

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, FEBRUARY 21st, 2008
MINUTES**

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Feb 25 20 08 at 3:50 AM
PM
Esther B Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on February 21, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Marc Salerno, Acting Secretary,
Ed Gada, Norm Peck, Bob Bulmer, Alternate, William Dwyer,
Alternate

ALSO PRESENT: John Birmingham, Alternate

ABSENT: Rosanna Carabelas, Secretary, Steve Carpenteri

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 8:55 PM after the three previously scheduled Public Hearings. The Pledge had been previously observed.

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. This proposal serves as an alternative to the existing Zoning regulatory guidelines in the Gateway Zoning District and would establish Zoning requirements for development under a set of 'Master Development Plan' regulations. The proposal provides the specific criteria for mixed-use development (retail & residential), building sizes, eligibility, submission requirements, approval criteria, implementation phasing and public improvements.

Mr. Nickerson said that they had previously continued this Public Hearing to the March 6, 2008 meeting of the Commission.

2. Application of Harry and Trifonas Loginidis d/b/a Family Pizza for a renewal of a Special Permit for Outdoor Dining at 233 Main Street, Niantic, CT.

Mr. Nickerson called for a motion for discussion.

****MOTION (1)**

Mr. Salerno moved to approve the Application of Harry and Trifonas Loginidis d/b/a Family Pizza for a renewal of a Special Permit for Outdoor Dining at 233 Main Street, Niantic, CT.

Mr. Bulmer seconded the motion.

Mr. Nickerson said that Family Pizza is doing a great business and is a great example to the Town and that he hopes that they continue being a success.

Mr. Nickerson called for a vote on the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson said that this decision would publish on 2/28/08 and become effective on 2/29/08.

3. Application of Kristin Burrows on behalf of Broadway Kids & Company, LLC for a Special Permit under Section 11.2.2 of the East Lyme Zoning Regulations, private training facilities, trade and technical schools and facilities of higher learning, at 5 Freedom Way, Unit D1 – D4, Niantic, CT.

Mr. Peck recused himself for this application and Mr. Birmingham was seated at the table to replace him.

Mr. Nickerson called for a motion on this application.

****MOTION (2)**

Mr. Salerno moved to approve the Application of Kristin Burrows on behalf of Broadway Kids & Company, LLC for a Special Permit under Section 11.2.2 of the East Lyme Zoning Regulations, private training facilities, trade and technical schools and facilities of higher learning, at 5 Freedom Way, Unit D1 – D4, Niantic, CT.

Mr. Bulmer seconded the motion.

Mr. Salerno said that they have determined that this is a suitable use and that there is suitable parking for this business at this site.

Mr. Bulmer said that they have met his concerns regarding child safety issues.

Mr. Nickerson called for a vote on the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson said that this decision would publish on 2/28/08 and become effective on 2/29/08.

Mr. Peck was seated at the table and Mr. Birmingham returned to the audience.

4. Proposal of the East Lyme Zoning Commission to amend Section 25.5 of the Zoning Regulations. Section 25.5 Table of Minimum Controls for Specific Special Permit provides regulatory controls for special permit uses. The Zoning Commission is proposing a modification to the language that specifies criteria for mixed uses in CA and CB Commercial Zones. The Commission is proposing to eliminate the restriction (#3) which limits residential uses over office, and retails uses only.

Mr. Nickerson called for a motion.

****MOTION (3)**

Mr. Salerno moved to approve the Proposal of the East Lyme Zoning Commission to amend Section 25.5 of the Zoning Regulations. Section 25.5 Table of Minimum Controls for Specific Special Permit provides regulatory controls for special permit uses. The Zoning Commission is proposing a modification to the language that specifies criteria for mixed uses in CA and CB Commercial Zones. The Commission is proposing to eliminate the restriction (#3) which limits residential uses over office, and retails uses only.

Mr. Bulmer seconded the motion.

Mr. Dwyer noted for clarity, that what they are doing here is eliminating #3 in Section 25.5 – the Table of Minimum Controls.

Mr. Nickerson called for a vote on the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson said that this decision would publish on 2/28/08 and become effective on 2/29/08.

5. Zoning Fees

Mr. Nickerson said that they would table this for now as Mr. Mulholland is working on some changes to this and is not available this evening to present them to the Commission.

Mr. Gada suggested that at the time of reviewing these fees that they could also change the Special Permit process for outdoor dining to allow for someone to fill out an application and to see Mr. Mulholland for a review of the business and/or any other issues and have them pay if everything is okay rather than having them come for a Public Hearing.

6. Approval of Minutes – Public Hearing I, Public Hearing II, Public Hearing III and Regular Meeting Minutes of February 7, 2008

Mr. Salerno asked that they table these as he had just received them and did not have the opportunity to review them.

Mr. Nickerson said that they would table these until the next meeting of the Commission.

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. Subcommittee – Adult Uses (Rosanna Carabelas)

Ms. Carabelas was not present to provide an additional report.

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

There was no report.

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 was not present and there was no report.

3. Comments from Ex-Officio

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

4. Comments from Zoning Commission liaison to Planning Commission

There were no comments.

5. Comments from Chairman

Mr. Nickerson thanked everyone again for all of the hard work regarding the Landmark case in which the courts had recently ruled in the Town's favor.

6. Adjournment

****MOTION (4)**

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

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary