

TOWN OF EAST LYME

ZONING COMMISSION

JUNE 5, 2014

REGULAR MEETING 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
June 11, 2014 AT 8:15 AM/PM
Kathleen M. Clark
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.)

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.

Mr. McPherson stated he is in favor of granting the waiver for the 16 foot driveway to avoid changes to the recent streetscape.

Mr. Kane agreed with Mr. McPherson.

Mr. Walker stated this is an excellent application, is 16 feet going to be appropriate?

Chairman Salerno stated we have granted it before.

Mr. Donovan suggested leaving the entrance the same and widening the inside to 20 feet.

Mr. Salerno stated it seems ok with the curb cut as it is now. We are always looking for mixed use downtown, a 16 foot driveway seems sufficient.

Motion (1) Mr. Walker moved to approve the application of White Knight Development, LLC, for a Special Permit for mixed use at property identified in the application as 385 Main Street, Niantic.

Conditions: Granting of the waiver of the 16 foot existing driveway.

Seconded by Mr. McPherson.

Motion Passed 6-0.

This item will be published June 12th and will be effective on June 13th.

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

Mr. Kane and Chairman Salerno thanked the sub-committee.

Motion (2) Mr. Donovan moved to approve the application of the East Lyme Zoning Commission for a text amendment to the East Lyme Zoning Regulations Section 20.27 Outdoor Dining with renumbering of the Amendment.

Seconded by Mr. Kane.

Motion Passed 6-0.

This item will be published June 12th and will be effective on June 13th.

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.

Mr. Donovan stated they seem to be trying to do well without realizing the legalities of it. The Regulations say each bedroom must have one bathroom.

Chairman Salerno stated Mr. Mulholland's interpretation was that every bedroom needs a bathroom.

Mr. Kane stated the deed covenants seem black and white, also if they are serving food they would need to be inspected by the health department.

Chairman Salerno stated we cannot enforce deed restrictions. However, they do give us an idea of the neighborhood. One thing they need to determine is if it is in harmony with the neighborhood. He is not convinced of that. There is only one way in and out. There are kids in this residential neighborhood, we also didn't get a good feel for the buffer, and there were no parking drawings.

Mr. Donovan stated he can see the concerns since it will go with the property.

Mr. Kane agreed with Mr. Donovan.

Mr. Peck stated there was quite a bit not shown to us. The Regulations are worded such that taken literally he doesn't think we can approve this. Who knows if this will devalue other property in the neighborhood, but if it is perceived to devalue the property it will. The deed restrictions show that it is not in harmony with the neighborhood. There is too much against this to approve it.

Mr. Walker stated we have no jurisdiction on the deed restrictions, but we can't ignore them. The testimony created more questions than answers. This is not the place for that business.

Motion (3) Mr. McPherson moved to deny the 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. For the following reasons:

- 1) This application is not in harmony with the neighborhood
- 2) There is not an adequate number of bathrooms in relation to the bedrooms.

Seconded by Mr. Kane.

Motion Passed 6-0.

This item will be published June 12th and will be effective on June 13th.

4. APPROVAL OF MINUTES OF MAY 15, 2014.

Motion (4) Mr. McPherson moved to approve the Public Hearing and Regular Meeting Minutes of May 15, 2014.

Seconded by Mr. Kane.

Motion Passed 6-0.

OLD BUSINESS

1. SIGN SUBCOMMITTEE

Chairman Salerno asked that they meet next week to review the draft language. They will meet on June 9th at 6:30 p.m.

2. ZONING REGULATIONS REVIEW

They planned to meet on June 26th at 7:00, but Mr. Peck is not available. They will schedule a meeting soon.

NEW BUSINESS

1. APPLICATION OF SUSAN LEHMAN, OWNER, FOR A COASTAL AREA MANAGEMENT REVIEW FOR STABILIZATION OF ERODING BANK ALONG THE SOUTHERN SHORELINE FOR PROPERTY IDENTIFIED IN THE APPLICATION AS 215 OLD BLACK POINT ROAD, NIANTIC.

Chairman Salerno will have Mr. Mulholland schedule this for the Public Hearing on June 19th.

2. ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION

There was no business on the floor.

**Mr. Mulholland entered the meeting at 9:35 p.m.

3. ZONING OFFICIAL

Mr. Mulholland stated Crescent Point is almost ready for their CO for their expansion. Henny Penny is moving along. Yankee Clipper is going to be torn down. Gary Smith will be starting his building in the Fall. There were pipes found in the ground behind the building across from Midway Mall. They are tracing them and will devise a correction, he has a \$25,000 bond on that.

4. COMMENTS FROM EX-OFFICIO

Ms. Cheeseman stated the Board of Selectmen met last night. There was a presentation for the East Lyme Sports Hall of Fame. They also had a presentation on a possible open space acquisition. They performed budget transfers and bonding resolutions. They signed the Call for the Special Town Meeting. The Health Department is going to be signing off on the water interconnection. The Boardwalk contract is ready to be signed. The Town Meeting will be June 19th, the next Board of Selectmen meeting is cancelled.

5. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

Mr. Walker did not attend the meeting.

Mr. Mulholland stated the Planning Commission had asked his opinion, they did approve that item with conditions. He will look at the language, he thinks it needs work to allow for clear interpretation of what was intended.

6. COMMENTS FROM CHAIRMAN

Chairman Salerno asked Mr. Mulholland to look downtown at the businesses that have their chairs and tables taking up the whole sidewalk, that is a violation. Parks and Recreation overturned the no walk in pass policy, now only non-residents need a walk in pass. He believes there may be a parking issue.

7. ADJOURNMENT

Motion (5) Mr. McPherson moved to adjourn the meeting at 9:55 p.m.

Seconded by Mr. Kane.

Motion Passed 6-0

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**