

**MEETING MINUTES
OLD LYME ZONING COMMISSION
REGULAR MEETING
MONDAY, MAY 8, 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), Tammy Tinnerello, Mary Jo Nosal, Alternate Michael Peter Barnes, Alternate Sloan Danenhower

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

Chair Orzel started the meeting at 6:33 PM.

After the meeting was called to order, Chair Orzel informed the public attendees that there was an error on the ONLINE agenda. Item 2 (Property: 250 Shore Road. Applicants: Kids Realty LLC & Pond Road LLC. 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 self-storage units) was closed in the April 2023 Zoning Commission Regular Meeting meaning the application would not be open for public comment during this meeting.

A. CONTINUED PUBLIC HEARINGS:

1. Property: 58 Hartford Avenue. Applicant: Frank Noe. Special permit to place a structure on site for sale of merchandise. Determination of suitability for possible off-site parking exclusive to 88 Hartford Avenue. Applicant has proposed in the alternative that the site be used exclusively as accessory parking area for 88 Hartford Avenue. SVVD Zone.

Mr. Frank Noe, managing member of OL Properties and managing member of Sound View Property Management, LLC and Brian Cleary, owner of Kokomo's presented the application.

Mr. Noe read the Sound View Regulations related to off-street/ on-site parking to the Commission. Mr. Noe then presented **Exhibit 9**, a site development plan for 58-62 Hartford Ave.

Mr. Noe submitted **Exhibit 10**, a hand drawn parking lot plan by Fine Line Striping Inc. LLC, which included the number of parking stalls in the lot. The Commission was concerned about the parking lot regulation. Mr. Noe noted there will be a sign noting parking is for Kokomo's customers only. Mr. Noe also suggested boulders could be added on the Hartford Avenue side to discourage vehicles from going over the curb to park. The Commission was concerned about monitoring the lot to which Mr. Cleary stated the

parking lot will be monitored by a staff member, who will give tickets to Kokomo's patrons, that must be displayed on the rear-view mirror. Mr. Cleary further noted the ticket numbers are designed to not be reused.

ZEO/LUC Knapp noted that curbs and curb cuts go through the First Selectman's office and confirmed the Fire Marshal has not reviewed the application yet.

ZEO/LUC Knapp noted that under Section 6 of the Zoning Regulations, the Town of Old Lyme prohibits public parking lots and that Kokomo's claimed it is a private parking lot. ZEO/LUC Knapp further stated theoretically it could work when reviewing the Sound View Regulations but noted that the Commissioners must interpret the regulations. Mr. Noe also confirmed merchandise will no longer be sold in the parking lot.

Ms. Nosal expressed concern about access for emergency vehicles, specifically fire trucks, and noted that the Fire Marshal can look at the application to ensure that there is appropriate access.

Ms. Marsh asked Mr. Noe to update **Exhibit 9**, to show where the location of parking lot signage. The marked-up site map is **Exhibit 9A**.

Ms. Nosal inquired about the hours of operation for the parking lot. Mr. Cleary noted that the restaurant closes at 9:00 PM and the dining experience typically lasts two to two and a half hours. Mr. Cleary further stated the parking lot would close at 11:00 PM and noted the valet stays until the customers are gone. Mr. Cleary mentioned some customers might leave a car overnight and find another option to go home (if unable to drive, for example).

Mr. Noe noted that offsite parking is an allowed regulation in the Sound View District in his opinion. No further questions by the Commission.

Chair Orzel opened the hearing for public comment.

Ms. Carolyn Miranda of 2 Biscayne Blvd objects to the special permit and is concerned it will encourage more people to use the beach, sacrificing residents' quality of life, in her opinion. Ms. Miranda is also concerned about run-off, pollution, and contamination from the lot.

Mr. Lenny Corto of 33 Hawk's Nest Rd. spoke in favor of the application but is concerned about it being approved prior to the Fire Marshal's review and approval of the site plan. However, Mr. Corto would like to see this approved for the benefit of other businesses in the area and believes this is a restoration of parking that was removed earlier.

No other public comments.

A motion was made to close the public hearing to which Ms. Marsh responded she would like to keep it open until the Commission hears from the Fire Marshal. Motion was withdrawn. Chair Orzel asked ZEO/LUC Knapp to follow up with the Fire Marshal as he has not been responsive to Mr. Noe.

ZEO/LUC Knapp stated he will bring the updated version of the site plan (**Exhibit 9A**) to the Fire Marshal and will ask him to update his comments in writing.

A **motion** was made by J. Marsh, seconded by M. Miller, to **CONTINUE the public hearing** for 58 Hartford Avenue special permit to place a structure on site for the sale of merchandise. Determination of suitability for possible off-site parking exclusive to 88 Hartford Avenue. Applicant has proposed in the alternative that the site be used exclusively as accessory parking area for 88 Hartford Avenue; SVVD Zone, Applicant Frank Noe, to the **June 12, 2023 Regular Zoning Commission Meeting**.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

2. Petition by the Connecticut River Gateway Commission to Amend the text of the Old Lyme Zoning Regulations to update Section 4.10, the Gateway Conservation Zone, incorporating new language proposed by Applicant.

Ms. Suzanne Thompson Chair of the CT River Gateway Commission (CRGC), and Mr. Greg Futoma, Commissioner of the CRGC presented the petition. Ms. Marsh noted that there is a letter from Marcy Balint of CT DEEP in the file and that CT DEEP finds the proposed regulations changes consistent with the goals and polices of the Coastal Management Act.

ZEO/LUC Knapp noted that updated text is strictly limited to the Gateway Standards, it does not make meaningful changes to the underlying town of Old Lyme Zoning Regulations. Chair Thompson asked that the Commissioners please approve the long-standing effort to create this update. Chair Thompson also noted that the new lighting standards become the 10th criteria to the Gateway Standards as there was not previously a standard addressing night lighting. Chair Thompson stated the CRGC would like to receive the town of Old Lyme Zoning Commission input prior to the CRGC public hearing to be held on May 25th, 2023. Chair Thompson further noted that Sustainable CT gives points when decorative night lighting is reduced.

ZEO/LUC Knapp noted the coastal jurisdiction line is using the same definition the CT state statute uses. Chair Orzel asked if the state statute could be referred to in the text to show the changes are in harmony with the state statute. Chair Thompson noted that the standards are regulatory minimums, and the towns are welcome to increase them if they would like to do so.

Mr. Barnes was concerned about the impact on people that are not directly living on the water. Chair Orzel noted the Gateway map cannot be changed and ZEO/LUC Knapp noted that many changes in the updated text are less restrictive and/or easier to administer. ZEO/LUC Knapp noted that the light pollution regulation is more restrictive but will only affect certain residences in the town.

Mr. Futoma noted that not only is dark sky important, but dark water is also important as there is a negative effect on aquatic life.

Chair Orzel opened the hearing for public comment.

Ms. Claudia Weicker, Chair of Roger Tory Peterson Estuary Center spoke in support of the zoning regulation updates. Ms. Weicker noted the harm that occurs to migratory birds due to light pollution and emphasized the need to protect the town ecosystem.

No other public comments.

A **motion** was made by J. Marsh, seconded by T. Tinnerello, to **CLOSE** the public hearing for Petition by the Connecticut River Gateway Commission to Amend the text of the Old Lyme Zoning Regulations to update Section 4.10, the Gateway Conservation Zone, incorporating new language proposed by Applicant.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

B. NEW PUBLIC HEARINGS

Ms. Marsh read the legal notices for all new public hearings.

1. Property: 100 Lyme Street; Applicant: Connecticut Audubon Society, Inc. Modification of existing Special Permit to allow guest accommodations for visiting scientists, including a total of five bedrooms, four to be located on the third floor of the main building and one in an accessory building. R-40 Zone.

Ms. Claudia Weicker, Chair of the Roger Tory Peterson Estuary Center, Mr. Russell Learned from Centerbrook Architects and Attorney Michael Cronin presented the application.

Attorney Cronin noted that Zoning left the use of the Estuary Center third floor for cottage purposes and the applicant would like to use the third floor as noted in the application. Attorney Cronin noted there is a need to get these improvements done quickly.

Ms. Weicker stated the Estuary Center would like to use the temporary housing for visiting scientists and in the long term, a caretaker for the property. Ms. Weicker further noted there will be a lecture series to bring in speakers from around the country and offer them short-term accommodation if necessary.

Mr. Learned described the site plans and noted the Society are in conversations with the Fire Marshall to get bedrooms on the third floor of the main building. Ms. Weicker noted that both buildings (the main building and the cottage) are being presented as a package because there are decisions about ADA Accessibility, and a host of other planning that will be needed for modifications made to the third floor. Ms. Weicker reiterated the Society is

in consultation with the Fire Marshal regularly and are consulting with the State Fire Marshal's office.

Mr. Learned noted the Society would like to begin construction this summer. Ms. Weicker stated students (college interns) will be living there for a short time over the summer. Ms. Weicker noted the accommodations will not be rented; these are guest accommodations. Ms. Weicker also noted that a few bathrooms are being removed.

ZEO/LUC Knapp informed Commissioners that the pre-existing residential use on the second floor was never abandoned. Ms. Marsh questioned if the proposed plan is appropriate for new use that was approved for the property. ZEO/LUC Knapp read section 5.3 of the Zoning Regulations and noted that it specifies this is a non-residential use. Ms. Marsh asked if the claim about non-abandoned use was a claim that is being considered. Attorney Cronin advised the clients that without restrictions on the original approval from the Zoning Commission, the non-abandoned use is acceptable.

Ms. Marsh inquired as to how the Society will show the onsite resident will be exclusively a caretaker and this residence is not a way to earn income for the Society. Ms. Weicker reiterated that whoever is in the building will have an association with the Society. Ms. Marsh asked if a condition of employment by the Society was acceptable, to which Ms. Weicker agreed.

Ms. Weicker noted the possibility of a visiting scientist taking a summer sabbatical to work there but typically the length of stay might be an occasional night or two and she believes that not all rooms will be used simultaneously.

Attorney Cronin created an amendment to the statement of use manually for the cottage on premises to allow short-term guests OR employees of the Roger Tory Petersen Estuary Center and gave it to Ms. Marsh for the record.

Chair Orzel opened the hearing for public comment.

Ms. Marsh noted there is a letter in favor of the application from Pamela Hamilton of 106 Lyme Street.

No other public comments.

A **motion** was made by M. Nosal, seconded by M. Miller, to **CLOSE** the public hearing for 100 Lyme Street modification of existing Special Permit to allow guest accommodations for visiting scientists, including a total of five bedrooms, four to be located on the third floor of the main building and one in an accessory building. R-40 Zone. Applicant: Connecticut Audubon Society, Inc.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

2. Property: 35 McCurdy Road; Property Owner: Old Lyme Country Club, Inc. application to modify existing Special Permit to alter the existing parking area by removing spaces and replacing them with pickleball courts and associated fencing and drainage. R-40 Zone.

Attorney Michael Cronin and Mr. Angus McDonald, Engineer, presented the special permit application. Also present was Michael Iwanicki, the manager of the Old Lyme Country Club. Attorney Cronin noted that this is an application to modify the original permit. Per Attorney Cronin, the Inland Wetlands Commission approved the application without a public hearing on April 28, 2023. Attorney Cronin noted that it was determined that the parking available will be adequate, no additional parking will be added.

Mr. McDonald noted there would be about 8 parking spaces that will be lost. Mr. McDonald noted there is additional parking available. Attorney Cronin noted there is almost no sitework that needs to be done with this project and there will be no new lighting proposed in the area. Mr. McDonald noted the plan will eliminate a few lights in the parking lot area.

Chair Orzel inquired about sound mitigation that comes from the sport. Mr. McDonald noted that a vegetative buffer or solid wood fence could be installed if necessary. Mr. Iwanicki agreed. Mr. McDonald also noted there is no proposal for evening or nighttime play and there is no light available.

Chair Orzel opened the hearing to public comment.

Mr. Mike Noti of 6 McCurdy Ct. spoke against the application because parking is an issue on McCurdy Court without the addition of the new courts. Mr. Noti noted people are out all day until roughly 11:00 PM, which is a noise issue for the residents. Mr. Marsh asked if sound reduction would be helpful for the residents of McCurdy Court. Mr. Noti noted that the paddle courts have play going into the night. Mr. Noti noted that it is also a danger because of children playing near the cars parked in the street.

Chair Orzel asked if the police had been called about the parking issue and the group confirmed the police had not been called yet.

Ms. Cassie Bestall of 6 McCurdy Ct. spoke against the application because of safety concerns, specifically emergency vehicles due to the narrowing of the road due to parked cars. Ms. Bestall is concerned that taking away additional parking spots at Old Lyme Country Club would cause an issue.

Ms. Ellen Pishvanov of 4 McCurdy Ct. spoke against the application.

Mr. David Vitali of 4 McCurdy Ct. spoke against the application. Mr. Vitali noted that the lights will still be on after 10:00 PM and the natural shrub barrier is ineffective at noise dampening from the tennis courts.

Ms. Teri Belucci of 8 McCurdy Ct. spoke against the application.

ZEO/LUC Knapp noted the group will be meeting with the Country Club on May 9, 2023, and Mr. Noti confirmed.

Attorney Cronin noted that his client authorized a willingness to meet with the residents of McCurdy Court, address the issues, and come to a mutual agreement to address the problems. Attorney Cronin asked for a continuance to allow time to hold the discussion between the McCurdy Court residents and the Old Lyme Country Club.

No other public comments.

A **motion** was made by M. Nosal, seconded by J. Marsh, to **CONTINUE the public hearing** for 35 McCurdy Road, application to modify existing Special Permit to alter the existing parking area by removing spaces and replacing them with pickleball courts and associated fencing and drainage; R-40 Zone; Property Owner, Old Lyme Country Club, Inc. to the **June 12, 2023 Regular Zoning Commission Meeting**.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

C. REGULAR MEETING:

1. Property: 58 Hartford Avenue. Applicant: Frank Noe. Special permit to place a structure on site for sale of merchandise. Determination of suitability for possible off-site parking exclusive to 88 Hartford Avenue. Applicant has proposed in the alternative that the site be used exclusively as accessory parking area for 88 Hartford Avenue. SVVD Zone. *Possible vote on application.*

The Public Hearing was continued to the June 12, 2023 Zoning Commission Regular Meeting.

2. Petition by the Connecticut River Gateway Commission to Amend the text of the Old Lyme Zoning Regulations to update Section 4.10, the Gateway Conservation Zone, incorporating new language proposed by Applicant. *Possible vote on application.*

A **motion** was made by J. Marsh, seconded by M. Nosal, to **APPROVE** the Petition by the Connecticut River Gateway Commission to Amend the text of the Old Lyme Zoning Regulations to update Section 4.10, the Gateway Conservation Zone, incorporating new language proposed by Applicant. Effective date of June 8, 2023.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

3. Property: 250 Shore Road. Applicants: Kids Realty LLC & Pond Road LLC. 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 self-storage units. C-30 Zone. *Possible vote on application.*

Chair Orzel noted that the Town Fire Marshal submitted a correction to his original statement of review on the subject application. The date of review indicated in the Fire Marshal's letter was corrected. The Fire Marshal also noted he cannot support the application in its current state.

Chair Orzel opened the discussion by noting the following: Mr. Doane indicated there is no similar self-storage structure to this one in neighboring towns, the C-30 zone caters to very light commercial applications more centered on the local population and that the facility would be better suited to an industrial park, in his opinion. Chair Orzel noted that the appropriateness of use would indicate heavy commercial use in that area, given the door dimensions in the current design and that he would vote not to approve the application based on the door dimensions and their indication of the appropriateness of use.

Ms. Marsh noted that there is nothing to compare to in that area and the scale is tough to estimate from the elevation. Ms. Nosal noted that many members of the public were against the application as well. Chair Orzel further stated there is no precedent for this size facility.

A **motion** was made by J. Marsh, seconded by M. Nosal, to **APPROVE** the 250 Shore Road 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 self-storage units. C-30 Zone. Applicants: Kids Realty LLC & Pond Road LLC.

Voting in favor: None; **Opposed:** P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Abstaining:** None. The motion **failed** unanimously, 0-5-0.

4. Property: 100 Lyme Street; Applicant: Connecticut Audubon Society, Inc. Modification of existing Special Permit to allow guest accommodations for visiting scientists, including a total of five bedrooms, four to be located on the third floor of the main building and one in an accessory building. R-40 Zone. *Possible vote on application.*

Ms. Marsh read the modification written by Attorney Cronin. Ms. Marsh noted the amendment is that use in the cottage shall be limited to short term use or use by an employee of the applicant. Ms. Nosal made a motion to approve the application as amended with the augmented statement of use, seconded by Ms. Tinnerello. Ms. Marsh asked if there were any ZBA conditions on the application. Chair Orzel and ZEO/LUC Knapp noted there were no conditions on any of the permits or applications from the ZBA. The Commission and ZEO/LUC Knapp discussed conditions before modifying the motion.

A **motion** was made by M. Nosal, seconded by T. Tinnerello, to **APPROVE** the 100 Lyme Street Modification of existing Special Permit to allow guest accommodations for visiting scientists, including a total of five bedrooms, four to be located on the third floor

of the main building and one in an accessory building. R-40 Zone. Applicant: Connecticut Audubon Society, Inc.

The **motion was amended** with approval from M. Nosal to the following:

A **motion** was made by M. Nosal, seconded by T. Tinnerello, to **APPROVE with conditions**, the 100 Lyme Street Modification of existing Special Permit to allow guest accommodations for visiting scientists, including a total of five bedrooms, four to be located on the third floor of the main building and one in an accessory building. R-40 Zone. Applicant: Connecticut Audubon Society, Inc. **Conditions:** The plan is approved as presented; the third floor of the main building will not include kitchens within the unit and is only approved for short term use by non-residents as provided in the application. The Cottage **condition of approval is based on the revised statement of use dated May 8, 2023.**

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

5. Property: 35 McCurdy Road; Property Owner: Old Lyme Country Club, Inc. application to modify existing Special Permit to alter the existing parking area by removing spaces and replacing them with pickleball courts and associated fencing and drainage. R-40 Zone. *Possible vote on application.*

The Public Hearing was continued to the June 12, 2023 Zoning Commission Regular Meeting.

D. RECEIPT OF NEW APPLICATIONS AND SETTING OF PUBLIC HEARINGS.

1. Property: 389 Shore Road (South Lyme Station), South Lyme, CT. Applicant: Salty Dog Grooming, Special Permit Application to allow use of site for dog grooming operation.

A **motion** was made by J. Marsh, seconded by M. Miller, to **receive and set** the Public Hearing for 389 Shore Road (South Lyme Station), South Lyme, CT Special Permit Application to allow use of site for dog grooming operation, Applicant: Salty Dog Grooming, to the **June 12, 2023 Regular Zoning Commission Meeting.**

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

2. Property: 16 Avenue A. Applicants: James L. and Laura D. Parent, Special Permit to allow creation of a “club” as defined in Section 3.22 (33) for the parking of golf carts by the Beach Associations.

3. Property: 75 Columbus Avenue. Applicants James L. and Laura D. Parent, Special Permit to allow creation of a “club” as defined in Section 3.22 (33) for the parking of golf carts by the Beach Associations.

A **motion** was made by J. Marsh, seconded by M. Nosal, to **receive and set** the public hearing for 16 Avenue A: Special Permit to allow creation of a “club” as defined in Section 3.22 (33) for the parking of golf carts by the Beach Associations **AND** 75 Columbus Avenue Special Permit to allow creation of a “club” as defined in Section 3.22 (33) for the parking of golf carts by the Beach Associations; Applicants: James L. and Laura D. Parent, to the **July 10, 2023 Regular Zoning Commission Meeting**.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

E. ZONING ENFORCEMENT

1. Update on 146 Neck Road

ZEO/LUC Knapp stated he will issue a letter to clarify the use of this property. ZEO/LUC Knapp has a detailed site plan and noted the goal is to ensure the property is zoning compliant. This starts the 30-day appeal period for the ZBA review period. ZEO/LUC Knapp believes there will be at least some items approved per the regulations.

F. APPROVAL OF MINUTES

1. Minutes of the April 10, 2023 Public Hearing and Regular Meeting

A **motion** was made by J. Marsh, seconded by T. Tinnerello, to **APPROVE** the April 10, 2023 Zoning Commission Regular Meeting Minutes.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

2. Minutes of March 27, 2023 Special Meeting.

Ms. Nosal requested the following changes to the March 27, 2023 Special Meeting Minutes:

REGULAR MEETING: Section 1, (changes or additions in **BOLD font**).

Attorney Willis noted that the bulk standards table in the proposal should be updated to reflect the traditional Zoning Standards maximum limits for lot coverage and height, per Ms. Marsh. Attorney Willis also suggested amending Section **5.14.3** in the proposal to state the following sections in the traditional Zoning Regulations cannot be superseded. They are: Coastal Boundary, Tidal Waters Protection, Flood Hazard Regulations and

Conservation Zone Requirements- Gateway. **The aquifer zone requirement is a state statute.**

Ms. Marsh recommended updating the proposal to include a maximum building length of 125 feet and a maximum building square footage of 10,000 SF. Ms. Marsh expressed concern that big, blocky buildings could be placed on Halls Rd when her preference is for buildings that are split up slightly from a visual standpoint and for ease of use by pedestrians. **Additionally, Ms. Marsh added that a freestanding parking garage would be prohibited as agreed to by the applicant.**

Mr. Barnes agreed with Ms. Marsh's concerns. Mr. Barnes then noted that he is concerned about the overall density and the allowed increase in bulk in the overlay zone. Mr. Barnes also expressed concern about the increased use in the overlay zone. He noted that the Planning Commission gave the proposal a negative referral. **It was noted that the planning commission reviewed a similar proposed regulation and did not have discussions with the Halls Road Improvement Commission.**

A **motion** was made by J. Marsh, seconded by T. Tinnerello, to **APPROVE** the March 27, 2023 Zoning Commission Special Meeting Minutes **as amended**.

Voting in favor: P. Orzel, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** M. Miller. The motion **passed**, 4-0-1.

G. COMMISSION PROCEDURAL ISSUE

1. Review of proposal by Mary Jo Nosal for revision to monthly agenda

Chair Orzel distributed copies of the proposed Town of Old Lyme Zoning Commission Public Meeting and Hearing Process. The Commission discussed issuing a time limit on follow-up comments from the public. Chair Orzel stated he will keep the time on those comments, but this will not be included in the copy of the updated document.

A **motion** was made by T. Tinnerello, seconded by J. Marsh, to **APPROVE** the town of Old Lyme Zoning Commission and Hearings process as discussed and noted in this meeting.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

ZEO/LUC Knapp noted this could be part of the bylaws and Ms. Marsh stated she can make a short statement about the new procedure and will also reinforce that the meeting will end at 10:00 PM.

2. Continued discussion regarding proper staff review and support of Commission on pending applications.

H. REQUEST FOR PRE-APPLICATION MEETING

1. Property: 4 Davis Road West. Review of request by Monica Santos to provide special education outpatient services. C-30S Zone.

This discussion was held during the April 2023 Zoning Commission Regular Meeting.

2. Halls Road Improvement Committee. Request to discuss proposal to re-submit updated zoning text amendment application for Halls Road.

ZEO/LUC Knapp noted the Halls Road Improvement Committee would like to meet with Chair Orzel to better understand how to present their next application. The HRIC informed ZEO/LUC Knapp that they will be meeting with the Planning Commission shortly and will request that the statutory 1-year waiting period is waived. ZEO/LUC Knapp noted that if the waiver must come first, then the HRIC may present their plan.

Chair Orzel requested to add two items to the agenda: Two Bills pending in front of legislature. The first Bill is for the state mandated affordable housing that might be revised with the Senate Omnibus Bill. The Zoning Commission has been asked by the Affordable Housing Committee to reiterate they are opposed to state mandated affordable housing. The Affordable Housing Committee has asked that the Commissions provide a unified front to let the legislature know this is not how the Town Commissions would like to proceed.

The second Bill is regarding transit-oriented development units, which affects discretionary infrastructure funding. ZEO/LUC Knapp noted that River COG and the Affordable Housing Committee do not support this Bill.

A **motion** was made by J. Marsh, seconded by M. Nosal, to **not support either Bill** as recommended by the Town of Old Lyme Affordable Housing Commission and River COG.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

A **motion** made by T. Tinnerello, seconded by M. Nosal, to **enter Executive Session** for the purposes of discussing pending litigation at 10:14 PM.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

A **motion** made by J. Marsh, seconded by M. Nosal, to **exit the Executive Session** at 10:47 PM.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

I. MISCELLANEOUS/ADJOURNMENT

A **motion** was made by T. Tinnerello, seconded by M. Miller, to adjourn the meeting.

Voting in favor: P. Orzel, M. Miller, J. Marsh, M. Nosal, T. Tinnerello; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 5-0-0.

Meeting adjourned at 10:48 PM.

Respectfully submitted,

Amy Huot, Clerk

**THE NEXT REGULAR MEETING OF THE ZONING COMMISSION IS
MONDAY, JUNE 12, 2023
AT 6:30 P.M. IN THE MEETING HALL, 52 LYME STREET, OLD LYME, CT**