

May 21 20 07 at 340 AM PM

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II & III
Thursday, MAY 17th, 2007
MINUTES**

Bob Bulmer

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on the 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, CT and the Application of Demetrios 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, on May 17, 2007 at the Community Center meal site, 37 Society Road, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 10:47 PM after the previously scheduled public hearing.

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

ALSO PRESENT: William Mulholland, Zoning Official
Attorney Theodore Harris, Representing the Applicant
Demetrius Orphanides, Applicant
Rose Ann Hardy, Ex-Officio, Board of Selectmen

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

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

Public Hearing II & III

- 1. 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 -**
- 2. Application of Demetrios 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.**

Chairman Nickerson said that this public hearing had been continued and that Attorney Harris would begin and then they would hear from the public.

Attorney Theodore Harris, place of business, 351 Main Street said that he represents the applicant Demetrius Orphanides and recalled to them that Mr. Peck had asked a question on where the parking was and the zone that it was in. He submitted Exhibit 2A - a revised plan dated 4/18/07 and Exhibit 2B a Plan showing the zones by J. Robert Pfanner dated 10/02/06. He said that the original question was regarding a parking lot in the CB and CA zones. He said that the CA allows for parking as a use in that zone but that they did not have to have that discussion because the area is proposed to change to CB and the strip area is also CB and the parcels are proposed to be combined with the frontage on Rte. 156. What has been accomplished with the combination of the parking fields is beneficial as it has increased the buffers between the parking and the other areas. He also noted that this use has been deemed conducive for this area and he believes that it is a reasonable use of this land and consistent with the POCD.

Mr. Nickerson said that they have heard a lot of public comment at the last public hearing on this and called for anyone from the public wishing to speak on this application –

Beth Manwaring, 8 Black Point Road said that Attorney Harris could have as many buffers as he wants but it is still her yard and her kids and no matter what they say, cars will be cutting through there. No matter what, this is crazy.

Sheila Walsh, 11 Champlin Hill Court said that she bears the brunt of this in her back yard. This is her retirement home and the value of it has decreased. She said that she hears car doors slamming and music blasting in the summer and that she hates to see the extension of any apartments. She asked that they think of if they would like it in their back yard and asked that they let their conscience be their guide.

Thomas Blundon, 8 Champlin Hill Court said that page 2 of the zoning regulations states the purpose of zoning is to stabilize and conserve the value of land, homes and other buildings. Traffic is a concern here and developers come and change the rules to get what they want. They are changing the rules here by changing the zone and the current neighbors do not think that it fits here. He said that he had a letter from Margaret Parrette of 12 Champlin Hill Court who wanted to reaffirm that they are against this complex behind their house and that they object to this type of development. He submitted the letter to the Chair.

Nancy Hutchins, 32 Black Point Road said that once the zone is changed what prevents the developer from putting something else there at a later date.

Mr. Nickerson said that once it is CB, then what falls under CB could go there.

Ms. Hutchins said that the zone change would have an impact on the homes that rim the three sides of that area.

Paul Kramm, 9 Columbus Ave. questioned if the original first phase had said that they were to install a Nantucket fence.

Mr. Mulholland said that it was a Nantucket type of building but not style of fence.

Mr. Kramm said that he would like to make sure that if this passes that there are enough plantings there.

Mr. Nickerson asked if the Commission had any questions.

Hearing none he asked Attorney Harris if he had any closing comments.

Attorney Harris said that they have just heard the concerns and that they believe that they are providing the very large buffers and landscaping that will ameliorate those concerns.

Mr. Nickerson called for a motion to close this Public Hearing.

****MOTION (1)**

Mr. Salemo moved that this Public Hearing be closed.

Ms. Byrnes seconded the motion.

Ms. Byrnes noted that she had gone by the existing apartments and that she had looked at the electrical box and that she had misspoken as the trees around it are not half dead. She said that she wanted to correct this for the record.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 11:08 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary