

**EAST LYME ZONING COMMISSION  
SPECIAL MEETING  
Thursday, AUGUST 18th, 2005  
MINUTES**

**PRESENT:** Mark Nickerson, Chairman, Pamela Byrnes, Acting Secretary, Norm Peck, Ed Gada, Shawn McLaughlin, William Dwyer, Alternate

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

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Aug 22 20 05 at 3:30 AM  
PM

**ABSENT:** Rosanna Carabelas

*Esther B. Williams*  
EAST LYME TOWN CLERK

**1. Call to Order**

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 9:25 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 were no delegations.

**2. Approval of Minutes – Public Hearing I, II & III and Regular Meeting Minutes of August 4, 2005.**

Mr. Nickerson asked if they could, that they motion the Minutes together such as with the three Public Hearings.

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

**Ms. Carabelas moved to approve the Zoning Commission Public Hearing I, II & III Minutes of August 4, 2005.**

**Mr. Gada seconded the motion.**

After some discussion among the Commission members, Ms. Byrnes rescinded her motion and Mr. Gada his second when they realized that they had just received copies of some of these minutes and had not had the chance to adequately review them.

Mr. Mulholland confirmed that some of the minutes were disseminated this evening.

Mr. Nickerson tabled approval of these minutes until the next meeting of the Commission.

**3. Application of Theodore A. Harris to amend the East Lyme Zoning Regulations to permit Auto Body Shops in CA Commercial Zoning Districts.**

Mr. Peck and Mr. Dwyer recused themselves from this discussion and were seated in the audience.

Mr. Nickerson seated Mr. Henderson and Mr. Salerno, both Alternates at the table for discussion on this application.

Mr. Nickerson called for discussion on this application.

Mr. Salerno said that he does not see any auto body repair shops allowed now in the CA districts although they are allowed in the Industrial Zone. He said that he is also not sure whether they can make the claim that an auto body shop is also auto repair. He thinks that this is more appropriate for the Industrial zones and not

the CA zone. He added that he does not think that they should mix in the Aquifer regulations with this but keep them separate.

Mr. Gada said that he is concerned with the aquifer protection and that he thinks that they should be cognizant of the issues as they relate to this.

Ms. Byrnes said that she concurred with both of her fellow members who had brought up valid concerns. She stressed the aquifer issue.

Mr. Salerno said that he does not see the aquifer issue as being relevant to this or the sole reason to deny it and cautions that they should be careful with this and not mix it within the district distinctions of what is or is not allowed.

Mr. Henderson said that he agreed with his fellow members on the Commission and that he would also like to bring into the testimony what Mr. Danielson who lives at 4 Chelsea Lane had said regarding the noise pollution and light pollution that would be generated from this - especially in close proximity to the schools and residential areas.

Mr. Nickerson said that he does not see that as the issue and cautioned that they would have to look at each application separately. He noted the auto repair facilities in New London. He said that they would have some aquifer protection regulations coming in the future and that possibly they would be looking at some re-zoning also in the future with the extension of Route 11. He said that while he is in favor of this, he feels that it needs to be done differently perhaps with some text amendments and in the Industrial zone.

Mr. Mulholland said that if there were to be a text amendment that it could not be done this evening within the scope of this application. It would have to be a separate application.

Mr. Gada asked Mr. Mulholland when he expected the aquifer protection regulations to be coming. Mr. Mulholland said that it has been 13 years now and that he hesitates to give a time frame as things change and they have not heard anything definite yet. Mr. Nickerson called for a motion.

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

**Mr. Henderson moved to deny the Application of Theodore A. Harris to amend the East Lyme Zoning Regulations to permit Auto body Shops in CA Commercial Zoning Districts because of the concern for the aquifer protection area and it is inconsistent with the Plan of Development.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

(Note: Mr. Dwyer and Mr. Peck were seated at the table and Mr. Henderson and Mr. Salerno returned to the audience)

**4. Application of Niantic Main Street to amend the East Lyme Zoning Regulations to permit outdoor dining/patios and to modify Section 25.5 by eliminating the restriction permitting apartments (Mixed Use) only over retail and office uses in CB Zones.**

Mr. Nickerson noted that they had just opened and continued this Public Hearing to the September 1, 2005 meeting of the Commission.

**5. Affordable Housing Application of Landmark Development Group, LLC for (a) amendment of Section 32 of the East Lyme Zoning Regulations ("Affordable Housing District") and (b) rezoning the property identified in the Application as land of Jarvis of Cheshire, LLC and Sargent's Head Realty Corporation, identified on East Lyme Tax Assessor's Map 27, Lot 14; Map 31, Lot 4; Map 31.2, Lots 3 & 8; Map 32.1, Lots 2 & 36; Map 32, Lot 1, from its existing Zoning Designation to an Affordable Housing District Designation.**

Mr. Nickerson said that they had just continued this Public Hearing to the September 1, 2005 meeting of the Commission.

**Old Business**

**1. Stormwater**

This is a work in progress.

**2. Aquifer Protection**

This is a work in progress.

**New Business**

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

There was none.

**2. Zoning Official**

Mr. Mulholland noted that they had all been sent memos regarding the heavy schedule they had for the upcoming month..

**3. Comments from Ex-Officio**

Ms. Hardy said that she did not have a report.

**4. Comments from Zoning Board liaison to Planning Commission**

There was no report.

**5. Comments from Chairman**

Mr. Nickerson said that he would like to form a Subcommittee to rewrite CB Zones. He said that he would like to be a part of this and asked for others who are interested.

Mr. Salemo said that he would be interested in this Subcommittee.

**6. Adjournment**

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

**Mr. Peck moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:55 PM.**

**Mr. Gada seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary (Pro-Tem)