

EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, July 10th, 2003  
MINUTES

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

July 14 20 03 at 3:35 (AM/PM)

*Kathleen B. Williams*

EAST LYME TOWN CLERK

PRESENT: Mark Nickerson, Chairman, Norman Peck, Shawn McLaughlin,  
David Chamberlain, Marc Salerno, Alternate and William  
Dwyer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official

ABSENT: Robert Bulmer, Ed Gada and Andrew Manter, Alternate

**1. Call to Order**

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 8:00 PM immediately following the three 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 June 19<sup>th</sup>, 2003.**

Mr. Nickerson noted that public hearings I and II were combined because they were the same property. He asked for any comments.

Mr. Salerno said that Ed Gada should be added to the PANEL, as he was listed as Present.

The Commission wished to table these minutes until the August 2003 meeting so that they could look them over carefully.

Mr. Nickerson said that they would table acting upon the Public Hearing and Regular Meeting Minutes of June 19, 2003 until their August 2003 meeting.

**3. Application of Bonnie G. Anthony to amend the East Lyme Zoning Regulations by adding new Section 11.2.9 Private School ( including dog training facility) to Section 11 – Light Industrial Zoning Districts**

Mr. Nickerson noted that they had just continued this public hearing until August.

**4. Application of Reverend David Munley for a Special Permit to operate a church at 11 Liberty Way, Niantic, CT.**

Mr. Peck stated for the record that he abstained from discussion and decision on this application.

Mr. Nickerson said that a hotel is the issue but this could be dealt with if it ever comes forward in the future.

Mr. Mulholland said that he has not had any active interest in the area by any hotel. The hotel market at present is full.

Mr. Salerno said that he was satisfied with this request.

Mr. Nickerson agreed adding that it is a Light Industrial area.

Mr. Mulholland added that this area was never meant for heavy industrial, it was always looked at more in terms of an office park.

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

Mr. Salerno moved to approve the application of Reverend David Munley for a Special Permit to operate a Church at 11 Liberty Way, Niantic, CT. Property is further identified as Lot 9 on East Lyme Tax Assessor's Map 09.4.

Mr. McLaughlin seconded the motion.

VOTE: 5 – 0 – 1. Motion passed.

**For: Mr. Nickerson, Mr. Salerno, Mr. McLaughlin, Mr. Dwyer and Mr. Chamberlain**  
**Abstained: Mr. Peck**

Mr. Mulholland noted to the Reverend Munley that he would have to come into the office and file the Special Permit on the land records.

Mr. Salerno noted for the record that this was approved because it complies with the Zoning Regulations.

**5. Application of Bialowans Construction to excavate gravel from 80 Quailcrest Road, East Lyme, CT, property further identified as Lot 1, East Lyme Tax Assessor Map**

Mr. Nickerson asked for comments from the Commission on this.

Mr. Peck asked if they should consider granting this for a year rather than just the six months.

Mr. Nickerson asked why they did the six months.

Mr. Mulholland said that the applicant has asked for the same term, as what he was granted which is the six months – however it is the choice of the Commission what they want to do. He added that Mr. Bialowans has requested that this permit start effective September 1, 2003.

Mr. Salerno asked Mr. Peck if his concern was so that they would not be bogged down with it again.

Mr. Peck said that his understanding was that the six months was to keep an eye on this because there were many complaints in past years. Now, he has not been very active and is only using one truck and there have been no complaints.

Mr. Nickerson asked Mr. Mulholland if he has to pay the \$700 fee every six months.

Mr. Mulholland replied yes – each time the permit is granted, the \$700 must be paid.

Mr. Nickerson said that he agreed with the one-year term considering Mr. Bialowans health issues and the fact that there have been no recorded complaints and he is down to one truck.

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

**Mr. Peck moved to approve the application of Bialowans Construction to excavate gravel from 80 Quailcrest Road, East Lyme, CT, property further identified as Lot 1, East Lyme Tax Assessor Map 41.0. Renewal to be for a period of one-year starting effective September 1, 2003.**

**Mr. McLaughlin seconded the motion.**

Mr. Dwyer asked if the same restrictions would apply.

Mr. Mulholland and Mr. Peck said that they would as it was written on the application.

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Peck stated that this was approved as it complies with the Zoning Regulations.

**6. East Lyme Zoning Commission proposal to amend Section 11A Gateway Planned Development District Regulations.**

Mr. Nickerson recapped that they had an extensive public hearing on this and said that his hope is that this can be continued for another meeting. He added that public Letters to the Editor could be beneficial if the information is true – however what he has seen is misinformation. This is disappointing and unfair and only creates static that hurts the public.

Mr. Salerno said that he feels that they have had enough time on this and sees no reason to delay it for another meeting.

Mr. Mulholland noted that it is a Commission generated proposal so they can continue it and adjust and fine tune changes to it. He added that as a result of the comments they heard at the public hearing that Staff is working on language that they would perhaps be more comfortable with and which might satisfy the majority of the people. Staff would like the time to complete this.

Mr. Peck asked if these language changes would require them to have another public hearing.

Mr. Mulholland replied that he did not think so – however, they are still being worked on.

Mr. McLaughlin asked if it was possible to leave the regulations as they are now and if someone wanted to develop a parcel they could come in for a zone change and also with a special permit use within that zone at the same time.

Mr. Mulholland said that they have been very restrictive and he is not certain that the zone change would be something that this Commission would entertain. While anyone has the right to ask for one, he has not received any applications in his office – however he is not saying that it won't happen.

Mr. Salerno said that he would be interested in moving on with this. If the Commission is not comfortable and wants more information he thinks that they can vote on it.

Mr. McLaughlin said that he agrees as they spent a long time on this some two years ago before coming up with it. He feels that it would be a good idea to move forward now.

Mr. Dwyer said that he would like to wait and see what the Staff comes up with.

Mr. Nickerson agreed with this and added that they could still tweak some of the wording. One of his thoughts was to move to require the developers to build out infrastructure areas rather than just one area. There is also the Three Rivers issue that has just come up.

Mr. Salerno said that Three Rivers is a different issue.

Mr. Nickerson agreed but said that he still would like to see the Staff comments. This Commission brought this about and they can work slowly on it.

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

**Mr. Nickerson moved to table this discussion on the East Lyme Zoning Commission proposal to amend Section 11A Gateway Planned Development District regulations until their August 2003 meeting.**

**Mr. Dwyer seconded the motion.**

**Vote: 3 – 2 – 1. Motion passed.**

**For: Mr. Nickerson, Mr. Dwyer and Mr. Chamberlain**

**Against: Mr. Salerno and Mr. McLaughlin**

**Abstained: Mr. Peck**

Mr. Nickerson strongly suggested that they make a commitment to getting this done at their August meeting.

Mr. Salerno asked if they could still have a discussion on the application issues.

Mr. Nickerson said that he would like to tie this all together in August.

Mr. Peck agreed and said that it would be better to hear comments in August as they would be fresh and considered rather than lost or overlooked now. He suggested that they keep in mind that across the highway from the Gateway Zone is an Industrial Park area that would allow for big box retail at present.

Mr. Salerno said that after reviewing the GPDD that it is interesting to note that if big box was allowed, with the limit in place, that one would eat up a good portion of the limit and two would eat up all of it. It would be a done deal. This appears to be a flaw.

Mr. Mulholland said that this is one of the issues that Staff is discussing and looking at.

Mr. Nickerson offered that if a big box ate up the 30% retail then the philosophical issue is what effect – good or bad – does this have on Flanders Four Corners. It doesn't compete with Flanders but what does it do?

Another thought to consider is that a strip mall is nice in the Gateway area but what good is it if it has the same businesses that are present in Flanders and it competes with them or if the Flanders businesses move to the strip mall and leave empty storefronts. There are a whole host of issues for them to consider.

Mr. Salerno said that the problem is that they just do not know.

Mr. Peck suggested that something like a Wal-Mart that would bring heavy traffic would bring big name national brand retailers to the area and they will buy out the small mom and pop stores until there were no more mom and pop stores.

Mr. McLaughlin said that is the point that they brought up two years ago in developing the GPDD – if they had specialized uses then it would enhance the outside businesses.

Mr. Nickerson commented that without that they would have to wait for someone with the money to do the improvements. He added that this was the discussion that they would have and continue at their August meeting.

### **OLD BUSINESS**

#### **1. Spinnaker site Plan Modification**

Mr. Mulholland reported that this has been pulled for now and they would re-visit it in August.

**NEW BUSINESS**

- 1. Application of Theodore A. Harris to amend Section 25.5 of the East Lyme Zoning Regulations, specifically 25.5 Multi Family SU #11.**

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

- 2. Application of Niantic Real Estate, LLC for a change of Zone from RU-40 to Special Use (SU) for a portion of property identified in the application as 70 Mostoway Road, East Lyme, CT, East Lyme Tax Assessor's Map 44, Lot 8.**

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

- 3. Application of Niantic Real Estate, LLC for a Special Permit to construct a multi-family housing development on property identified in the application as 70 Mostoway Road, East Lyme, CT, East Lyme Tax Assessor's Map 44, Lot 8.**

Mr. Nickerson asked that Mr. Mulholland combine this with the previous Item #2 public hearing schedule.

- 4. Application of Kim Detuzzi, for a Special Permit to operate an indoor recreation – gymnastics center at 17 Liberty Way, Niantic, CT.**

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

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

There was none.

**6. Zoning Official**

Mr. Mulholland reported that they are on the third draft for the pharmacy building. The Financial Center building will be very attractive once it comes to fruition. The TMK SU-E housing construction that was approved some time ago will begin this week. The Spinnaker SU-E development on Rte. 156 has 22 reserved units and is moving rapidly. They will also see a new application for 20 units of SU-E on Flanders Road. All in all, they will be quite busy. He noted that there might be some very exciting things happening in downtown in the next six months.

**7. Comments from Ex-Officio.**

There were no comments.

**8. Comments from Zoning Board Liaison to Planning Commission**

There were no comments.

**9. Comments from Chairman**

Mr. Nickerson said that he wants to save time at their next meeting on August 7, 2003 to get the GPDD on the table.

**10. Adjournment.**

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

**Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:45 PM.**

**Mr. McLaughlin seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary, pro-tem