

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, JUNE 19th, 2008
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on June 19, 2008 at Camp Reil, Smith Street, Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Marc Salerno, Steve Carpenteri, Norm Peck, Ed Gada

ALSO PRESENT: Gregory Massad
William Mulholland, Zoning Official

ABSENT: William Dwyer, Alternate, Bob Bulmer, Alternate

FILED IN EAST LYME TOWN
CLERK'S OFFICE

JUNE 24²⁰ 10:00 AM

Esther B. Williams
EAST LYME TOWN CLERK

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 11:41 PM after the four (4) previously scheduled Public Hearings.

Pledge of Allegiance

The Pledge was 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 Francis and Robert Mattison for a Special Permit under Section 3.2.3 to operate a dog kennel at property identified in the Application as 98 Grassy Hill Road, East Lyme, CT.

Mr. Nickerson said that they had continued this Public Hearing.

2. Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC for approval of an Affordable Housing development, site plan and coastal area management site plan review to construct one hundred residential units (100) on property identified in the Application as Assessor's Map 11.1, Lot 19.

Mr. Nickerson said that they had continued this Public Hearing.

3. Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC to re-zone from its existing zoning designation (RU-40 Residential) to Affordable Housing for property identified in the Application as Assessor's Map 11.1, Lot 19.

Mr. Nickerson said that they had continued this Public Hearing.

4. Application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations Section 4.1.3 "Nursery or Greenhouse provided they are not less than 100 feet from any lot line."

Mr. Nickerson said that they had continued this Public Hearing.

5. Application of Theodore A. Harris, for Craig and Tricia Augone for a Special Permit and CAM application for a project known as Methodist Street Condominiums, at property located at 41-43

Hope Street and 45-47 Hope Street. Property further identified as Assessor's Map 11.2, Lot 123 and Map 12.1, Lot 8.

Ms. Carabelas noted for the record that she had reviewed the minutes and exhibits and that she is up to speed on this application.

Mr. Nickerson asked if they were ready to discuss and act on the application as they had heard a lot of testimony and some nice comments from the people in the neighborhood regarding this project. He added that he liked the design of the buildings and that he would encourage them to be done this way as the neighbors were in favor of the style.

Mr. Mulholland suggested that they make their approval subject to the submittal of the final detail drawings for consistency purposes.

****MOTION (1)**

Mr. Salerno moved to approve the Application of Theodore A. Harris, for Craig and Tricia Augone for a Special Permit and CAM application for a project known as Methodist Street Condominiums, at property located at 41-43 Hope Street and 45-47 Hope Street; subject to submittal of the final detail drawings for consistency.

Mr. Carpenteri seconded the motion.

Vote: 6 - 0 - 0. Motion passed.

Mr. Mulholland said that this would publish on June 26, 2008 and become effective on June 27, 2008.

6. Application of Bobby DeMarinis for a Special Permit to operate an outdoor dining facility at 11 East Pattagansett Road, Niantic, CT.

Mr. Nickerson asked if they were ready to act on this.

Mr. Mulholland noted that he had spoken with Mr. Demarinis and that he indicated that he would be in to see him to discuss other plans however he has not shown up to do so.

Mr. Salerno recused himself from this discussion and sat in the audience.

Mr. Massad, Alternate was seated at the table for this application.

Mr. Nickerson said that he has driven by this neighborhood and has sat in the parking lot. He added that when they were discussing outdoor dining downtown that he was all for it however; after looking this over; this is not about that in this location. Perhaps they should be allowed some tables and chairs with an early cut-off and absolutely no entertainment due to the neighborhood. There is also the issue that if this is a success that there is not enough parking.

Mr. Massad said that he also looked at the neighborhood and that he thought that it was a good idea also and since the permit is only for a year - if this does not work out and things go wrong with it - he would not be granted a permit the next year. He said that he would like to give him a change with the outdoor dining and some quiet music.

Ms. Carabelas said that she would say that there would have to be a very strong limit on the time and type of music or no music at all.

Mr. Mulholland said that this neighborhood is CB Commercial and that it goes along that area even where the houses are and cautioned them that they would need to be careful with this. The one year permit is good with keeping people in check as if there are complaints; in all likelihood, the permit would not be issued in the following year if it were applied for.

Mr. Peck said that he would have to say that there should not be any speakers outside and that they should really limit the outdoor activity as parking is a problem. He added that he thinks that this building is an eyesore and suggested that they try to get him to fix it up so that it will look nicer.

Mr. Mulholland recalled that the applicant has said that he does not have the money to spend to do big things here although he would be willing to do some simple things that would cosmetically enhance it.

Mr. Peck asked if they could delay this and see what the applicant has to say.
Mr. Nickerson said that their next meeting would be after the Fourth of July and this is what the applicant submitted and it is what they should be acting on. If they hold of, they are taking away from some of the prime outdoor time.

Mr. Peck suggested that there be a fence with plantings and other conditions –
Mr. Nickerson asked that he make a motion –

****MOTION (2)**

Mr. Peck moved to approve the Application of Bobby DeMarinis for a Special Permit to operate an outdoor dining facility at 11 East Pattagansett Road, Niantic, CT with the following conditions:

- ◆ No live entertainment outside
- ◆ No piped in music outside
- ◆ No outside speakers
- ◆ No service on the deck after 9 PM
- ◆ No electric lights on the outside deck;

Design shall be a 14' deep x 25' wide patio with picket fence around the deck and rhododendrons with the details to be worked out with the Zoning Official.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland said that this would publish on June 26, 2008 and become effective on June 27, 2008.

Mr. Massad, Alternate returned to the audience and Mr. Salerno was seated at the table.

7. **Approval of Minutes – May 8, 2008 Special Meeting; May 15, 2008 Public Hearing I & II Minutes; May 15, 2008 Regular Meeting Minutes; Public Hearing I, II, III, IV & V Minutes of June 5, 2008 and Regular Meeting Minutes of June 5, 2008.**

Discussion on these was tabled until the next meeting of the Commission due to the lateness of the hour.

Old Business

1. Stormwater

There was nothing new to report.

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

There was no report.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

There was no report.

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

There was no report.

5. Subcommittee – Rezoning - Northern Areas of East Lyme & Scenic Roads – (Marc Salerno, Mark Nickerson & Norm Peck)

There was no report.

New Business

1. **Application of Theodore A. Harris, agent for Gateway Development/East Lyme LLC for a Master Development Plan in accordance with Section 11.A.9 of the East Lyme Zoning Regulations for property identified in the Application as 284 Flanders Road, Assessor's Map 31.3 Lot 1; Flanders Road, Assessor's Map 31.0, Lot 1; 294-2 Flanders Road, Assessor's Map 31.3, Lot 5; 282 Flanders Road, Assessor's Map 31.3, Lot 2; 286 Flanders Road, Assessor's Map 26.0, Lot 2; Ancient Highway, Assessor's Map 25.0, Lot 35; Flanders Road, Assessor's Map 31.1, Lot 9; Boston Post**

Road, Assessor's Map 31.1, Lot 8.1; 4 Church Lane, Assessor's Map 31.1, Lot 11; and 138 Boston Post Road, Assessor's Map 31.1, Lot 7.

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

2. **Application of AHEPA 250 Inc. to amend Section 25.5 ("Table of Minimum Controls for specific Special Permit") of the Zoning Regulations**

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

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

4. **Zoning Official**
There was no report.

5. **Comments from Ex-Officio**
There was no report.

6. **Comments from Zoning Commission liaison to Planning Commission**
There was no report.

7. **Comments from Chairman**
Due to the lateness of the hour, there were no further comments.

8. **Adjournment**

****MOTION (3)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 12:22 AM.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary