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April 2, 2025

Hand Delivered

Chairman Eric Smith
c/o William Mulholland, Zoning Enforcement Officer
Noank Zoning Commission
10 Ward Avenue
PO Box 9493
Noank, CT 06340

Re: Application for Modification
to Special Exception
Harings Marine LLC
Our File No. 6912.265424

Dear Chairman Smith:

I represent Harings Marine LLC, a Connecticut limited liability company doing business as Haring's Noank, a restaurant facility located at 15/19 Riverview Avenue in Noank, Connecticut ("Harings"). Haring's currently operates under the terms of a certain Special Exception granted by the Noank Zoning Commission on March 11, 2015 pursuant to Section 13.3.3a of the Noank Zoning Regulations (the "2015 Special Exception"). The 2015 Special Exception allowed an area for an Outdoor Restaurant located along the water which would be open during the warmer months and an area for an Indoor Restaurant area that would operate the balance of the year.

On behalf of my client, enclosed with this letter please find an Application for a Modification to the 2015 Special Exception seeking to amend its conditions to permit food service operations within **either** the Indoor Restaurant area or Outdoor Restaurant area during the Outdoor Restaurant season. There are no proposed site plan or coastal site plan changes associated with this request.

As you are aware, Haring's took over operations of the restaurant facility in Spring 2024 from a previous tenant. Since that time, it has operated the restaurant facility in substantial compliance with the terms of the 2015 Special Exception. That approval contained an unusual condition that provided the following:

4. *Consistent with the Applicant's proposal in the Applications, the Indoor Restaurant and the Outdoor Restaurant are prohibited from operating*

simultaneously. On days of inclement weather during the Outdoor Restaurant season, food service operations cannot be moved to the Indoor Restaurant.

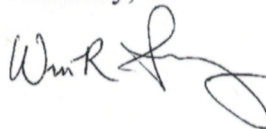
The 2015 Special Exception permits the restaurant facility to have a total of 49 seats in the Outdoor Restaurant area during the Outdoor Restaurant season and 49 seats in the Indoor Restaurant area during the Indoor Restaurant season (33 seats are actually inside a building and 16 seats are located on the immediately adjacent patio). While this condition was undoubtedly well-intentioned, from a practical standpoint, it creates exceptional difficulty in the operation of the restaurant facility during the summer months.

When the 2015 Special Exception was granted, the restaurant facility was operated by a different tenant which utilized an outdoor kitchen setup and tent during the Outdoor Restaurant season. Due to food safety concerns raised by the local health department, my client was forced to abandon the outdoor kitchen and tent configuration and revert to using the indoor kitchen and a more traditional outdoor seating arrangement during the Outdoor Restaurant season. Unfortunately, this essentially prevents my client from operating during any type of inclement weather during the Outdoor Restaurant season. Rain, a windy day, or even a cooler than normal evening can significantly disrupt my client's business. More importantly, inclement weather cannot always be predicted during the summer months and my client has experienced situations where an unexpected storm has sent staff and customers scrambling to find cover and ruining food service. This is an untenable and potentially unsafe situation, and my client has come to the realization that it cannot reasonably operate during the Outdoor Restaurant season under the current restriction.

My client's proposal is to remove the food service relocation prohibition from the 2015 Special Exception and replace it with language that would allow the restaurant facility to relocate food service operations into the Indoor Restaurant area as needed during the Outdoor Restaurant season. My client would agree that the current prohibition against the Outdoor Restaurant area and Indoor Restaurant area operating simultaneously should remain in place. If weather forces closure of the Outdoor Restaurant area, all food service operations would necessarily be shifted to the Indoor Restaurant area and the total available seating would remain the same, 49 seats. My client understands that this arrangement would be strictly monitored, and that the operation of the Outdoor Restaurant and Indoor Restaurant simultaneously would be considered a violation of the Special Exception and would subject my client to zoning enforcement action.

I would request that this modification request be received at the next regular meeting of the Commission and scheduled for the required public hearing. Thank you for your time and attention to this matter and I will look forward to appearing before you soon.

Sincerely,



William R. Sweeney, Esq.

Enclosure

APPLICATION FOR SPECIAL EXCEPTION

Noank Zoning Commission
Noank, CT

Application Number: _____

The undersigned, hereby requests a SPECIAL EXCEPTION with regard to the below described property within the Noank Fire District. Should this application be approved, it is understood that it shall authorize ONLY those activities described in this application, in accordance with the conditions of safeguards required by the Commission. Accompanying this application, is a SITE PLAN prepared in accordance with the requirements of the NOANK ZONING REGULATIONS.

- 1. Name of Property Owner: Nine Riverview Company, Inc.
 Mailing Address: 28 Riverview Avenue, Noank, CT 06340
 Phone: _____ Business Number: _____
- 2. Name of Applicant: Harings Marine LLC
 Mailing Address: 15 Riverview Avenue, Noank, CT 06340
 Phone: (860) 983-9217 Business Number: (860) 980-3446
 Relationship to Owner: Tenant
- 3. Location of Property involved (Map) 260708 (Block) _____ (Lot) 147
 Street Address: 15/19 Riverview Avenue (Zone) RV
- 4. Special Exception Use Requested (Section # 13.3.3a)
 Description of Proposed Use Request to modify Special Exception granted March 11, 2015 to allow food service operations to be relocated to the Indoor Restaurant during the Outdoor Restaurant season as necessary due to weather conditions.

The undersigned applicant agrees to comply with all the requirements of the Noank Zoning Regulations and all requirements of the Noank Zoning Commission. The undersigned also hereby authorizes the Noank Zoning Commission and/or the Zoning Enforcement Officer to enter upon the property in question, for the purpose of inspection and enforcement with regard to the Noank Fire District Zoning Regulations.

Thomas S. Halsey
Signature of Owner of Record or Agent

4/2/2025
Date

[Signature]
Signature of Applicant

4/2/25
Date