

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, JUNE 5th, 2008  
MINUTES**

HELD IN EAST LYME TOWN

CLERK'S OFFICE

June 9 20 08 at 9:55 AM PM

*Esther B. Williams*

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on June 5, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Marc Salerno, Acting Secretary, Steve Carpenteri, Norm Peck, Ed Gada, Gregory Massad, Alternate

**ALSO PRESENT:** William Dwyer, Alternate  
Bob Bulmer, Alternate  
Rose Ann Hardy, Board of Selectmen Ex-Officio  
William Mulholland, Zoning Official

**ABSENT:** Rosanna Carabelas, Secretary

**1. Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 12:40 AM after the five (5) 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 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.**

Mr. Nickerson said that they had just closed this Public Hearing and that due to the lateness of the hour that they would undertake discussion and a decision at another meeting of the Commission.

**2. Application of Francis and robber 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.

**3. Application of Seymour Kessler of 51 Hope Street for a Special Permit under Section 9.3.3 for construction of a two-car garage.**

Mr. Nickerson asked if they wanted to make a decision on this as all of their questions had been answered and it seemed rather straight forward.

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

Mr. Salerno moved to approve the application of Seymour Kessler of 51 Hope Street for a Special Permit under Section 9.3.3 for construction of a two-car garage.

Mr. Carpenteri seconded the motion.

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Mulholland said that this would publish on June 12, 2008 and become effective on June 13, 2008.

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

Mr. Nickerson noted that they had just closed this Public Hearing and that there were a number of items that they wanted to discuss at another meeting of the Commission due to the lateness of the hour this evening.

**5. Application of Thames River Fencing School for a Special Permit to operate a commercial indoor facility at 11 Freedom Way, Unit A-6, Niantic, CT. Property further identified in the application as East Lyme Assessor's Map 9.0, Lot 27.**

Mr. Nickerson asked if they wanted to decide this application as Mr. Averso, the applicant had provided them with such thorough information. The consensus was that they would make a decision on this application.

Mr. Peck recused himself and was seated in the audience.

Mr. Bulmer, Alternate was seated at the table.

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

**Mr. Salerno moved to approve the Application of Thames River Fencing School for a Special Permit to operate a commercial indoor facility at 11 Freedom Way, Unit A-6, Niantic, CT and to allocate 10 parking spaces for use by this facility.**

**Mr. Carpenteri seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Mulholland said that this would publish on June 12, 2008 and become effective on June 13, 2008.

Mr. Bulmer, Alternate returned to the audience and –

Mr. Peck was seated at the table.

**6. Application of James R. Spinelli for a Coastal Area Site Plan review to construct a single family dwelling at 33 Marshfield Road, Niantic, CT.**

Mr. Nickerson asked that J. Robert Pfanner Jr. who had sat through the entire evening waiting to present this CAM, please present it to them.

J. Robert Pfanner, Jr. P.E., representing the applicant explained the CAM and the location of the proposed house noting that Mr. Spinelli owns both properties and they have kept the construction 50' away from the marshes. There will also be a good vegetative buffer and the silt fences will be installed.

Mr. Salerno asked where this is located.

Mr. Pfanner said that it is deep in the far corner of Giants Neck Heights near the railway lines.

Mr. Mulholland explained the CAM and that if it is 100' from the mean high water and that they are putting a soil & erosion plan in place here as it is somewhat closer and that he does not see a problem with it.

Mr. Salerno asked if any equipment would be driving in there.

Mr. Pfanner said no – there will be a silt fence there.

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

**Mr. Salerno moved to approve the Application of James R. Spinelli for a Coastal Area Site Plan review to construct a single family dwelling at 33 Marshfield Road, Niantic, CT.**

**Mr. Massad seconded the motion.**

**Vote: 6 - 0 – 0. Motion passed.**

Mr. Mulholland said that this would publish on June 12, 2008 and become effective on June 13, 2008.

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

Discussion on this 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)**

Mr. Salerno said that they are working on this.

#### **3. Subcommittee – Adult Uses (Rosanna Carabelas)**

Ms. Carabelas was not able to be present to report on this.

#### **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.

#### **5. Subcommittee – Rezoning - Northern Areas of East Lyme – (Salerno, Nickerson, Peck & Carabelas)**

There was no report.

### New Business

#### **1. 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.

#### **2. Zoning Official**

There was no report.

#### **3. Comments from Ex-Officio**

There was no report.

#### **4. Comments from Zoning Commission liaison to Planning Commission**

There was no report.

#### **5. Comments from Chairman**

Due to the lateness of the hour, there were no further comments.

#### **6. Adjournment**

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

**Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 12:45 AM.**

**Mr. Gada seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary