

May 21 2007 at 3:40 AM
PM

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, MAY 17th, 2007
MINUTES**

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on May 17th, 2007 at the Community Center meal site, 37 Society Road, Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Pamela Byrnes, Ed Gada, Marc Salerno, Norm Peck, Bob Bulmer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Rosanna Carabelas, Secretary, Joe Barry, Alternate, William Dwyer, Alternate

PANEL: Mark Nickerson, Chairman, Pamela Byrnes, Ed Gada, Marc Salerno, Norm Peck, Bob Bulmer, Alternate

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 11:20 PM after the previously scheduled Public Hearing.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were none.

Regular Meeting

- 1. Application of Theodore A. Harris for Gateway Development/East Lyme LLC to amend the East Lyme Zoning Regulations to add proposed Section 11.A.9 – Gateway Planned Development District Master Development Plan.**

Mr. Nickerson said that they had just closed this public hearing.

- 2. Application of Theodore Harris for a Special Permit and Coastal Area Management Site Plan review to construct a multi-family, multi-story dwelling at property identified in the application as 12B and 10 Black Point Road, Niantic, Connecticut. Property is further identified in the Application as Lots 200 and 201 on East Lyme Assessors Map 11.2. and -**
- 3. Application of Demetrios C. Orphanides for a change of zone for a portion of lots 12B and 10 Black Point Road from RU-40 to a Commercial CB Zoning District for property identified in the application as 12B and 10 Black Point Road, Niantic, Connecticut. Property is further identified in the application as Lots 200 and 201 on East Lyme Assessors Map 11.2.**

Mr. Nickerson said that they had just closed this public hearing and called for discussion as they had heard lengthy testimony at a previous meeting.

Mr. Salerno said that he had to give them credit that they came back with a lot nicer concept but that when converting a residential area to commercial that he would not support the zone change as it would intensify the use.

Mr. Nickerson said that this is different in that it is residential and they are asking that it be converted to commercial use. It is surrounded on three sides by residential and while he supports housing downtown, this is a residential neighborhood and he thinks that it should remain so.

Ms. Byrnes said that she agreed with what has been said.

Mr. Peck said that when Phase I was brought before the Commission that there was opposition to it and the Commission had just put in new regulations and took a gamble on it. While it may have worked, he said that he thinks that expanding this would overdo it. He added that he would not usually be in favor of expanding commercial zones but this is in the back and conducive to that however he would need to see it as a transition type of development and not what has been proposed.

Mr. Bulmer said that he does not think that this is appropriate for this area.

Mr. Nickerson asked if they were ready to make motions on these applications.

****MOTION (1)**

Mr. Salemo moved to deny the application of Application of Theodore Harris for a Special Permit to construct a multi-family, multi-story dwelling at property identified in the application as 12B and 10 Black Point Road, Niantic, Connecticut and to deny the Application of Demetrios C. Orphanides for a change of zone for a portion of lots 12B and 10 Black Point Road from RU-40 to a Commercial CB Zoning District for property identified in the application as 12B and 10 Black Point Road, Niantic, Connecticut. Property is further identified in the application as Lots 200 and 201 on East Lyme Assessors Map 11.2.

Ms. Byrnes seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson said that the reason for denial is that this would intensify the use of the land. This decision would public on May 24, 2007.

4. Application of Theodore A. Harris for a change of zone from an Affordable Housing District to Light Industrial for property identified in the application as 22 Liberty Way, East Lyme Assessor's Map 9.0, Lot 28-1.

Mr. Nickerson called for discussion or a motion on this application.

****MOTION (2)**

Ms. Byrnes moved to approve the Application of Theodore A. Harris for a change of zone from an Affordable Housing District to Light Industrial for property identified in the application as 22 Liberty Way, East Lyme Assessor's Map 9.0, Lot 28-1.

Mr. Salemo seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland said that this would publish on May 24, 2007 and become effective on May 25, 2007.

5. Application of Theodore A. Harris for a site plan modification to the Sea Spray Affordable Housing Development for property identified in the application as 15 Freedom Way.

Mr. Nickerson called for discussion or a motion on this application.

****MOTION (3)**

Ms. Byrnes moved to approve the Application of Theodore A. Harris for a site plan modification to the Sea Spray Affordable Housing Development for property identified in the application as 15 Freedom Way.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland said that this would publish on May 24, 2007 and become effective on May 25, 2007.

- 6. The East Lyme Zoning Commission proposal to amend the Zoning Regulations by adding numerous additional prohibited uses in Section 13.3 of Section 13 'AqP Aquifer and Primary Recharge District and AqS Secondary Recharge District'**

Mr. Nickerson said that they had just continued this public hearing.

- 7. Approval of Minutes – Public Hearing I and Regular Meeting Minutes of May 3, 2007**

This was tabled to the next meeting.

Old Business

- 1. Stormwater**

There was nothing new to report.

- 2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Norm Peck)**

Mr. Nickerson said that they are still working on this and that it is moving along.

- 3. By-Laws Subcommittee (Mark Nickerson & Pamela Byrnes)**

Mr. Nickerson said that the draft of these changes is with the Town Attorney for his review and that he has not heard anything on them and would have to check with the Attorney to see if they would be ready for a future meeting.

- 4. Subcommittee – Adult Uses (Rosanna Carabelas)**

There was no discussion.

- 5. Subcommittee – Government Buildings (Mark Nickerson, Rosanna Carabelas)**

There was no discussion.

New Business

- 1. Any other business on the floor, if any, by the majority vote of the Commission.**

There was none.

- 2. Zoning Official**

There was no discussion.

- 3. Comments from Ex-Officio**

There was no report.

- 4. Comments from Zoning Commission liaison to Planning Commission**

No one was present to comment.

- 5. Comments from Chairman**

Mr. Nickerson did not have any further comments.

- 6. Adjournment**

****MOTION (4)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 11:33 PM.

Ms. Byrnes seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary