

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, SEPTEMBER 18th, 2008
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, September 18, 2008 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

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

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Attorney Andrew Celleme, Town Counsel
David Putnam, Parks & Recreation Director
Bob Bulmer, Alternate
Gregory Massad, Alternate
William Mulholland, Zoning Official

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Sept 23 20 08 at 10:00 AM PM

ABSENT: William Dwyer, Alternate

Esther B. Williams

EAST LYME TOWN CLERK

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 7:51 PM after the previously scheduled Public Hearing.

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.

Regular Meeting

1. Application of the Town of East Lyme Parks & Recreation Commission for a Special Permit for a press box for Men's softball at the Bridebrook Park property.

Mr. Nickerson noted that they had just closed this Public Hearing and called for discussion or a motion.

****MOTION (1)**

Mr. Salerno moved to approve the application of the Town of East Lyme Parks & Recreation Commission for a Special Permit for a press box for Men's softball at the Bridebrook Park property.

Mr. Gada seconded the motion.

Vote: 6 - 0 - 0. Motion passed.

Mr. Nickerson noted that this would publish Thursday, September 25, 2008 and become effective on Friday September 26, 2008.

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; and -

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. Peck recused himself and was seated in the audience for this discussion and Mr. Nickerson seated Mr. Massad, Alternate at the table.

Mr. Nickerson said that they have Town Counsel present this evening to guide them and for them to provide them with some input on the direction that they might wish to go. Prior to this discussion he asked the members if they were all familiar with and up to speed on the record of the hearings. The Commissioners all answered to the affirmative.

Ms. Carabelas said that all of her concerns are with safety – the cul-de-sac of the neighborhood there and the children playing in the street and no sidewalks as well as the sight line at the intersection of Rte. 156 and Park Place.

Mr. Salerno added that Park Place is a narrow road and that there is only one way in and out of the proposed development onto Park Place and that he sees no evidence that Park Place can be widened.

Ms. Carabelas said that she also sees an issue with the residents living there, themselves as the elderly are proposed for living in the very back on the hill and the emergency vehicles would have to get there if there were any problems.

Mr. Gada said that this project has also been looked at from the other side in terms of providing egress and that it has been found that due to the topography that there is no way to do that.

Mr. Carpenteri said that he has the same concerns with the safety, the kids and the sight lines.

Mr. Nickerson said that they have a small cul-de-sac neighborhood of 18 homes with a tough intersection and they would be going from 18 families to approximately 110 families with no road improvements. He said that he does not think that they are building this in the appropriate area of Town and that it begs safety issues. There is not enough staging area for emergency vehicles and while there are appropriate uses for that land, this is not one of them.

Ms. Carabelas said that she also thought that the neighbors could possibly be flooded worse during storms from this development.

Mr. Salerno said that while the project itself might have some merit that safety seems to be the issue.

Mr. Nickerson suggested that Town Attorney has some direction in which to formulate some draft motions for their next meeting of the Commission on October 2, 2008.

Attorney O'Connell suggested that they should be prepared to consider if 'reasonable changes' could be made to make this viable as that is part of the Affordable Housing charge.

Mr. Nickerson said that modifications would most probably move the numbers downward.

Attorney O'Connell suggested that they could leave that section blank and that they can think about it and fill it in at the meeting.

Mr. Nickerson suggested that it could be changed to all elderly as that would probably generate less vehicles and traffic.

Mr. Massad asked Attorney O'Connell what a reasonable change/accommodation would be. Attorney O'Connell said that he would not go there as he cannot participate in their process.

Ms. Carabelas asked if they would have to present an option.
Mr. Mulholland suggested that they should entertain that process.

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

4. Approval of Minutes – September 4, 2008 - Public Hearing I Minutes, Public Hearing II Minutes, Public Hearing III Minutes and Regular Meeting Minutes

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing I, II and III Meeting Minutes of September 4, 2008.

****MOTION (2)**

Mr. Carpenteri moved to approve the September 4, 2008 Public Hearing I, II and III Minutes of the Commission as presented.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson called for discussion on, or corrections to the Regular Meeting Minutes of September 4, 2008 of the Commission.

****MOTION (3)**

Mr. Carpenteri moved to approve the Regular Meeting Minutes of September 4, 2008 of the Commission as presented.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Old Business

1. Stormwater

Mr. Mulholland said that as soon as Planning is done with this that it would move over to Zoning where they will format it for their regulations.

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

Mr. Mulholland reported that they have started drafting some things here on mixed use and multi-family and that he will start asking them for direction on the mixed use issue.

Mr. Nickerson noted that some of the next meetings should afford them some time to work on this and to move it forward.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

Ms. Carabelas reported that she met with Attorney O'Connell and that he went through the information that she had and suggested that they might want to be specific in naming an area of the Town for this type of use. She said that she does not feel that this is necessary but would welcome their input. She said that the other comment that he had was with respect to the section on ordinances where the Board of Selectmen is cited – it needs to say what the Board of Selectmen finds. She thought that she might sit down with Ms. Hardy, their Ex-Officio from the Board of Selectman and discuss that further.

Mr. Peck said that he had some comments on the draft that she had given them at the last meeting. In the first paragraph on distance requirements – if they go to Sec. 20.20.3 of the regulations it describes the method to measure that distance. He said that he thinks that it should be done in the same way here for consistency. Also, in the fourth paragraph the wording is unclear – it should state the CB zone.

Mr. Nickerson said that he thought that they would have to say where it could go.

Mr. Mulholland said that one Town put it in the back of an industrial park somewhere.

After further discussion, the Commissioners felt that Light Industrial would perhaps be the area for it. They agreed to take a ride out to review the light industrial areas and come back with their ideas.

Mr. Peck said that he thought that it would be a waste to put it in the LI and that they should do it as CA.

Mr. Salerno said that his concern about the CA is with visibility and that they could put evergreens in front to hide it and satisfy the visibility clause.

Mr. Mulholland suggested that they check out areas and that they have the time to do this as they have not had an application for the past 23 years for adult use.

4. Subcommittee – Rezoning - Northern Areas of East Lyme (Marc Salerno & Norm Peck)

There was no report.

5. Subcommittee - Scenic Roads – (Marc Salerno, Mark Nickerson & Norm Peck)

Mr. Salerno reported that they had met with the Town Attorney prior to this meeting and reviewed a sample ordinance and the process that would be followed to push this forward.

Mr. Peck noted that they would be able to have 5 hours of funded presentation time from Randall Arendt on land use, smart growth and a multitude of other land use concepts.

Mr. Mulholland said that he would check with the Town Attorney on the semantics of holding a seminar where the various land use members attend.

Mr. Peck also announced that there has been an effort to have a certified local government setting up historic districts and that the Thomas Lee House has volunteered to be the first to do this. The Smith Harris House would most likely be the next. This would have its own set of controls and would also allow them to apply for grants for the property.

New Business

1. Any business on the floor, if any by the majority vote of the Commission.

There was none.

2. Zoning Official

Mr. Mulholland said that they should have the opportunity to work on some of their subcommittee projects in the near future.

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

Mr. Nickerson said that he had no further comments.

6. Adjournment

Mr. Nickerson called for a motion to adjourn.

****MOTION (4)**

Mr. Carpenteri moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:10 PM.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary