

Feb 25 20 08 at 3:50 AM PM

**EAST LYME ZONING COMMISSION
PUBLIC HEARING IV
Thursday, FEBRUARY 21st, 2008
MINUTES**

Ed B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on its own proposal 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 retail uses only; held on Thursday, February 21, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 8:40 PM after the previously scheduled Public Hearings.

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

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

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing IV

1. Application of the East Lyme Zoning Commission on its own proposal 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 which limits residential uses over office, and retail uses only.

Mr. Nickerson noted that the Legal Ad had run in The Day on February 8, 2008 and February 18, 2008. He asked Mr. Salerno, Acting Secretary to read the correspondence into the record.

Mr. Salerno, Acting Secretary read the following correspondence into the record:

- ◆ Letter dated 2/6/08 to East Lyme Zoning Commission C/o William Mulholland from Marcia Balint, OSPIP - Re: Zone Change Referral to amend the EL Zoning Regulations to delete #3 in Section 25.5 – finding that the proposed amendments are consistent with the goals and policies of the Connecticut Coastal Management Act.
- ◆ Letter dated 2/8/08 to Rosanna Carabelas Secretary, EL Zoning Commission from Robert Baron, Chairman SECCOG Regional Planning – Re: Proposed amendment to Section 25.5 – finding that the proposed amendment would have no potential adverse inter-municipal impact.
- ◆ Letter dated 1/3/08 to CL Zoning Commission from William Mulholland, Zoning Official – Re: Mixed Use Development CA and CB zones – finding that a suggestion for the subcommittee would be to modify the

controls governing mixed uses in Section 25.5 by eliminating the restrictions to office and retail use by deleting #3 which currently reads that the business use shall be restricted to offices or retail.

Mr. Nickerson noted that they had not received a letter from the Planning Commission.

Mr. Nickerson said that this is a Zoning proposal to amend the regulations to better adapt to what is going on currently within the Town.

Mr. Nickerson called for public comments in favor, against or neutrally on this application –

Harry Loginidis, 23 Pattagansett Drive, asked what this would change.

Mr. Peck said that what they have now is that if someone would want to put an apartment or living space over a use in a CA or CB zone that they could not do it unless it is over offices or retail. With this change they could then put living space over a restaurant or hairdresser for instance which they cannot do at present.

Mr. Loginidis asked if he could use the bottom where his restaurant is as the footprint and have living space above it.

Mr. Peck explained that what this proposal is seeking to allow in the CA and CB zones was done with the intent to make the regulation sensible as before it was not.

Mr. Loginidis asked if he could expand the area above his restaurant to have a bit more living space.

Mr. Salerno recalled that they had changed the regulations previously to allow people to have the same amount of space upstairs as down.

Mr. Nickerson suggested that Mr. Loginidis speak with Mr. Mulholland about any ideas that he might have for living space above his restaurant so that he would be aware of the space that is allowed.

Mr. Nickerson asked if the Commission had any other questions or comments –
Hearing none –

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

****MOTION (1)**

Mr. Salerno moved that this Public Hearing be closed.

Mr. Bulmer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:53 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of

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Zoning Department



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January 3, 2008

TO: East Lyme Zoning Commission
FROM: William Mulholland
RE: Mixed use development CA and CB zones

Over the last several months I have received a number of inquiries from parties interested in mixed-use development in our CA and CB Commercial Zones. During discussions on the subject it became apparent that the limitations of the existing regulations were an obstacle to this type of development. Specifically, Section 25.5 "Table of Minimum Controls for Specific Special Permit" provides additional regulatory controls, which requires all mixed uses to have residential units above the business component, which is restricted to office, and retail uses. The restriction to office and retail can be limiting. For example you could have a small business in a stand-alone building, which is not retail or office use, which could benefit from having second floor apartments. Such uses as restaurants, personal service establishments, educational uses and other uses would seem to fall into the mixed use business category.

I would suggest that the Commission modify the controls governing mixed uses in Section 25.5 by eliminating the restrictions to office and retail use.

Currently this section states:

Residential Units in CA and CB
Commercial Structure

1. Residential units above first floor.
2. Required floor area of dwellings shall not be less than

<u>MINIMUM FLOOR AREA</u>	<u>BEDROOMS</u>
EFFICIENCY	500 square feet
ONE	650 square feet
TWO	800 square feet
3. The business use shall be restricted to offices or retail.

> I would propose that you delete item number 3. <

Should the Commission endorse this modification the proposal could be scheduled for a hearing in the near future.

Lead 3rd
PH TM