

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, APRIL 17th, 2008
MINUTES**

Apr 21 20 08 at 340 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on April 17, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Marc Salerno, Acting Secretary,
Ed Gada, Norm Peck

ALSO PRESENT: Bill Mulholland, Zoning Official

ABSENT: Rosanna Carabelas, Secretary, Steve Carpenteri, Gregory Massad,
Alternate, William Dwyer, Alternate, Bob Bulmer, Alternate

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 7:35 PM. He excused Mr. Dwyer, Alternate who stated that he was ill but had come in case they needed him to make a quorum.

Pledge of Allegiance

The Pledge was observed.

Mr. Nickerson called for a moment of silence in observance of all of our military personnel.

Public Delegations

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

Karl Frey, said that he just wanted to let them know that this is the first time that he has been before them since the Darrow Pond project came unglued for him and that he wanted to explain that he always had a capital partner and that his capital partner chose to take the project back. So, he carried it as long as he could by himself and then could no longer carry it so now someone else has it. He said that it is a wonderful project and that it hurts him that he is no longer associated with it; however, it will some day be built to the high standards that this Zoning Commission approved and according to the pattern book that they also approved. He said that he still thinks that it is one of the best approvals in the State of Connecticut. His former capital partner is not a developer so this project will be sold and developed according to the approved plans.

Mr. Mulholland thanked Mr. Frey for the invaluable pattern book which he said that he uses all of the time.

Mr. Nickerson also thanked Mr. Frey for explaining to them what had happened and for the pattern book.

Regular Meeting

1. Request of Attorney Theodore A. Harris to review the 38 Hope Street façade.

Attorney Theodore Harris presented the two types of façade designs to the Commission and asked that they decide what they would like to see there.

Karl Frey explained that they had laid out the façade of the front building for retail at the bottom at street level and entertained the possibility of it being a mixed use however, that hardly ever happens that the retail element would become filled and remain filled – so he asked them if they wanted it to remain looking like all storefronts that are vacant as parking is what will be going behind them. He said that they have discussed

this with Mr. Mulholland and that he has suggested that it be presented to the Commission with the options. He brought samples of frosted glass that appears opaque and said that if it is all glass that it will look like a storefront that is for lease and always empty.

Mr. Gada asked about the I-Beam construction at the bottom of the front building and asked if there is concrete there for parking.

Mr. Frey said yes, there is concrete there for parking and that the other buildings are town home style and they will have garages. For the front building he said that they will not see the cars as they will have the glass or a combination of aluminum shutters that are in the Plantation style and the glass. He said that the intent was to always have the lower area in the front be for parking. He said that they can do some louvers on some of the storefronts and some glass or a combination of glass and louvers.

Mr. Peck asked what was approved.

Attorney Harris noted that the original exhibit was posted on the side wall and pointed it out. The plans that had been approved were also laid out for the Commissioners to look over.

Mr. Nickerson asked if the glass would be such that you could not see through it.

Mr. Frey said that was correct – you would not be able to see through it.

Mr. Nickerson asked if that would then make it look like all fake and empty storefronts.

Mr. Mulholland said that in thinking about this that they should think in terms of the storefront being some 9' tall and some 3 to 4 feet wide and that they have to decide if they want glass or louvers (pre-baked finish off-white plantation type aluminum) or a combination of both. He said that there would be a whole different look if they were to have only the louvers.

Mr. Nickerson said that he does not think that they are looking for all louvers as that would make it look like something that you would see on backstreet Boston and not here.

Mr. Mulholland suggested that they could mix and match the louvers and glass for a nice effect.

Mr. Frey and Mr. Mulholland then pointed out the architect's renderings and the combination of louvers and glass and what they would look like.

Mr. Nickerson said that he would agree that at some point the fake storefronts would become 'old' and that he is comfortable with the architect's design and the mix and match of louvers and glass.

Mr. Frey said that he wanted to compliment Mr. Mulholland for being an asset to the Town and them in working together on this project.

Mr. Peck said that he would be in favor of this as long as the landscape plan is as presented with all the trees. He added that he likes the lower trees for coverage.

Mr. Mulholland noted that the landscape plan has already been approved and that he would go over it to make sure that it is correct.

Mr. Nickerson said that the louvers and glass does not appear to upset the project or cheapen it in any way.

****MOTION (1)**

Mr. Peck moved to approve the combination of glass and louvers as shown on Exhibit A and Exhibit B for the façade of the 38 Hope Street project; subject to adjusting the streetscape/trees on the landscape plan as necessary.

Mr. Salerno seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. Nickerson said to Mr. Frey that it was great to see him again.

2. Open Space Presentation – Art Carlson

Mr. Nickerson said that they would have an open space presentation from Art Carlson.

Art Carlson said that a year and a half ago in September that he was commissioned to look at the open space and that a subcommittee was set up for that purpose. They compiled information and the subcommittee has since been disbanded and from that time he and Meg Parulis have put the details on it and he has been to the various Boards and Commissions presenting it. It will go to the public in the form of presentations and then to a Public Hearing and the idea would be to adopt this now rather than to wait for the rest of the POCD to be updated.

The idea here was to see what they have – so they plotted those areas of 10 acres or more and it turns out that they comprise some 60% of the Town. Their definition of open space is a practical one – land that people can walk on whenever they want – and hence there is a difference between perceived open space and open space that you can really walk on and use and that does not include institutional. Actual open space would include areas such as Rocky Neck and Nehantic Forest. They next asked the function of open space and how it would differ from perhaps – the library?

They found that the most important characteristics that open space can provide includes:

- ◆ Protection for drinking water supply – providing the best filtration and that when you do something to the open space that it changes this ability
- ◆ Provides water access for kayaking, canoeing, fishing etc.
- ◆ Comprised of agricultural lands – you can grow profitable crops on 10 acres and there are prime farmlands in this area and historical farms that have been operating as farms
- ◆ Forest park and greenway areas
- ◆ Ball parks
- ◆ Unique geological features
- ◆ Cultural and historical buildings such as the Thomas Lee House
- ◆ Bio-diversity areas as defined by the State
- ◆ They would prefer to own 100 acres together rather than 10 parcels of 10 acres each

Mr. Carlson said that they then looked at aquifer protection as we have a water supply system that pushes out around 2M gallons per day of water; and they looked at I-95 with the accidents and spillage from the accidents and the need to protect the aquifers. He said that when he first worked with Ms. Parulis on this that they had circles around certain areas which are the aquifer protection areas and that those areas have since been expanded to the larger area as any drop of water runs eventually towards the Sound and; the natural character of the area is that it grabs and purifies the water. He explained all of the aquifer areas noting that one relates to Waterford, Montville and Salem and that they would have to speak with them about it. He cited the continued concern over the I-95 problem with the accidents and spillage that could run into the aquifer area.

Regarding the water issue he said that the Niantic River Basin Study asked how does impermeable surface areas affect the quality of the water and the answer was that it would degrade it and would cause the water to run off faster. If there is more than 10% impermeable surface area there is a difference in the quality of the water. He noted that the things that they saw for the most part were non-scientific. And – if they want the space that he had been showing them that sits over the aquifers as open space then they would have to buy it or have it gifted to the Town. The Girl Scout Camp and White Gate Farm are around 200 acres and all function properly today as agricultural, etc and the idea is to have them stay as they are and either they go to the Town when people pass on or the Town obtains the right of first refusal to buy the property. He cited Hathaway's farm are prime property as it is directly on the aquifer and has a sand and gravel pit and they can put foot paths there. If this came on the market and they could buy it then there is a forest block under their control and they can go and do this anywhere in the Town. He suggested that it would take 20 years to do this. He said that they also looked at developing a footpath system in Town as at their most fundamental level a footpath provides physical and mental health benefits. He noted that he also has never known a piece of open space that was resented by the next generation and that this can be proven by asking if anyone would like to sell back McCook's Point.

He presented a map board of the open space vision that they came up with from this study and noted that where all of the yellow areas area that they would turn to green as open space. There would be 50 miles of footpaths and the open space would go from 17% to 29%. He also showed the pointage system that they had classified the properties by that they had indicated that they would ideally want the Town to acquire.

In providing physical and mental good will he said that open space is on par with the Library and Fire and Police. He said that there is money available for this if they use the right criteria and do a good job. If they do not do anything then the potential build-out for this property is about 3500 houses and he would make no judgment on that.

He lastly noted what a good staff that they have in the Town departments although he has been most intimate with Planning and has some really nice maps that can be shared and that Water & Sewer has taken an interest in and been looking at. He said that during his traveling presentation that one person asked how this affects the landowners who are mentioned as having property that they would want to acquire. He said that they are not affected at all.

Mr. Gada said that he had indicated that there is some money available for this and asked where from. Mr. Carlson said that Guilford just got \$500,000 on a \$1.5M purchase and that the money comes from Federal and State grants.

Mr. Salemo said that the vision is ideal and asked if he was suggesting that they take over Scott's Farm. Mr. Carlson said no; he is just suggesting that if it comes available that they get involved at that time. He also suggested that the Sportsman's Club of some 250 acres would be of interest as those types of things have a habit of going out of business. He said that they could also offer to reduce taxes on some property in return for a conservation easement which is a win-win situation.

Mr. Nickerson said that he had said that the open space committee has been disbanded and asked who is doing this now.

Mr. Carlson said that he and Meg Parulis are doing this.

Mr. Nickerson asked what it is that they are trying to rush out to the public; and how did it go at the Board of Selectmen last night; and – is the rush in case there is a piece of land out there and they want the money for it.

Mr. Carlson said, well - yes.

Mr. Nickerson asked if he was aware that there is an aquifer protection commission and that the Zoning Commission is charged with the aquifer protection.

Mr. Carlson said yes – and added that they have already gone beyond that aspect.

Mr. Nickerson and Mr. Mulholland said that they have stringent aquifer protection guidelines in this Town and that they are the guardians of the aquifer protection system for the Town and that the Town has always been ahead of others in aquifer protection.

Mr. Carlson said that he was aware of that and agreed that they do a good job.

Mr. Nickerson said – that being said – there is 3% industrial/commercial land in this Town and while he is not here to increase that, this Town is in a money crunch now and will be even more so. He asked what is going to happen and what is his argument going to be when he and Ms. Parulis ask for \$10M to buy open space.

Mr. Carlson said that he did not consider that but the Town almost spent \$14M on a Public Safety building and the Town has a \$60M budget and that this is a rational way to keep the land as it is and from a money view it is affordable based on the \$60M budget; plus there is some Federal and State money available possibly amounting to one-third of a purchase. He said that he does not deny that it costs dollars, everything does. He said that they need 51% of the vote block for this and that he is comfortable with what they came up with. He also noted that if property was given to the Town then it would come off the tax rolls and that he figured that for one property that it would cost each taxpayer another 18cents each to cover it.

Mr. Peck asked what would be voted on by the people.

Mr. Carlson said that this would undoubtedly be an addendum to the POCD along with the stormwater standards.

Mr. Peck said that he thinks that it is a good tool and that it should be a part of the plan with an explanation. He suggested also the Master Plan Development could be a tool with this and that it might be something that would be better than re-zoning.

Mr. Mulholland said that they have been using form-based zoning and considering sensitive areas for some time now.

Mr. Gada asked what the general opinion was of the Board of Selectmen.

Mr. Carlson said that no one disagreed with this. He added that two of the Commissions that he presented to also applauded after the presentation and that there were very few questions.

Mr. Nickerson asked who would be running this – Planning?

Mr. Carlson said that would be taken up farther down the road and that he did not know.

The Commission thanked Mr. Carlson for his presentation.

3. Zoning Fees

Mr. Mulholland presented the proposed new schedule of fees with the various changes as indicated by the Commissioners at a previous meeting.

****MOTION (2)**

Mr. Salerno moved to approve the new Schedule of Fees for the Zoning Commission as presented.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

4. Approval of Minutes – Public Hearing I, Public Hearing II and Regular Meeting Minutes of April 3, 2008 and Special Meeting Minutes of April 10, 2008.

Mr. Nickerson called for discussion on, or corrections to the Public Hearing I and II and Regular Meeting Minutes of April 3, 2008.

Mr. Gada asked that the headers, first lines and page tag lines of Public Hearing I, Public Hearing II and the Regular Meeting of April 3, 2008 be corrected from April 4, 2008 to read the proper meeting date of April 3, 2008 in all instances where it appears.

****MOTION (3)**

Mr. Salerno moved to approve the Public Hearing I, Public Hearing II and Regular Meeting Minutes of April 3, 2008 as amended.

Mr. Gada seconded the motion.

Vote: 3 – 0 – 1. Motion passed.

Abstained: Mr. Nickerson

Mr. Nickerson called for discussion on, or corrections to the Special Meeting Minutes of April 10, 2008.

****MOTION (4)**

Mr. Salerno moved to approve the Special Meeting Minutes of April 10, 2008 as presented.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Old Business

1. Stormwater

There was nothing new to report.

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

Mr. Salerno said that they are working on this.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

Mr. Mulholland said that this is with the Attorney who is working on the language.

4. Transitional Zones Subcommittee – (Marc Salerno & Norm Peck)

Mr. Salerno reported that he and Mr. Peck would be setting up a meeting with Mr. Mulholland to go over what they have and to work on this.

New Business

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

There was none.

2. Zoning Official

Mr. Mulholland reported that the Irish Pub expects to be open in twelve weeks and that there is a new owner of the former Wild Bill's Pizza on the corner of Hope Street and that they plan to open as a pizza place with a regular menu restaurant.

3. Comments from Ex-Officio

There was no one present and no report.

4. Comments from Zoning Commission liaison to Planning Commission

There was no report.

5. Comments from Chairman

Mr. Nickerson said that she did not have anything further to report.

6. Adjournment

****MOTION (5)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:15 PM.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

PROPOSED ZONING CHANGES
DRAFT #3 04/17/2008

PAGE 144 TOWN OF EAST LYME CHARTER

ORDINANCE ESTABLISHING SCHEDULE OF FEES
 FOR CONSERVATION, PLANNING AND ZONING COMMISSIONS

3. Zoning Commission

*Legal
cost \$250. -*

	Existing	Proposed	
3.1 Zone Change (includes map change)	\$400.00	no change	✓
3.2 Zoning Regulation Change	\$200.00	\$300.00	
3.3 Special Permit <i>NOT commercial</i>	\$150.00	no change	✓
3.3.1 Special Permit (Renewal) Patio Permit		\$20.00	✓
3.4 Special Permit (multi-family, commercial, industrial, top soil, sand & gravel)	\$300.00	\$500.00	✓
plus storm water review fee and site plan review fee			
3.5 Commercial Site Plan	\$200.00	\$300.00	✓
3.6 Storm Water Review	\$200.00	\$300.00	✓
3.7 Coastal Area Management Site Plan (new single family dwellings and additions)	\$200.00	no change	✗
3.8 Coastal Area Management Site Plan (Commercial, Industrial, Multi-family)	\$300.00	no change	✗
3.9 Zoning Permit (New Single Family, including individual units of Multi-family)	\$100.00	\$300.00	✓
3.9.1 Multi-family dwellings each unit	\$100.00	\$300.00	✓
3.10 Zoning Permit (Single Family Alterations)	\$50.00	\$75.00	✓
3.10.1 Single family dwelling additions			
Under 1000 sq feet	\$50.00	\$100.00	✓
Over 1000 sq feet	\$50.00	\$200.00	→ <i>ms</i>
3.11 Zoning Permit (Pools) inground/above ground	\$25.00	\$50.00	
3.11.1 Zoning Permit (Accessory Structures)	\$25.00	change to:	
3.11.1 Zoning Permit Accessory Structure under 150 sq feet	\$25.00	\$20.00	<i>ms</i>
3.11.2 Zoning Permit Accessory Structure over 150 sq feet		\$50.00	
3.12 Zoning Permit New Commercial/Industrial/Institutional Buildings up to 25,000 sq feet Plus Site Plan Review and Storm Water Review	\$200.00	\$500.00	✓

Attachment - Zoning 4/17/08

*Approved
to go to BOS
[Signature]*