

**REGULAR MEETING Thursday, JANUARY 22nd, 2009  
EAST LYME ZONING COMMISSION  
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, January 22, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

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

ALSO PRESENT: William Mulholland, Zoning Official

ABSENT: Ed Gada, Norm Peck, Gregory Massad, Alternate

**1. Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 8:09 PM after the previously scheduled Public Hearings. He noted that he had seated Bob Bulmer, Alternate and William 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. The East Lyme Zoning Commission proposal to delete Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from Section 9 CB Commercial Districts and to re-number Section 9 as appropriate. It is further proposed to delete all associated regulations from Section 25.5 Table of Minimum Controls for Special Permit.**

Mr. Nickerson called for discussion.

Mr. Salerno said that he agrees with this move and that he thinks that it is very appropriate.

Mr. Bulmer said that conceptually he agrees with it however he would like clarification on Section 25 regarding the exact areas that would be deleted.

Mr. Mulholland delineated that in Section 9 – 9.2.5 – Multi-Family, Multi-Story Dwelling would be deleted and 9.2.8 – Assisted living facility would be deleted. In Section 25.5 – Table of Minimum Controls for Specific Special Permit – Assisted Living Facility in the CB District with #1-15 as the controls would be deleted and Multi-Family, Multi-Story Dwelling in the CB District Only with #1-4 as the controls would be deleted. (Copy attached at end of Minutes)

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

**Mr. Salerno moved to approve the East Lyme Zoning Commission proposal to delete Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from Section 9 CB Commercial Districts and to re-number Section 9 as appropriate. It is further proposed to delete all associated regulations from Section 25.5 Table of Minimum Controls for Special Permit as specified: Assisted Living Facility in the CB District with #1-15 as the controls would be deleted and Multi-Family, Multi-Story Dwelling in the CB District Only with #1-4 as the controls would be deleted. (Copy attached at end of Minutes)**

**Mr. Carpenteri seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Mulholland said that this would publish on January 29, 2009 and become effective on January 30, 2009.

**2. Application of Greg Dubrule for Blackhawk Sport fishing LLC for a Special Permit for a sign advertising/locating Blackhawk Sport fishing LLC at the western entrance of property identified in the Application as Main Street (Cini Park) Niantic, CT.**

Mr. Nickerson noted that they had continued this Public Hearing to the February 5, 2009 meeting of the Commission.

**3. Niantic River Watershed Protection Plan**

Mr. Nickerson noted that he had read through this plan, found it informative and that he had replied to the questionnaire in the back of it.

**4. Approval of Minutes – Regular Meeting Minutes – January 8, 2009**

Mr. Nickerson called for discussion on, or corrections to the Commission's Regular Meeting Minutes of January 8, 2009.

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

**Mr. Salerno moved to approve the January 8, 2009 Regular Meeting Minutes of the Commission as presented.**

**Mr. Dwyer seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Ms. Carabelas, Mr. Carpenteri**

**Old Business**

**1. Stormwater**

There was no discussion.

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

There was no discussion.

**3. Subcommittee – Adult Uses (Rosanna Carabelas)**

Ms. Carabelas said that she would be meeting with Mr. Mulholland on this to move it along.

Mr. Mulholland said that he would be available the next morning if Ms. Carabelas could come in to the office to discuss this.

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

Mr. Mulholland said that Mr. Peck had been in touch with him and that the three members from the Planning Commission that would be on this subcommittee were Ms. Picarazzi, Mr. Dagle and Mr. Kenny and that they would be setting up a meeting in the near future and they would be notified of the date.

**New Business**

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

Mr. Nickerson asked that they take the Application of Fred Finn for Frank C. Natale for a CAM site plan to remodel an existing single family dwelling at 23 North Edgewood Road from the floor and also –

Discussion/ Action on the Zoning Commission Budget for FY 2009/2010.

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

**Mr. Salerno moved that they take the Application of Fred Finn for Frank C. Natale for a CAM site plan to remodel an existing single family dwelling at 23 North Edgewood Road from the floor and also Discussion/ Action on the Zoning Commission Budget for FY 2009/2010.**

**Mr. Carpenteri seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

♦ **Application of Fred Finn for Frank C. Natale for a CAM site plan to remodel an existing single family dwelling at 23 North Edgewood Road.**

Fred Finn, LS representing Frank C. Natale said that this property abuts Smith Cove on the west side and that it is a 5900 sf lot. The configuration complies with the concept of replacing a non-conformity by not increasing the footprint. They have met the FEMA requirements for construction in a flood hazard zone and will install silt fencing

to protect the water from any run-off. They are installing an upgraded septic system that is currently under review by Ledge Light. He explained that the phasing of the project would be that they would first obtain permits and then install the silt fencing. The permanent landscaping will be installed during the warmer weather as they anticipate doing some of the work during the current season. The house will be cantilevered and set on piers.

Mr. Salerno asked if the garage was coming down.

Mr. Finn said yes and added that a parking spot would be designated near the house.

Mr. Nickerson asked about the storage of materials on the property during the construction.

Mr. Finn said that there would be no storage of materials on the property as the lot is small and there is no room to store materials.

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

**Mr. Salerno moved to approve the Application of Fred Finn for Frank C. Natale for a CAM site plan to remodel an existing single family dwelling at 23 North Edgewood Road, finding that it meets all applicable goals and policies of the CAM Act and that all reasonable measures have been taken to mitigate any adverse effect upon the coastal resources.**

**Ms. Carabelas seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

◆ **Discussion/ Action on the Zoning Commission Budget for FY 2009/2010**

Mr. Mulholland explained the various line items to the Commission.

Mr. Bulmer said that he was concerned with the reduction in the amount for the Recording Secretary and asked what would happen if they ran out of money in that line item.

Mr. Mulholland said that they anticipate that this year would be on the lighter side and that they would not be seeing the larger applications, however; should things change and they find that they run out of money, he said that they could request more from the Board of Selectmen.

Mr. Bulmer said that he was still concerned with that figure. He then asked Mr. Mulholland to explain the state fees line item.

Mr. Mulholland said that it is a tax mandated by the State that they collect. They collect \$30 for the State on each applicable application and are only allowed to keep a few dollars of that amount for the Town.

Mr. Bulmer asked if they could knock down that amount by \$2000; from \$6000 to \$4000 so that their budget would be closer to the current one. It would also be more in line with the lighter year that they are anticipating due to the economy.

Mr. Nickerson and the commissioners concurred with Mr. Bulmer's suggestion to reduce the State fees line item to \$4000 from \$6000.

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

**Mr. Bulmer moved to reduce line 293 State fees, by \$2000 from \$6000 to \$4000 and to then accept the Zoning Commission proposed FY 09/10 budget at \$77,988.**

**Mr. Salerno seconded the motion.**

Mr. Nickerson said that the fees for the State have been coming in short and that it is better for them to reduce this item at this time.

**Vote: 6 – 0 – 0. Motion passed.**

**2. Zoning Official**

Mr. Mulholland reported that they would be busy with a number of smaller projects.

**3. Comments from Ex-Officio**

There was no report.

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

There was no report.

**5. Comments from Chairman**

Mr. Nickerson said that he did not have any further comments.

**6. Adjournment**

Mr. Nickerson called for a motion to adjourn.

**\*\*MOTION (6)**

**Mr. Bulmer moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:00 PM.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary