

EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, August 7th, 2003
MINUTES

PRESENT: Mark Nickerson, Chairman, Robert Bulmer, Secretary,
Shawn McLaughlin, Ed Gada, William Dwyer, Alternate
and Andrew Manter, Alternate

ALSO PRESENT: William Mulholland, Zoning Official,
Marc Salerno, Alternate
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Norman Peck, David Chamberlain

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Aug 11 20 03 at 3:05 AM
PM

Esther B. Williams

EAST LYME TOWN CLERK

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 8:13 PM immediately following the two previously scheduled public hearings.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There was no one.

2. Accept Minutes of July 10th, 2003.

Mr. Nickerson said that because everyone had not reviewed the Minutes that they would table acting upon the Public Hearing and Regular Meeting Minutes of July 10, 2003 until their September 2003 meeting.

3. Application of Kim Detuzzi for a Special Permit to operate a Gymnastics Center (Section 11.2.4 – Indoor Recreation) at 17 Liberty Way, Niantic, Connecticut

Mr. Nickerson said that they had just closed this public hearing and that the gymnastics center meets the regulations and he has no problems with it.

****MOTION (1)**

Mr. Bulmer moved to approve the Application of Kim Detuzzi for a Special Permit to operate a Gymnastics Center (Section 11.2.4 – Indoor Recreation) at 17 Liberty Way, Niantic, Connecticut

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

4. East Lyme Zoning Commission proposal to amend the Zoning Regulations by adding new Section 32 – “Affordable Housing District”

Mr. Nickerson noted that they had closed this public hearing earlier. He asked if they were ready to make the two adjustments that had been presented and discussed there.

Mr. Bulmer said that over many months they have worked on this as they thought that it was prudent to put in an AHD Section. As it is a sensitive issue they had staff work on it and review and re-review it many times. We are probably one of a few Towns in the area with an AHD Section in the Regulations. It is high time that we have them as we have had Affordable Housing in this Town for some time. He also noted that he thinks that other Towns might use our ideas to set up their own AHD regulations. Lastly, he said that he thinks that they should incorporate the two things mentioned during the public hearing into the regulations.

Mr. Nickerson agreed with Mr. Bulmer and added that hopefully this will provide some controls. He thanked Mr. Mulholland and Staff for the great job that they did on this.

Mr. Dwyer asked about Section 32.4.10 Lot Coverage. He said that he thought that they had said that it shall not be greater than 40% of the lot area rather than the 30% that is listed.

Mr. Mulholland and Mr. McLaughlin said that they recollected that 30% was the last percentage that was discussed and decided upon at the public hearing.

****MOTION (2)**

Mr. Bulmer moved to approve, pursuant to CGS 8-30g, the proposal of the East Lyme Zoning Commission to amend the Zoning Regulations by adding a new Section 32 – ‘Affordable Housing District’ (AHD) with the following changes: Add Section 32.4.11 to read: A 150’ non-disturbed buffer shall be required from tidal wetlands and watercourses. Change Section 32.8.2 to add the word sewer and to read: Letter from the Water and Sewer Commission indicating that there is adequate sewer capacity of existing lines to handle new volume and adequate pressure of pump systems to serve the proposed development.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland stated that they have to publish this on or before Thursday August 14, 2003 and that it would become effective on Friday, August 15, 2003.

5. East Lyme Zoning Commission proposal to Amend Section 11A Gateway Planned Development District Regulations.

Mr. Nickerson said that he does not think that they have a full complement of people who sat previously to be able to vote on this. He suggested that they table it until their September 2003 meeting.

Mr. McLaughlin stated that they had said this the last time and he does not know what other information they are expecting that they have not already heard or received. If it were so important, it would have been here.

Mr. Gada said that although he felt that they could go forward on this that he would recuse himself from voting if they went forward on it.

Mr. Bulmer said that he would like to recommend that they postpone it. He thinks that they have some issues to consider as they had a number of people who came forward with comments and he would like those people to be able to come and see what they are all about at a regular meeting.

Mr. Dwyer asked how much more information he wanted. He added that he hears the same thing meeting after meeting.

Mr. Bulmer said that they only have four regular members and Mr. Gada recused himself. Prior to this the room was packed with audience for this issue.

Mr. McLaughlin and Mr. Dwyer asked how they were going to get everyone back here. They have six people seated now and five can vote.

Mr. Bulmer said that he would abstain if they were to vote this evening, as he is not prepared to discuss it.

Mr. Nickerson noted that if they postpone this that the current regulations stand as they have for the past three to four years now and that they are not leaving the Town in jeopardy of having something drastic happen.

Mr. Dwyer said that he has been in on this for years now and he sees no reason to keep putting it off.

Mr. McLaughlin said that the public hearing has been closed for some time so nothing more can be added to the public hearing record. He thinks that they should move on this now.

Mr. Nickerson said that there are Commission members who are not here tonight who were at the public hearing.

Mr. McLaughlin and Mr. Dwyer said that both Alternates could also vote if they were at the public hearing or if they listened to the tape. He asked that this be put to a vote.

Mr. Nickerson asked how many Commission members were in favor of continuing this discussion to the next meeting.

Mr. Nickerson, Mr. Bulmer and Mr. Gada were in favor of continuing this until the next meeting.

Mr. Dwyer, Mr. Manter and Mr. McLaughlin were not in favor of continuing this until the next meeting. This created a tie.

Mr. Mulholland said that Mr. Gada has not recused himself or stepped down yet.

Ms. Hardy commented that under Roberts Rules of Order that a tie vote loses.

Mr. Nickerson said that he was moving this item off the agenda until their next meeting.

6. Request of Real Estate Service of Connecticut for site plan modification/buffer reduction at Spinnaker Elderly Housing Development, Route 156, Niantic, Connecticut.

Mr. Nickerson asked Mr. Bulmer to read the letters into the record.

Mr. Bulmer read into the record:

1. Letter dated August 7, 2003 from William Mulholland, Zoning Official to the East Lyme Zoning Commission Re: Site Plan Modification, Spinnaker Elderly Housing Development, Rte. 156 – noting that this request is in accordance with Section 12A.2.3 – Setbacks under the recently approved SU-E Regulations
2. Letter dated August 1, 2003 from Attorney Theodore A. Harris of Stevens, Harris & Guernsey, P.C. to William Mulholland, Zoning Official – Re: copies of Spinnaker Elderly Housing Project revised site plan showing modifications.

Attorney Theodore Harris, representing the applicant explained that they had approved this application in January of this year. Since then, they have been moving at breakneck pace on this project. They have a very narrow site surrounded by heavy vegetation and with the setbacks they have had to squeeze everything towards the center, which has created congestion. They are hoping to gain more area inside to make it a nicer neighborhood. He presented **Exhibit 1** – a picture of the existing vegetation on the site and **Exhibit 2** – a picture of the existing tree line on the site to the Commission members. He continued that they propose to move a portion of the main road 40', which will move the buildings back by the same 40'. There are three-four areas where they would be closer to the boundary than the 100'. The reason for this is that they had to leave room for the addition of decks to the backs of the homes. They offered decks as an option and the majority of the people are indicating that they want them. Another change is that they added a couple of areas for overflow and guest parking. They slid the end road down a bit and this gives them 16 additional parking spaces. These are the two main changes to the plan. The main road slides 40' and the others go with it and when the decks are added to the homes, the two closest areas to the boundary would be 54.9' so the setback would be reduced to 54.9' at the closest points. This would not be interfering with anything, as they could see in the pictures.

Mr. Gada asked if it would be correct to say that they would be adding some new parking spaces but no new dwellings.

Attorney Harris said that was correct, the number of dwellings would not change and this would create a much better plan.

Mr. Bulmer asked Attorney Harris to point out the closest points on the site plan.

Attorney Harris did so noting that the closest point of the boundary to the structure is 54.9'. They want this approval for the setback in the event that everyone wants decks even though obviously not everyone will want a deck.

Mr. Bulmer said that the absolute minimum distance to the boundary would be 54.9'.

Mr. Mulholland said that Staff would revisit these plans if they choose to approve them this evening.

Mr. Nickerson noted that a change to the boundary should not change notification to the people bordering that boundary.

Mr. Mulholland said that he has passed out Section 12A – SU-E Special Use Districts to them and cited that this fell within Section 12A.2.3 on Setbacks – “. . . The Zoning Commission may waive the 100 feet from the property line and/or the 150 feet from the street line. A 50 foot buffer is required along all SU-E district zone lines.”

Mr. Nickerson commented that they are not disturbing the neighbors and they are making this a much nicer neighborhood.

****MOTION (3)**

Mr. Bulmer moved to approve the request of Real Estate Service of Connecticut for site plan modification/ buffer reduction at Spinnaker Elderly Housing Development, Route 156, Niantic, Connecticut as referenced in their site plan index – Spinnaker dated 7/8/03, Drawing #1 revised to 8/7/03.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

7. Request of L & L Real Estate Holdings, LLC to modify the approved site plan for a retail shopping center at 236, 244, and 248 Flanders Road, East Lyme, Connecticut

Attorney Harris, representing the applicant requested that they move this until their next meeting as there are a few minor changes that they would still like to make.
Mr. Nickerson and Mr. Mulholland said this would be okay but cautioned that the next meeting would be a full one as they had tabled other items.

OLD BUSINESS

There was none.

NEW BUSINESS

- 1. Application of Niantic Real Estate, LLC for a Special Permit to construct multi-family housing at 70 Mostow Road, East Lyme, Connecticut. East Lyme Tax Assessor's Map 44, Lot 8.**

Mr. Nickerson asked that Mr. Mulholland schedule this for a public hearing.

- 2. Application of Mystic Shoreline Investments, Inc. for a Special Permit to construct 25 units of Elderly Housing at 199 Flanders Road, Niantic, Connecticut**

Mr. Nickerson asked that Mr. Mulholland schedule this for a public hearing.

Mr. Mulholland said that this also involves a zone change and that he would schedule that as well.

- 3. Any business on the floor, if any by the majority vote of the Commission**

There was none.

- 4. Zoning Official**

Mr. Mulholland has nothing further to report.

- 5. Comments from Ex-Officio.**

Ms. Hardy said that she had nothing to report.

- 6. Comments from Zoning Board Liaison to Planning Commission**

There were no comments.

- 7. Liaison to Planning Commission**

There was no one present to comment.

- 8. Comments from Chairman**

Mr. Nickerson had no further comments.

- 9. Adjournment**

****MOTION (4)**

Mr. McLaughlin moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:00 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary