

Town of East Lyme  
East Lyme Zoning Commission  
Regular Meeting Minutes  
March 15, 2012

**Members Present:**

Marc Salerno, Chairman  
Norm Peck  
Mathew Kane  
Mathew Walker  
Terence Donovan  
George McPherson  
William Dwyer, Alternate  
Jack Hogan, Alternate

FILED March 20, 2012  
AT 4:10 PM.  
Sablais, etc  
TOWN CLERK

**Also Present:**

Bill Mulholland, Zoning Officer  
Rita Palazzo, Planning

1. Application of Steve Carpenteri for Niantic Bay Inn, Inc., (aka Lyme Tavern) for a Special Permit for Outdoor Dining at property identified in the application as 229-2 West Main Street, Niantic, Connecticut. Assessor's Map 10.3, Lot.1.

Chairman Salerno stated that there would be low level music only, any outdoor entertainment would be acoustic, no amplification, last seating would be at 11:00, and music would be shut down at 11:00. There were no waivers required. Outdoor lighting would be a low intensity, there would be no advertising or promotional signage. This is a one year permit. Chairman Salerno opened the application for discussion. Mr. Hogan said he felt all questions were answered at the public hearing. Mr. Walker said the extension was a great concept and to have the additional outdoor dining was also good, and that it seemed to comply with the regulations.

**Motion 1:** Mr. Hogan moved to approve the application of Steve Carpenteri for Niantic Bay Inn, Inc., (aka Lyme Tavern) for a Special Permit for Outdoor Dining at property identified in the application as 229-2 West Main Street, Niantic, Connecticut. Assessor's Map 10.3, Lot.1. with the following conditions:

1. Last seating at 11:00 PM to be cleared by 12:00 PM
2. Low level music
3. Allow up to two televisions
4. Entertainment will be acoustic music only no amplification
5. Music will shut down at 11:00
6. Lighting will be low level

Seconded by Mr. Walker.

Motion passed 6-0.

To be published on the 22<sup>nd</sup> of March, 2012 and effective on the 23<sup>rd</sup> of March, 2012.

Mr. Donovan to be seated at 8:10 PM, Mr. Hogan steps down.

- 2. Application of Keith B. Neilson, P.E., of Docko, Inc. for Giants Neck Improvement Association for a Coastal Area Management (CAM) Site Plan Review for the restoration of the Giants Neck Beach due to damage from Tropical Storm Irene at property identified in the application as Giants Neck Road, Niantic, Assessor's map 04.2, Lot 3.**

Mr. Walker read into the record a letter from Mr. Mulholland regarding the above referenced application.

Mr. Bill Cotter of 3- 8<sup>th</sup> Avenue Waterford, CT representing Docko Inc. Operating at 14 Holmes Street Mystic, CT addressed the commission.

Mr. Cotter stated that the project is for restoration of Giants Neck Beach due to damage from Tropical Storm Irene. Mr. Mulholland asked if the footing was exposed at the seawalls. Mr. Cotter explained that the intent of the proposal was to excavate in front of the sea wall and to place large stone to protect the walls from exposure in the event that this were to occur again.

Mr. Cotter explained that another part of the project was to repair damage from overflow of the pond that eroded part of the asphalt. Mr. Mulholland asked Mr. Cotter to clarify this part of the project to the commission. Mr. Mulholland asked what type of equipment would be used and the necessity for a permit from DEP for activity below mean high water. Mr. Cotter explained there would be a small excavator and a loader to move the sand. The contractor feels that the project would take just a couple of days. Mr. Mulholland asked that any refueling of vehicles would take place off the beach. Mr. Mulholland asked for notification upon commencement of the project. Chairman Salerno asked that all sand being dredged would be from the area and would not be trucked in from off site. The rock that was necessary would be trucked in, there was discussion about this process. Mr. Donovan asked if any of the steps would be buried. Mr. Mulholland asked if it was the opinion of the engineers that there would not be any impact to the coastal resources. It was agreed there would not be any impact. Chairman Salerno asked if the DEP had reviewed the permit, Mr. Cotter said that it was out for signature and the DEP review process could take a couple of weeks. It was concluded the project would take one week to ten days in total.

Chairman Salerno asked if there were any further questions from the commission. Hearing none he asked for a motion.

- 3. Motion 2: Mr. Donovan moved to approve the Application of Keith B. Neilson, P.E., of Docko, Inc. for Giants Neck Improvement Association for a Coastal Area Management (CAM) Site Plan Review for the restoration of the Giants Neck Beach due to damage from Tropical Storm Irene at property identified in the application as Giants Neck Road, Niantic, Assessor's map 04.2, Lot 3. For the following 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.

**4. Landmark III Implementation**

No discussion

**5. Approval of Minutes of March 1, 2012**

**Motion 3: Mr. Walker moved to approve the Public Hearing minutes of the March 1, 2012 Zoning Commission and the Regular Meeting minutes of the March 1, 2012 Zoning Commission .**

**Seconded by Mr. Donovan.**

**Motion passed 6-0.**

**6. Approval of Minutes of Aquifer Protection Agency of March 1, 2012**

Chairman Salerno sated there would not be an approval of the minutes of the Aquifer Protection Agency at this meeting

**OLD BUSINESS**

- 1. Parking Subcommittee (Jack Hogan, Mathew Kane, Marc Salerno)**
- 2. Sign Subcommittee (Marc Salerno, Mathew Walker, Terence Donovan)**
- 3. Sidewalk Dining Subcommittee (Marc Salerno, Norman Peck)**

Chairman Salerno stated the commission has not met on any of these items. Mr. Mulholland stated that he has been working on drafts for sidewalk dining.

**NEW BUSINESS**

- 1. Application of Jack Rodgers, Whiting Farms, LLC, to amend Section 12A SU-E Special Use Districts to permit 20% of development to be market rate.**

Chairman Salerno asked that this be scheduled for the April 19<sup>th</sup> meeting.

- 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. Assessor's Map 11.2, lot 134 & 135.**

Chairman Salerno asked that this be scheduled for the April 19<sup>th</sup> meeting.

- 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.**

Chairman Salerno asked that this be scheduled for the April 19<sup>th</sup> meeting.

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

There was no business on the floor.

**5. Zoning Official**

Mr. Mulholland stated he was working on the changes for CDD . He has met with developers who are looking to do projects in town. There was nothing to report on court cases such as Landmark.

**6. Comments from Ex-Officio**

There were no comments.

**7. Comments from Zoning Board Liaison to Planning Commission**

There were no comments.

**8. Comments from Chairman**

Chairman Salerno said there was a meeting scheduled for April 5<sup>th</sup> and there was nothing on the Agenda so he suggested canceling the meeting. He commented that the April 19<sup>th</sup> meeting would be busy.


**9. Adjournment**

**Motion 4: Mr. McPherson moved to adjourn the Regular Meeting of March 15, 2012 at 8:41 PM.**

**Seconded by Mr. Donovan.**

**Motion passed 6-0.**

Respectfully Submitted,



Zoë Zrăkas

Recording Secretary