

TOWN OF EAST LYME

ZONING COMMISSION

FEBRUARY 21, 2013

REGULAR MEETING MINUTES

MEMBERS PRESENT:

Marc Salerno, Chairman
Matthew Kane
Matthew Walker
Terence Donovan
Norm Peck
William Dwyer, Alternate (Sat for Public Hearing and Regular Meeting)

MEMBERS ABSENT:

George McPherson
James Liska, Alternate

ALSO PRESENT:

Holly Cheeseman, Ex-Officio
Bill Mulholland, Zoning Officer
Attorney Mark Zamarka

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Feb 25 AT 9:05 AM/PM
Bruce D. Orum ATC
EAST LYME TOWN CLERK

1. Application of William Heenan for Anmar LLC for a Special Permit for Mixed Use Development, at property identified in the application as 157 West Main Street, Niantic. East Lyme Assessor's Map 10.4, Lot 31.

The members liked the presentation and thought it was an impressive mixed use project.

Mr. Salerno requested they put more trees on the left side.

Mr. Heenan stated they can add the trees.

Mr. Dwyer asked how we ensure the entrance won't be used as an exit.

Mr. Mulholland stated the entrance and exit will be approved by DOT, and they will make sure there is appropriate signage.

Motion (1) Mr. Kane moved to approve the Application of William Heenan for Anmar LLC for a Special Permit for Mixed Use Development, at property identified in the application as 157 West Main Street, Niantic. East Lyme Assessor's Map 10.4, Lot 31.

Seconded by Mr. Dwyer.

Motion Passed 6-0.

This will be published on Thursday, February 28th and effective Friday, March 1st.

2. **Application of Theodore A. Harris, agent for JAG Capital Drive, LLC to rezone from its existing zoning designation (Light Industrial) to Affordable Housing District for property identified in the application as West Main Street/Capital Drive, Assessor's Map 09.0, Lot 19.**
3. **Application of Theodore A. Harris, agent for JAG Capital Drive, LLC for approval of affordable housing development, and a conceptual site plan to construct sixty-nine (69) residential units on property identified in the application as West Main Street/Capital Drive, Assessor's Map 09.0, Lot 19.**

There was discussion of Item 2 and Item 3 simultaneously.

Mr. Salerno stated they heard testimony at the last meeting. They have 65 days from the last meeting to make a decision. When they come up with a consensus they will ask staff to put together proposed motions. Right now the Regulations allow convalescent homes in light industrial, which the applicant thinks are residential.

Mr. Donovan stated this is a totally different area. After hearing the testimony from Mr. Birk they are inviting the possibility of future problems.

Mr. Peck stated the POCD indicates the percentage of industrial property in town is 1%. The plan also recommends future industrial development in the Colton Road area. Since Seaspray was approved there have been some angry comments from residents. The Colton Road owners are in opposition, and they are scared that they will be stifled by the residential development in the future. Why should someone not be able to work 24/7 in an industrial zone? If business is stifled it could affect property values. Hotels in our town are for transient guests. Convalescent homes are not defined but it means they are getting better and not intending a permanent stay at the convalescent home. He is very much opposed to this project in this location.

Mr. Walker stated there are definitely conflicting viewpoints. The public safety viewpoint is very compelling that the business owners rose. Having residential units so close to their buildings. Will the fence keep the residents safe? He is not sure the developers gave enough consideration to safety. It is a very well designed project and the town does need more affordable housing, but the information from the business owners was very compelling.

Mr. Kane agreed with everyone's comments.

Mr. Salerno stated it is a well designed project but three sides would be surrounded by light industrial. The business owners brought up good points. There have been complaints from residents at Seaspray because they are so close to the light industrial. He believes the concern for safety overrides the desire for this project. He also doesn't believe Convalescent Homes and Hotels are residential uses. They are transient and not meant for residences. This will devalue the surrounding properties and it is not in the right location.

Attorney Zamarka stated he is comfortable with this discussion. He felt it was important to point out the options to the commission. They can approve this as submitted, they can approve it with conditions,

and they can deny the application based on the affordable housing, or they can deny it based on its location in a light industrial zone. The Public hearing closed on February 7th, they have 65 days to make a decision and that would be on April 13th, which is a Saturday, so April 12th.

- 4. Application of Mirabell, LLC for a Special Permit for renewal of Outdoor Dining to include the serving of alcohol, at property identified in the application as 344 Main Street, Niantic, Connecticut.**

This item was continued to the next meeting.

- 5. Application of J. Robert Pfanner, for James and Anita Lahey, Owner, for a Coastal Area Management Review for the removal of the existing home and replacement with a new home, at property identified in the application as 20 Bishop Bay Road, Niantic.**

Mr. Walker read a letter from Mr. Mulholland.

Mr. Pfanner stated they want to rip the house down and build a new one on the same foot print. They will be building the new one on piers. There will be panels that come down so it will look solid.

The following exhibits were entered:

- Exhibit 1: Plot Plan**
- Exhibit 2: Elevations**

Mr. Mulholland stated they are breakaway walls; we are looking at the CAM review. The Niantic River is there, and there are no Shellfish beds on site. It meets all coastal use policies. Erosion control will be in place.

Mr. Pfanner stated there is a wall that protects the beach. The wall will stay. Excavation will be minimal. The soil will be trucked out and they will use silt fence during construction.

Mr. Mulholland stated they will get a permit at the time of construction.

Motion (2) Mr. Donovan moved to approve the Application of J. Robert Pfanner, for James and Anita Lahey, Owner, for a Coastal Area Management Review for the removal of the existing home and replacement with a new home, at property identified in the application as 20 Bishop Bay Road, Niantic.

Reasons:

- 1. Application is consistent with all applicable goals and conditions of the CAM Act.**
- 2. 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. Peck.

Motion Passed 6-0.

6. Approval of Minutes of February 7, 2013.

The approval of the January 17th Minutes was continued to the next meeting.

Motion (3) Mr. Peck moved to approve the February 7, 2013 Public Hearing and Regular Meeting Minutes of February 7, 2013.

Seconded by Mr. Donovan.

Motion Passed 6-0.

Old Business

1. Parking Subcommittee

There was nothing to report.

2. Sign Subcommittee

There was nothing to report.

3. Outdoor Dining Bars Subcommittee

They met tonight and they finalized what they want to present to the Commission.

4. Poultry Subcommittee

Mr. Mulholland put together some information and they will meet in the next few weeks.

New Business

- 1. Application of the Town of East Lyme, for a Coastal Area Management Review for expansion of an existing public parking lot and construction of a public restroom facility at property identified in the application as 22 Main Street, aka Cini Park Parking Lot.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

- 2. Application of the Town of East Lyme, for a Coastal Area Management Review for replacement of the Town Boat Launch Ramp at property identified in the application as Grand Street, Niantic.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

- 3. Application of Theodore A. Harris, Attorney, for Benchmark Senior Living, for a text amendment to the East Lyme Zoning Regulations Section 9.2 CB Zone and Section 25.5 for Assisted Living Facilities.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

The Following 4 items were taken off the floor, and were not on the Agenda.

4. **Application of Donald W. Gerwick, for Frank Natale, for a Coastal Area Management Review for retention and relocation of an existing retaining wall at property located at 23 North Edgewood Road, Niantic.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

5. **Application of Keith Neilson, for Docko, Inc., for William Stone, for a Coastal Area Management Review for erosion control measures at property located at 297 Old Black Point Road, Niantic.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

6. **Application of Bill Wild, for Wild-Froyo, LLC dba Peachwave Frozen Yogurt East Lyme, Owner/Applicant, for a Special Permit to operate a Fast Food Restaurant at property identified in the application as 170 Flanders Road, East Lyme, Connecticut, Assessor's Map 26.3, Lot 11.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

7. **Request of Wayne Fraser, for Aces High, for a waiver of section 12.2.3 of the East Lyme Zoning Regulations at property located at 301 Chesterfield Road, East Lyme.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

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

There was no business on the floor.

9. Zoning Official

Mr. Mulholland stated he has been very busy. The next meeting will be extremely busy. Gateway is moving along.

Mr. Dwyer asked if Park and Recreation had their own sign regulations.

Mr. Mulholland stated the signs still have to comply with Zoning Regulations.

10. Comments from Ex-Officio.

Ms. Cheeseman stated the Board of Selectmen met last night. They reviewed 4 budgets and then had their Regular Meeting. They authorized a grant appropriation to go to the Board of Finance to purchase vehicles for the Amtrak Beach. There would be 3 ATVs and 1 Jet Ski. It will have to go to a Town

Meeting. The First Selectman discussed the State's budget and the effect on the Town. There are some very significant financial implications to the Town.

11. Comments from Zoning Board Liaison to Planning Commission

The Planning meeting was cancelled.

12. Comments from Chairman

Chairman Salerno asked Mr. Mulholland to have his office notify members if the Planning meetings are cancelled. He received a letter of resignation from Mr. Hogan. They have an opening for an Alternate.

13. Adjournment

Motion (4) Mr. Donovan moved to adjourn the meeting at 9:00 p.m.

Seconded by Mr. Peck.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**