EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, SEPTEMBER 3rd, 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, September 3, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 7:33 PM.

PRESENT: Mark Nickerson, Chairman, Marc Salerno, Acting Secretary, Ed Gada, Norm Peck, Steve Carpenteri, William Dwyer, Alternate

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

ABSENT: Rosanna Carabelas, Secretary, Bob Bulmer, Alternate, Gregory Massad, Alternate

PANEL: Mark Nickerson, Chairman, Marc Salerno, Acting Secretary, Ed Gada, Norm Peck, Steve Carpenteri, William Dwyer, Alternate

Pledge of Allegiance
The Pledge was observed.

Public Hearing I
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 William Dwyer, Alternate at the table this evening. He asked if anyone had a conflict of interest with regard to this application. No one did.

Mr. Salerno and Mr. Carpenteri stated for the record that they had not been present at the beginning Public Hearing on this application however; they had familiarized themselves with the record.

Mr. Nickerson 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 C** for the record - the Proposed Regulation Change and passed out copies to the Commissioners. He noted the changes that had been made: requiring that a licensed architect prepare plans; that any additional items that the Commission should require, be provided to enable them to fully evaluate the proposal; and relief with regard to the parking. The parking would be computed by looking at the use that requires the most parking and the use that requires lesser parking and they would use the higher number PLUS 50% of the lesser use parking number. He also noted that they might want this regulation within the parking requirements so that it would allow for relief in certain unusual conditions as this speaks to the concept of mixed use. It would also be reasonable to have parking behind the front commercial use.

Mr. Mulholland asked about the 30,000 sq. ft. and if it would be approximately a 10,000 sq. ft. footprint three stories high (10,000 sq. ft. for each story).

Attorney Harris said that it is the market place that really knows what the demand is downtown and it would be the market place that would drive this.

Mr. Nickerson said that he is concerned that the commercial 'front' would be just that – a 'front' and the back would have pillars holding it up. His concern is that once the building is built that it is 'done.'

Attorney Harris said again, that it is the market that would drive this and if they are concerned with talking about percentages that 30%-40% might work. He also said that a restaurant really would not work underneath the residential use. It is about the only thing that does not work under residential.

Mr. Peck said that he has felt that it is a good idea to put more feet on the ground and to have apartments however; he wants to keep it small and in harmony with the downtown area.
Attorney Harris said that he understands his concern however they have very limited space downtown and this provides a means of trying to effectively use the property. He added that downtown Mystic has very narrow streets with three story buildings that work very effectively.

Mr. Nickerson called for public comments on this application –

John Wilson, 13 Park Place said that he is wondering what property this is for or if it is a generic text change.

Mr. Mulholland said that it is a generic change for the CB zone and any applicant coming in under it would have to go through the process.

Bill Brubaker, 35 West Main Street said that he thinks that they should look at some pictures of what this proposed change would look like as pictures are worth a thousand words.

Attorney Harris said that he would be happy to consent to an extension on this application and to present them with some sample pictures.

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

He called for a motion to continue this Public Hearing.

****MOTION (1)**
Mr. Gada moved to continue this Public Hearing.
Mr. Salerno seconded the motion.
Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson adjourned and this Public Hearing at 8:10 PM and continued it to an upcoming meeting of the Commission.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary