

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II
Thursday, AUGUST 6th, 2009
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of Theodore A. Harris, for GDS Capital Holdings LLC to amend the East Lyme Zoning Regulation with regard to Mixed Use Development on Thursday, August 6, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 8:43 PM after the previously scheduled Public Hearing.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada, Norm Peck, Bob Bulmer, Alternate, William Dwyer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
Attorney Theodore Harris, Representing the Applicant
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Marc Salerno, Steve Carpenteri, Gregory Massad, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Ed Gada, Norm Peck, Bob Bulmer, Alternate, William Dwyer,
Alternate

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing II

1. Application of Theodore A. Harris, for GDS Capital Holdings LLC to amend the East Lyme Zoning Regulations Sections 9.2.3, 1.1 and 25.5 with regard to Mixed Use Development.

Chairman Nickerson noted that he had seated Bob Bulmer, Alternate and William Dwyer, Alternate at the table this evening. He asked if anyone had a conflict of interest with regard to this application. Hearing no one, he continued and said that the Legal Ad for this application had run in The Day on 7/24/09 and 8/3/09.

He then asked Ms. Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 7/8/09 to Mark Nickerson, Chairman ELZC from Gary Goeschel, Planning Director – Re: Referral of EL Zoning Regulation on Mixed Use Development – finding the Application CONSISTENT with the Plan of Conservation & Development.
- ◆ Letter dated 6/24/09 to Rosanna Carabelas, Secretary ELZC from Robert Baron, Chairman, SECCOG Regional Planning – Re: Zoning Referral of Application on Mixed Use Developments - finding that the proposed text amendments would not have any adverse inter-municipal impact.
- ◆ E-mail dated 7/20/09 to Bill Mulholland from Marcia Balint, OLISP – Re: Zoning Referral to amend the Regulations in Sections 9.2.3, 1.1 and 25.5 with regard to Mixed Use Development – finding that the proposed amendments are consistent with the goals and policies of the CT Coastal Management Act.

Mr. Nickerson said then called upon the applicant or their representative to make a presentation.

Attorney Theodore Harris, 351 Main St. said that he was representing the applicant. He submitted **Exhibit A** – the Proposed Regulation Change and **Exhibit B** – Parking at Mixed-Use Centers in Small Cities for the record. He said that the purpose of this proposal is to delete Section 9.2.3 and to replace it with language on mixed use development that would require a commercial use on the ground floor with at least one upper floor devoted to residential use rather than the current method of requiring a percentage of use. The purpose is to promote downtown Niantic and to have more foot traffic. The use would also be dictated by the market activity. He noted that a traffic study would be required for any development exceeding 15,000 sq. ft., there would be a minimum lot size of 7500 sq. ft. Parking would be provided based upon the greater of the calculation for the commercial portion of the premises or the residential calculation. This was proposed as the commercial and residential do not share the same peak parking times.

He also proposed that while the building height was reduced from 40' to 30' some three years ago; that the height could be 40' but NOT on the south (waterfront) side of Main Street and that it would only be allowed to be 40' to encourage better architectural design of buildings so that they could have, for instance, better rooflines.

Mr. Nickerson said that it was a parking overlay zone.

Mr. Mulholland said that only applies to the existing buildings.

Attorney Harris said that the parking overlay only goes to the Methodist St. area.

Mr. Nickerson asked about the architectural plan that would be enforceable if they did not feel that it was appropriate for the area.

Attorney Harris said that they could tighten that language up.

Mr. Nickerson said that parking is a concern.

Attorney Harris said that he thought that they could do a basic calculation plus 10% and they would have to come back each time the commercial aspect changed to update the special permit.

Mr. Bulmer said that his concern also is the parking. He also noted that it seems that this is a draft proposal and that there is a lot of work yet to be done on this.

Attorney Harris said that he had submitted a parking study that he thought that they would find interesting and suggested that they leave this Public Hearing open for further discussion.

Mr. Mulholland suggested that they read the parking study.

Mr. Peck asked if they would have an objection to a building size restriction. He also said that he would not want to see older, historic type places torn down and replaced as in the case of the house that was standing where the McDonald's went. He said there have been instances where valued older places have been torn down and he would not be in favor of having that happen here.

Mr. Nickerson called for any public comments in favor of, against or neutrally on this application –

George Mitchell, 28 Attawan Road said he takes offense to what Mr. Peck mentioned regarding buildings of value that were torn down to build larger buildings and he wanted to clarify that where Windward Way was built, there was nothing before, where Hope Street is there was a brown field and some of the other buildings went in where there were parking areas, so they were not tearing down valuable properties and replacing them.

Mr. Nickerson asked if the Commissioners had any further comments –
Hearing none –

He called for a motion to continue this Public Hearing.

****MOTION (1)**

Ms. Carabelas moved to continue this Public Hearing.

Mr. Bulmer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson adjourned this Public Hearing at 9:28 PM and continued it to the next meeting of the Commission.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary