

TOWN OF EAST LYME

ZONING COMMISSION

APRIL 19, 2012

REGULAR MEETING MINUTES

Members Present:

Marc Salerno, Chairman

Terence Donovan

Matthew Walker

Norm Peck

Matthew Kane

George McPherson

William Dwyer, Alternate (Did not sit)

Jack Hogan, Alternate (Sat for Item 4 of the Regular Meeting)

FILED IN EAST LYME
April 24, 2012 AT 8:30 AM

Brooks D. Haven ATC
EAST LYME TOWN CLERK

Also Present:

RoseAnn Hardy

Bill Mulholland, Zoning Officer

Members Absent:

James Liska, Alternate

REGULAR MEETING

1. Application of John D. Rodgers, for Rodgers Development LLC to amend the East Lyme Zoning Regulations Section 12A SU-E Special Use Districts to permit 20% of development to be market rate.

Item number 1 was withdrawn by the Applicant.

2. Application of Gary Smith, Trustee, GDS Capital Holdings, LLC for construction of a mixed use development under section 9.2.3 and Section 25.5 of the East Lyme Zoning Regulations on property identified as 369-377 Main Street, Niantic, Assessors Map 11.2 Lot 134 and 135.

Chairman Salerno stated this looks like a great project and is exactly what this Commission has been trying to get downtown. Mr. Smith has definitely persuaded him with this project.

Motion (1) Mr. Walker moved to approve the Application of Gary Smith, Trustee, GDS Capital Holdings, LLC for construction of a mixed use development under section 9.2.3 and Section 25.5 of the East Lyme Zoning Regulations on property identified as

369-377 Main Street, Niantic. Assessor's Map 11.2, Lot 134 & 135, with overall height allowed to 33.75' as provided for in Section 25.5 Mixed Use Development Item #4.

Seconded by Mr. McPherson.

Motion passed 6-0.

This item will be published next Thursday April 26, 2012, and will be effective on Friday, April 27, 2012.

- 3. Application of Gary Smith, Trustee, GDS Capital Holdings, LLC for a Coastal Area Management (CAM) Review for construction of a mixed use development site plan review for property identified as 369-377 Main Street, Niantic. Assessor's Map 11.2 Lot 134 & 135.**

Mr. Mulholland stated there are no coastal resources on or adjacent to the site, but they had to do the application.

Motion (2) Mr. McPherson moved to approve the application of Gary Smith, Trustee, GDS Capital Holdings, LLC for a Coastal Area Management (CAM) Review for construction of a mixed use development site plan review for property identified as 369-377 Main Street, Niantic. Assessor's Map 11.2 Lot 134 & 135.

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. Donovan.

Motion Passed 6-0.

- 4. Request of Theodore A. Harris, Esq., Applicant for a waiver of Section 24.6B of the East Lyme Zoning Regulations, width requirement for property identified as 461 Main Street.**

****Chairman Salerno recused himself for this item.**

****Mr. Hogan sat as a regular member for this item.**

Mr. Harris stated this is an existing house with extensive renovations. It will be an office for the owner, which required site plan approval. The Site Plan Regulations allow a waiver of the driveway width. The driveway does narrow to 12 feet in width at its narrowest point.

Mr. Mulholland stated according to Section 24.7 the Zoning Commission can grant a waiver.

Mr. Harris stated the driveway is 24 feet in width at the road for one car length.

The owner stated there will be 3 to 4 cars at a time there.

Mr. Peck asked if they change the use and rented the property to a popular business what would happen.

Mr. Mulholland stated it is an existing condition and they would have to live with that.

Mr. Hogan stated aesthetically this looks like a house, not an office.

Mr. Harris stated there are six spaces for parking.

Motion (3) Mr. Peck moved to approve the request of Theodore A. Harris, Esq., Applicant; for a waiver of Section 24.6B of the East Lyme Zoning Regulations, width requirement for property identified as 461 Main Street.

Seconded by Mr. Hogan.

Motion Passed 6-0.

****Chairman Salerno returned for the remainder of the meeting and replaced Mr. Hogan.**

5. Landmark III Implementation.

There was nothing to report on this item.

6. Approval of Minutes of March 15, 2012.

Motion (4) Mr. Peck moved to approve the Regular meeting and Public Hearing Minutes of March 15, 2012.

Seconded by Mr. McPherson.

Motion Passed 6-0.

OLD BUSINESS

1. Parking Subcommittee

They are still working on putting together information on this.

2. Sign Subcommittee

They will schedule something on this for the next meeting. Chairman Salerno spoke to Mr. Kalal.

3. Sidewalk Dining Subcommittee

There was discussion of language that Mr. Mulholland had drafted for the proposed outdoor dining ordinance.

Chairman Salerno stated the Commission had asked Mr. Mulholland for this language in order to clarify the regulations and make them more specific. There is concern that they are moving toward having outdoor bars in downtown.

It was agreed that the language Mr. Mulholland provided in Paragraph A and Paragraph B should be incorporated into the regulation.

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

NEW BUSINESS

- 1. Application of Harry & Trifonas Loginidis dba Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 233 Main Street, Niantic.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing on May 3, 2012.

- 2. Application of Leo Roche for Strive, LLC dba Black Sheep for a renewal of a Special Permit for outdoor dining at property identified in the application as 247-2 Main Street, Niantic.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing on May 3, 2012.

- 3. Application of Craig Taft, for CTRP Enterprises, LLC dba Burke's Tavern for a renewal of a Special Permit for outdoor dining at property identified in the application as 267-283 Main Street, Niantic.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing on May 3, 2012.

- 4. Application of Nick and Rita Fokaidis dba Village Pizza and Grille for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing on May 3, 2012.

- 5. Application of Theodore A. Harris, Esq., for East Lyme Café LLC dba Smokey O'Grady's for a Special Permit for outdoor dining at property identified in the application as 306 Flanders Road, East Lyme.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing on May 3, 2012.

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

There was no business on the floor.

7. Zoning Official

Mr. Mulholland stated they have been busy in the office.

8. Comments from Ex-Officio

RoseAnn Hardy stated the Board of Finance has completed their deliberations. The specific cuts to the Town budget can be seen on the Town website. The Board of Finance can't make specific cuts to the Board of Education budget. There is a Public Hearing on Monday at the High School.

The Town was a recipient of an America the Beautiful Grant for a tree nursery on Darrow Pond. If they are successful they would be eligible to apply next year. There is a Grant available for up to \$200,000.00 for the Samuel Smith House. The deadline is June 28, 2012. There is also a grant for Open Space, which would be a possible \$250,000.00 for the adjoining 14 acres.

9. Comments from zoning board liaison to Planning Commission

Chairman Salerno went to the meeting. The application that night was withdrawn, there was discussion of scenic roads, and there was a presentation from an intern from Eastern regarding how the Town would be affected by a major hurricane.

10. Comments from Chairman

Chairman Salerno went to the Board of Finance meeting to request \$5000.00 for the budget for expert witnesses. The Board of Finance did not keep that in their budget, but they did assure him that if it is needed down the road, they would do what they could to get that for them.

11. Adjournment

Motion (5) Mr. Donovan moved to adjourn the meeting at 10:00 p.m.

Seconded by Mr. McPherson.

Motion Passed 6-0.

Respectfully Submitted,

A handwritten signature in black ink that reads "Karen Miller Galbo". The signature is written in a cursive, flowing style.

**Karen Miller Galbo
Recording Secretary**