

**PUBLIC HEARING I Thursday, JANUARY 22nd, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of the Town of East Lyme Zoning Commission's proposal to delete Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from Section 9 CB commercial districts and to renumber Section 9 as appropriate; it is further proposed to delete all associated regulations from Section 25.5 Table of Minimum Controls for Special Permit on Thursday, January 21, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:33 PM.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Steve Carpenteri, Marc Salerno, Bob Bulmer, Alternate, William Dwyer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official

ABSENT: Ed Gada, Norm Peck, Gregory Massad, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Steve Carpenteri, Marc Salerno, Bob Bulmer, Alternate, William Dwyer, Alternate

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

- 1. Application of the Town of East Lyme Zoning Commission proposal to delete Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from Section 9 CB commercial districts and to re-number Section 9 as appropriate. It is further proposed to delete all associated regulations from Section 25.5 Table of Minimum Controls for Special Permit.**

Chairman Nickerson said that the Legal Ad for this application had run in The Day on January 9, 2009 and January 19, 2009. He said that they had some correspondence and asked that Ms. Carabelas, Secretary read the correspondence into the record.

Ms. Carabelas, Secretary read the following correspondence into the record:

- ◆ Letter dated 12/17/08 to EL Zoning Commission from Marcy Balint, Senior Coastal Planner, CT DEP – Re: Zone change referral to amend the EL Zoning Regulations to delete Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from CB districts and associated regulations from Section 25.5 – noting that they have reviewed the proposed amendments and find them consistent with the goals and policies of the CT Coastal Management Act.
- ◆ Letter dated 1/20/09 to Mark Nickerson, Chairman EL Zoning Commission from Gary Goeschel, Director of Planning – Re: EL Zoning Commission Proposal to delete from its regulations Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from CB districts and associated regulations from Section 25.5 – finding that the EL Planning Commission finds the proposal generally consistent with the POCD but also inconsistent with respect to the POCD regarding recommendations on where multi-family uses be located.
- ◆ Letter dated 1/22/09 to Mark Nickerson, Chairman, EL Zoning Commission from Attorney Theodore A. Harris – Re: Multi-family, Multi-Story Special Permit in CB Zone – noting his concerns as a landowner located on Main Street regarding the potential effects of the proposal; finding that the proposal would have negative effects.

Mr. Nickerson noted that they did not receive a letter from Regional Planning. He then explained that when they thought of this proposal some months ago that they had come up with it because it was felt that they had reached the saturation point downtown with the 38 Hope Street project and that they wanted to put the 'brakes on' that type of development in order to maintain the downtown character.

Mr. Salerno noted that it was not intended to stop putting in mixed use as it does allow commercial with apartments above and also two-family.

Ms. Carabelas asked Mr. Mulholland about the Affordable Housing component.

Mr. Mulholland said that Affordable Housing trumps everything and still has its' own set of regulations.

Mr. Nickerson noted that a concern also was that the Town only has 3% commercial and that they would like to ensure that they do not lose it to big block housing.

Mr. Nickerson called for comments from the public; in favor, opposed or neutral regarding this application –

Luane Lange, 160 Pennsylvania Ave. said that she was a housing specialist for 22 years with UCONN and that she is now retired. She said that Planning has indicated that they have some confusion over what is mixed use and what is allowed by special permit and that she thinks that they should clarify that before deleting sections. She said that she is also an alternate representative to regional planning and that they will be meeting in the near future and that she thinks that they should wait for them to meet. She also said that before deleting sections that she thinks that they should make sure that they have parameters set up somewhere within the regulations for such items so that they are not totally deleting things and that she has not had the chance to look over all of the regulations to make sure that such items are covered.

Mr. Nickerson asked that Mr. Mulholland address the comments –

Mr. Mulholland said that multi-family is still allowed by special permit and SU-E by floating zones. Mixed uses are allowed in CA and CB zones and are specified in Section 25. There are a variety of regulations that overlap and contain the various parameters.

Mr. Nickerson said that he does not concur with Mr. Harris' suggestions at this time and feels that they are correct in trying to put the brakes on at this point in time. He added that they could always revisit this and make other changes should it be necessary in the future.

Mr. Dwyer commented that this is an extreme change for any property owner in that area.

Mr. Mulholland noted that they do not have a lot of large lot areas.

Mr. Nickerson called for further comments or a motion to close this Public Hearing.

****MOTION (1)**

Mr. Salerno moved that this Public Hearing be closed.

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:05 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary