

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, DECEMBER 6th, 2007  
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on December 6, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Marc Salerno, Norm Peck, Steve Carpenteri, John Birmingham,  
Alternate

**ALSO PRESENT:** Robert Bulmer, Alternate  
William Dwyer, Alternate  
William Mulholland, Zoning Official

**ABSENT:** Ed Gada

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Dec 10 20 07 at 3:45 <sup>AM</sup> <sub>PM</sub>

*Wm B. Mulholland*

EAST LYME TOWN CLERK

**1. Call to Order**

Present Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 7:34 PM.

**The Pledge was observed.**

Mr. Nickerson welcomed the new members; Mr. Birmingham and Mr. Carpenteri to the Commission. He then seated Mr. Birmingham, Alternate at the table and explained that they would seat alternates in alphabetical order as they have done in the past. He also noted that alternates cannot vote for the officers of the Commission.

**Public Delegations**

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

Paul Formica, First Selectman said that he has come to congratulate the new members and to let everyone know that he stands ready to work with everyone and to help them as necessary. He said that he wanted everyone to know that his door is open and that he is going around so that everyone will know who he is.

Mr. Nickerson asked Mr. Formica if he would Chair the meeting for the Election of Officers.

**Regular Meeting**

**1. Election of Commission Officers for 2008**

Mr. Formica called for nominations for Chairman of the Zoning Commission.

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

**Mr. Salerno moved to nominate Mark Nickerson for the position of Chairman of the Zoning Commission for 2008.**

**Mr. Peck seconded the motion.**

Mr. Formica called for discussion or other nominations for the position of Chairman.

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

**Ms. Carabelas moved to nominate herself for the position of Chairman of the Zoning Commission for 2008.**

**Mr. Carpenteri seconded the motion.**

Mr. Formica called for discussion or any other nominations for the position of Chairman.  
Hearing none –

Mr. Formica closed nominations. He noted that Mr. Birmingham, Alternate was not eligible to vote. He then called for a vote on **MOTION (1)** the nomination of Mr. Nickerson for Chairman –

**Vote: 3 – 2 – 0. Motion passed.**

**For Mr. Nickerson for Chairman: Mr. Nickerson, Mr. Salerno, Mr. Peck**

**Against Mr. Nickerson for Chairman: Ms. Carabelas, Mr. Carpenteri**

**MOTION (2) died on the floor.**

Mr. Formica congratulated Mr. Nickerson and turned over the running of the meeting to him.

Newly elected Chairman Nickerson called for nominations for the position of Secretary of the Zoning Commission for 2008.

**\*\*MOTION (3)**

**Mr. Peck moved to nominate Ms. Carabelas for the position of Secretary of the Zoning Commission for 2008.**

**Mr. Carpenteri seconded the motion.**

Mr. Nickerson called for discussion or other nominations for the position of Secretary.

**\*\*MOTION (4)**

**Mr. Nickerson moved to nominate Mr. Salerno for the position of Secretary of the Zoning Commission for 2008.**

**Mr. Salerno seconded the motion.**

Mr. Nickerson called for discussion or any other nominations for the position of Secretary.

Hearing none –

Mr. Nickerson closed nominations. He noted that Mr. Birmingham, Alternate was not eligible to vote. He then called for a vote on **MOTION (3)** the nomination of Ms. Carabelas for Secretary –

**Vote: 3 – 2 – 0. Motion passed.**

**For Ms. Carabelas for Secretary: Ms. Carabelas, Mr. Carpenteri, Mr. Peck**

**Against Ms. Carabelas for Secretary: Mr. Nickerson, Mr. Salerno**

**MOTION (4) died on the floor.**

Mr. Nickerson congratulated Ms. Carabelas.

**2. Request of Gerwick-Mereen LLC for a waiver of Section 24.6-C "Sidewalks" for a property identified in the Application as 279 Boston Post Road, East Lyme, CT**

Mr. Nickerson said that this has been postponed until their January 2008 meeting.

**3. Approval of Minutes – Regular Meeting of November 15, 2007**

Mr. Nickerson called for discussion on, or corrections to the Regular Meeting Minutes of November 15, 2007.

**\*\*MOTION (5)**

**Mr. Peck moved to approve the Regular Meeting Minutes of November 15, 2007 of the Commission as presented.**

**Ms. Carabelas seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Carpenteri**

**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 working on this.

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

Mr. Nickerson noted that one of the items that they questioned at the last meeting was with respect to the Commissioners speaking at other land use meetings and that he had said that he would speak with Attorney O'Connell for clarification on that item. Attorney O'Connell said that the Commission Bylaws were meant to guide a Commission or Subcommittee and not to tell them what to do outside as if they wish to speak at other meetings – that is covered under the General Statutes. The Attorney suggested that they could strike that paragraph if it would help to clear up the confusion. They would strike on page 2 – under Article II Section III – paragraph Item No. 3 entirely and re-number accordingly. He said that he would do this and that that it could then be re-filed. He asked that they make a motion to approve the Bylaws with the changes so that this can be moved forward.

**\*\*MOTION (6)**

Mr. Peck moved to approve the Bylaws with the exception that Paragraph 3 of Article II, Section III will be deleted and the section re-numbered.

Ms. Carabelas seconded the motion.

Mr. Dwyer presented a correction to Mr. Nickerson.

Mr. Nickerson said that they should also fix a typographical error in Article III, Section II, paragraph one, in the third line down – change even to event.

Mr. Peck asked if they should wait on this until the next meeting so that the new members have the time to read the bylaws and see if they want to make any comments.

Mr. Carpenteri said that he felt comfortable with what they were doing.

Ms. Carabelas said that she would rather that they wait until the next meeting so that the new members could review the bylaws and comment. She said that she is **rescinding her second of MOTION (6)**.

Mr. Peck **rescinded** his **MOTION (6)** to approve the Bylaws.

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

Ms. Carabelas said that Mr. Mulholland has passed out information to be reviewed by the Commissioners. She said that there are two ways to look at this – Town Ordinance and a Zoning Regulation and that she has found that most often Adult Uses are regulated in that way. She noted that the information that has been provided has come from an internet search of several Connecticut communities that have extensive ordinances in place that require a licensing procedure. She said that they would be seeking input from the Town Attorney on this as soon as tomorrow as he will be at Town Hall for discussion on other issues.

Mr. Mulholland said that he would meet with the Town Attorney on this and get back to them at their next meeting of the Commission.

**New Business**

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

**2. Application for a Special Permit for Richard McFadden, d/b/a the Eclectic Chef, 281 Main Street for a fast food restaurant.**

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

**3. Application for a Special Permit for Gregory Terracciano d/b/a/ Flanders Bake House, 323-327 Flanders Road, East Lyme for a drive thru for an existing bakery pursuant to Section 8.12,20.28 and 25.5.**

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

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

There was none.

**5. Zoning Official**

Mr. Mulholland reminded the Commission that they also have the Government Uses Public Hearing scheduled for the first meeting in January 2008. He reported that they have some housing applications coming in and that they may have noticed that paving is being done at the Starbucks. The Irish Pub is also moving along. He said that he sent out 10 neon sign notices of violation and that the Town Attorney has also sent some.

Ms. Carabelas asked for an update on the Ford dealership and the parking of vehicles.

Mr. Mulholland said that he spoke with their Attorney today and that he was informed that this will be taken care of.

Mr. Mulholland also noted that Landmark did appeal the most recent application.

**6. Comments from Ex-Officio**

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

**7. Comments from Zoning Commission liaison to Planning Commission**

No one was present to comment.

**8. Comments from Chairman**

Mr. Nickerson said that through Mr. Peck, Ms. Picarazzi of the Planning Commission has approached them to work together on some items. He suggested that Mr. Peck continue as the liaison and bring to them discussion items. He also noted that he received a call from a Research Group for the POCD update and that some of the questions that they were asking were for things that are already being done. He said that he thought that the questions could have been better coordinated with the other Boards and Commissions so that the information that is being collected would be of greater value to the process of the POCD update.

Mr. Nickerson also asked Mr. Dwyer, Alternate if he would be so kind as to keep track of the alternates as they are seated so that they can stay in order.

Mr. Dwyer said that he would be happy to.

Mr. Nickerson said that he wishes everyone good health and well for the holidays and congratulated Mr. Salerno on the new addition of a baby girl to his family.

Mr. Salerno proposed that they put together a subcommittee to look at some of the work that was done in recent years regarding neighborhood zones and CA zones and to look at Light Industrial. He invited Mr. Peck to be on this subcommittee with him.

Mr. Nickerson said that could be done.

**9. Adjournment**

**\*\*MOTION (7)**

**Ms. Carabelas moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:25 PM.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary