

TOWN OF EAST LYME
ZONING COMMISSION
JUNE 5, 2014
PUBLIC HEARING MINUTES

Members Present:

Marc Salerno, Chairman
Norm Peck
Terence Donovan
Matthew Kane
Matthew Walker
George McPherson
William Dwyer, Alternate (Did Not Sit)
Peter Lukas, Alternate (Did Not Sit)

FILED IN EAST LYME
CONNECTICUT
JUN 11 2014 AT 8:15 AM/PM
KAREN PALAZZO, CLERK
EAST LYME TOWN CLERK

Members Absent:

James Liska, Alternate

Also Present:

Holly Cheeseman, Ex-Officio
Rita Palazzo, Planning Representative
Bill Mulholland, Zoning Officer (Entered at 9:31 p.m.)

CALL TO ORDER

Chairman Salerno called the Public Hearing to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

There were no public delegations.

- 1. APPLICATION OF WHITE KNIGHT DEVELOPMENT, LLC FOR A SPECIAL PERMIT FOR MIXED USE AT PROPERTY IDENTIFIED IN THE APPLICATION AS 385 MAIN STREET, NIANTIC.**

Chairman Salerno confirmed the legal advertisement ran on this item.

Mr. Walker read a memo from Mr. Mulholland.

Roger Nemergut, a professional engineer from Killingly Connecticut was present to represent the applicant. He stated this is currently a single family residence. They are applying for the Special Permit to convert it to one 2 bedroom apartment, and an office. The only change to the exterior will be a

handicapped accessible entryway in the rear. The property is serviced by Water and Sewer. The property conforms to the setback requirements except on the west side, it is now 8 feet. The handicapped entrance will also be 8 feet. They are providing 6 parking spaces in the rear, and are only required to provide 5. One of the sites will be handicapped van accessible. There is on site surface run off, the driveway is presently gravel. They are proposing crushed seashells. They may have to pave the handicapped space. The site is well drained. They are proposing an underground infiltrator unit. The water will drain into the catch basin and then into the infiltrator. That plan is being reviewed by the Town Engineer. The front of the property has a hedgerow. They plan to remove that and replant from the street line to the building with shrubs and perennials. The side of the property on the west has an existing 6 foot wood fence and mature maples. The fence is in good condition. They will be putting in arborvitaes where the fence ends out to the road. On the east side there is wood fence also. Where it stops they are planning on planting a hedge row. That side also has mature trees. They are proposing a sign, which would be smaller than what is allowed. The office will be occupied by White Knight Development, there is no staff, so there will not be a lot of traffic. It will be vacant in the evenings. They are asking for a waiver for the driveway. Currently it is 16 feet wide. The commercial zoning requirement is 24 feet. With the 16 foot width they could pass two cars at low speed. It is not a long driveway. Aesthetically it would not look right to have a 24 foot wide driveway. This section also has granite curbing and sidewalk and they would have to take that out and replace it after if they were required to do the 24 feet driveway. They don't plan to modify the exterior. The apartment will be two floors.

He presented Exhibit A – Floor Plan Layout with 2 Bedroom Apartment

There was no public comment.

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

Seconded by Mr. Donovan.

Motion Passed 6-0.

2. APPLICATION OF THE EAST LYME ZONING COMMISSION FOR A TEXT AMENDMENT TO THE EAST LYME ZONING REGULATIONS SECTION 20.27 OUTDOOR DINING.

Chairman Salerno confirmed the legal advertisement ran on this item.

Mr. Walker read a letter from Marcy Balint of DEEP.

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

Mr. Donovan reviewed the text amendment. The only change would have to be that since Section 11 was deleted the text amendment needs to be renumbered.

Mr. Walker stated a lot of work was done on this over many months. He commended the members for a job well done.

There was no public comment.

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

Seconded by Mr. Kane.

Motion Passed 6-0.

3. APPLICATION OF CATHERINE STEEL FOR A SPECIAL PERMIT UNDER SECTION 25.5 BED & BREAKFAST, FOR PROPERTY IDENTIFIED IN THE APPLICATION AS 23 ROSE LANE, EAST LYME.

Chairman Salerno confirmed the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

Catherine Steel of 23 Rose Lane, stated they moved to East Lyme 18 years ago. They have three children. They hosted exchange students, and they enjoyed that opportunity to be ambassadors of this area. She started a neighborhood watch program, so the neighbors could watch out for each other. They had empty bedrooms and Bed and Breakfasts came to their attention. They put up an online post and had guests stay. The longest they have stayed was 4 or 5 days. Most come for 1 night. They come from all over. They have a long driveway, and they have the guests park at the edge of the driveway.

Chairman Salerno asked how many bedrooms are available for the Bed and Breakfast.

Ms. Steel stated there are 2 bedrooms and if they need more room there is a room over their garage that someone could use. There is one bathroom for guests to share. They only host one family at a time.

Mr. Walker asked if they are always there when they have guests.

Ms. Steel stated they are there when guests are there. They have more guests during nice weather. They advertise on a website only, it is more of a hobby. They had the basement refinished and it has a bedroom and a bathroom and a private entry for her son. The driveway is about 10 feet from the property line. The buffer is about 6 feet tall, and it goes along the driveway.

Chairman Salerno asked about the deed restrictions.

Ms. Steel stated she did not know about that.

Public Comment

Anne Santoro of 11 Rose Lane stated she has a number of objections to this Special Permit. They have been running the business now for close to 2 years. It is against the character and use of the neighborhood. There are many families with young children in the neighborhood. They have significant land, but the houses are still close to each other. There are also restrictive covenants in the deeds that everyone agreed to when they bought their properties. Those covenants run with the land. She dropped a copy of those off to the Zoning Office. The restrictions are very clear, the property must be used as residential and no other purpose, not more than one family can live in a home without written consent, no basements can be used as residences. Everyone who lives there is well aware of the

covenants. The only way the covenants can be changed is by majority vote every ten years. This is not a place for a Bed and Breakfast, she respects cultural exchange, but this is not the place for that.

Rocco Tricarico of 17 Rose Lane stated he has known the Steels for 20 years. He wishes they had talked to the neighbors before they did this. He is now obligated to speak up. This is not a proper use within their community. There is only one way in and out. They have a neighborhood watch, and these people are strangers to us. If they grant the Special Permit that will stay with the home. Everyone has the same deed restrictions and that binds everyone.

Lou Delaforcade of 22 Rose Lane stated he has known when people are staying there because they park on the street. He doesn't see how they can park on the side of the driveway and still allow the residents to get through. There are a lot of families with small children, and he is not comfortable with the extra traffic. He is also concerned with property values, he doesn't want to have a problem selling his home if there is a Bed and Breakfast across the street.

Fred Santoro of 11 Rose Lane stated they had a neighborhood watch started because there was a rash of break ins, they had the police come and talk to the neighborhood. They were instructed to call the police if someone was in the neighborhood that they didn't recognize. Both of the applicants work full time and he is concerned if they will have guests there while there is no resident home. There are dozens of kids in the neighborhood.

Ben Gentile of 25 Rose Lane asked if the permit was for Catherine Steel or for the address.

Chairman Salerno stated it goes with the dwelling.

Mr. Gentile stated when he looks at the website it shows Catherine Steel and her son as hosts. Who is running the business?

Mr. Peck asked what other regulatory bodies they have to answer to, the health department or the Fire Marshal.

Catherine Steel stated the Fire Marshal is who originally brought it up. They are not a huge profit business. Anything they make they put back into the house. They have a million dollar insurance policy. If they are not comfortable with someone when they arrive they would ask them to leave.

Mr. Peck stated there has to be some sort of building codes and health codes. Have they gone through that.

Catherine Steel stated no, it is very casual.

Mr. Walker stated it appears the applicant and her son are running the business. Are there times residents are not at the house with guests.

Catherine Steel stated they both do it together. Everyone helps out, and they typically don't leave guests there without being there.

Chairman Salerno asked how wide the driveway is.

Catherine Steel stated 12 feet wide. Some guests will park on the street, but they are not always guests of the Bed and Breakfast.

Irving Steel of 23 Rose Lane stated they advertise on a website called Air BnB, it is based on trust and verification. It is what makes the website work, there are over 50,000 listings on the web page.

Lou Delaforcade asked if the existing arrangement is in violation, and if it is denied what is the applicant obligated to do.

Chairman Salerno stated yes it is in violation and if it's denied they couldn't operate the business.

William Newton of 83 Charter Oak Drive stated there could be a lot of traffic with this business. He would be concerned for the future, could they have potential for expansion of use.

Chairman Salerno stated they couldn't expand without coming to Zoning.

Rocco Tricarico stated he is still unclear on the number of bedrooms and bathrooms. There is supposed to be a separate bathroom for each bedroom according to the Zoning Regulations.

Catherine Steel stated they typically rent to one family who may use both bedrooms and they share a bathroom.

Chairman Salerno stated they advertise it as two bedrooms, but it is one rental at a time.

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

Seconded by Mr. Kane.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**