

Sept 22 20 09 at 2:30 AM  
PM

EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, SEPTEMBER 17th, 2009  
MINUTES

*Esther B. Williams*

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on Thursday, September 17, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Marc Salerno,  
Ed Gada, Norm Peck, Steve Carpenteri

ALSO PRESENT: William Dwyer, Alternate  
William Mulholland, Zoning Official

ABSENT: Bob Bulmer, Alternate

**Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 7:30 PM.

**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. Approval of Minutes – Public Hearing I; Public Hearing II and Regular Meeting Minutes – September 3, 2009**

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing I Minutes of September 3, 2009.

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

Mr. Carpenteri moved to approve the September 3, 2009 Public Hearing I Minutes of the Commission as presented.

Mr. Salerno seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Ms. Carabelas

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing II Minutes of September 3, 2009.

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

Mr. Carpenteri moved to approve the September 3, 2009 Public Hearing II Minutes of the Commission as presented.

Mr. Salerno seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

**Abstained: Ms. Carabelas**

Mr. Nickerson called for discussion on, or corrections to the Commission's Regular Meeting Minutes of September 3, 2009.

The Commissioners decided to table discussion on these minutes when it was determined that some packets did not have all of the pages.

Mr. Nickerson asked that they be re-copied and this item be placed on the next agenda.

### **Old Business**

#### **1. Stormwater**

Mr. Mulholland said that this is being worked on and that he met with people from the DEP today and this should progress smoothly.

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

Mr. Nickerson said that they are spending some time on this tonight and noted that Mr. Mulholland has helped them greatly with compiling information and making it presentable. He read his memo into the record noting that with the regulations that they want to make the Village District livable. He then asked Mr. Mulholland to speak to the regulations. (Copy of letter and regulations attached at end of Minutes)

Mr. Mulholland noted that the regulations that they were re-viewing are a draft and as such will have to be refined. The opening section states that Zoning Official would have to review what would be going on within the downtown district. The goal is to have things fit in and be in scale with the rest of the district.

Ms. Carabelas asked if there would be a fee for the review.

Mr. Mulholland said no, adding that there may be at some point, but initially no. He then read the preliminary document.

Mr. Nickerson said that he thinks that it is a great plan but there will be contentious issues when someone wants a large building and they bring in legal counsel.

Ms. Carabelas said that she thinks that it might be a good idea to have an architect to refer to with regard to these matters.

Mr. Mulholland said that perhaps that could be something that they could review at a later time.

Mr. Nickerson noted that this is a step in the direction of leaving things better than they now.

Mr. Mulholland said that the intent is to give you the tools to get what would best work for you.

Mr. Salerno said that he would like to see samples put in with these regulations as this is something that the average person would need to have and he thinks that it should be a part of the regulations for those who would be subject to them and for all of the future Zoning Commission members to be able to carry this on. He added that he wants to make sure that they have the pictures so that they also are not handcuffing the 'little guy' who wants to run a business.

Mr. Peck asked where the flexibility is in someone who wants to put a small dormer on when the first paragraph says that they need plans, etc.

Mr. Mulholland said that would be a fine line matter.

Mr. Peck said that they have been banging away at the CB zone for the past 50 years and that he would be in favor of something that is only for downtown and see how that goes. He added that he would like the time to review the information that they have been given.

Mr. Mulholland said that he would bring boards to show how this would work. He added that this could also be changed, just like any other regulations.

Mr. Peck also suggested that there should be a statement of purpose prefacing this.

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

Mr. Peck reported that they would be setting up a meeting soon.

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

Mr. Nickerson said (after a quick meeting) that they have set up a meeting of this subcommittee for Tuesday, September 22, 2009 at 3:30 PM.

**New Business**

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

Mr. Salerno said that in light of the issues with the recent large building in the northern end of Town that he would like to propose some changes to the regulations and that the changes are put to Public Hearing as soon as possible. Specifically Section 24 where it states 20,000 sq. ft. buildings that would fall under the review of the Zoning Official, he would suggest that it is changed to read 10,000 sq. ft. so that the Commission would review anything over 10,000 sq. ft.

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

Mr. Salerno moved to send to Public Hearing the following suggested changes to the regulations – for the CB zone – Section 24.3 A.1.add: ‘or 500-10,000 sq. ft. within the CB zone’; Section 24.3 A 2. – remove CB from the first sentence and add: ‘under 10,000 sq. ft. in total ground floor area in CB zone’ (leave other zones as they are); in Section 24.4 A – remove CB from the first line and add: ‘or over 10,000 sq. ft. .... In CB zones.’; and in Section 24.5 2.C. add to the line: Application for administrative site plan approval under 20,000 sq. ft. in the CA, CM and LI zones or under 10,000 sq. ft. in the CB zone in total ground floor area fall.....’.

Mr. Peck seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Salerno asked that Mr. Mulholland work to have the suggested changes go to Public Hearing as soon as possible.

**2. Zoning Official**

Mr. Mulholland reported that in December they would be adopting the aquifer protection map and to superimpose it as a layer over the existing zoning map. Unlike other Towns, here there are only about 12 to 14 businesses in the zone that would have to be inspected on a yearly basis. Some Towns have hundreds.

**3. Comments from Ex-Officio**

There were none.

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

There was no report.

**5. Comments from Chairman**

Mr. Nickerson noted that they have a note indicating that the aquifer protection mapping was approved.

**6. Adjournment**

Mr. Nickerson called for a motion to adjourn.

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

**Mr. Gada moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:10 PM.**

**Ms. Carabelas seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

# Town of

P.O. Drawer 519  
Zoning Department



# East Lyme

108 Pennsylvania Ave  
Niantic, Connecticut 06357  
(860) 691-4114  
Fax (860) 691-0351

TO: East Lyme Zoning Commission  
FROM: William Mulholland, Zoning Official  
DATE: September 15, 2009  
RE: Subcommittee/Progress Niantic Village  
Mark Nickerson, Marc Salerno

In recent years there <sup>has</sup> been a growing awareness in the community about development patterns and their impact on community character. Many communities have come to realize that the residential "sprawl" and commercial "strip" development which characterized much of America over the past fifty years is not desirable for their communities.

This type of development overshadows the historic function of community villages and threatens the viability of our traditional village centers.

The automobile and highway development have also led to the decline of American Villages. The compact mixed-use forms of development traditionally associated with village life have over time given way to a separation of uses by category and district. This separation has essentially been driven by well-intended zoning regulation(s). These regulations have limited the ability of development to create projects with a sense of place and community character. The unique character of village centers is often derived from its public spaces; building designs walk ability, public views and parking accessibility. The center typically serves as a hub of social, civic and commercial activity with public spaces as focal points.

In East Lyme we are fortunate to have Niantic Bay Village as the towns traditional community center. The village is typical in that it shares many of the characteristics of a compact viable village center with many unique qualities. Yet the current zoning regulations, which regulate development in the village of Niantic, are traditional in nature and require the separation of many uses, which were historically integrated into village centers. These regulations also encourage the consumption of land for parking, retention basins and buffers.

*Read into record - Zoning Attachment 9/17/09.*

A physically and aesthetically enhanced downtown typically results in increased property values. These values are ultimately based upon the degree of a place's desirability. Attractive environments often contribute to an increase in economic vitality. Fortunately Niantic Village has many of the attributes, which many communities seek to create or recreate. Yet the zoning commission has recognized that the current zoning regulations could be re-evaluated and modified to promote a more viable and attractive Niantic Village.

The subcommittee has focused on design review as a first step in creating additional regulatory control for Niantic Village.

There are essentially three approaches to architectural or design review. The first approach would allow the town to create a separate design review board, which would operate as an advisory body to the zoning commission.

The second approach would require the creation of a "village district" and appropriate regulations. Any application under this format would require the creation of a design review board similar to the first approach above or submittal of every applicant to a design professional who would then forward their report to the Zoning board.

The third approach is a unique approach, which is currently in use in two Connecticut seaside villages. This approach requires adoption of a set of zoning regulations, which require applicants to obtain a "certificate of design appropriateness" from the zoning commission. All of these approaches require the creation of design review requirements and guidelines. I have attached a copy of draft regulations for the third option.

20.29 ARCHITECTURAL DESIGN

No site plan and/or special permit required under these Regulations shall be approved nor shall any structure be constructed or exterior renovation or substantial improvement to an existing structure in the CB zone be permitted until the Zoning Commission determines that the overall architectural character of the proposed site and building design is in harmony with the neighborhood in which such activity is taking place, or accomplishes a transition in character between areas of unlike character; protects property values in the neighborhood, and preserves and enhances the beauty of the community, its historical integrity and architecture. The applicant shall provide adequate information to enable the Commission to make that determination, including architectural plans of all buildings, other structures and signs. Such plans shall include preliminary floor plans and elevations showing height and bulk, roof lines, door and window details, exterior building materials, color and exterior lighting. Site plans shall show paving materials, landscaping, fencing, lighting design and other features of the site and buildings which are visible from the exterior of any building on the site or from adjacent properties or streets and which may impact on the character or quality of life on adjoining properties and throughout the CB zone. Design review requirements shall apply to all structures, exterior renovations, and substantial improvements within the CB zone.

20.29.1 Design Review Requirements

The purpose of the design review requirements is to encourage development which will protect, preserve, and enhance the unique historic character of the CB zone, and particularly it's Village, through design standards that reflect Niantic's distinct architectural character and scale.

In addition to all other requirements of the Zoning Regulations, the applicant for all buildings or structures and sites subject to a review by the Commission under this section, shall submit scaled elevation drawings of the proposed structures for a design review. The scale of such drawings shall not be smaller than one-eighth inch equals one foot (1/8"=1'-0"). The drawings shall locate and identify exterior materials, fixtures, roof pitch, and building or structure height and include dimensions and architectural characteristics. The applicant shall also provide the Commission with all required comparative information regarding lots within two hundred (200) feet of the lot on which the development is proposed.

20.29.2 Standards for Design Review of Buildings and Structures

The Commission shall review all plans for renovations, substantial improvements, and construction of new buildings or structures for a determination of appropriateness of design. All determinations will be based on a review of structures on all lots within two hundred feet of the lot on which development is proposed, including a structure already existing on the lot to be developed.

20.29.3 Criteria as Guidelines

The following criteria shall be guidelines to be used by the Commission in the determination of appropriateness, in keeping with the architectural fabric of the CB zone and Niantic Village.

- 20.29.3.1 **Scale:** Scale of construction, which must relate to human scale and the scale of structures within two hundred feet of the lot.
- 20.29.3.2 **Proportion of Buildings' Front Facades:** Proportion of building's front façade is defined as the relationship between width and height of the front elevation of the building.
- 20.29.3.3 **Proportion of Openings Within the Façade:** Proportion of the openings within the façade is defined as the relationship of width to height of windows and doors.
- 20.29.3.4 **The Rhythm of Solids to Voids in the Façade:** Rhythm of solids to voids in the façade is defined as an ordered, recurrent alternation of openings to solid walls.
- 20.29.3.5 **Rhythm of Spacing of Buildings on the Street:** Rhythm of spacing of buildings on the street, or the occurrence of building masses to spaces between them.
- 20.29.3.6 **Buildings and Structures and Relationship of Materials To Be Used:** Relationship of materials to be used in buildings and structures, or the mixture of exterior materials, such as wood, brick, glass, or slate to those materials used within two hundred feet of the lot.
- 20.29.3.7 **Relationship of Textures:** Relationship of textures of the predominant material used, which shall reflect the types used within two hundred feet of the lot, such as rough (brick and tooled joints) or smooth (Horizontal wood siding).
- 20.29.3.8 **Relationship of Roof Shapes:** Relationship of roof shapes, which should be compared to the majority of roofs within two hundred feet of the lot. For example: gable, gambrel, or hip.
- 20.29.3.9 **Walls of Continuity:** Walls of continuity, described as the physical ingredients that form screens or enclosures around the project (such as brick walls, iron/wood fences, evergreen screens, berms and hedges).
- 20.29.3.10 **Relationship to Environmental Setting:** Relationship of buildings, structures, and landscaping to the blending of the project with the environment within two hundred feet of the lot, or to the needs for landscaping to buffer, screen, or soften a project from adjoining or for site users.
- 20.29.3.11 **Directional Expression:** Directional expressions of the elevation's structural shape or placement of details and openings of the front façade, which may have a vertical, horizontal, or a non-directional character.



- 20.29.4 **Compliance:** The Commission shall develop a set of findings and required changes that will be forwarded to the applicant. Failure to receive a determination of appropriateness shall be a basis of denial of the application.
- 20.29.5 **Modification:** Substantial changes to the proposal after formal approval must be reviewed by the Commission for approval. Minor changes that would not materially affect the applicant's compliance with any of the criteria may be approved by the Zoning Official.
- 20.29.6 **Special Criteria for Exterior Renovations and Substantial Improvement of Existing Buildings:**

In addition to the above criteria, exterior renovation of substantial improvement of a building or structure visible from a public street or from navigable waters shall be subject to the following criteria:

- 20.29.6.1. Every reasonable effort shall be made to provide a compatible use for a structure which requires minimal alteration of its site, environment, or originally intended purpose.
- 20.29.6.1.2 The distinguishing original qualities or character of a building or structure, its site, and its environment shall not be destroyed. The removal or alternation of any historic material or distinctive architectural features should be avoided when possible.
- 20.29.6.1.2.1 All buildings, structures, and sites shall be recognized as products of their own time. Renovations shall generally be compatible with the existing structure or buildings on-site, but renovations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 20.29.6.1.2.2 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, its site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 20.29.6.1.2.3 Distinctive stylistic features or examples of skilled craftsmanship which characterizes a building, structure, or site shall be treated with sensitivity.
- 20.29.6.1.2.4 Deteriorated architectural features shall be repaired or replaced to the extent possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities when feasible. Repair or replacement of missing architectural features should be based on accurate

duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

20.29.6.1.2.5 Renovations and additions which destroy significant historical, architectural, or cultural characteristics shall be discouraged.

20.29.6.1.2.6 Designs shall generally be compatible with the size, scale, material, and character of the original structure and other structures within 200 feet of the lot.

20.29.6.1.2.7 Whenever possible, new additions or renovations to buildings and structures shall be done in such a manner that if such additions or renovations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

## 20.29.7 Design Review Procedure

### 2.26.7.1 Administrative Design Review

All applications for design review shall first be reviewed by the Zoning Official. The Zoning Official may approve minor applications for design review. These applications shall be limited to replacement of windows, roofing, and siding with the same or appropriately similar styles provided that all applications are in keeping with the intent of the design review guidelines of Section 2.26. The Zoning Official may refer applications to the Zoning Commission for further review if necessary in his opinion. Applications approved by the Zoning Officer by this method will not be subject to Section 2.26.8 "Posting of Property."

### 2.26.7.2 Zoning Commission Review

For applications, other than minor application approved by the Zoning Official under Section 2.26.7.1, if the Zoning Official determined that the proposal will have minimal effect on surrounding properties and public views, including views from navigable waters, and substantially conforms to the requirements for design review, he shall so advise the Commission, which may approve the application at its next regular meeting. If, however the Commission determines that the application requires further review, the Commission may elect not to approve the application or to table the application and send it to an outside consultant who will make a report to the Commission to assist in deliberations.

### 2.26.8 Posting of Property:

The applicant for design review approval under Section 2.26 of these Regulations shall erect, or cause to have erected, a sign on the premises affected by the proposed application at least fifteen days prior to

Commission review of the application. Said sign shall be installed by the applicant, securely fastened or staked, be clearly visible from the street closest to the affected property. The sign shall contain notice of the application and time and place of the commissions review.

Second Draft 9/14/09

# EAST LYME ZONING COMMISSION DESIGN REVIEW CHECKLIST

## Site/Project Information

Zoning Permit: \_\_\_\_\_

Applicants Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Date Received: \_\_\_\_\_ Agenda Date: \_\_\_\_\_

Type of Use: \_\_\_\_\_

Proposed Type of Activity: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Scale of Drawing: \_\_\_\_\_

## Application Information Zoning Official Review Summary

a) Administrative Review: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b) Full Design Review: \_\_\_\_\_

Comparative Information Provided? (within 200 ft of subject lot) \_\_\_\_\_

Date sign posted \_\_\_\_\_

Coastal Area Management review required? \_\_\_\_\_

2.26.3 Design Review Guidelines	
2.26.3.1 Scale	
2.26.3.2 Proportion of facades	
2.26.3.3 Proportion of façade openings	
2.26.3.4 Rhythm of solids to voids	
2.26.3.5 Rhythm of building space	
2.26.3.6 Relationships of materials	
2.26.3.7 Relationship of textures	
2.26.3.8 Relationship of roof shapes	
2.26.3.9 Walls of continuity	
2.26.3.10 Relationship to environmental settings	
2.26.3.11 Directional Expression	

**Zoning Official Recommendation:** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**Commission finding:** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**Date of commission finding:** \_\_\_\_\_

**Commission Chairman signature:** \_\_\_\_\_

