

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, MARCH 18th, 2004  
MINUTES**

PRESENT: Ed Gada, Acting Chairman, Rosanna Carabelas,  
Acting Secretary, Norm Peck, Pamela Byrnes,  
William Dwyer, Alternate

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

ALSO PRESENT: Nevil & Gloria Petrini, Applicant  
Beth Hogan, Acting Ex-Officio - Board of Selectmen

March 22 20 04 at 1:55 (AM/PM)

*Ed Gada*  
EAST LYME TOWN CLERK

ABSENT: Mark Nickerson, Chairman, Shawn McLaughlin,  
Marc Salerno, Alternate

**1. Call to Order**

Acting Chairman Gada called the Regular Meeting of the Zoning Commission to order at 8:00 PM immediately following the previously scheduled public hearing.

**Public Delegations**

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

There was no one.

Mr. Peck said that he had noticed that the Nevil Petrini application was not listed on the Regular Meeting Agenda and he felt that it should be and this was just an oversight.

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

**Mr. Peck moved to add the: Application of Nevil C. Petrini for a Special Permit to locate a 2<sup>nd</sup> floor dwelling unit (apartment) over the existing marine office at 199 Oswegatchie Hills Road, Niantic, CT, Tax Map No. 22.3, Lots 33 and 27 as Item 2.A. on the Regular Meeting Agenda.**

**Ms. Carabelas seconded the motion.**

**Vote: 5 - 0 - 0. Motion passed.**

**2. Accept Minutes of January 22, 2004, February 5, 2004 and March 4, 2004 – Public Hearings & Regular Meetings**

Mr. Gada called for any changes or corrections to the March 4, 2004 Public Hearing and Regular Meeting Minutes.

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

**Mr. Peck moved to accept the Zoning Commission Public Hearing I & II and Regular Meeting Minutes of March 4, 2004 as presented.**

**Mr. Dwyer seconded the motion.**

**Vote: 5 - 0 - 0. Motion passed.**

Mr. Gada called for any changes or corrections to the January 22, 2004 Public Hearing and Regular Meeting Minutes.

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

**Ms. Byrnes moved to accept the Zoning Commission Public Hearing I and Regular Meeting Minutes of January 22, 2004 as presented.**

**Ms. Carabelas seconded the motion.**

**Vote: 5 - 0 - 0. Motion passed.**

Mr. Gada noted that they only had two people present this evening who could vote on the February 5, 2004 minutes. He added that the Recording Secretary had commented that she thought that all of the minutes would have to be accepted by the Commission before a decision was made on the application of Theodore Harris because the public hearing information from February 5, 2004 would be part of that decision. He asked Ms. Hogan if she could provide a legal opinion on this.

Ms. Hogan asked how much time they had to make their decision.

Mr. Gada said that they had 65 days from March 4, 2004 and there was plenty of time.

Ms. Hogan said that they are creating a record and minutes that are not approved are not a part of that record. She suggested that they err on the side of caution, as they need to create a complete record.

Mr. Gada said that they would table the acceptance of the Public Hearing I, II & III and Regular Meeting Minutes of February 5, 2004 until their April 1, 2004 meeting and expect to see Mr. Salerno and/or Mr. McLaughlin at that meeting so that these minutes can be approved.

**2.A. Application of Nevil C. Petrini for a Special Permit to locate a 2<sup>nd</sup> floor dwelling unit (apartment) over the existing marine office at 199 Oswegatchie Hills Road, Niantic, CT, Tax Map No. 22.3, Lots 33 and 27.**

Mr. Peck said that he would like to make a motion for this application.

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

**Mr. Peck moved to approve the Application of Nevil C. Petrini for a Special Permit to locate a 2<sup>nd</sup> floor dwelling unit (apartment) over the existing marine office at 199 Oswegatchie Hills Road, Niantic, CT, Tax Map No. 22.3, Lots 33 and 27 and to grant waivers for Section 24.6c - Sidewalks; Section 24.6e - Buffers and Section 24.6E4 – Parking (interior) landscaping.**

**Mr. Dwyer seconded the motion.**

Mr. Dwyer said for the reason that the whole crux of this is that it is mixed use and that it does not have anything to do with replacing maritime services and it should not be any problem at all.

Ms. Carabelas said that she agreed with this assessment.

Mr. Gada concurred and offered that in the case of sidewalks that sometimes they are not appropriate such as they recently evidenced where they would have been placed on a busy road where someone would get hurt crossing traffic.

**Vote: 5 – 0 – 0. Motion passed.**

Mr. Dwyer thanked Mr. Petrini for a very well thought out presentation.

Mr. Gada added that it was also well presented.

**3. Application of Theodore A. Harris to amend/modify Section 12 of the Zoning Regulations to allow recreational/residential projects on large tracts of land.**

Mr. Gada noted that they were tabling this until their April 1, 2004 meeting and hoping that they have enough members present to approve the February 5, 2004 minutes so they can make a decision.

Mr. Peck added that he thinks that it would be an injustice to make a decision on this without their regular compliment of active members present.

**4. Application of The Herb Chambers Companies, LLC for a Special Permit to construct and operate an Auto Sales agency at 51 Boston Post Road, East Lyme, CT. Property further identified as Lot 61, East Lyme Tax Assessor Map 36.0 – and –**

**5. Application of The Herb Chambers Companies, LLC for a Special Permit to erect a second freestanding sign, in accordance with Section 18.1.8.5 of the Zoning Regulations at 51 Boston Post Road, East Lyme, CT. Property further identified as Lot 61, East Lyme Tax Assessor Map 36.0**

Mr. Gada said that he had information from Staff that the drainage issues had not been finalized yet and that this would have to be tabled until the April 1, 2004 meeting, contingent upon the drainage issue being resolved.

**6. Application of Herb Chambers Companies, LLC for a Coastal Area Management site plan review to construct an automobile dealership at 51 Boston Post Road, East Lyme, CT. Property further identified as Lot 61, East Lyme Tax Assessor Map 36.0.**

Mr. Gada said that they could discuss this if they would like to, although the final decision would be tabled until April 1, 2004 to go with the rest of the application and contingent upon the drainage issue being resolved.

Mr. Dwyer commented that the CAM is cut and dry and that there really is nothing to say about it.

**OLD BUSINESS**

**1. Stormwater**

This is an on-going process.

**NEW BUSINESS**

**1. None.**

There was no new business.

Mr. Peck said that some years ago a subcommittee was formed to study the creation of a Neighborhood Business Zone or Transitional Zone. They were working with Ms. Davies, the previous Planner and were about to present it when she left for another position. The idea is that it phases out the residential zone so that a residential house does not have to face the back of a restaurant or gas station type building. At the time, they were thinking in terms of say, the Midway Mall and the houses there and Black Point Road where they have homes and business together. Some of the permitted uses in a transitional zone could be a mild commercial type. He said that he would like the Commissions' blessing to pursue this again and see if the current Planner can dig up the information the previous Planner had on this.

Ms. Byrnes said that she would be interested in helping Mr. Peck with this.

Mr. Dwyer mentioned that another old business item that they had been looking into was eliminating old trailers on property such as the ones that Mitchell used for years that were just for storage and the gutter guy. He said that he would be willing to look into this further and bring more information forth.

Mr. Gada said that a former Commission member had brought up to him that there is a signage problem in Town again. He knows that Niantic Main Street is working on a signage standard but he feels that the issue of signage should be for everywhere in Town. Presently signs for dinners and events can be seen everywhere and it seems to be an enforcement problem more than anything else although sending someone out to enforce this creates a situation where the sign comes down and is put back up the next day. He said that he is interested in this and thinks that Mr. Salerno also had an interest in it and would work on it with him.

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

There was none.

**3. Zoning Official**

Mr. Mulholland was not present to comment.

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

Mr. Gada asked Ms. Hogan if she would like to comment.

Ms. Hogan reported that the trailers on Roxbury Road in the Highway Department area are gone and the area has been cleaned up. Other exciting news is that they will have to monitor the stormwater/catch basins and that they will not get any funds for this. There is a five-year phase-in and they are working on a special stormwater permit that will affect developments. This will also involve Zoning and Planning.

Ms. Hogan also reported that with an adjustment in Revenue and with the budget as it stands now with cuts that were made by the Board of Selectmen but no cuts yet made by the Board of Finance, there would be a 3.7 mill increase. She imagines that the Board of Finance will cut something. She also noted that the Board of Finance and Board of Selectmen would be given a Board of Education budget presentation possibly on March 31, 2004.

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

No one was scheduled to go.

**6. Comments from Chairman**

Mr. Gada had nothing further to report.

**7. Adjournment**

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

**Mr. Dwyer moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:30 PM.**

**Mr. Peck seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary