

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, MARCH 6th, 2008  
MINUTES**

*J. A. Blais, etc.*  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on March 6, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

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

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

**ABSENT:** John Birmingham, Alternate, Bob Bulmer, Alternate

**1. Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 10:31PM after the two 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 just closed this Public Hearing and that he felt that he can vote tonight on this. He asked the Commissioners how they felt as there had been a lot of public testimony.

Mr. Carpenteri said that he thinks that they could do a lot worse at this site as it was originally zoned as industrial.

Ms. Carabelas said that she is comfortable with the text amendment and that a lot of her questions have been answered tonight.

Mr. Carpenteri said that he thinks that this is fine and that they have heard the information that they were waiting on.

Mr. Salerno said that he still thinks about the office component.

Mr. Nickerson said to Mr. Salerno to suppose some two (2) years from now that office space is just not viable and if it is in here, they have handcuffed the developer to it. This can be dealt with at the next level beyond the text amendment.

Mr. Salerno said that he thinks that if there is office space there that they would have a living downtown center. He said that he would make an amendment to the motion to add office space to this.

Mr. Nickerson asked and recognized Attorney Harris to comment on the office space and what they have said previously about it during the public hearing.

Attorney Harris said that as they have stated previously, office space would be strongly considered.

Ms. Carabelas said that she is happy with that statement as it is as she does not want to limit this.

Mr. Peck said to Mr. Salerno, that it is pointed out in the amendment that there will be mixed use and that the Commission reserves the right to deny it if it does not meet one or more of the criteria. He said that they can talk about it at that time, during that phase.

Mr. Gada said that he could vote this evening and added that he would be pleasantly surprised to see some Affordable Housing here.

Ms. Carabelas said that the developer has said that they have made a lot of concessions with the housing and to make this work Affordable Housing is just not viable and should not be on the table.

Mr. Peck said that if it were to have Affordable Housing that it would require another Public Hearing.

Mr. Nickerson said that he thinks that the developer has put forth a good amendment for a Master Development and that the idea as a Gateway was to get the parcels to come together and finally someone came forth with it. This developer, with the housing, has given open space and devoted a 1000 foot buffer to the bordering residential property. With the retail, they have promised a lot and he thinks that they as a development company are responsible and dedicated. He continued that he cannot imagine the mountains that they will have to climb to get into the next phase of this project. He said that he would vote to the affirmative as this is the right thing to go here and a great improvement from the earlier application.

Mr. Salerno said that he thinks that this is a great improvement from the last and that he will table his previous idea and will vote to the affirmative. He commended the developer for holding public forums and seeking public input to get to this text amendment.

Mr. Peck said that his concerns are the mechanical ones of water and sewer and that they would be addressed later on in the process. He said that he understands where the opposition is coming from and that he would like to see the Town stay the same as it is today but he knows that it won't and this is the best of the day – the best that they can do as they have tested this area in the greatest retail market in the country and failed and could not get anyone to take it. Here they have a great developer willing to take it on and make it happen.

Mr. Carpenteri said that he was ready to vote this evening and that he sees this as a great asset to and for the Town.

Mr. Nickerson called for a motion.

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

**Ms. Carabelas moved to approve the 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 to serve as an alternative to the existing Zoning regulatory guidelines in the Gateway Zoning District and to establish Zoning requirements for development under a set of "Master Development Plan" regulations.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson said that this decision would publish on 3/13/08 and become effective on 3/14/08

**2. Application of Richard McFadden d/b/a The Eclectic Chef for a Special Permit for Outdoor Dining at 281 Main Street, Niantic, CT.**

Mr. Nickerson called for a motion for discussion.

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

**Mr. Salerno moved to approve the Application of Richard McFadden d/b/a The Eclectic Chef for a Special Permit for Outdoor Dining at 281 Main Street, Niantic, CT.**

**Mr. Carpenteri seconded the motion.**

Mr. Nickerson called for discussion or a vote on the motion.

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson said that this decision would publish on 3/13/08 and become effective on 3/14/08.

**3. Zoning Fees**

Mr. Nickerson said that they would table this until the next meeting due to the lateness of the hour.

**4. Approval of Minutes – Public Hearing I, Public Hearing II, Public Hearing III and Regular Meeting Minutes of February 7, 2008; and Public Hearing I, Public Hearing II, Public Hearing III, Public Hearing IV and Regular Meeting Minutes of February 21, 2008.**

Mr. Nickerson called for discussion on, or corrections to the Public Hearing III Minutes of February 7, 2008.

Mr. Salerno asked that on Page 2 in the second line of the third paragraph where he is speaking that the word 'pu6t' be changed to read: 'put'.

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

**Mr. Salerno moved to approve the Public Hearing III Minutes of February 7, 2008 as amended.**

**Ms. Carabelas seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson called for discussion on, or corrections to the Public Hearing I, Public Hearing II and Regular Meeting Minutes of February 7, 2008.

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

**Mr. Salerno moved to approve the Public Hearing I, Public Hearing II and Regular Meeting Minutes of February 7, 2008 as presented.**

**Ms. Carabelas seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson called for discussion on, or corrections to the Public Hearing I, Public Hearing II, Public Hearing IV and Regular Meeting Minutes of February 21, 2008.

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

**Mr. Salerno moved to approve the Public Hearing I, Public Hearing II, Public Hearing IV and Regular Meeting Minutes of February 21, 2008 as presented.**

**Mr. Gada seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Ms. Carabelas, Mr. Carpenteri**

Mr. Nickerson called for discussion on, or corrections to the Public Hearing III Minutes of February 21, 2008. (Note: Mr. Dwyer, Alternate replaced Mr. Peck at the table for this vote)

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

**Mr. Salerno moved to approve the Public Hearing III Minutes of February 21, 2008 as presented.**

**Mr. Dwyer seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Ms. Carabelas, 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. Subcommittee – Adult Uses (Rosanna Carabelas)**

Ms. Carabelas said that this is in progress.

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

There was no report.

### New Business

#### **1. Application of Theodore A. Harris for Village Crossing of Niantic LLC for approval of an Affordable Housing Development and Site Plan for property identified in the Application as Park Place; Assessor's Map 11.1, Lot 19.**

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

Mr. Nickerson also asked Mr. Mulholland to schedule the Application of Leo Roche for Black Sheep LLC for a Special Permit under Section 25.5 for Public Hearing.

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

There was none.

#### **3. Zoning Official**

Mr. Mulholland reported that they have asked Starbucks to address the flood lighting at night and to post do not enter signs from Flanders Road. They were told that if they did not address this that they would be closed on Monday and they have come forth with a plan to address these issues.

Mr. Peck asked about the Hope Street project and how it was going.

Mr. Mulholland said that it is up and running and that Mr. Frey and the other project managers have come forward stating that they are all ready to push forward.

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

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

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

There was no report.

#### **6. Comments from Chairman**

Mr. Nickerson thanked everyone for their work this evening.

Mr. Mulholland reminded them that they do not have a second meeting this month due to the school vacation and Easter holiday. They will resume the first week of April.

#### **7. Adjournment**

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

**Mr. Carpenteri moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 11:00 PM.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary