

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, SEPTEMBER 3rd, 2009  
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, September 3, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

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  
Randi & Maureen White, Applicants

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

**Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 9:20 PM after the previously scheduled Public Hearings. He noted that he had seated Mr. Dwyer, Alternate at the table this evening.

**Pledge of Allegiance**

The Pledge was previously observed.

**Public Delegations**

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were no delegations.

**Regular Meeting**

**1. Application of Theodore A. Harris for GDS Capital Holdings LLC to amend the East Lyme Zoning Regulation Sections with regard to Mixed Use Development.**

Mr. Nickerson noted that they had continued this Public Hearing.

**2. Application of Randi A & Maureen S White for a Zone Change for a portion of the property identified in the application as 41 West Main Street, Niantic, CT. East Lyme Assessor's Map 11.1, Lot 27.**

Mr. Peck recused himself from discussion on this item and was seated in the audience.

Mr. Nickerson called for discussion noting that they had received good testimony from both sides and that there is no commercial expansion here and that this is being done so that the use and the zone conform. It is not an expansion of use here and in fact the second floor has been taken out of use. Any concern over the future use of this property is that it could be any commercial use however; the application would have to come before this commission. They have indicated that they are tidying up the details on this property and they will work with the Zoning Official on various aspects. He said that he does not think that they are making it worse.

Mr. Salerno said that he tended to agree with Mr. Nickerson's comments as a much smaller area is involved here.

Mr. Dwyer said that he sees it as a minor change and that while he would not agree with the previous request, this one is okay.

Mr. Gada agreed with the previous comments and said that it is a very small area that is being changed.

Mr. Carpenteri said that he agrees with his fellow commissioners comments and added that he thinks that it is also a good sign when the property owner comes in to bring the property into conformity.

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

**Mr. Salerno moved to approve the application of Randi A & Maureen S White for a Zone Change for a portion of the property identified in the application as 41 West Main Street, Niantic, CT. East Lyme Assessor's Map 11.1, Lot 27.**

**Mr. Carpenteri seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Mr. Nickerson noted that this decision would publish on 9/10/09 and become effective on 9/11/09.

Mr. Peck returned to the table and was seated.

Mr. Nickerson said that he was appointing Mr. Salerno to Chair the remainder of the meeting as he was not feeling well.

**3. Request of Theodore A. Harris, Attorney for Walnut Hill Properties LLC for a one-year extension on the Special Permits/Site Plan with respect to the Walnut Hill Country Club including permits issued for the Country Club/Golf Course, Active Adult Housing and the Golf Accessory Housing and related site plans.**

Attorney Harris said that he represents Walnut Hill Properties LLC and presented the Commissioners with a copy of the DEP permit which they were just granted in early March. He said that this is the piece that allows them to get moving with the project and this is why they are asking for a one-year extension.

Mr. Nickerson asked if the financing is secured.

Attorney Harris said no.

Mr. Salerno asked if the year extension is customary.

Mr. Mulholland said that it is the right of the applicant to request that.

Mr. Nickerson asked if this is for the whole project.

Attorney Harris said that it is for the golf course, and the active adult use 70 units and accessory structures. He added that they had approved Darrow Pond for a two (2) year extension and that they could do that here.

Mr. Peck said that he is in favor of renewing the permit as the process, effort and expense involved in getting this permit is extensive and it would be cruel to not extend it and let him get started. He added that he would prefer to see this renew for one year as there are some interesting things being discussed that might present other options.

Mr. Gada, Mr. Dwyer and Mr. Carpenteri all agreed but suggested that they grant a two-year extension as they would need that time to get everything in place and get the project moving.

Mr. Peck said that he is in favor of the one year extension as he feels hopeful that they will have vastly improved subdivision regulations that might be better than this design.

**\*\*MOTION (2)**

**Mr. Peck moved to approve the Request of Theodore A. Harris, Attorney for Walnut Hill Properties LLC for a one-year extension on the Special Permits/Site Plan with respect to the Walnut Hill Country**

**Club including permits issued for the Country Club/Golf Course, Active Adult Housing and the Golf Accessory Housing and related site plans.  
No Second – Motion dies.**

**\*\*MOTION (3)**

**Mr. Dwyer moved to approve the Request of Theodore A. Harris, Attorney for Walnut Hill Properties LLC for a two-year extension on the Special Permits/Site Plan with respect to the Walnut Hill Country Club including permits issued for the Country Club/Golf Course, Active Adult Housing and the Golf Accessory Housing and related site plans.**

**Mr. Carpenteri seconded the motion.**

**Vote: 5 – 1 – 0. Motion passed.**

**Against: Mr. Nickerson**

**4. Approval of Minutes – Public Hearing I and II and Regular Meeting Minutes – August 6, 2009**

Mr. Salerno called for discussion on, or corrections to the Commission's Public Hearing I and II and Regular Meeting Minutes of August 6, 2009.

**\*\*MOTION (4)**

**Mr. Nickerson moved to approve the August 6, 2009 Public Hearing I and II and Regular Meeting Minutes of the Commission as presented.**

**Mr. Dwyer seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Mr. Carpenteri, Mr. Salerno**

**Old Business**

**1. Stormwater**

Mr. Mulholland said that this is in progress.

**2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Gregory Massad)**

Mr. Nickerson said that they are making headway on this and that they will make a presentation at the next meeting.

**3. Subcommittee – Conservation Development by Design (Marc Salerno, Norm Peck & Rosanna Carabelas)**

Mr. Peck reported that the next meeting would be held later this month.

**4. Subcommittee – Incentive Housing Zones (Ed Gada, Mark Nickerson)**

Mr. Nickerson asked that this be added to the agenda as they have set this up.

**New Business**

**1. Application of Sleepy Hollow LLC for a text amendment to the East Lyme Zoning Regulations Section 12A.1.1, and Section 25.5 SU-E 3. (1) a. (Special Use Elderly).**

Mr. Mulholland said that the applicant has asked that they hold this until further advised.

**2. Application of E.P. "Terry" Mitchell for AHEPA 250, Inc., for a Special Permit and Site Plan to construct HUD 202 housing at 267 Roxbury Road, Niantic, CT.**

Mr. Nickerson asked Mr. Mulholland to schedule this for Public Hearing.

**3. Any business on the floor, if any, by the majority vote of the Commission.**

- a. Application of Tsiropoulos Holdings LLC for a special permit (mixed use) to construct an apartment over the existing business at 167 Main Street, Niantic, CT.

Mr. Nickerson asked Mr. Mulholland to schedule this for Public Hearing.

**4. Zoning Official**

Mr. Mulholland reported that the CVS is coming along and would be opening over the Labor Day weekend. He said that he continues to be busy with inquiries.

**5. Comments from Ex-Officio**

There were none.

**6. Comments from Zoning Commission liaison to Planning Commission**

There was no report.

**7. Comments from Chairman**

Mr. Nickerson asked Mr. Mulholland to enforce the sign regulations as they are once again getting out of hand.

Mr. Nickerson also stated that he has a letter of resignation from Gregory Massad that he is presenting to the Commission this evening and that will be filed with the Town Clerk. He said that with the upcoming election that he did not see a need to rush to fill the vacancy.

**8. Adjournment**

Mr. Salerno called for a motion to adjourn.

**\*\*MOTION (5)**

**Mr. Carpenteri moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:58 PM.**

**Mr. Dwyer seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary