

ZONING COMMISSION
NOANK FIRE DISTRICT
10 WARD AVE NOANK, CT 06340

Approved Minutes of the Regular Meeting

Date: March 19, 2024

A link to the recording of the meeting:

https://1drv.ms/u/s!ApV_BVCbHuQwwGWC-4lwPRJlw2qq?e=NBeOwg

[Times shown correspond to recording.]

Call to Order: Chair Beth Steele called the meeting to order at 7:00 PM.

Members Present: Dana Oviatt, Blake Powell, Beth Steele, Peter Drakos, and Hansina Wright seated for Rick Smith. Others: Janet Sutherland, Clerk.

- A. Chairman's Remarks - None
- B. Public Comment - Issues Not on the Agenda - None
- C. Public Hearing on Applications for Design Review - None
- D. New Business -

1. Informal Meeting Pursuant to Conn. Gen. Stat. § 7-159b; Possible modifications to Ford's Lobster, 15 Riverview Ave, Noank

Chair Steele explained the Statute that allows for the Zoning Commission to have a pre-application review at the applicant's request.

Section 7-159b of the Connecticut General Statutes allows the Noank Zoning Commission to conduct a preapplication review of a proposed project with an applicant at the applicant's request. The review is not a public hearing, but an opportunity for the applicant to preview its proposed project to the commission and solicit feedback from its members. While this process takes place in an open meeting of the commission, and the public can see and hear the same information as the commission, members of the public are not invited to make comments on the proposal. Public comments on a project are appropriate at a public hearing after a formal application is submitted. Pursuant to state law, the preapplication review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or this commission. As such, no one should interpret any comment by a commission member as an indication of that member's view of the project. The commission will reserve its judgment on any proposal that is the subject of a preapplication review until after a formal application is submitted and the full application review process has been followed. [3:01].

Bill Sweeney, Land Use Attorney, began the presentation by introducing his client Dan Meiser of 85th Day Community, with Seamus Moran, H+H Engineering, and Julia Leeming, Architect. Sweeney continued, 85th Day operates well known restaurants in Mystic and runs a catering company. They have additionally partnered with Stone Acres Farm to source produce and host events.

Sweeney noted Ford's Lobsters lease was not renewed, and an application was made with his client to take over operations. For the 2024 season, his client will continue to operate under the Special Permit for the subject property, with one operational change being this restaurant will be taking reservations to limited patrons waiting time during peak summer season. Sweeney's client is exploring the possibility of making more operational changes for the 2025 season. Their intention is to restore and revitalize this property on Riverview Ave by enhancing the restaurant experience and the small retail fish market.

Sweeney furthered that this non-binding pre-application workshop was intended to get feedback and garner suggestions, and to address potential issues up front. The Residential Village district requires a Special Exception to allow an alteration of the current non-conforming use. His client's concept would be to preserve the existing lobster shack look and feel, while making important operation changes to reduce the impact on neighbors. Buildings are in disrepair and dilapidated, and his client hopes to restore and reimagine these sites. There would be selective demolition of severely deteriorated buildings, restoration of main buildings, indoor seating all season, and outdoor patio seasonal seating. The proposed look would blend seamlessly into the traditional look. Regarding number of seats, the previous operator tried to push this, but this operator would like an increase with approval of the board.

Sweeney continued that proposed new indoor seating would have 40 patrons, and the outdoor patio would have about the same number, with a site by the docks for 18 guests waiting.

[9:47] The proposed project's engineer, Seamus Moran of H&H Engineering out of Mystic, gave a run down of existing conditions on the subject property, beginning with the demolition plan. The four existing buildings include a residence, the main restaurant, central building is lobster pound, and another located by the docks. Paved parking for nine spaces and two separate gravel lots, north one for thirteen vehicles and eleven vehicles to the south. Hatching shown on plans displayed depicted two concrete pads which would be the focus of the improvements, they are currently a gravel parking area.

[11:52] Seamus then showed the proposed addition plans, and noted the paved and southern gravel parking areas would remain unchanged. A portion of the northern parking area would become a patio, a portion behind the restaurant of approximately 758 sq ft would be an expanded addition to become seating for the dining room. The interior of the existing restaurant building would have an expanded kitchen with a portion converted into a marketplace. Over the counter items could be purchased at the market. Seating would be limited to the restaurant and patio.

Seamus then detailed the parking spaces shown; eight spaces in the northern gravel lot, nine paved spaces, eleven available in the southern gravel lot with a total of 28 on-site spaces. This number of parking spaces would accommodate the uses proposed on site. [13:54] Seamus stated twelve spaces would be leased from the Noank Village Boatyard to limit parking on site. An additional two spaces would be leased from the Halseys for residents in the existing residential building. Seamus concluded the proposed improvements.

Julia Leeming, Licensed Architect began presenting the architectural plans with existing conditions to start, and noted the significance of street views as both the lobster pound and restaurant are iconic representations of Ford's Lobster. [16:02] Leeming stated the street view should be maintained after project is completed. Photos of the view from the water were shown, project should enhance an overlooked part of the property.

Leeming showed existing interior restaurant, lobster pound and dock building. Leeming then displayed the intended floor plan; the existing restaurant bathrooms would remain the same, [18:10] kitchen would be in same location and expanded along the exterior portion, then marketplace. Off the existing restaurant would be a 758 sq ft addition for the new restaurant's seating, a new addition would borrow materials from existing buildings. The lobster pound building would become a server station for the patio. Leeming then detailed architectural drawings of the proposed changes, and concluded that she is open to suggestions on the new siding.

Sweeney stated the major change for the 2025 season would be the amount of seating available; in 2015 Ford's was allowed 49 seats, the proposed plan is for forty indoor year-round seats, and in summer peak season extend beyond that 49 with the outdoor patio. [23:19] Sweeney's client believes the site can accommodate this seating due to the physical and operation changes. Ford's Lobster name would remain, restaurant to be opened seven days a week with a smaller modified schedule in the winter. Hours of operation would remain the same, with a focus on lunch and early dinner. No seated bar is proposed or change in hours.

Sweeney noted his client has spoken with neighbors, and their top issues were parking and loitering. Accepting reservations in the 2024 season would reduce walk-ins and traffic. Guests would have a distinct designated waiting site on the property, and would continue to use a parking attendant while also exploring partnerships for additional off-street parking. [26:44] Employee parking would be off-site, continued with supplemental parking plan. The new plan would eliminate BYOB and they would seek a formal liquor license from the State. Sweeney detailed the difficulties in regulating with BYOB policy. Sweeney continued 85th Day Community servers are trained and have insurance coverage should there be a situation. His client would have a zero-tolerance for alcohol consumption outside of regulated areas, and emphasized the need for the ability to serve alcohol.

Sweeney noted the docks and fueling station would be maintained and fuel service continued, as they hoped boaters would limit car traffic. Sweeney concluded the

presentation and encouraged dialogue between the applicant and commission to address concerns and seek clarity regarding the proposal.

Steele emphasized that no determinations would be made that evening regarding the proposal. Powell questioned whether the commission could have copies of the plans, Sweeney replied plans could be given. Powell then requested clarification on how they could increase available seating with decreased parking spaces. Seamus detailed his parking calculations. [34:01] Powell asked how this would accommodate outdoor seating, Sweeney replied the regulation requirements are for indoor seating, not the outdoor patio seating.

Steele questioned how the previous approval for the Special Permit allows for 36 off-street parking sites, while new plan has only 28, yet there would be 40 indoor seats, 40 outdoors seats and 18 seats on the dock. Steele emphasized that parking off-site is conceptual, Sweeney replied there is currently one committed to accommodating employees.

Steele noted in respect to extra seating, 98 seats with a couple per car could amount to almost 50 cars with only 28 available parking spots. Sweeney replied the regulation requirement is calculated by square footage. Sweeney stated the 2015 approval suggested a number of spaces on the site that do not exist. Meiser commented that from an operational standpoint seasonality plays an effect, indoor and outdoor seating doesn't mean both would be full simultaneously.

Oviatt questioned the practicality of down the road parking for neighbors. Meiser replied he had sat down with the Noank Village Boatyard to find off-site parking, even though the regulations do not allow for this, in an effort to find parking spaces for employees. Oviatt asked whether enough spaces were available at the Boatyard and if they meet the regulations, Meiser replied it was a just a conceptual discussion, and dry dock area would be used during the summer season. Oviatt noted the shipyard could not overextend their available parking spaces. Sweeney commented ideally all parking would be on-site or in a remote location to help with issues facing some people in the neighborhood. [43:40] Meiser emphasized the importance of reservations which would allow for a much more controlled environment and alleviate surges.

Mulholland noted the parking scenario would have to be evaluated to ensure they could allow off-site parking; whether codified or not, the issue of shared parking with others would have to be reviewed in their regulations. People parking off-site would have to walk or ride to the restaurant, and while this has yet to be determined, it should be evaluated at a future date.

Drakos questioned whether boating patrons should be taken into account. Sweeney replied they are only included if they come to sit down. If the restaurant does takeout, it cannot be taken to boats, and they cannot serve liquor below the coastal jurisdiction line. Drakos then questioned the amount of activity with potentially 80 seats and an additional four or five boats. Meiser replied the former operator would not allow boaters to eat at

the restaurant, and stated this rule would not be kept, and boaters could have a table. Drakos noted they were contemplating takeout, Meiser replied yes. Drakos asked how that would affect parking, Sweeney replied this would be an intermittent use, and noted the regulations do not cover parking for takeout. Powell noted retail spaces require parking spots.

[50:07] Steele commented on the parking issue, and that under Section 13.3.3a of the regulations when expanding a non-conforming use, the commission has to consider any adverse effects, the health and safety of workers in the area, and traffic movements. Steele continued to Sweeney that the commission has to take this implications into account. Sweeney replied they were not taking the position that parking cannot be regulated, but since outdoor seating isn't addressed in the regulations, off-site spaces would be a possible way to address the issue. Meiser added the reservation issue cannot be understated in regards to the parking issue.

Oviatt asked how many employees they would have, Meiser replied between eight to ten depending on the time of year. Oviatt noted there are six boat slips and six moorings, and each requires a parking space. Meiser replied this was for permanent slips or moorings. Sweeney added this was not seen in the 2015 approval so he was unsure of how this was previously addressed. Meiser replied operational moorings and docks would be transient in use. Oviatt noted under the previous owner each mooring and slip was maintained and a parking space is required for each of this. Meiser reiterated they would be available for transient guests only.

Powell requested more information on the usage of the fuel dock. Meiser replied the Mystic Seaport has a conservation easement on the subject property, and they were discussing partnering with the Seaport to operate the docks.

Steele returned to the parking spaces discussion, and asked if the area where the new addition would be previously had trash bins, Meiser replied the dumpsters would not have to move. Steele questioned whether the dumpsters would remain in the same locale, Meiser replied they haven't look at that from an operational standpoint, but would be somewhere along the fence. Steele asked whether the proposed building would take up parking spaces, Leeming replied no.

Powell questioned whether anyone could speak to the easement. [57:07] Halsey commented on the conservation easement with the Seaport that prevents further residential use. Powell asked if this applied to the whole site, Halsey replied yes, residential cottage is pre-existing. Chris Gasiorek, SVP for Watercraft from the Mystic Seaport noted they had been in constant communication with the owners regarding preservation.

Mulholland questioned whether there were any plans to bring in people from other sites for dinner. [58:30] Meiser replied they had discussed bringing people by boat from the Seaport to dock and would bring food to the boat. Mulholland questioned operational delivery logistics with a new operator, and asked how supplies would be delivered, on a

tractor trailer or smaller delivery trucks. Meiser replied part of their ethos is the support of local vendors who operate with small pickup trucks and small box trucks. For other items that are typically transported on larger trucks, vendors are informed delivery to that location is not possible. Mulholland requested clarification on the outdoor dining question, and asked the square footage of the patio. Seamus replied 730 sq ft outdoor dining space with just under ten spaces. Mulholland asked whether outdoor dock spaces would have cocktails or dining with cocktails, Meiser replied he'd imagine it could be for dining.

Oviatt referenced a discussion of smells emanating from the restaurant, Sweeney replied a special exhaust unit was installed but has since been cut out of the building. Meiser noted they will have new equipment with regular cleaning.

Wright asked whether there would be outdoor grilling separate from the indoor system, Meiser replied the hope is to contain cooking and food prep inside the restaurant, maybe an oyster shucker in the waiting area. Steele requested clarification on the waiting area locale, Meiser replied at the end of the wharf green area. Steele asked if there would be 18 seats or 18 individual tables, Meiser replied 18 seats. [1:08:30] Steele questioned how waiting patrons wanting alcohol would be managed, Meiser replied operators have a legal duty to control and enforce. Powell asked if beer or wine would be consumed, Meiser replied the restaurant liquor license application would be for all types of alcohol. Steele asked if the intent would be to have a bar for people to drink, Meiser replied a service bar.

Wright asked if the retail space would be for fish only, Meiser replied fresh fish, maybe seasonal produce or chowder. Drakos asked if anything would be done to the gas shed, Meiser replied there is no plan to change it now. Wright asked about signage and lighting at night, Meiser replied he did not plan to keep the Ford's name, and intent is to name it Haring's Marine and Lobster, lighting will be as required for safety.

E. Old Business - None

F. Approval of Meeting Minutes - The minutes of the Regular Meeting of February 20, 2024 were approved without objection.

G. The ZEO Report for February 2024 was received.

Motion to Adjourn carried unanimously at 9:07pm (Drakos/Steele).

Respectfully submitted,
Janet Sutherland
Zoning Clerk