

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I  
Thursday, OCTOBER 1st, 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, October 1, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Acting Chairman Salerno opened the continued Public Hearing and called it to order at 7:33 PM.

**PRESENT:** Marc Salerno, Acting Chairman, Mark Nickerson, Acting Secretary, Norm Peck, Steve Carpenteri, Bob Bulmer, Alternate, William Dwyer, Alternate

**ALSO PRESENT:** William Mulholland, Zoning Official  
Attorney Theodore Harris, Representing the Applicant

**ABSENT:** Rosanna Carabelas, Secretary, Ed Gada, Bob Bulmer, Alternate,

**PANEL:** Marc Salerno, Acting Chairman, Mark Nickerson, Acting Secretary, Norm Peck, Steve Carpenteri, Bob Bulmer, Alternate, 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.**

Acting Chairman Salerno 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. No one did.

Mr. Bulmer stated for the record that he is up to speed on this information and has familiarized himself with the record.

Mr. Salerno then called upon the applicant to make a presentation.

Attorney Theodore Harris, 351 Main St. recalled to the Commission that there was a question of if there was enough ground floor space. He passed out copies of the Revised Proposed Regulation Changes, dated 9/20/09 and three pages of sample designs showing the parking area. He noted that on page 2 of the revised proposed regulations that item No. 8 had been added to allay fears regarding the first floor commercial space. It reads: *'The ground floor commercial use must occupy no less than thirty (30%) percent of the footprint of any building, including elevated portions.'*

Mr. Salerno entered the Revised Proposed Regulation Changes into the record as **Exhibit A** and the sample designs as **Exhibit B**.

Attorney Harris noted that the proposal would allow commercial to be on the first floor and that the hope is to keep the commercial aspect of downtown growing and to have the residential component to help keep it viable.

Mr. Bulmer said that his concern is how to keep those people under control who would try to maximize the regulations. He asked how many apartments could be put above the commercial component. Attorney Harris said that the standard being proposed has the limiting factors of parking and architectural design inherent in them.

Mr. Nickerson asked about the difference in this regulation and what they have today and if there is an intensity use to this regulation.

Attorney Harris said that the difference in this regulation from today's and what people can do relates to the residential use.

Mr. Mulholland noted that the lot coverage now in the CB zone is 40% and that with the proposed regulations the parking would limit what you would be able to do. You could have three floors however; you can get three floors with the regulations in place now. The parking aspect would be driving the proposed regulations.

Mr. Nickerson said that they could perhaps get a few more square feet with the parking calculation and asked Attorney Harris to go over that calculation again for them.

Attorney Harris said that an applicant would have to figure the parking on whatever the larger use would be and then add to that figure 50% of the parking figure for the smaller use. This calculation concept is frequently used as it is thought that valuable space is wasted on parking that is not used or needed in a mixed use setting as the commercial and residential components have peak uses for parking at different times. He added that in order for the downtown district to survive that it has to change and that just as they have had changes with the Boardwalk, Hole in the Wall revitalization and streetscape, they need to work towards more usable regulations for the downtown district.

Mr. Peck asked if the parking under the building would be open, semi-open or enclosed.

Attorney Harris said that floor area requires it to be enclosed and said that could easily be clarified.

Mr. Nickerson noted that if there were some areas that needed to be clarified that they could be worked out with staff.

Mr. Salerno called for comments from the public on this application –

George Mitchell, 48 Attawan Road said that he is very much in favor of this text change. He asked the presiding Chair about multi-family housing and why they chose to remove it from the regulations earlier this year. He said that he would specifically like the acting Chair to respond in his own words why he made the statement that he wanted it removed and why it was done when the entire nation was promoting 'going green', foot traffic, use of bicycles and public transportation, etc.

Mr. Salerno said that he would not go back into that public hearing but to say that he spoke for himself and felt that they had enough multi-family downtown at that time and that should that change, they could re-visit it and change the regulations.

Mr. Mitchell said that removing it flies in the face of commercial development because it is the foot traffic that moves the commercial area and everyone will tell you that. It flies in the face of reality to deny it and he said that he thinks that Attorney Harris' regulations are a step in the right direction. He added that in the last 20 years downtown that they have had maybe 70-100 units built, which is not a lot.

Mr. Salerno called for anyone who wished to speak against or neutrally on this application –

Hearing no one -

Mr. Salerno asked if the Commissioners had any further questions -

Mr. Peck said that he wanted to address Mr. Mitchell's comments as he was on this Commission some 20 years ago and at that time they felt that they needed to do something for downtown. Then, Affordable Housing and Assisted Living came into the downtown area and they became afraid that the Town was changing too much with too many big things and they did not want more 'big boxes' downtown. The thought was that they could re-visit the regulations someday.

Mr. Nickerson said that he was concerned over the multiple lots and the 30,000 sq. ft. Attorney Harris and Mr. Mulholland said that each mixed use development would not exceed the 30,000 sq. ft. and parking limits it by itself.

Mr. Salerno asked if there were other comments –

Hearing none –

He called for a motion to close this Public Hearing.

**\*\*MOTION (1)**

**Mr. Nickerson moved to close this Public Hearing.**

**Mr. Carpenteri seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Salerno closed this Public Hearing at 8:23 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary