

East Lyme Zoning Commission

AUGUST 4, 2005

Public Hearing 3

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Aug 12 20 05 at 11:35 AM  
PM  
Esther B. Williams  
EAST LYME TOWN CLERK

Present:

Mark Nickerson, Chairman, Shawn McLaughlin, Pamela Byrnes, Norman Peck, Ed Gada, and William Henderson, Alternate.

Also Present:

William Mulholland, Zoning Official  
Marc Salerno, Alternate  
Rosanne Hardy, Ex-Officio

Absent:

Rosanna Carabelas

Panel:

Mark Nickerson, Chairman, Shawn McLaughlin, Pamela Byrnes, Norman Peck, Ed Gada, and William Henderson, Alternate.

Mark Nickerson called the public hearing to order at 9:17 p.m.

East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations to create regulations for Neighborhood Business Zones.

Mr. Nickerson asked Mr. Henderson to read the following correspondence into the record:  
A letter from Marcy Balint, Senior Coastal Planner, CT DEP, Office of Long Island Sound Programs, to Bill Mulholland, Zoning Official dated August 4, 2005 regarding zone change for Neighborhood Business Zone. The letter states that after review they find the proposed amendments consistent with the goals and policies of the CCMA. However, if and when this zone is designated in coastal boundary areas, OLISP may have concerns regarding intensification of uses in residential areas where coastal resources or other environmental factors warrant such concerns. The Commission may therefore wish to exempt coastal boundary areas for allowance of this regulation, as has been done with other specific uses, in an effort to minimize potential adverse impacts to coastal resources.

A letter from Greg Ellis, Secretary, Town of East Lyme Planning Commission to East Lyme Zoning Commission dated July 26, 2005. The letter states through a vote of 5-0-0 the Commission found the proposed amendment to the zoning regulations to create a Neighborhood Business Zone consistent with the recommendation in Section 4 of the Plan of Conservation and Development.

A letter from Gene Lohrs, Chairman, Southeastern Connecticut Council of Governments Regional Planning Commission to East Lyme Zoning Commission dated July 22, 2005. Based on their review of the information submitted, it was determined that the proposed text amendments could have adverse inter-municipal impact if it conflicted with an abutting municipalities residentially zoned land.

Mr. Nickerson read into the record the following correspondence:

A letter dated August 4, 2005 from Wayne Fraser, First Selectman, Town of East Lyme to Mark Nickerson, Zoning Chairman regarding the Neighborhood Business Zone. In the letter Mr. Fraser voiced his concern about the impact of establishing a Neighborhood Business Zone. He further states that this is not a time to be restrictive or upset the balance and urged the Commission to reconsider this issue. He felt it is not in the best interest of the Town.

Mr. Nickerson noted for the record the legal ad was run properly in The Day on July 22, 2005 and August 1, 2005.

Mr. Nickerson stated that this was a Commission-generated application and asked Mr. Peck to give the public a synopsis of the proposal.

Mr. Peck said that approximately five years ago the Plan of Development recommended a transitional zone to prevent people living in residential zones to be right next door to a business or factory. This zone would create a buffer. A sub-committee was formed after much public comment in a proactive action and came up with a proposal. He also noted that many towns in Southeastern Connecticut have this type of zone. There are many residential areas in commercial zones. This zone is defined as "A highly developed residential district with light, low-profile small business uses, which by way of physical appearance and traffic production blend in with the residential atmosphere. This zone is intended to be a transitional zone between a commercial and residential districts." Such permitted uses are single family, two family, art studio and gallery and accessory uses. The special permit uses are antique shop, three and four family, professional office, day care, bed and breakfast, and mixed use/residential/office. Mr. Peck said the sub-committee chose to just come up with the regulation first and at a later time designate the specific neighborhoods in the zone.

Mr. Nickerson noted there are many neighborhoods that would allow commercial zone businesses. This is a zone that can be used and make more of a balance.

Mr. Peck said the sub-committee was very careful not to devalue properties and the proposed uses would support this area.

Mr. Henderson thanked Ms. Byrnes and Mr. Peck for all their work on this proposal.

Mr. Nickerson called for anyone from the public to speak for the application—  
Hearing no one—

Mr. Nickerson called for anyone from the public to speak against the application—

Andy Pappas, 11 Morton Street, Niantic recognized the difficulty of the sub-committee's mission but he asked the Commission to table the application. Mr. Pappas said there should be clear zone lines between commercial and residential. He noted that doctor's office will still have parking lot lights shining on residential properties and it will bring more traffic. Mr. Pappas suggested instead of creating a new zone to redo the regulations especially with all the changes and growth in this Town.

Mr. Peck noted for the record that the sub-committee's intent was not to expand commercial zones. The intent is to take an existing commercial zone and de-intensify it. This will not change a residential zone it will only effect the commercial zone.

Athena Cone, 21 Lake Avenue agreed with Mr. Pappas. She feels this application should not be approved and the Commission should go back and fine tune it. She feels it is too ambiguous.

J. Robert Pfanner, 2 Ferro Court, Niantic lives in an area that is being discussed. He noted that he thought the R-10 zone was created to be the buffer. By creating this new zone with the restricted uses, he feels it will devalue the property. He said there are not many big parcels left in this proposed zone, and with the restrictions it will not allow conforming buildings. He felt the footprint section included in the proposal is useless and should be eliminated. Mr. Pfanner also commented that the Zoning Official would be put on the spot with the architectural restrictions. Mr. Pfanner asked that the Commission re-examine this proposal and when redoing it involve people that live in this area on the committee.

Mr. Mulholland clarified for the record that work to existing structures needs to obtain a permit from the Zoning Official only new structures need a special permit and approval of site plan.

Mr. Nickerson called for anyone from the public to speak neutral the application—

Attorney Theodore Harris, 351 Main Street, Niantic stated that the Town has had a renewed life from the Boardwalk and feels the Commission needs to take a step back and review the implications to limiting zones. Attorney Harris said the R-10 zone is very similar and instead of creating a new zone rework the R-10 zone. He also added some of the permitted uses are good ideas but it needs to be clarified if a site plan is required. Attorney Harris feels it is not a good idea to inhibit growth in a commercial zone.

Barbara Chambers, 11 Joyce Court, Niantic said her neighborhood is a nice place to live and consist of homes. She would like to see that continue.

Mr. Peck apologized but the zoning map he was working from had half of Joyce Court as commercial but it was changed in 1977.

Daniel Cunningham, 12 Morton Street, Niantic has concern about inhibiting activity in commercial areas and the Town should be careful not to limit it too much. When people bought in that area they knew what area they were bordering. Also when people bought pieces in the commercial zone they most probably had future plans which would be squashed by creating this zone. The R-10 zone should be edited to accomplish the intended goals.

Mr. Nickerson called for a motion to close the public hearing.

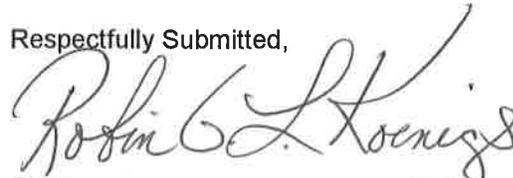
**\*\*\*MOTION (1)**

**Pamela Byrnes made a motion to close Public Hearing 3 at 10:10 p.m.**

**William Henderson seconded the motion.**

**Vote: 6-0-0. Motion passed.**

Respectfully Submitted,



Robin G.L. Koenigs, Recording Secretary