

**PUBLIC HEARING IV Thursday, MARCH 5, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of Jin A Nguyen for a special permit for mixed use commercial at property identified in the application as 159 Boston Post Road, East Lyme, CT on Thursday, March 5, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Acting Chairman Carabelas opened the Public Hearing and called it to order at 7:59 PM after the previously scheduled Public Hearings.

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

ALSO PRESENT: Ed Diamond, representing the Applicant
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Mark Nickerson, Chairman, Bob Bulmer, Alternate, Gregory Massad, Alternate

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

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing I

1. Application of Jin A Nguyen for a special permit for mixed use commercial at property identified in the application as 159 Boston Post road, East Lyme, CT

Acting Chairman Carabelas said that the Legal Ad for this application had run in The Day on February 20, 2009 and March 2, 2009.

She then asked Marc Salerno, Acting Secretary to read the correspondence into the record. Mr. Salerno read the following correspondence:

- ◆ Memo dated 3/5/09 to the East Lyme Zoning Commission from Wm. Mulholland, Zoning Official – Re: Special Permit - Mixed Use Commercial – noting that a day spa would occupy the first floor and a two-bedroom apartment would be established on the second floor. This falls under Section 8.2.2 subject to Section 25 Special Permit and Section 24 Site plan and parking is regulated under Section 22 – requiring 250 sf of gross floor area for a personal service establishment and one and a half parking spaces for each bedroom – and a total of 8 spaces is necessary.

Ms. Carabelas called upon the applicant or their representative for a presentation of this application. Ed Diamond, 301 Silas Deane Highway, Wethersfield, CT said that he was representing the applicant and submitted **Exhibit1** – a picture of the front and side of 159 Boston Post Road. He explained the location of the building and noted that the plan shows the parking that is proposed.

Mr. Mulholland said that the personal service day spa on the first floor is an outright permitted use and that what is at issue here is the apartment on the second floor and the parking.

Ms. Carabelas asked about the current use of the building.

Mr. Diamond said that the first floor is now a jewelry store and that they want to change it to a nail spa. The second floor they want to change to an apartment so that the owner can live in the building. He noted that a few days ago that they received approval from the Health Department on their plan.

Mr. Mulholland reiterated that the personal service on the first floor of the building is an outright permitted use. He suggested that they should discuss the parking and look at the new plan.

Mr. Diamond said that the site has existing conditions that do not comply and that they plan to rip up the area and to re-design the parking area so that it does comply.

Mr. Mulholland explained that there has been some paving and extension of parking that needs to be changed to comply with the regulations and that Mr. Diamond's proposal does comply with the regulations.

Ms. Carabelas asked about the buffer.

Mr. Diamond said that between this building and the pizza business that there are parking spaces and no buffer and that they would be willing to and are proposing to fix that area, plant arborvitae and create a buffer between the two businesses/buildings.

Mr. Mulholland said that it would be necessary to fix that area up and to provide a 6' buffer and hedges.

Mr. Salerno asked if they are confirming that they are proposing hedges on the east side of the building.

Mr. Dwyer asked how many parking spaces are required.

Mr. Mulholland said that they need 8 parking spaces and that the plan shows that they would end up with 9 parking spaces once reconfigured to conform to the regulations.

Mr. Diamond said that they will also have a handicap space in the front.

Mr. Salerno asked about the access to the upstairs apartment and if it would be through the inside or outside.

Mr. Diamond said that they will close off the inside and that they would go up the side to get in.

Mr. Salerno asked about the old driveway being torn up and the re-configuration of the parking spaces.

Mr. Mulholland said that they will have hedges in front and a sidewalk and that they can specify what they would want during the regular meeting should they go forward with this.

Mr. Diamond noted that they are in agreement with the hedges and the changes that need to be made.

Ms. Carabelas called for comments from the public, in favor of this application –

Hearing none -

Ms. Carabelas called for comments from the public against or neutrally on this application –

Hearing none –

Ms. Carabelas asked if the Commissioners had any other questions –

Hearing none –

Ms. Carabelas called for a motion to close this Public Hearing.

****MOTION (1)**

Mr. Salerno moved that this Public Hearing be closed.

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Ms. Carabelas closed this Public Hearing at 8:17 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary