

**East Lyme Zoning Commission
REGULAR MEETING
July 7, 2005**

Present: Mark Nickerson, Chairman, Pamela Byrnes, Norman Peck, Ed Gada, William Dwyer, Alternate, and Marc Salerno, Alternate

Also Present: William Mulholland, Zoning Official
William Henderson, Alternate (arrived at 7:45 p.m.)

Absent: Rosanna Carabelas
Shawn McLaughlin
Rose Ann Hardy, Ex Officio

Mark Nickerson sat William Dwyer and Marc Salerno on the panel.

Pledge of Allegiance

Public Delegations
None

Public Hearing
None

Regular Meeting

FILED IN EAST LYME
July 11, 2005 AT *12:45* M
Salerno
EAST LYME TOWN CLERK

1. Call to Order

Mark Nickerson called the regular meeting to order at 7:33 P.M. For the record the meeting is not being taped.

2. Approve the minutes of June 16, 2005 Public Hearing I and Regular Meeting

*****MOTION (1)**

Marc Salerno made a motion to approve the minutes of the June 16, 2005 Public Hearing I and June 16, 2005 Regular Meeting with the following corrections to the Regular Meeting minutes:

Page three, tenth paragraph sentence starting "He asked..." should be "He asked if the Elderly 202 Program is new?"

and

Page Four, fourth paragraph, HEPA should AHEPA.

Pamela Byrnes seconded the motion.

Vote 5-0-1. Motion passed.

Abstained: Ed Gada

3. Application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations, Section 32, Affordable Housing District.

Mark Nickerson informed the panel that at the last meeting the motion to deny this application had a vote of 3-3-0. He apologized for the mistake but a motion to deny or object with a 3-3-0 vote makes the motion null. When the motion is for the positive and/or to approve with a 3-3-0 vote the motion is approved. The motion failed to carry and a decision needs to be made tonight. Mark Nickerson reminded the commission that the vote is on the proposal.

Pamela Byrnes questioned if the vote would be acceptable even though the panel is not the same as the panel who originally voted. Mr. Gada was not present at the last meeting.

Mark Nickerson said Mr. Gada was the only one not on the panel at the last meeting. He stated he is comfortable with the vote.

Mr. Dwyer is against the motion.

Mark Nickerson is against the motion. He would like to see the proposal submitted in separate issues.

Mr. Mulholland said the first item under new business is an application for the Elderly Program 202.

Marc Salerno is against the motion.

Pamela Byrnes is for the motion.

*****MOTION (2)**

Marc Salerno made a motion to approve the application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations, Section 32, Affordable Housing District. Pamela Byrnes seconded the motion.

Vote 1-5-0. Motion failed. ---APPLICATION DENIED---

Against: Marc Salerno, Ed Gada, Mark Nickerson, Norman Peck and William Dwyer.

Old Business

1. Stormwater

No discussion.

2. Aquifer Protection

No discussion.

New Business

1. Application of Terry Mitchell to amend Section 32 of the East Lyme Zoning Regulations to allow Affordable Elderly Housing (Program 202 as administered by the United States Department of Housing and Urban Development.)

Mark Nickerson asked that this Application be scheduled for public hearing.

2. Application of Niantic Main Street to amend the East Lyme Zoning Regulations to permit outdoor dining/patios and to modify Section 25.5 by eliminating the restriction permitting apartments (Mixed Use) only over retail and office uses in CB Zones.

Mark Nickerson asked that this Application be scheduled for public hearing.

3. Application of Strive, LLC. for a Special Permit for a mixed use at 247-249 Main Street, Niantic, Connecticut. This property is further identified as East Lyme Assessor's Map 12.1, Lot 108.

Mark Nickerson asked that this Application be scheduled for public hearing.

4. Application of Theodore A. Harris, agent for Real Estate Service for a site plan/zoning approval for an affordable housing development to be known as Sea Spray Condominiums located off of Liberty Way and Freedom Way, Niantic, Connecticut.

Mark Nickerson asked that this Application be scheduled for public hearing.

5. Application of Gersham, Brown & Associates for a Coastal Area Site Plan to construct a free standing retail building at property located at 55-88 Pennsylvania Avenue, Niantic, Connecticut. The property is further identified as East Lyme Assessor's Map 12.1, Lot 13.

Mark Nickerson asked that this Application be scheduled for public hearing.

6. Any business on the floor, if any by the majority vote of the Commission

None

7. Zoning Official

Mr. Mulholland reminded the Commission they are going to be very busy. The Landmark Application has been scheduled for public hearing at the Special Meeting on August 18. He said he would try to schedule things so meetings are not so hectic.

Mark Nickerson reminded the Commission that back to back meetings might have to be scheduled to comply with time constraints. Mark Nickerson suggested keeping Thursday nights available for meetings.

Mr. Mulholland said he spoke to Mrs. Carabelas and she has been unable to attend meetings due to personal reasons.

Pamela Byrnes said October is a busy travel month for her and she will forward the dates she already has scheduled to Mr. Mulholland.

Mr. Mulholland said he would promptly work on the schedule and get it to Commission members. He said he will try not to schedule items on the regular meeting agenda on the nights there is public hearings.

8. Comments from Ex-Officio

None given. The ex-officio was not present at the meeting.

9. Comments from zoning board liaison to Planning Commission

None given

10. Comments from Chairman

Mark Nickerson said he sent a letter to Stop and Shop regarding the rip-rap. The letter gave them a deadline to respond. The rip-rap has settled and it is worse.

Pamela Byrnes said they managed to grow grass down the road. She also commented the sign with the arrow is awful.

Mr. Mulholland said a sign was put on the wall (that is rusty) and that was not allowed. He will take care of the problem.

Mr. Mulholland reported that the construction of the gas station across from Burger King is proceeding and the Tire Company has seemed to clean up the grounds. He said one of the restrictions was that he put pressure on his surrounding neighbors to keep the lot clean.

Marc Salerno asked if pitched roofs could be restricted when building new gas stations.

Mr. Mulholland said there probably wouldn't be any more new gas stations built. This project was grandfathered. They agreed to put in a sidewalk and they didn't have to.

William Dwyer asked what is being done with the vacant property by the highway entrance.

Mr. Mulholland says he believes Starbucks is still interested but they want a drive thru so they would need a special permit.

Mark Nickerson reported he has to appear on July 27, 2005 at New Britain Superior Court for the second appeal by Landmark. He said the last appeal took a full year for a decision but this appeal seems to be moving quicker.

Pamela Byrnes asked about the status of the lawsuits regarding Mike's Harley.

Mr. Mulholland said a court date has not been set.

Mark Nickerson said he heard Mike's Harley tried to get it thrown out but the judge wanted to hear it and it will go through the legal system. Mike's Harley still has a counter-suit.

Marc Salerno asked about the status of the Ford Dealership project.

Mr. Mulholland said it is currently under construction. In the rear of the lot, the 4-6 feet retaining wall is being built. They are waiting on the steel structure. Saturn and Brooks are waiting for Ford.

Pamela Byrnes asked if any applications could be scheduled sooner.

Mr. Mulholland said no. The next meeting is August 4th and a special meeting on August 18th.

11. Adjournment

****MOTION (3)

Marc Salerno made a motion to adjourn the Regular Meeting at 8:03 p.m.

Pamela Byrnes seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully Submitted,



Robin G.L. Koenigs, Recording Secretary