

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, JULY 9th, 2009
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on its own proposal to amend Sections of the East Lyme Zoning Regulations to regulate Adult Uses on Thursday, July 9, 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 7:38 PM.

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

ALSO PRESENT: William Mulholland, Zoning Official

ABSENT: Ed Gada, Steve Carpenteri, Gregory Massad, Alternate

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

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

1. The East Lyme Zoning Commission proposal to amend Sections of the East Lyme Zoning Regulations to regulate Adult Uses.

Chairman Nickerson noted that he had seated Bob Bulmer, Alternate and William Dwyer, Alternate at the table this evening.

He said that the Legal Ad for this application had run in The Day on 5/22/09 and 6/1/09.

He noted that they had opened and continued this Public Hearing from their last meeting pending further information. He then asked Ms. Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 5/27/09 to Rosanna Carabelas, Secretary ELZC from Robert Baron, Chairman, SECCOG Regional Planning – Re: Zoning Referral of Application on proposed amendment - finding that the proposed amendment should also restrict such uses to 1500 feet from a municipal boundary in order to minimize any adverse inter-municipal impact.
- ◆ Letter dated 5/6/09 to Mark Nickerson, Chairman ELZC from Gary Goeschel, Planning Director – Re: Referral of Zoning Commission application on Adult Use language - finding the application CONSISTENT with the POCD.
- ◆ Email dated 5/12/09 to EL Zoning Commission/Wm. Mulholland from Marcy Balint, Sr. Coastal Planner, OLISP, DEP - Re: Proposed Zoning Regulation on Adult Uses – finding the amendments CONSISTENT with the goals and policies of the CAM.

Mr. Nickerson said that this is a Commission generated application and asked for comments from the Commissioners.

Ms. Carabelas noted that there were some previous questions on the boundaries and that they had asked Mr. Mulholland to look into them.

Mr. Mulholland synopsisized that there was a lot of review work and many drafts done on these regulations and that the final draft was sent to the Town Attorney for review and that he has sent it back adding a definitions section with items A-H. This would be added to the regulations and require a special use permit in the LI zone. They, the Commissioners also had a comment regarding the 1500 ft. radius and after reviewing it thoroughly on a map, he said that he would suggest that it be changed to a 900 ft. radius as the 1500 feet does not work under all circumstances as listed however; the 900 feet does.

Mr. Peck asked why the 1500 feet does not work.

Mr. Mulholland said that it is too great of a distance and it would eliminate such establishment from the community completely and they have to have a place where it would be allowed.

Ms. Carabelas asked what happened to the document that they had which listed the roads.

Mr. Mulholland said that this is that document as it was re-worked by the Town Attorney.

Ms. Carabelas asked about massage parlor and 'fomentations' and the difference between this and therapeutic type massage.

Mr. Mulholland said that the definition indicates that this is different than therapeutic massage and noted as an example that there was a health fair at the Town Hall a few months ago and that there were three massage therapists present with their chairs for people to try massaging therapy.

Mr. Nickerson said that Webster defines 'fomentations' as 'the application of hot, moist substances to the body.'

Mr. Peck recalled that in their original draft that one item stated that they could not have items in the windows or displayed such that they could be observed from the outside.

Mr. Mulholland noted that the 900 feet and the Section 18 signage restricts the amount of window area that could be used.

Mr. Peck said that he would like that item added back in anyways and that he would also like to remind people that there is a Section 18 on sign regulations.

Mr. Nickerson asked what the purpose of this was.

Mr. Peck recalled that there was a previous business that put a car on a roof and it evolved into a discussion of if it was a sign or not a sign.

Mr. Mulholland said that he would find a place for the addition. He asked that it be read into the record.

Mr. Peck asked that the following be added to this regulation:

'No adult use establishment shall be conducted in any manner that permits the observations from any public right-of-way of any material depicting, describing or relating to the adult use, except for signage per Section 18 of these regulations.'

Mr. Nickerson called for any public comments in favor, against or neutrally regarding this application –
Hearing none –

Mr. Nickerson asked if the Commissioners had any further comments –

Mr. Bulmer commented that he still felt that there is a loophole somewhere in the massage parlor definition if they perform it fully clothed.

Mr. Nickerson said that he thought that they had done a good job of coming up with these regulations and thanked Ms. Carabelas for her work on them.

****MOTION (1)**

Mr. Salerno moved to close this Public Hearing.

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:20 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary