

East Lyme Zoning Commission
REGULAR MEETING
June 16, 2005

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

Also Present: William Mulholland, Zoning Official
William Henderson, Alternate
Rosanne Hardy, Ex-Officio

Absent: Ed Gada, and Rosanna Carabelas

Regular Meeting

1. Call to Order

Called the regular meeting to order at 8:00 p.m.

2. Approve the minutes of March 3, 2005 Public Hearing I/II and Regular Meeting

Norman Peck questioned Chesterfield Road instead of West Society Road on page four. Marc Salerno agreed it should be Chesterfield Road.

*****MOTION (1)**

Marc Salerno made a motion to approve the minutes of the March 3, 2005 Public Hearing I/II and Regular Meeting with the correction that West Society should be Chesterfield Road on page four paragraph four. William Henderson seconded the motion.

Vote 4-0-2. Motion passed.

Abstained: Shawn McLaughlin and Pamela Byrnes.

Mr. Henderson stepped down and Mr. Dwyer was seated on the panel.

Approve the minutes of the May 5, 2005 Public Hearing I, Public Hearing II, Public Hearing III and Regular Meeting

Norman Peck questioned why attendees were listed under also present. The new recording secretary listed them because they spoke at the public hearing. Mr. Peck said there is no need to list them.

*****MOTION (2)**

Pamela Byrnes made a motion to approve the minutes of the May 5, 2005 Public Hearing I, May 5, 2005 Public Hearing II, May 5, 2005 Public Hearing III and May 5, 2005 Regular Meeting.

Norman Peck seconded the motion.

Vote 6-0-0. Motion passed.

Mr. Dwyer sat down and Mr. Henderson was seated again on the panel.

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

Mark Nickerson sat Mr. Henderson and seated Mr. Dwyer at the panel.

Norman Peck reminded the panel that they were discussing the setback issue of placing a 40-foot high building being 40 feet from an abutting property.

FILED IN EAST LYME TOWN
CLERK'S OFFICE

June 28 2005 at 10:20 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

Mark Nickerson read into the record a letter from William Mulholland, Zoning Official to the East Lyme Zoning Commission dated June 16, 2005. The letter suggested a change regarding the proposed setbacks found in Section 32.4.5 to: Setbacks – No new building or structure shall be placed less than 100 feet from the street line or 100 feet from any other property line. The Commission may reduce this requirement if no adverse impact will result. Further, he suggested they eliminate the following language found in Section 32.7 paragraph #3 "The Commission may waive this requirement if 100% of the units are described as Affordable Housing"

Mr. Mulholland said this setback modification might help with Mr. Peck's concern on the height issue.

Norman Peck asked Mr. Mulholland why he suggested eliminating Section 32.7 paragraph #3. Mr. Peck felt it would be more detrimental to eliminate that language however he approves his modification of the language. Mr. Peck asked what difference 100% would make.

Mark Nickerson feels uncomfortable with the proposed five acres. This would be a major change.

William Dwyer asked if any developers have complied with our existing regulations. He asked if the West Main Street did.

Mr. Mulholland said no.

William Dwyer asked if any current affordable housing projects fall under these regulations.

Mr. Mulholland said no developer of affordable housing have built housing under the current regulations.

Marc Salerno agrees with the Chairman that five acres is too low, especially it being in a floating zone. This could go anywhere in Town. Further, he feels that is a lot of units on five acres, which are on the sewer line.

Mark Nickerson said 24 units per building

Pamela Byrnes has great concerns regarding the lack of affordable housing. The town is 3.8% and the State's requirement is at 10%. She understands Mr. Nickerson's and Mr. Salerno's point and agrees that she doesn't want to see large apartment buildings on small pieces of land. But she reinforced the need to comply with the affordable housing need. She said that in the East Lyme Times there was an article regarding people not being able to buy because it is too expensive in this town. She doesn't know what acreage would be appropriate but noted the need for affordable housing. She brought up the point made by Meg Parulis' in her letter encouraging the Commission to be more flexible to encourage such development. This will create a better environment to open up the ability to purchase housing to a broader range of people.

Mark Nickerson agreed with her but five acres is not a lot of land. He said that 80 units could be placed next to a one-acre owner and this is under a floating zone.

Norman Peck suggested a compromise to the proposed regulation. A five-acre requirement could be given if the units are single-family units.

Mark Nickerson said the more acreage the more can be built on it. Mark Nickerson said the density is hyped up and the acreage is reduced and that scares him. Mr. Nickerson liked Mr. Peck's idea. He suggested one or two bedroom units with half the density.

Mr. Mulholland reminded the Commission this was applicant-generated and they cannot make substantial changes. The Commission needs to approve or deny as presented. The applicant needs to change this and resubmit.

Mark Nickerson said the setbacks were being proposed to be changed.

Mr. Mulholland said the setback changes proposed tonight, in his view, were already offered. The Commission needs to be cautious.

Norman Peck said their ideas for changes are less intensive and what would be wrong with that because the public had the chance to speak on a more intensive proposal.

Mr. Mulholland asked if Mr. Peck had specific language.

Norman Peck said not as yet. He asked how that would affect the numbers.

Mr. Nickerson suggested starting by cutting in half the units on five acres and keeping the numbers as is on the 10 acres. But then he still wants to talk about 16 units on each acre for the 10 acres.

Pamela Byrnes asked Mark Nickerson if his proposed change would also include Mr. Peck's suggestion of unit style change/requirement.

Mark Nickerson says he agrees with Mr. Peck's point on a suggested style such as a townhouse instead of an apartment building or detached. The builder has to give some accommodation. A roadhouse or townhouse would be acceptable as long as it stays in the height balance. Those styles could match a neighborhood. It would be more agreeable than an apartment building.

Norman Peck asked for review of density to what is already in place.

Mark Nickerson says this is at least giving them a chance to do something with five acres instead of ten. If they had 10 acres they could build more. The suggestion gives more and the regulation will be easier to work with for the developer. Should regulations be loosened for developers versus having developers meet our guidelines as we saw fit to put them in to begin with.

William Dwyer is willing to compromise but he is not in favor of five as is.

Mark Nickerson asked how the panel feels about the proposal of five acres keeping the same density as was. He asked if Elderly is 202 new? He suggested it should probably be cut in half then.

Mr. Mulholland said they are new.

Marc Salerno said only numbers are being suggested without data backing it up. He is not comfortable with the numbers until more data is gathered, testimony and/or statistics from other towns. If the Commission feels this is good then the Commission should make a comprehensive review not when an applicant has proposed it.

Mark Nickerson asked if Marc Salerno is suggesting denying the application and that it should go back to the beginning.

Marc Salerno said yes. He feels if the Commission needs to amend this regulation, the numbers should be backed up by data. He feels the panel is guessing and that is dangerous without data.

Mark Nickerson says we are just suggesting numbers and we're not sure how it will affect a particular application.

Marc Salerno stated that the panel members are not professionals in this matter and they are only an elected board.

William Dwyer said that was a good point.

Mark Nickerson says he understands Mr. Salerno's point but maybe they could take what they have and give a little somewhere. He doesn't feel comfortable with that because he's not sure anything needs to be given. If they could go down to five acres but it has to look a little different with different density and fit into the neighborhood. It's a good base and he's not sure a study can be done. The proposal has been sitting in front of them for awhile.

Marc Salerno says there are officials on our Town staff. This is not something they can study right away.

Pamela Byrnes said our planning representative did review it and she encourages us to support it. There is letter in the packet.

Marc Salerno said she reviewed what was presented not what the panel proposes changing to it. If the panel doesn't support what was presented, there will only be speculation on what she supports.

Mr. Mulholland said a public hearing was held. The applicant gave testimony at that time and he could have been cross-examined. Some decision has to be made. In the existing regulations the density is the same with the exception of acreage as Mr. Salerno has pointed out. This was an attempt to encourage affordable housing including within it was 100% affordable and also included was the Elderly 202 which is affordable. The Town does have that situation with the HEPA program, which is classified as that. The panel needs to reach a decision on a comfort level.

Marc Salerno reminded the panel that an applicant has suggested this amendment and he probably has a development proposed. The Commission could change it, but this is an amendment change by an applicant.

Mark Nickerson would approve the changes he suggested.

Norman Peck asked Mr. Nickerson to restate his proposed changes.

Mark Nickerson said his suggestion is taking our current regulation and reducing the acreage to five and leaving the density as is. The 202 Elderly Housing would be added at 50% as proposed - 1 bedroom with 10 units per acre, 2 bedroom with 7 units per acre, 3 or more bedroom with 6 units per acre with a maximum of 27 units. The other suggestion would be keeping the acreage at 10 acres plus and increasing the density as proposed. He felt his changes would be generous. At a later time the 16 units per acres could be entertained.

Norman Peck said if the Elderly 202 is cut in half it wouldn't be economical for the developer.

Mark Nickerson said the 10-acre proposal would be better. Then he suggested eliminating the Elderly 202 and have it come in as a separate proposal.

Shawn McLaughlin said the application is being changed too much as proposed. The Commission should look at what has been proposed.

Marc Salerno said the Commission has refused a proposal before and the applicant re-filed with the Commission's suggestions and comments.

Mark Nickerson said the process starts again and the applicant will probably reapply.

Marc Salerno said the Commission could change the applicant's proposal so much that it doesn't end up as he intended.

Norman Peck said if the numbers are changed as proposed it will probably make it unaffordable for the developer. Mr. Peck suggested going to five acres for 1 or 2 family detached units. That probably shouldn't affect development. It may affect some developers who can't find 10 acres but it won't affect development. The proposal wouldn't be destroyed for requiring 10 acres unless they can make it work with five acres and build 1 or 2 family units.

Mark Nickerson said 10 acres have always been required. The changes would only condition the five acres.

Norman Peck said he would be willing to support 1 or 2 family units on five acres.

William Dwyer asked if that wouldn't increase the density.

Pamela Byrnes said the suggestion is single family not a bedroom issue.

Mark Nickerson said that would be more expensive building detached homes.

Norman Peck said it is more expensive but it is a compromise.

Mark Nickerson suggested townhouses instead of detachable. Those could be built affordably. Detached is too expensive.

Pamela Byrnes suggested putting single family, row houses or town house style units.

William Mulholland appreciates the Commission's willingness to encourage and promote this applicant's proposal. But after looking at the 10 acres and density changes, he cautioned the Commission it might change the proposal too substantially as what the applicant sought.

Mark Nickerson said a new public hearing is not required because the amendment is being reduced not increased. The public at large shouldn't feel slighted. The changes would definitely reduce what the applicant had in mind.

Mr. Mulholland said that was correct.

Mark Nickerson said making these changes is not much different than denying it. The Commission does have good attentions on behalf to allow diversity in housing.

Mr. Mulholland said the Commission has done that by accepting Section 32. But he agrees with Mr. Peck that it needs to be affordable for the developer.

Norman Peck says it could be accepted but with the change of the setback to 100 feet with a 50 feet buffer.

Mark Nickerson still feels it is an intense project on five acres and still affirms it should be reduced.

Shawn McLaughlin says it is still being changed too much from what the applicant had in mind.

Marc Salerno says some of these changes are good but shouldn't be done at this time under this application. He feels this is not the time for the Commission to change the regulation. This is to accept or deny an application. He is not comfortable with changing this proposal without data.

Norman Peck said the panel has had five weeks to review it.

Pamela Byrnes said there is a developer waiting who wants to do the right thing.

Mark Nickerson said he was sure the developer has good intentions but developers are there to make money.

Pamela Byrnes feels something has to be done.

Mark Nickerson said something has been done.

Pamela Byrnes said it's not working.

Norman Peck suggested taking an informal vote on the proposal as presented with the changes in the setback.

Mark Nickerson said an informal vote would not allow us to vote again.

Mr. Mulholland suggested taking a consensus.

Rosanne Hardy asked to be heard. Mark Nickerson recognized her.

Rosanne Hardy said that she didn't hear any discussion about the letter from DEP requiring water and sewer commission approval. She didn't hear any discussion about the point made under 1b in Mr. Ellis' letter from the Planning Commission. She also didn't hear any discussion regarding the objections and floating zone language mentioned in the Southeastern Connecticut Council of Governments Regional Planning Commission letter.

Mark Nickerson thanked Mrs. Hardy for her suggestions. Mr. Nickerson asked for a consensus of how panel members feels about accepting the application as submitted with Mr. Mulholland changes. Mr. Mulholland did handle Mr. Ellis' point in his memo.

Norman Peck has a problem with the five acres. He would like to see it compromised.

Mark Nickerson said they are up against a time line and no matter how long they spend, it could change the application too much as the applicant intended.

William Dwyer agreed.

Rosanne Hardy asked if the applicant could grant an extension.

Mark Nickerson said the 35 days allowed has been exhausted.

Mr. Mulholland said technically the Commission was given the extension and are out of time.

Marc Salerno is not comfortable with it as it was presented. The elderly housing suggestion was great and should be added but the application should not be used to make the Commission's changes. He feels data should be in front of them.

Pamela Byrnes has concern with the five acres but it can be studied to death. There is good opportunity before us and we shouldn't be excused. She feels it is acceptable with Mr. Peck's changes. She said she is not comfortable with starting from the beginning.

Mark Nickerson said some of the application can be accepted and the Commission can go back later and amend the regulation. There is a need for diversity. The regulations have been sitting on the books for only 22 months. Mr. Nickerson feels a compromise can be accepted tonight. A townhouse is a good idea. A motion should be made.

Rosanne Hardy asked how long it would take for the applicant to get back on the agenda.

Mr. Mulholland says probably late August or early September. The Commission could schedule a special meeting but other applications are coming in and the panel will be busy.

Norman Peck said the 10 acres was an attempt when writing this regulation to be consistent with the SU and SUE zones. The SU multi-family is 20 acres and 10 acres for SUE elderly. That is where the 10 acres came from. There was a reason for the 10 acres.

A motion was made to reject the application as presented and seconded.

Mark Nickerson said we should be flexible and find something in the middle. He said they don't have to find anything because there are affordable regulations in place. The Commission should look on how to adopt them and are glad the Commission is taking a second look on them. Any changes to floating zones could have ramifications for years thereafter.

Norman Peck asked if they adopted this with the two changes of eliminating the five acres and the buffer (100 foot setback) would it work.

Mr. Mulholland said it is the Commission's decision.

Norman Peck suggested accepting the application with the 10 acres and 100 ft. setback. That would at least be more attractive and more affordable to developer.

Mark Nickerson said when the original regulation was adopted it would be affordable to developers.

Norman Peck said doing something would help. There hasn't been any other application other than Landmark.

Mr. Mulholland reminded the panel that Landmark is on the agenda tonight.

Marc Salerno asked about a previous applicant who wanted to change some residential land to commercial to put affordable housing.

Mr. Mulholland said yes but it was elderly and the zone change was denied.

Mark Nickerson said five acres is too small. He feels density can be increased if it is 10 acres with the big setbacks. It could end up in too many little pockets all over town.

Pamela Byrnes says she likes Mr. Peck's original proposal because it would create an opportunity on a smaller piece of land to integrate a broader variety of priced housing into integrated neighborhoods in a less dense way than this proposal is presently worded.

Mark Nickerson says the panel can continue to amend this. It can be denied and start again or take a baby step.

Pamela Byrnes says she doesn't mind the five acres with less density.

Mr. Mulholland reminded the Commission that under Statute 83g that any applicant can come and submit an affordable application that wants to work with the current regulation. That is on any size parcel.

Pamela Byrnes said she is not in favor of throwing this out.

Mark Nickerson said an application could be approved if they want to work with the current regulations.

Marc Salerno said an application could be made on five acres if they want to work with the current regulations.

Pamela Byrnes feels it is a shame to throw the whole application out.

Mark Nickerson asked for a conclusion from the panel. Although there is a motion, he asked for a consensus on keeping 10 acres and reducing the density. Mark Nickerson and, obviously, Mr. Peck because he suggested it, are in favor of this. He asked for a vote on the motion.

******MOTION (3)**

Marc Salerno made a motion to reject the Application by Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations, Section 32, Affordable Housing District has presented.

Mr. Dwyer seconded the motion.

Vote: 3-3-0. Motion passed.

Against: Shawn McLaughlin, Norman Peck and Pamela Byrnes.

Reason: The application, as presented, seems to be too intensive.

Mr. Dwyer remained seated as per Mr. Henderson's request.

4. East Lyme Zoning Commission amendment proposal to amend Section 9.3.3. of the East Lyme Zoning Regulations to modify the front setback requirements to allow a building or structure to be

placed not less than six feet (6') no more than twenty feet (20') from the property line and to allow an increase in that setback granted by Special Permit by the East Lyme Zoning Commission.

Norman Peck said this is a good suggestion but he is concerned about forcing a building forward, which might block a neighbor from the street.

Mark Nickerson says he agrees because it might take 50 years for all buildings to move up but maybe signage requirements can be added. It would be a hardship to the buildings in the back.

Norman Peck said it will be too much of a hardship on a building in the back and suggested adding an extension to the proposed amendment.

Pamela Byrnes agrees with the hardship of blocking a business, but some change needs to be made to start the change.

Marc Salerno asked if that could happen now with the current regulations.

Norman Peck said the current minimum is 20 feet but with the change, it could be a minimum of 6 feet.

Marc Salerno says the current regulations could block them.

Pamela Byrnes says 20 feet to 6 feet is a big move but it needs to happen.

Mark Nickerson says it needs to happen and they can't continue to waive out sidewalks. If buildings are not brought up front, then they should eliminate the idea.

Norman Peck is in favor of the regulation but there should be a tool for a special situation. The Dairy Queen and Barry Cleaners is two buildings. If one of the building owners wants to tear down and move up, the second building will be lost behind.

Pamela Byrnes asked Norman Peck for some language for this tool.

Norman Peck suggested adding an exception after "purposes" in first paragraph - The exception to this requirement may be made if the proposed building would impair visibility of neighboring, profiteering buildings.

Mark Nickerson said that will always be the case.

Pamela Byrnes agreed with Mark Nickerson. Any neighbor can make that claim in every case.

Mark Nickerson suggested creating signage just to create visibility on the street.

Mr. Mulholland says making it fall under special permit will allow the approval under the Commission's discretion which will recognize some properties that will be disadvantaged.

Norman Peck said it doesn't say that. It is the reverse of what he is saying.

Marc Salerno said Mr. Peck is correct.

Pamela Byrnes says it doesn't say if the building moves up, and this causes a really terrible hardship, that the Commission will not let them go up 6 feet. This says the opposite and Mr. Peck wants the reverse.

Mark Nickerson says it is not the rights of the applicant he wants to cover, it's the rights of the person who owns the building left behind.

Pamela Byrnes asked if we want to be in the position to cause terrible hardship. It will always cause hardship and social change is not easy.

Mark Nickerson said that the neighbor would have to petition.

Pamela Byrnes says they don't want to create the reverse situation enabling everybody to petition. If that is the case, this should be thrown out. It will be painful for some people.

Marc Salerno asked what the ZB signage requirements are.

Mr. Mulholland said there is a back lot provision in Section 18.

Mark Nickerson said these situations wouldn't really be qualified as back lots just because they moved up. Maybe that regulation has to be tightened up.

Mr. Mulholland read through the regulation and there is a provision to obtain a special permit if there is a disadvantage.

Norman Peck feels signs are weak. The buying public is sensitive to the appearance. They won't shop if is not at eye level and street level. He believes moving one building up will kill the building left behind. The damage to the value of the rear building is not worth the advantage of moving the building up. He feels there needs to be a tool to work with different situations. He suggested anything being built in the CB zone needs a public hearing and special permit.

Mr. Mulholland says changes are forthcoming in regulations.

Pamela Byrnes suggested putting something in that would come in the middle and not have to do a public hearing for everything.

Norman Peck said his first suggestion of an exception would leave it to the Zoning Official judgment.

Mark Nickerson says there will always be that subjective argument.

Pamela Byrnes says she would choose the public hearing if this couldn't go as is.

Marc Salerno said it could speed up the moving up of buildings. It will force them to move up, although it is particularly not fair.

Mark Nickerson says when the downtown intentions are met; property values will go up in the long run. There is a price for that.

Mark Nickerson understands the need for visibility. If there is an opportunity for more traffic that means more business.

Norman Peck suggested no more than 20 feet and if they want more they have to go to public hearing.

Pamela Byrnes says that's not changing anything.

Norman Peck feels people will be upset if somebody puts a particular building six feet from the street.

Mr. Mulholland says you can do that now, particularly on Main Street under Section 20, average setback of any three buildings with a 750 feet provision with matching the current setback. There is a provision but they have to meet the 750 feet provision. That part is already in there.

Mark Nickerson does like the 20 feet or closer to the sidewalk. If the average is 10 or 12 feet at least the buildings are creeping closer. It might take 300 years instead of 100 years.

Mr. Mulholland asked Norman Peck exactly what he's suggesting.

Norman Peck suggested it should be "Any building or structure shall be 20 feet from street line. If anything more or less than 20 feet has to go to public hearing."

Mark Nickerson said that's against the Charrette report.

Marc Salerno says you will never get exactly 20 feet. Everything will have to go to public hearing.

Norman Peck says the fact is we have to protect business owners.

Pamela Byrnes says it could happen now. Somebody 40 feet can currently move to 20 feet. It's already there.

Norman Peck said it is not what this panel put in place.

Mark Nickerson says the change is more important than the hardship.

Marc Salerno agrees with Mr. Nickerson that is for the better of the town. There is pain for any change.

******MOTION (4)**

Marc Salerno made a motion to approve to amend Section 9.3.3. as follows: **9.3.3 SETBACK – "No building or structure shall be placed not less than six feet (6') or more than twenty feet (20') from the street line or less than ten feet (10') from other property lines if not built on the property line in accordance with Section 20.18. The front setback area shall be used for landscape purposes. An increase in the twenty-foot (20') front setback may be permitted when granted a Special Permit by the Zoning Commission if the following standards are met:**

- i. The location of the building will not significantly impair views from, or the availability or light and air to, abutting properties.
- ii. The location of the building shall not adversely affect surrounding properties.
- iii. On site traffic patterns and parking design will not adversely affect other on site issues.

Pamela Byrnes seconded the motion.

Vote: 5-1-0. Motion passed.

Against: Norman Peck

It will be published on June 23, 2005 and effective on the June 24, 2005.

A break was taken at 9:30 p.m.

The meeting was called back to order at 9:38 p.m. by Mark Nickerson.

5. Application of Peter J. Springsteel for a Coastal Area Management Application to construct a one-story addition to the existing single family dwelling and to replace and enlarge the existing deck at property located at 20 Attawan Avenue, Niantic, Connecticut. This property is also identified in the application as East Lyme Assessor's Map 8.4 Lot 85.

Marc Salerno read into the record a letter from William Mulholland, Zoning Official dated June 16, 2005 addressed to the Zoning Commission. The letter reviewed that the applicant proposes to construct a one-story addition to an existing single family dwelling, replace and enlarge an existing deck, and make certain cosmetic improvements to the existing facades. He reaffirmed that this site is considered sensitive due to the location of a portion of Indian Pond, and tidal wetlands on the property. A sandy beach and riprap shoreline abuts to the east. He suggested the Commission might wish to visit the site due to its sensitivity. In approving any activity on this site, the Commission must find that the proposed activity with any conditions or modification imposed by board (1) is consistent with applicable goals and policies of the CAM Act and (2) incorporates as conditions or modifications, all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

Peter J. Springsteel, Architect appeared recognizing Bruce and Barbara Skinner who were also present.

Mark Nickerson marked an aerial view photo as Exhibit 1, Mapquest overview as Exhibit 2 and various photos of the structure as Exhibit 3.

Peter Springsteel said the proposed project is to add another story to an already existing house, remove the existing deck and make a larger deck. He showed the Panel the plans. It is sitting in a complex triangle of resources including Indian Pond to the North and wetlands. There is buffer of 25 feet from the wetlands. It sits in three to four flood zones. He stated this house currently sits on wood pilings and the addition will be also. There won't be much excavation with only six pilings drilled. The distance from the wetlands is 25 feet, which conforms to the regulations. It also meets the lot coverage regulation. The building height maximum is 30 feet and the proposed addition is 19 feet, eight inches. Mr. Springsteel showed the panel the building views. There is a beach access easement going through this property and it will not be effected in any way. The lot size is 69,696 square feet. The requirement is 12,000 so it is well over the required lot size. The project is covering 4.2% of the lot and the maximum is 25%. Mark Nickerson marked the Zoning statistics as Exhibit 4.

Mr. Mulholland asked Mr. Springsteel to explain to the panel what type of soil surrounds the house.

Peter Springsteel said sand, beach grass or gravel surrounds the house. They are back from the beach. It is mostly sand but some mixture. The stone driveway will stand. Gutters will move rainwater. Erosion control on tidal wetland site will be installed during construction and will remain there until after native growth occurs. No negative impacts have been identified.

Mark Nickerson asked if the 25 feet buffer would be recognized in construction.

Mr. Mulholland said the buffer has to be recognized during construction.

Peter Springsteel said the erosion control is burying in its depth into the wetlands but it can be moved to the 25-foot setback. To get around for construction, it can go around the deck side of the house in which there is no wetlands.

Mr. Mulholland said there is a mandatory minimum of a 25-foot setback.

Mark Nickerson said construction will have to be worked on from the deck side of the house to conform to the 25-foot setback.

William Dwyer asked if these are beach dunes.

Mr. Mulholland said it is a matter of judgment. In his memo he suggested visiting the site.

Mr. Mulholland asked what the architect feels the site is made of or built on. Is it a beach or dune? The last Commission who approved it had the same similar questions and the house size was limited at that time. The applicant is now requesting to modify it. Although pictures have been given, a panoramic view would have been better so the Commission could have a better view of what it is being built on.

Peter Springsteel referred back to the CAM report. The report he has done is based on the one used in the 1994 report. It identified the same resources.

Mr. Mulholland asked what his opinion is.

Peter Springsteel's opinion was the same as the report.

Mark Nickerson said his opinion, after review of the pictures, is that its pretty much wasteland, heather or long grasses. It is not dunes.

Peter Springsteel said a dune is defined as a pile of sand, which moves when the wind blows.

Pamela Byrnes said she is familiar with the house and she feels the area is filled with scrub not beach.

Mark Nickerson asked if anyone from the panel needs to visit the site or have any more questions. No one responded.

******MOTION (5)**

Pamela Byrnes moved to approve the Application of Peter J. Springsteel for a Coastal Area Management Application to construct a one-story addition to the existing single family dwelling and to replace and enlarge the existing deck at property located at 20 Attawan Avenue, Niantic, Connecticut. This property is also identified in the application as East Lyme Assessor's Map 8.4 Lot 85.

Shawn McLaughlin seconded the motion.

Vote: 6-0-0. Motion passed.

Old Business

1. Stormwater

No discussion.

2. Aquifer Protection

No discussion.

New Business

- 1. Application of Landmark Development Group, LLC ("Landmark") submits this Affordability Plan in conjunction with its application to the East Lyme Zoning Commission for (a) approval of a new section of the East Lyme Zoning Regulations entitled "Special Use Affordable Housing District" (b) rezoning the property identified in the application as land of Jarvis of Cheshire, LLC and Sargent's Head Realty Corporation included with this application is a site plan delineating 840 units on the subject unit.**

Mr. Mulholland said a letter was received from Mr. Russo dated June 16, 2005 and he requested that because of the canceled meetings they asked to be awarded public hearing as soon as possible and at the Commission's discretion.

Mark Nickerson reviewed the calendar and the time constraints.

Mark Nickerson scheduled a Special Meeting on August 18, 2005 and all present agreed. Mark Nickerson asked Mulholland to place this application for public hearing.

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

Application of Theodore A. Harris to amend the Zoning Regulations to permit Auto Body Shop in CA Zone and an Application of Theodore A. Harris to amend Section 12A (SU-E Special (Use Districts) by adding a new section 12.A.5.1. #6 to the Special Permit requirements. The proposal is to modify the setback from internal roadways.

Attorney Harris asked Mr. Mulholland to ask if these two items could be taken off the floor.

Mark Nickerson asked Mr. Mulholland if this was moved tonight could it be scheduled for the August 4, 2005 meeting.

Mr. Mulholland said yes.

*****MOTION (6)**

Pamela Byrnes moved to take the Application of Theodore A. Harris to amend the Zoning Regulations to permit Auto Body Shop in CA Zone and an Application of Theodore A. Harris to amend Section 12A (SU-E Special (Use Districts) by adding a new section 12.A.5.1. #6 to the Special Permit requirements from the floor and place them on the agenda.

Marc Salerno seconded the motion.

Vote 6-0-0. Motion passed.

Mark Nickerson asked Mr. Mulholland to schedule the public hearings, preferably at the August 4, 2005 meeting.

3. Zoning Official

Mr. Peck and Mrs. Byrnes asked Mr. Mulholland when the Neighborhood Sub-Zone had been scheduled.

Mr. Mulholland said it was scheduled for July 7, 2005 for a public hearing.

4. Comments from Ex-Officio

No comment.

5. Comments from zoning board liaison to Planning Commission

None given

6. Comments from Chairman

None given.

6. Adjournment

7.

******MOTION (7)**

Pamela Byrnes made a motion to adjourn the Regular Meeting at 10:05 p.m.

Marc Salerno seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully Submitted,



Robin G.L. Koenigs, Recording Secretary