also pointed to the stormwater management basin on the site- no stormwater will be able to run off the site.

The Chair opened the public hearing for public comment.

Mr. Lawrence Osowiecki, of 2 Columbus Avenue, spoke against the application. Mr. Osowiecki and the residents he stated to represent are concerned about traffic, noise, and a possible drop in home values if the application is approved.

Ms. Carolyn Miranda, of 2 Biscayne Blvd, spoke against the application. Ms. Miranda is worried about the environmental impact and potential negative impact to their neighborhood and property values.

Mr. Scott Trepanier, of 2 Flagler, spoke against the application and encouraged the Zoning Commission members to consider the opinion of the Shoreline Gateway Committee because Mr. Trepanier's understanding of the work the Committee was doing pertaining to Shore Rd.

Ms. Martha Shoemaker, co-chair of The Shoreline Gateway Committee and on the Board of Selectmen (but speaking on behalf of the Shoreline Gateway Committee), stated she was not commenting on the application. However, Ms. Shoemaker noted that residents surveyed about Shore Rd enhancements specifically asked that storage not be added to the area. Ms. Shoemaker stated the Shoreline Gateway Committee is looking at types of improvements (such as recreational) that can be done to enhance the development of that area. Ms. Marsh asked if Ms. Shoemaker read the application. Ms. Shoemaker confirmed she had not read the submitted application. Ms. Shoemaker further noted that she has environmental concerns and spoke against the application.

Attorney Cronin stated that he reviewed the public comments in the record of the last Zoning Commission hearing on this property and questioned whether the public commentators in the current hearing reviewed the new application. Attorney Cronin noted the concerns expressed in both hearings were very similar. Attorney Cronin further noted the Chair has an obligation to apply the law in this case and there is no evidence to support application denial based on the idea that there are too many self-storage facilities. Attorney Cronin further stated there is no technical evidence of criminal activity or environmental issues in regard to this application.

Mr. Osowiecki, Ms. Miranda, and Mr. Trapanier reiterated their opposition to the application.

No further public comments.

Chair Orzel noted the public hearing should be continued to next month so the Fire Marshal can review the plans and the application be shared with the Shoreline Gateway Committee to review.

A motion was made to Continue the public hearing, however the Commission discussed whether other Committees or groups should review the application. After discussion, a motion was made to continue the public hearing to the **April 10, 2023 Zoning Commission Regular Meeting**. The vote failed. See Record of Votes document from this meeting for more information.

Another motion was made to close the public hearing. See Record of Votes document from this meeting for more information.

**REGULAR MEETING:**

The Commission held a pulse check at 10:07 PM. The Commission voted on a Zoning Commission Special Meeting to be held **March 27, 2023** at 6:00 PM to continue the remainder of the agenda (items 1 and 2, Halls Rd Overlay and Lyme Academy). No public comments will be heard.

See Record of Votes document from this meeting for more information.

1. Petition for Application to create the Halls Road Overlay District Proposal (HROC), Town of Old Lyme applicant.

This matter was continued to the Special Meeting to be held on 3/27/23, as noted above.

2. Rezoning of 23 parcels running the length of Halls Road from C-30S to the Halls Road Overlay District.

This matter was continued to the Special Meeting to be held on 3/27/23, as noted above.

3. Special Permit Application to allow applicants to replace existing non-conforming Accessory Structure with a new Accessory Structure which will be built in a conforming location and will also be built to FEMA standards on property located at 47 Seaside Lane, Frank and Jessica Antonacci, applicants. The deliberations on this application were tabled until the next regularly scheduled meeting of the Commission on **April 13, 2023**.

4. Special Permit Application with associated Coastal Area Management Application to allow applicants to develop a 3.77-acre parcel for the purpose of constructing three buildings to be used for the renting of units on property located at 250 Shore Road, Kids Realty LLC & Pond Road LLC applicant. The deliberations on this application were tabled until the next regularly scheduled meeting of the Commission on **April 13, 2023**.

5. Continued Matters:

A) Special Permit 58 Hartford Avenue, Frank Noe Public Hearing April 10, 2023

B) Petition for amendment of Zoning Regulations to include updated outdoor lighting standards, Petitioner, Connecticut River Gateway Commission Receipt and setting of Public Hearing discussion regarding waiving the fee. Public Hearing scheduled for April 10, 2023.

6. Receipt of new applications – \*\*Receive and Set a Public Hearing: Construction of Pickle Ball Courts at the Old Lyme Country Club, 40 McCurdy Road, Old Lyme Country Club Inc is the applicant.

The application was received and set for the May 8<sup>th</sup> , 2023 Regular Zoning Commission meeting. See Record of Votes document from this meeting for more information.

7. Zoning Enforcement - Update on 146 Neck Road

ZEO/LUC Knapp recommended he review the most recent submission by the owners of 146 Neck and then issue a decision in writing. Then the owners can decide as to whether it should go to ZBA to appeal based on ZEO/LUC Knapp's decision. ZEO/LUC Knapp recommends other ZEO enforcement issues follow this proposed process. ZEO/LUC Knapp stated that in his opinion it would be better for the ZEO to review (not that it is not suitable for Z.C.) and then there can be an appeal of the ZEO decision by the ZBA. The Commission agreed with ZEO/LUC Knapp's suggestion.

8. Approval of Minutes – Minutes of the February 13, 2023 Public Hearing and Regular Meeting

The meeting minutes were approved. See Record of Votes document from this meeting for more information.

9. Correspondence – None

10. Miscellaneous/Adjournment: Welcome Gil Souci, new Zoning Commission alternate.

The meeting adjourned at 10:22 PM.

Respectfully submitted,

Amy Huot, Clerk

**THE NEXT REGULAR MEETING OF THE ZONING COMMISSION IS MONDAY,  
APRIL 10, 2023  
AT 6:30 P.M. IN THE MEETING HALL, 52 LYME STREET, OLD LYME, CT**