

RECORDED EAST LYME, CT. LAND RECORDS  
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*Kathleen Williams*

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING  
NOVEMBER 7, 2002  
MINUTES**

The East Lyme Zoning Commission held a PUBLIC HEARING on Thursday NOVEMBER 7, 2002 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Public Hearing at 7:30 PM.

PRESENT: Mark Nickerson, Ed Gada, Norman Peck, David Chamberlain, Athena Cone, Alternate Marc Salerno, Alternate William Dwyer and Alternate Robert Bulmer

Absent: Shawn McLaughlin.

Also present: William Mulholland, Zoning Official; Rose Ann Hardy, Ex-Officio

PANEL: Mr. Nickerson, Mrs. Cone, Mr. Gada, Mr. Peck, Mr. Chamberlain and Alternate Mr. Dwyer.

**PUBLIC HEARING**

**Continuation on the application of Theodore A. Harris, agent for Demitrios Orphanides, for a change of zone for 10 Black Point Rd. (Lot #200, East Lyme Assessor's Map 11.2) and 12-B Black Point Rd. (Lot #201, East Lyme Assessor's Map 11.2), Niantic, CT. The applicant proposes to rezone the properties from their existing zoning designation to a CB Commercial Zoning district.**

Mr. Nickerson opened the public hearing.

Mrs. Cone read into the record:

1. Letter from Southeastern Connecticut Council of Governments, Regional Planning Office to the East Lyme Zoning Commission dated 9/5/02.
2. Letter from East Lyme Planning Commission to the East Lyme Zoning Commission dated October 16, 2002.
3. Letter from East Lyme Water & Sewer Commission to the East Lyme Zoning Commission dated November 6, 2002.
4. Letter from East Lyme Zoning Commission to East Lyme Water & Sewer Commission dated October 15, 2002.
5. Letter from Zoning Official William Mulholland to East Lyme Zoning Commission dated November 7, 2002.

Mr. Nickerson invited Mr. Harris to make his presentation to the Commission.

Mr. Harris indicated that the subject parcel of approximately 2.6 ac. is made up of 3 Zoning Districts: R40/R20, CA (along Black Point Rd.) and CB. The parcel is adjacent to the existing Woodwind Apartments, behind commercial use property on Main St. and residential uses on Black Point Rd.. He indicated that it is the applicant's intent to construct a multi-family residential building on the property and is requesting that the existing zones be changed to a CB Zoning District.

Mr. Harris presented a drawing indicating the location of the parcel and surrounding parcels showing designated Zoning Districts. He cited Judge Fuller who indicated that properties or lots divided by zone lines provide a difficult basis upon which to develop. In Section 20.4 of the Zoning Regulations, the Town has attempted to alleviate that problem to some extent, by allowing the extension of 30-feet into the more restrictive zone. With respect to this parcel, however, this would leave a substantial portion of the parcel in the Residential Zone.

Mr. Harris indicated that the applicant is requesting an extension of the CB rather than the creation of a new zone on this parcel. He cited the action of the Zoning Commission in 1977 when it approved the same change for the adjacent parcel.

Mr. Harris also cited the East Lyme Plan of Conservation and Development and noted that this change is consistent with it (Section 2). The overall goal of the Plan to have a variety of residential types within town and multifamily is an essential part of that goal. Additionally, the Plan targets the Niantic Village for multifamily due to its proximity to facilities and services. (Section 3).

Mr. Harris stated that currently there can be commercial development on that parcel without a Special Permit and in his opinion it would not be ideal and may not be the best use for the property. He added, however, that the location is not appropriate for commercial use as it is essentially a rear lot (behind residential dwellings) with a 52-foot frontage on Black Point Rd.

Mr. Harris indicated that presently at Woodwind Village the majority of residents are over 55 years of age and there are no school age children.

Following Mr. Harris's presentation Mr. Nickerson invited questions and comments from the Commission.

Mr. Chamberlain stated his concern with respect to traffic and the parcel's proximity to the Niantic Center School. Mr. Harris stated that the experience with Windward Village shows little problems with traffic and would anticipate the same with this parcel. He added that should this request be granted, the applicant would perform a traffic study as part of the Special Permit Application. Additionally, access may be onto Black Point Rd., but as Woodwind Village is adjacent, access through that development may also be a possibility but would have to be studied during site planning.

Mr. Mulholland requested that should the zone change be granted and Special Permit application filed that the applicant perform the traffic study during the summer peak hours, preferably July. Mr. Harris stated that would seem possible.

Mr. Nickerson requested clarification between CA and CB zones and Mr. Mulholland read the CA Uses and CB Uses some of which overlap. CA however allows for single family dwellings, but no multifamily use, whereas CB does not. Some other uses: hotel, retail, professional/business, service station, auto sales, veterinarian, parking lot, commercial recreation.

Mr. Dwyer suggested that a hotel on the site would generate an equivalent amount of traffic as a multifamily development.

There being not further questions from the Commissioners, Mr. Nickerson opened the hearing for public comment. There being no speakers in support of the application, Mr. Nickerson invited those wishing to speak in opposition to the applicant to address the Commission.

Beth Lewis, 8 Black Point Rd. stated her concern with respect to the access on Black Point Rd., which is currently a right-of-way to access her garage. She indicated on the drawing the location of her home and stated that her concern is for the safety of her children. She requested that another residence be built on the property, as the majority is already Residential Zone.

Mr. Harris pointed out the commercial zone line plus 30-feet where commercial development could take place currently.

Tom Blundon, 8 Champlin Hill Court stated that the majority of the property is zoned residential, was purchased as residential and should remain residential. As CB zone the building height may go as high as 40-feet and the building would be adjacent to single family residences and buffers would be only 10-feet. If the parcel is rezoned, the applicant could construct an auto service station, and other uses mentioned previously. He stated his concern for the devaluation of his and his neighbor's property as well as increased noise and light. Mr. Blundon presented photographs taken from a variety of locations in the area. (Exhibit 1).

Karen Smith, 9 Champlin Hill Court presented a petition (Exhibit 2). Mrs. Cone read the petition into the record. Mr. Mulholland stated he would have to verify the signatures. He added that if 20% of the signers are within 500-feet of the parcel, the Commission would require 2/3 vote of the Commission to approve the application.

Mrs. Smith stated that she purchased her property with the understanding that this parcel was zoned residential and should remain so. She also stated her concern with respect to maintenance of the fencing that would be installed.

John D'Amico, 24 Black Point Rd. stated that the majority of the parcel is residential zone and he purchased his property with that knowledge and understanding. He stated his concern with regard to

buffers and light overflowing onto his property. He also stated his concern with respect to the children in the area.

Glen Hutchins, 32 Black Point Rd. stated he was an abutting neighbor to the south and concurred with prior speakers in opposition to the application.

Nancy Hutchins, 32 Black Point Rd. concurred with prior speakers.

Jane Summers, 43 Old Black Point Rd. stated that a 60 unit multifamily on that parcel would have grave consequences for the residence abutting the parcel. She also stated her concern with respect to children walking to school or crossing the access to the property on Black Point Rd.

Paul Kramm, 9 Columbus Ave. stated that his house backs up to Windward Village and invited those present to observe the light pollution created on his property. He also stated his concern for the devaluation of surrounding residential homes.

Carol Hindman, 6 Champlin Hill Court concurred and objected to a monstrous building abutting the residences. If the parcel is zoned residential it should remain that way.

Paula Nowakowski, 30 Black Point Rd. stated her concern for devaluation of the area property.

Richard Hindman, 6 Champlin Hill Court objected to changing a residential zone to a commercial zone. He inquired what part of the parcel is currently zoned commercial and what could realistically be built upon that area.

Mr. Mulholland stated that it is difficult to respond to that questions as there are no plot plans present and the Commission is considering zone change not site plans. He did indicate that in a CA and CB zone there are 20-foot front setbacks, 10-foot buffers and 40% coverage with parking places. There are additional formulas that dictate density, i.e. number of units.

Mr. Harris indicated that his best guess was that currently between 1-1.2 ac. are commercially zoned (including the 30-foot extension allowed) and could conceivably accommodate a building 30-ft x 110-ft or 55-ft x 70-ft. located behind the residences on Black Point Road. He presented a sketch showing these dimensions and location on the parcel.

James Summers, 43 Old Black Point Rd. questioned why Mr. Harris colored the drawing as he had. Mr. Harris indicated those were the colors selected by his engineer who did the drawing and there was no intention to deceive.

There being no further speakers opposed or in favor of the application, Mr. Nickerson inquired if Mr. Harris had any further comments.

Mr. Harris stated that Black Point Rd. is currently zoned commercial, but happens to have residences, which do not preclude commercial development. He added that a multifamily dwelling was consistent with the Plan of Conservation and Development and is appropriate for a transitional area.

There being no further speakers, Mr. Nickerson closed the public hearing at 9:00 PM

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
12 November 2002