

**REGULAR MEETING Thursday, FEBRUARY 19th, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, February 19, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

PRESENT: Rosanna Carabelas, Acting Chairman, Marc Salerno, Acting Secretary, Ed Gada, Norm Peck, Steve Carpenteri, William Dwyer, Alternate

ALSO PRESENT: Jennifer Gaudet, T-Mobile, Omnipoint Communications
William Mulholland, Zoning Official

ABSENT: Mark Nickerson, Chairman, Bob Bulmer, Alternate, Gregory Massad, Alternate

1. Call to Order

Acting Chairman Carabelas called this Regular Meeting of the Zoning Commission to order at 7:30 PM. She noted that she had seated William Dwyer, Alternate at the table this evening.

Pledge of Allegiance

The Pledge was observed.

Public Delegations

Ms. Carabelas 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 T-Mobile Omnipoint Communications for a Site Plan Approval for property identified in the application as 215 Main Street, Niantic.

Mr. Mulholland noted that Section 31 of the regulations addresses cell towers. Here the towers would be co-located on top of the Morton House.

Ms. Carabelas called upon the representative of Omnipoint Communications to explain this application to them.

Jennifer Gaudet said that she represents Omnipoint Communications which is more readily recognized as T-Mobile and they are seeking site plan approval to locate two antennas on top of the Morton House. One would be located within the existing cupola and for the other they would construct a faux chimney at the other end and place the antenna inside so that it would not be seen.

Mr. Dwyer asked how big the antennas are.

Ms. Gaudet said that they typically are 6 feet in height and six to eight inches in width. She added that they would not be noticed as they will be concealed. The related equipment will be located on a platform on a lower level and would not interfere with any ground space.

Ms. Carabelas asked if it has to be manned.

Ms. Gaudet said no, it is handled remotely; however a technician would check it approximately once a month. She explained that they are proposing the towers for this

locations as they have a need for advanced communication in this area and explained the area of coverage that would be gained and the overall enhanced area of coverage with the addition of these two towers from this site.

Mr. Dwyer noted that it does seem to be a large area of coverage.

Ms. Gaudet said that it is not a tall building and that they are maximizing the use of the existing structure.

Mr. Peck asked why not Millstone as that would seem to be an ideal location.

Ms. Gaudet said that while it certainly would be a desirable site, with the security involved, location of antennas there would most likely not come to pass. She noted that the location on top of the Morton House meets the requirement that it utilizes an existing structure and added that she thinks that it is overall a very appealing way to provide service without any adverse impact.

Ms. Carabelas said that it is good to help out local merchants and that the Morton House would collect rent for the use of this area.

Mr. Salerno asked if Omnipoint has exclusive rights to the antennas.

Ms. Gaudet said that it would be T-Mobile who would own these antennas; however another carrier could have the same conversations with the Morton House owners themselves.

Mr. Dwyer asked if the chimney would violate the height requirement.

Mr. Mulholland said that Section 20 addresses that and by approval of the antennas, they would be approving the faux chimney and the related height.

****MOTION (1)**

Mr. Salerno moved to approve the Application of T-Mobile Omnipoint Communications for a Site Plan Approval for property identified in the application as 215 Main Street, Niantic, as presented.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

2. Application of Fred Finn, LS for Clayton Cooley for a Coastal Area Management Review for property identified in the application as 28 River Road, East Lyme, CT.

Mr. Mulholland said that he received a letter dated today; February 19, 2009 from Mr. Finn requesting that this item be tabled for this evening and moved to the next meeting of the Commission.

3. Approval of Minutes – Public Hearing I, Public Hearing II and Regular Meeting Minutes – February 5, 2009

Ms. Carabelas called for discussion on, or corrections to the Commission's Public Hearing I, Public Hearing II and Regular Meeting Minutes of February 5, 2009.

****MOTION (2)**

Mr. Salerno moved to approve the February 5, 2009 Public Hearing I, Public Hearing II and Regular Meeting Minutes of the Commission as presented.

Mr. Carpenteri seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Ms. Carabelas

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)

Mr. Mulholland reviewed the draft that he and Ms. Carabelas had worked together on.

Mr. Salerno asked Mr. Mulholland the distance of the Middle School from the LI property between Bob's and Stop & Shop.

Mr. Mulholland said that it was probably around 1,000 feet.

Mr. Peck suggested that they use language for item #'s 1, 2 and 3 that is the same as that which they have in the regulations already – specifically Section 20.20.3. He also suggested that any adult establishment shall be screened from view.

Upon further discussion it was also suggested that they review the liquor regulations with respect to location to other public areas and add that it not be placed near a public park or playground.

Mr. Mulholland said that he would re-work the draft with Ms. Carabelas and run it by the Town Attorney or ask if the Town Attorney could be present for their next discussion prior to scheduling it for Public Hearing.

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

Mr. Peck reported that they had held their first meeting and made some good progress. They feel that the current subdivision regulations and cluster open space zoning regulations give the Commission the tools to do what Mr. Arendt is recommending. They are working on tweaking them a bit so that it makes it easier to use these tools.

New Business

1. Application of Jeffrey McNamara for a Text Amendment to the Town of East Lyme Zoning Regulations Section 4.1.3 "Nursery or Greenhouse provided they are not less than 100 feet from any lot line."

Ms. Carabelas asked that Mr. Mulholland schedule this for public hearing.

2. Application of Harry Loginidis for TIHT, Inc. dba Family Pizza for renewal of an outdoor dining permit for property identified as 233 Main Street, Niantic, CT.

Ms. Carabelas asked that Mr. Mulholland schedule this for public hearing.

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

There was none.

4. Zoning Official

Mr. Mulholland reported that the new McDonald's is ready for a temporary CO and that they are holding a bond for the landscaping as they would not be able to complete it until spring. The Tri-Town façade upgrade is due to start soon and the CVS should start sometime in April. They are busy with a number of smaller projects and he said that he also still gets requests on other potential projects.

5. Comments from Ex-Officio

There was no report.

6. Comments from Zoning Commission liaison to Planning Commission

There was no report.

7. Comments from Chairman

Ms. Carabelas said that she did not have any further comments.

8. Adjournment

Ms. Carabelas called for a motion to adjourn.

****MOTION (4)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:40 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary