

East Lyme Zoning Commission
PUBLIC HEARING I
June 16, 2005

June 28 20 05 at 10:20 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

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

Also Present: William Mulholland, Zoning Official
William Dwyer, Alternate

Absent: Ed Gada, Rosanna Carabelas,

Mark Nickerson called Public Hearing I to order.

Mark Nickerson sat two alternates, William Henderson and Marc Salerno on the panel.

1. 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.

Marc Salerno read a letter from William Mulholland, East Lyme Zoning Official, dated June 16, 2005 to the East Lyme Zoning Commission into the record. In his letter, Mr. Mulholland reviewed that the proposal is specifically proposed to eliminate the existing text in Section 9.3.3 and replace with the following: 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. A special permit provision has been inserted to enable modification to the regulation. This provision would enable a greater setback than allowed provided the applicant demonstrates conformance with the noted criteria. His view is that it would be an essential tool in helping to maintain the collective character of a traditional Main Street.

Marc Salerno read a letter from Greg Ellis, Secretary of the Town of East Lyme Planning Commission to Mark Nickerson, Chairman of the East Lyme Zoning Commission which was hand-delivered and dated May 26, 2005 into the record. At a regular meeting held on May 17, 2005, the East Lyme Planning Commission moved (Vote 5-0-0) to find the proposed amendment to the Zoning Regulations consistent with the Plan of Conservation and Development goal to refine the Commercial Business District (CB) controls to preserve and enhance Niantic Village. An excerpt from the Charrette Report demonstrating the need for such an amendment was attached.

Marc Salerno read a letter from Gene Lohrs, Chairman of Southeastern Connecticut Council of Governments Regional Planning Commission to Rosanna Carabelas, Secretary of East Lyme Zoning Commission dated May 27, 2005 into the record. After their review, it was determined that the proposed text amendments would not have any adverse inter-municipal impact.

Marc Salerno read into the record a letter received via email to Rosanna Carabelas, Secretary and Bill Mulholland from Marcy Balint, Senior Coastal Planner, CT DEP dated May 17, 2005. OLISP had reviewed the proposed amendments and find them consistent with the goals and policies of the CCMA.

Mark Nickerson noted that a notice was published in The Day on June 2, 2005 and on June 13, 2005.

Mark Nickerson reminded the Commission that although Main Street first proposed this amendment, the Zoning Commission has submitted it.

David Zoller, 3 Spinnaker Drive, Niantic Main Street Design Committee Co-Chair read a letter he distributed to the Commission which was addressed to Mark Nickerson, Chairman from himself, dated June 16, 2005. Mr. Nickerson marked this letter **Exhibit 1**. He thanked the Commission for adopting the initiative to consider changing the setbacks in the CB Commercial District proposed by Niantic Main Street at their May 5 meeting. He stated that enacting the change would contribute to development appropriate in scale for a traditional pedestrian-friendly downtown. In the recent market niche study conducted by planning consultant John Shapiro for Niantic Main Street, he strongly recommended village district guidelines with buildings close to the sidewalk and parking behind. The proposed amendment to the CB Commercial District setback protects Niantic's character and restores the historic quality of a traditional downtown as redevelopment projects occur.

Colleen Gresh, 47 Grouse Circle, Executive Director of Niantic Main Street wanted to highlight two paragraphs in the Yale Charrette Report. She read them into the record. The Charrette report stated in these paragraphs that the existing urban fabric of Niantic is a fairly healthy one and traditionally buildings have been located close to the street and close to each other. As a result, they collectively form a sort of wall to the street one that then helps to create a sense of place. This sense of place helps distinguishes Main Street with a small town feel. The current zoning regulations prohibits the street-hugging building that makes Main Street so appealing. Instead, the current regulations mandate that a high number of on-site parking spaces be provided which forces new development to sacrifice most of their lots to parking which forces the building in the rear. In the John Shapiro report, he specifically focuses on buildings being closer to the street with parking in the back.

Mark Nickerson marked pages from the draft from the John Shapiro report **Exhibit 2**. Page 37 from Charrette report was already included in the file.

Mr. Mulholland stated that this proposed amendment would recreate the village feel of downtown.

Colleen Gresh reinforced that under the current regulations, buildings cannot be right up to the sidewalk, which is a traditional downtown development.

Mr. Peck questioned what was meant in the sentence (i.) in the proposed amendment. He asked if that means buildings that block another business from being seen.

Colleen Gresh said that Mr. Mulholland helped with this language.

Mr. Mulholland said this can be worked on and that it is standard CAM language. It would be at the Commission's discretion because it is a special permit. If a building is behind another building and the first building is higher it would block the view.

Mr. Peck said he is concerned about the reverse happening were a building moves up which will devalue a business that is behind. Mr. Peck asked if there is language in the regulations that forces this to go to special permit.

Mr. Mulholland said nothing is in the CB zone regulations only some language in the CAM area.

Mr. Peck asked if the "view" issue can be more redefined during the regular meeting.

Mr. Mulholland said yes.

Mr. Nickerson said the view is always going to be an issue when a building is moved closer to the street until all the buildings are moved up.

Colleen Gresh said the opportunity exists within this regulation to apply for special permit. Those considerations would be taken in at that time. Those exceptions were included to outlines the criteria for that special permit.

Mr. Mulholland says it also provides a vehicle to allow the Commission to make decisions.

Mr. Henderson thanked Main Street for all their hard work to maintain the downtown feeling.

Mr. Nickerson asked if anyone would like to speak in favor, against, or neutral of this application. No one spoke.

Marc Salerno asked if only downtown areas are affected.

Mr. Mulholland said it affects CB zones, primarily the downtown area.

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

Marc Salerno moved to close Public Hearing I.

Pamela Byrnes seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully Submitted,



Robin G.L. Koenigs, Recording Secretary