

TOWN OF EAST LYME  
ZONING COMMISSION

MAY 5, 2011

REGULAR MEETING

**Members Present:**  
Marc Salerno, Chairman  
Steve Carpenteri  
Mathew Walker  
Norm Peck  
William Dwyer, Alternate

FILED May 10, 2011  
AT 9:10 a.m.

**Members Absent:**  
Ed Gada  
Rosanna Carabelas

Sabrina, etc.  
TOWN CLERK

**Also Present:**  
Bill Mulholland, Zoning Officer

MINUTES

Mr. Dwyer is seated as a regular voting member for this meeting.

1. Continuation of Application of Craig Taft, for a Special Permit for Outdoor Dining at property identified in the application as 267-283 Main Street, Niantic, Connecticut. Assessor's Map 12.1, Lot 103.

Mr. Carpenteri recused himself for Item 1.

**Motion (1)** Mr. Peck moved to approve the application of Craig Taft for Burke's Tavern, for a Special Permit for Outdoor Dining/Patio at property identified in the application as 267-283 Main Street, Niantic, Connecticut (aka 13 Hope Street, Niantic, Connecticut with the following condition:

- a. Entertainment allowed until 11:00 p.m.

Seconded by Mr. Dwyer.

Mr. Peck discussed adding another condition to the motion stating that patrons shall not use the patio for alcohol consumption without sitting at a table, but then Mr. Peck decided to NOT add that to his motion. Mr. Peck stated the restaurant has been there for years and he didn't even know they had a patio.

Mr. Mulholland stated they are allowed to put conditions on Special Permits. It will have to be renewed in a year. They stated that they intend to run a tight ship. This patio is not on Main Street.

Mr. Salerno stated they are not setting a precedent here. This is not on a public sidewalk. We are not obligated to renew it next year if there are any problems.

**Motion Passed 4-0.**

**Mr. Mulholland stated it will be published next Thursday the 12<sup>th</sup> and be effective next Friday the 13<sup>th</sup>.**

- 2. Application of the Town of East Lyme to amend the East Lyme Zoning Regulations Section 20.27 Outdoor Dining.**

Mr. Carpenteri returned for the remainder of the meeting.

**Motion (2) Mr. Walker moved to approve the Application of the Town of East Lyme to amend the East Lyme Zoning Regulations Section 20.2 Outdoor Dining.**

Seconded by Mr. Carpenteri.

**Motion passed 5-0.**

**Mr. Mulholland stated it will be published next Thursday the 12<sup>th</sup> and be effective next Friday the 13<sup>th</sup>.**

- 3. Application of Peter Springsteel, Architect, for Joseph and Deirdre Borih (Owners) for a Coastal Area Management Site Plan Review to construct a new single family dwelling with an attached two car garage at 259 Giants Neck Road, Niantic, CT.**

Mr. Carpenteri read a memo from Mr. Mulholland. The Giants Neck Beach Zoning has already approved this project, but the CAM Plan falls under East Lyme Zoning Commission.

Mr. Springsteel stated they will be taking down the existing building. There will be no filling; they will have a silt fence along the lower perimeter. They will also be using permeable pavers on the driveway and they will have rain gardens.

Mr. Salerno asked if there will be a basement and if the excavation will be taken off site.

Mr. Springsteel stated they will have a full basement and the excavation will all be taken off site.

**Motion (3) Mr. Walker moved to approve the Application of Peter J. Springsteel, Architect for Joseph and Deirdre Borih for a Coastal Area Management Plan Review for property located at 259 Giants Neck Road, Niantic for demolition of an existing structure and construction of a new single family dwelling.**

**Reasons:**

- a. Application is consistent with all applicable goals and conditions of the CAM Act.**
- b. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.**

**Seconded by Mr. Carpenteri.**

**Motion Passed 5-0.**

- 4. Request of Theodore A. Harris, Agent for Seaside Village, aka 38 Hope Street, for a site plan modification.**

Mr. Salerno read a memo from East Lyme Public Works to Mr. Mulholland regarding the carports.

Mr. Salerno read a letter from Richard Morris, Fire Marshall to Mr. Mulholland dated May 3, 2011.

Mr. Harris stated this stems from feedback to the marketing team at 38 Hope Street. The carports are optional and this does not mean that every one on the plan will be built. They are just putting covers over some of the spaces.

Mr. Carpenteri asked what would happen if everyone wanted one.

Mr. Harris stated they would have to come back to this Commission if that happened.

Mr. Salerno asked how these would be owned.

Mr. Harris stated the people who own these would have a limited common interest in the carports. It will be assigned parking.

Mr. Mulholland asked how this would affect the affordability plan.

Mr. Harris stated it would have to be offered as part of the affordable units as well.

Mr. Mulholland asked whose function it is to make sure that occurs.

Mr. Harris stated they must offer affordable units at equivalent rates.

Mr. Mulholland asked if these are not dissimilar in Mr. Harris' opinion.

Mr. Harris stated they are not dissimilar in his opinion.

There was discussion of moving one of the carports.

An Exhibit was presented by Mr. Harris showing the movement of the carports. They will be removing the carport labeled number 1 and adding one where there is a number 2 as labeled.

**Motion (4) Mr. Peck moved to approve the Site Plan Modification of Attorney Ted Harris regarding 38 Hope Street Seaside Village as discussed regarding the carports as amended in Exhibit 1.**

**Seconded by Mr. Carpenteri.**

**Motion Passed 5-0.**

**5. Approval of Minutes of April 7, 2011 and April 21, 2011.**

**Motion (5) Mr. Carpenteri moved to approve the Public Hearing and Regular Meeting minutes of April 7, 2011.**

**Seconded by Mr. Peck.**

**Motion Passed 4-0-1 (Mr. Dwyer abstained)**

**Motion (6) Mr. Peck moved to approve the Public Hearing and Regular Meeting minutes of April 21, 2011.**

**Seconded by Mr. Walker.**

**Motion Passed 3-0-2 (Mr. Carpenteri and Mr. Salerno abstained)**

### **OLD BUSINESS**

**1. Niantic Village Subcommittee (Norm Peck & Marc Salerno)**

This subcommittee has not met.

**2. Parking Subcommittee (Matthew Walker, Marc Salerno, Steve Carpenteri)**

This subcommittee has not met. Mr. Mulholland is looking into some information on public parking.

**3. Sign Subcommittee (Marc Salerno, Rosanna Carabelas, Matthew Walker)**

This subcommittee has met, and they are looking into whether CB zone should be different than the CA zone for signs.

**NEW BUSINESS**

**1. Request of Webster Bank, Owner/Applicant of Darrow Pond, for Extension of Special Permit of SU-E Zoning District at 16 Mostowy Road, East Lyme, Connecticut.**

Mr. Salerno asked Mr. Mulholland to schedule this for the next Regular Meeting.

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

There was no business on the floor.

**3. Zoning Official**

Mr. Mulholland stated they have been very busy. They received an application for a new business behind a hair salon on Flanders Road. He also attended a hearing on a development by Chapman Woods.

Mr. Peck stated since they have now been provided with Zoning Regulations in a three ring binder, they should just give them any amendment pages and they would be able to just replace the old pages with the new pages.

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

There was no ex-officio present.

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

Mr. Salerno asked Mr. Mulholland to have Jen email whoever is scheduled to attend prior to the Planning meeting.

**6. Comments from Chairman**

Mr. Salerno attended the EDC meeting. There is now an agricultural subcommittee. It is not the same members as the EDC. They have had tractor signs put up.

**ADJOURNMENT**

**Motion (7) Mr. Walker moved to adjourn the meeting at 9:20 p.m.**

**Seconded by Mr. Dwyer.**

**Motion Passed 5-0.**

**Respectfully Submitted,**

A handwritten signature in cursive script that reads "Karen Miller Galbo". The signature is written in black ink and is positioned above the printed name.

**Karen Miller Galbo**