

TOWN OF EAST LYME

ZONING COMMISSION

JULY 12, 2012

FILED IN EAST LYME
July 17, 2012 AT 8:20 A M
Brooke D. Horne ATC
EAST LYME TOWN CLERK

REGULAR MEETING MINUTES

MEMBERS PRESENT:

Marc Salerno, Chairman
Matthew Kane
George McPherson
Matthew Walker
Terence Donovan
Norm Peck
Jack Hogan, Alternate (Sat for Item 4)
James Liska, Alternate (Did not sit)

MEMBERS ABSENT:

William Dwyer, Alternate

ALSO PRESENT:

Bill Mulholland, Zoning Officer
Rose Ann Hardy, Ex-Officio (Entered at 8:05 p.m.)

- 1. APPLICATION OF PETER T. TYTLA, OWNER FOR A ZONE CHANGE FROM CA TO RU-40 FOR PROPERTY IDENTIFIED IN THE APPLICATION AS 91 BOSTON POST ROAD, ASSESSOR'S MAP 31.0, LOT 2.**

Mr. McPherson stated this is a no brainer.

Mr. Donovan concurred with Mr. McPherson.

Mr. Peck stated it is certainly consistent with the POCD to preserve Open Space.

Mr. Kane stated with that end of town being so commercial this is a good thing.

Chairman Salerno stated they have to be cautious when converting zones, but this lot does seem inappropriate for commercial use.

Motion (1) Mr. Donovan moved to approve the application of Peter T. Tytla, Owner for a Zone Change from CA to RU-40 for property identified in the application as 91 Boston Post Road, Assessor's Map 31.0, Lot 2.

Seconded by Mr. McPherson.

Motion Passed 6-0.

Mr. Mulholland stated this will be published on July 19th and will be effective on July 20th.

- 2. APPLICATION OF JAMES & WENDY TOOLE FOR A SPECIAL PERMIT TO CONSTRUCT A CHICKEN COOP, 7'X3', FOR UP TO TEN CHICKENS FOR PERSONAL USE AT PROPERTY IDENTIFIED IN THE APPLICATION AS 52 CARDINAL ROAD, EAST LYME, EAST LYME ASSESSOR'S MAP 52.0 LOT 51.1.**

This item was moved up to Item 2.

Mr. Kane asked if they should put in that no roosters are allowed.

Mr. Peck stated he would object to eliminating roosters.

Motion (2) Mr. Peck moved to approve the application of James & Wendy Toole for a Special Permit to construct a chicken coop, 7'x3', for up to ten chickens for personal use at property identified in the application as 52 Cardinal Road, East Lyme, East Lyme Assessor's Map 52.0, Lot 51-1.

Seconded by Mr. McPherson.

Motion Passed 6-0.

Mr. Mulholland stated this will be published on the 19th and effective on the 20th.

- 3. APPLICATION OF THE TOWN OF EAST LYME ZONING COMMISSION TO AMEND THE EAST LYME ZONING REGULATIONS SECTION 20.27 ITEM NUMBER 2 TO ALLOW ADDITIONAL 450 SQUARE FEET FOR OUTDOOR DINING ADJACENT TO A PUBLIC SIDEWALK.**

Chairman Salerno stated it should specifically say outdoor dining and not outdoor bars, he agrees with Mr. McPherson on that. People can still drink at the tables, they just can't have bars.

Mr. Walker stated the language is pretty explicit. They could add the word "only" for outdoor dining.

Mr. Mulholland stated they can just add "outdoor bars shall not be permitted in these areas."

Mr. Peck stated if they change the wording to no outdoor bars, that is a substantive change. There would be an FOI issue. He will vote against any additional wording.

Mr. McPherson stated he will not approve it without the additional wording.

Motion (3) Mr. Peck moved to approve the application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning regulations Section 20.27 item number 2 to allow additional 450 square feet for outdoor dining adjacent to a public sidewalk.

Seconded by Mr. Donovan.

Motion Passed 4-2-0 (Nay – Chairman Salerno, Mr. McPherson)

Mr. Mulholland stated this will be published on the 19th and effective on the 20th.

- 4. REQUEST OF THEODORE A HARRIS FOR EXCEPTIONS TO SECTION 24 SITE PLAN REVIEW REQUIREMENTS (SPECIFICALLY SECTION 24.6C 9(SIDEWALK) AND SECTION 24.6 E(3)(BUFFERS) FOR PROPERTY LOCATED AT 30 WEST MAIN STREET, EAST LYME ASSESSOR'S MAP 11.1, LOT 29.**

***Mr. Peck recused himself for this item.**

Mr. Hogan sat for this item.

Ted Harris stated this is an existing building next to Charlie's, which used to be the Niantic Diner. They are asking the sidewalk requirement be waived and the buffer be waived. They will be putting a split rail fence facing the restaurant, and they will be replacing an existing stone wall on the East side of the property. In the back there are arborvitaes and a very large maple tree.

Mr. Peck requested a recess to speak to Mr. Mulholland and Attorney Harris.

The meeting resumed at 9:00 p.m.

Attorney Harris requested a continuance to the next meeting.

Mr. Peck returned to his seat, and Mr. Hogan stepped down.

5. LANDMARK III IMPLEMENTATION.

Mr. Mulholland stated he is in discussion with the Town Attorney and they will be having a discussion with the Zoning Commission shortly and he will report back in a few weeks.

6. APPROVAL OF MINUTES OF JUNE 21, 2012.

Motion (4) Mr. Donovan moved to approve the Public Hearing and Regular Meeting Minutes of June 21, 2012.

Seconded by Mr. McPherson.

Motion Passed 5-0-1 (Mr. Walker abstained)

OLD BUSINESS

1. PARKING SUBCOMMITTEE

This subcommittee has not met.

Mr. Mulholland stated the Café Sol is expanding to next door and without the parking extension they could not have done that.

Chairman Salerno stated they will pick back up in the fall.

2. SIGN SUBCOMMITTEE

Chairman Salerno requested that Mr. Walker schedule a meeting and make sure Mr. Kalal and Mr. Christensen are invited.

3. OUTDOOR DINING BARS SUBCOMMITTEE

This subcommittee will schedule a meeting.

NEW BUSINESS

1. ANY BUSINESS ON THE FLOOR, IF ANY, BY THE MAJORITY VOTE OF THE COMMISSION.

There was no business on the floor.

2. ZONING OFFICIAL

There is another mixed use coming in downtown. He has been working on the tear down and rebuild of the Henny Penny. Gateway is in the wings.

3. COMMENTS FROM EX-OFFICIO

There were no comments.

4. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

There was no meeting.

5. COMMENTS FROM CHAIRMAN

Chairman Salerno had no comments.

6. ADJOURNMENT

Motion (5) Mr. McPherson moved to adjourn the meeting at 9:10 p.m.

Seconded by Mr. Donovan.

Motion Passed 6-0.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "Karen Miller Galbo".

**KAREN MILLER GALBO
RECORDING SECRETARY**