

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, OCTOBER 6th, 2005  
MINUTES**

**PRESENT:** Mark Nickerson, Chairman, Pamela Byrnes, Acting Secretary, Norm Peck, Ed Gada, Marc Salerno, ~~Alternate~~ William Dwyer, Alternate

**ALSO PRESENT:** William Mulholland, Zoning Official  
Rosanna Carabelas

**ABSENT:** Shawn McLaughlin, William Henderson, Alternate

FILED IN EAST LYME TOWN  
CLERK'S OFFICE  
OCT 11 20 05 at 3:45 AM  
PM  
*Esther B Williams*  
EAST LYME TOWN CLERK

**1. Call to Order**

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 11:48 PM immediately following the five previously scheduled Public Hearings.

**Public Delegations**

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

Bob Gadbois, 358 Boston Post Road, East Lyme said that he has been in front of this Board for a year now talking about the riprap across from the Stop & Shop asking that something be done about it as it looks terrible. He has also been to Planning about it and they agree that it is awful but nothing has been done about it. A letter was supposed to be written to the State about it and still nothing has been done about it. He thinks that it is a disgrace to the Town and that there is no excuse for it even if it is the States' problem to fix it. If they go to Waterford where the State is working on the bridge, the slope there is the same as the slope here and they have planted grass on the slopes in Waterford. They can do the same here and fix this problem.

**2. Approval of Minutes – Public Hearing I, II & III and Regular Meeting Minutes of September 1, 2005 and Public Hearing I, II, & III and Regular Meeting Minutes of September 15, 2005.**

Mr. Nickerson asked that they table approval of these minutes to their next meeting due to the lateness of the hour and the business that they had to cover.

**3. Application of Gersham, Brown & Associates for a Coastal Area Site Plan Review 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.**

Mr. Salerno stepped down, as he had not been present for this evening's public hearing testimony on this application.

Mr. Peck recused himself and sat in the audience. This left a quorum of four members.

Mr. Nickerson said that they had closed the public hearing on this application earlier and called for any discussion.

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

Ms. Byrnes moved to **APPROVE** the Application of Gersham, Brown & Associates for a Coastal Area Site Plan Review to construct a free standing retail building on property located at 55-58 Pennsylvania Avenue, Niantic, Connecticut because the applicant has taken all reasonable measures

to mitigate any coastal impacts. The property is further identified as East Lyme Assessor's Map 12.1, Lot 13.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Vote in Favor: Ms. Byrnes, Mr. Dwyer, Mr. Gada, Mr. Nickerson

(Note: Mr. Peck and Mr. Salerno returned to the table.)

4. **Affordable Housing Application of Landmark Development Group, LLC for (a) amendment of Section 32 of the East Lyme Zoning Regulations ("Affordable Housing District") and (b) rezoning the property identified in the Application as land of Jarvis of Cheshire, LLC and Sargent's Head Realty Corporation, identified on East Lyme Tax Assessor's Map 27, Lot 14; Map 31, Lot 4; Map 31.2, Lots 3 & 8; Map 32.1, Lots 2 & 36; Map 32, Lot 1, from its existing Zoning Designation to an Affordable Housing District Designation.**

Mr. Nickerson said that they had just closed this Public Hearing and would make their decision at a future meeting due to the lateness of the hour.

5. **Application of Theodore A. Harris, agent for Real Estate Service, for approval of a Zone Change and site plan for an Affordable Housing Development to be known as Sea Spray Condominiums. The properties are further identified in the Application as 15 Freedom Way (Lot 28, East Lyme Assessor's Map 9.0) and 22 Liberty Way (Lot 28-1, East Lyme Assessor's Map 9.0).**

Mr. Nickerson noted that they had just continued this Public Hearing to the October 20, 2005 meeting of the Commission.

6. **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.**

Mr. Nickerson noted that they had just continued this Public Hearing to the October 20, 2005 meeting of the Commission.

7. **Application of George P. Mitchell for a Special Permit to construct a multi-family/multi-story dwelling and Coastal Area Management Site Plan Review at property identified in the Application as 308 Main Street, Niantic, CT. The property is further identified in the Application as East Lyme Assessor's Map 12.1, Lot 120.**

Mr. Nickerson noted that they had just opened and continued this Public Hearing to the October 20, 2005 meeting of the Commission.

#### Old Business

1. **Stormwater**

This is a work in progress.

2. **Aquifer Protection**

This is a work in progress.

3. **Subcommittee – Niantic Village – CB Zones (Mark Nickerson & Marc Salerno)**

This is being worked on as time permits.

**New Business**

**1. Application of Joseph E. Arborio for a Coastal Area Management Site Plan Review to repair an existing sea wall and wooden stairs at property located at 243 Giants Neck Road, Niantic, Connecticut. The property is further identified in the Application as East Lyme Assessor's Map 4.10, Lot 3.**

Mr. Nickerson asked Mr. Mulholland to schedule this for Public Hearing.

**2. Any other business on the floor, if any, by the majority vote of the Commission.**  
There was none.

**3. Zoning Official**

Mr. Mulholland noted that they continue with a heavy schedule.

**4. Comments from Ex-Officio**

Ms. Hardy was not present and there was no report.

**5. Comments from Zoning Board liaison to Planning Commission**

There was no one present and no report.

**6. Comments from Chairman**

Mr. Nickerson thanked everyone for their diligence this evening.

**7. Adjournment**

**\*\*MOTION (2)**

Ms. Byrnes moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 11:58 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary (Pro-Tem)