

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II
Thursday, MARCH 16TH, 2006**

MINUTES

The East Lyme Zoning Commission held a Public Hearing on the Application of Theodore A. Harris to amend the East Lyme Zoning Regulations by providing for a definition of "Regional Shopping Center." on March 16, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Pamela Byrnes, Norm Peck, Marc Salerno, Ed Gada

ALSO PRESENT: Joseph Barry, Alternate
Robert Bulmer, Alternate
Attorney Theodore A. Harris, Applicant
Attorney William McCoy, Applicant
Mr. George Mitchell, Applicant
Mr. Terry Mitchell, Applicant
William Mulholland, Zoning Official

**FILED IN EAST LYME TOWN
CLERK'S OFFICE**

MAR 24 2006 at 3:10 AM
PM
Esther B. Williams

EAST LYME TOWN CLERK

ABSENT: William Dwyer, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Pamela Byrnes, Norm Peck, Marc Salerno, Ed Gada

Public Hearing II

1. Application of Attorney Theodore A. Harris to amend the East Lyme Zoning Regulations by providing for a definition of "Regional Shopping Center."

Ms. Carabelas read correspondence items into the record regarding this application.

- Letter dated 3/16/2006, to the East Lyme Zoning Commission from Wm. Mulholland, Zoning Official -Re: Harris proposed text amendment "Regional Shopping Center" - Attorney Harris applied to amend zoning regulations by adding a definition for a "Regional Shopping Center". "Add Section 1.46a: Regional Shopping Center. A retail center consisting of one or more stores with a combined gross finished floor area of not less than 20,000 SF. The retail use or uses shall market to areas outside the Town of East Lyme and shall be calculated to draw from the general SE CT region". Also add to Section 25.5 "Table of Minimum Controls for Specific Special Permit": Regional Shopping Center (LI) with caveat "No individual building may exceed 40,000 square feet".
- Letter dated 3/16/2006 to Mr. Mark Nickerson, Chairman EL Zoning Commission from the EL Planning Commission - Re: 8-3a referral to amend Section 1.46a and Section 25.5. The Commission supports defining the "Regional Shopping Center" use, however insufficient information was presented with the application to make a finding of consistency with the Plan of Conservation and Development.
- Email dated 3/1/06 to Wm. Mulholland from the Office of Long Island Sound Programs - Re: OLISP comments on definitions of Regional Shopping Center. OLISP has reviewed the proposed amendments and finds them consistent with the goals and policies of the CT Coastal Management Act (CCMA).
- Letter dated 3/1/06 to Rosanna Carabelas, Secretary, EL Zoning Commission, from the Southeastern CT Council of Governments Regional Planning Commission - Re: Proposed amendments to the Town's Zoning Regulations by providing a definition of "Regional Shopping Center." The Committee determined that the proposed amendments would not have any adverse inter-municipal impact.

Mr. Nickerson stated that the legal ad has been run. He called on Atty. Harris to present the case.

Atty. Harris stated that this is a request to add a definition for an existing special permit use existing only in the LI zone. Key factors to developing this definition were as follows. First is the fact that it exists only in the LI zones and is designed to draw people in from surrounding areas. Exit 72, 71, & 74 are the 3 LI zones. The size of the Industrial Park lots is relatively small and cannot support a mall. The lots were intended for something other than a mall. It seems consistent with the industrial parks as they are developed to say that there probably should be a minimum and maximum as well so as not to build very large retail outlets in an area that is not designed for it. He stated that now is a good time to clarify what has been in the regulations for several years so that someone coming before the Commission has some guidelines as to what would be appropriate or not.

Mr. Nickerson stated that it is time to state what a Regional Shopping Center is. There are currently multi-uses in the industrial parks and it's not just industrial anymore.

Atty. Harris urged the Commission to look at some of the current uses in the zone, because some are not appropriate.

Atty. Harris re-read the amendment. He stated that the "Regional" part of the word is critical in terms of where it is.

Ms. Carabelas clarified that according to the definition of the "Regional Shopping Center", there could be more than one building in one industrial park, each being between 20,000 SF and 40,000 SF.

Atty. Harris agreed, but stated that there are only so many buildings that could be built on one lot.

Mr. Nickerson asked if there were any other questions for the Commission.

Hearing no one.

Mr. Nickerson asked the public if there was any comment in favor of the text amendment.

Hearing no one.

Mr. Nickerson asked the public if there was any opposing comment.

Hearing no one.

Mr. Nickerson asked the public if there was any neutral comment.

The question was asked if there was anything that would limit the amount of coverage and the amount of SF total on a lot.

The answer was that there are controls in the light industrial section and parking.

Bob Godbois, 358 Boston Post Road, stated that the Budweiser building is one of East Lyme's aquifers and if you put cars, gas, oil, antifreeze you could lose the well and the town would be in trouble. He is very concerned about the EL wells.

Mr. Nickerson stated that parking lots will be allowed but certain uses will not be allowed.

Mr. Nickerson asked the public if there was any other comment.

Hearing no one.

Mr. Nickerson asked the Commission if there was any other comment.

Hearing no one.

****MOTION (1)****

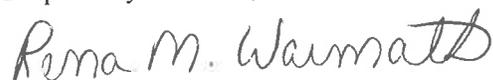
Ms. Carabelas moved to close the public hearing.

Mr. Gada Seconded.

VOTE: 6-0-0 Motion Passed

The Public Hearing was closed and Mr. Nickerson called for a five-minute recess.

Respectfully submitted,



Rena M. Warmath
Recording Secretary (Pro-Tem)