

**REGULAR MEETING Thursday, MARCH 5th, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, March 5, 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: Fred Finn, LS representing Clayton Cooley
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio Board of Selectmen

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 8:20 PM after the previously scheduled Public Hearings. She noted that she had seated William Dwyer, Alternate at the table this evening.

Pledge of Allegiance

The Pledge was previously 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 Town of East Lyme Parks & Recreation for a Special Permit to install lighting at the Smith Harris little league field located on Society Road, Niantic, CT

Ms. Carabelas called for a motion on this application.

****MOTION (1)**

Mr. Salerno moved to approve the Application of Town of East Lyme Parks & Recreation for a Special Permit to install lighting at the Smith Harris little league field located on Society Road, Niantic, CT.

Mr. Carpenteri seconded the motion.

Mr. Dwyer said that he is in favor of this basically because there are no neighbors in the area and this will not bother anyone.

Mr. Salerno said that he thinks that this is a win-win situation and that it is making better use of an existing area.

Mr. Gada said that the shield on these lights will not bother anyone and that this is good for everyone concerned.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this would publish on March 12, 2009 and become effective on March 13, 2009.

2. Application of Richard McFadden of the Eclectic Chef for renewal of a Special Permit for Outdoor Dining at property identified in the application as 281 Main Street, Niantic, CT

Ms. Carabelas called for a motion on this application.

****MOTION (2)**

Mr. Salerno moved to approve the Application of Richard McFadden of the Eclectic Chef for renewal of a Special Permit for Outdoor Dining at property identified in the application as 281 Main Street, Niantic, CT.

Mr. Dwyer seconded the motion.

Mr. Gada noted that the history of this establishment and special permit is that there have been no problems and that he would endorse this renewal.

Mr. Dwyer said that he would endorse a non-alcohol permit where there have been no issues and that he would suggest that they could be renewed for longer than a year.

Mr. Mulholland said that as they reduced the renewal fee to \$20 that the year renewal went with that and they might want to look at it being renewed for a longer period at some point in time.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this would publish on March 12, 2009 and become effective on March 13, 2009.

3. Application of Melinda Graus for a special permit for an Ice Cream window at the side and rear of store located at 334 Main Street, Niantic, CT

Ms. Carabelas called for a motion on this application.

Mr. Mulholland noted that they would have to address the existing plantings within the motion.

****MOTION (3)**

Mr. Peck moved to approve the Application of Melinda Graus for a special permit for an Ice Cream window at the side and rear of her store located at 334 Main Street, Niantic, CT and to fully credit the existing plantings in lieu of plantings along the property line.

Mr. Salerno seconded the motion.

Mr. Dwyer said that this window will not bother anyone.

Mr. Carpenteri said that he is in favor of this and thinks that it will help the Boardwalk.

Mr. Salerno agreed with the previous comments and added that it is good for the Town.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this would publish on March 12, 2009 and become effective on March 13, 2009.

4. Application of Jin A Nguyen for a special permit for mixed use commercial at property identified in the application as 159 Boston Post Road, East Lyme, CT

Ms. Carabelas called for discussion on this application.

Mr. Carpenteri said that he the applicant was just applying for the one commercial use that they would not have to come here and that this is only for the apartment and parking spaces and buffer.

Mr. Salerno said that they can place the conditions within the scope of the motion and offered to do so.

****MOTION (4)**

Mr. Salerno moved to approve the Application of Jin A Nguyen for a special permit for mixed use commercial at property identified in the application as 159 Boston Post Road, East Lyme, CT with the following conditions:

- **The existing non-conforming pavement be removed and the area seeded**

- The front plantings be replanted
- A 6' buffer be placed along the east side with an evergreen hedge of at least two and a half feet to three feet in height from the ground in a hedge-like fashion

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this would publish on March 12, 2009 and become effective on March 13, 2009.

5. 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 this is a knockdown and rebuild of a single family house and that the purpose here is to review it to make sure that there are no impacts to the coastal area.

Fred Finn, LS, representing the applicant, Calvin Cooley said that this property is located off of Boston Post Road in the golden spur area and is in an R-10 district. The new house will be constructed in special flood hazard district style and will be at elevation 13 as that is above the flood zone. The area has a small beach, rocky shorefront and various seawalls. They propose to put a silt fence for any construction work. They have also shown that they could place an on-site system which would be adequate and designed for four bedrooms and have been demonstrated as such.

Mr. Peck asked about the elevation where the septic system is.

Mr. Finn said that it is Elevation 9 with 2' of fill over it to Elevation 11 and that it is just proposed should the system there fail – which is what they are required to show. The lot is 11,000 sf.

Mr. Salerno asked if any soil would be stored on the site.

Mr. Finn said that the existing house will be removed and whatever is dug up will come out as it is done as there is no room to store on-site.

Mr. Gada asked the height of the house.

Mr. Cooley, applicant said that the main house is less than 30' in height with a widow-walk that goes somewhat higher.

Mr. Mulholland said that they could make a motion to allow the cupola separately.

****MOTION (5)**

Mr. Salerno moved to approve 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 finding that all reasonable measures have been taken to mitigate any coastal impacts.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Ms. Carabelas asked how high the cupola is.

Mr. Cooley said that it is about 38' to the top and added that there is a steep hill behind the house so nothing is obstructed.

Mr. Mulholland noted that from the front that it would not be that high even though the cupola would extend upwards.

Mr. Finn said that they are at one to two feet above and that it does not exceed the 10%.

****MOTION (6)**

Mr. Salerno moved to approve the proposed widow's walk on the cupola on the new home at property identified as 28 River Road, East Lyme, CT as per Section 20.12 of the zoning regulations.

Mr. Peck seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

6. Approval of Minutes – Regular Meeting Minutes – February 19, 2009

Ms. Carabelas called for discussion on, or corrections to the Commission's Regular Meeting Minutes of February 19, 2009.

****MOTION (7)**

Mr. Carpenteri moved to approve the February 19, 2009 Regular Meeting Minutes of the

Commission as presented.
Mr. Salerno seconded the motion.
Vote: 6 – 0 – 0. Motion passed.

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 had re-worked from the previous meeting.

After further discussion, the Commission asked that the delineation on the streets where this type of facility would not be allowed be added back to the regulations as Item #6.

Mr. Peck said that he has an issue with allowing this in an industrial zone as they have been saying to save the industrial zone for industry and he thinks that if they allow this in the CA zone that it would be self-regulating and that the importance to save industrial space outweighs the possibility of this in a CA zone. He said that they could also regulate it by special use.

Ms. Carabelas said that she does to think that they have to name an area as they would have to come before this commission anyway.

Ms. Carabelas and Mr. Salerno said that they are comfortable with the LI area.

Mr. Peck said that if they are going to have this allowed in the LI area then #1 limiting the radius of one to another would be important.

Ms. Carabelas asked that the regulations be tweaked again and that it be scheduled for public hearing. (Note: Ms. Hardy left the meeting)

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

Mr. Peck asked that a reminder be sent to the people on this to read the regulations prior to the next meeting which is scheduled for March 12, 2009.

New Business

1. Application of Sonny Chok for a renewal of a Special Permit for outdoor Dining at property identified in the application as 346-8 Main Street, Niantic, CT.

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

2. Application of Terry Mitchell for AHEPA 250-V for a text amendment to the East Lyme Zoning Regulations Section 25 Table of Minimum Controls for a Special Permit.

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.

Mr. Peck asked that Discussion of Section 20.27 #13 on permit renewals be added and taken from the floor.

****MOTION (8)**

Mr. Peck moved to add discussion of Section 20.27 #13 on permit renewals to the agenda.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

- **Discussion of Section 20.27 – Item #13 – Permit Renewals**

Mr. Peck asked that they do a text amendment and state that renewals may be for more than one year.

Mr. Salerno suggested that they indicate a difference between those establishments that serve alcohol and those that do not and proposed that the renewal be for one (1) year for those that serve liquor and for three

(3) years for those that do not.

Mr. Mulholland noted that Family Pizza is coming back for a renewal and that there have been no issues with his previous permits.

****MOTION (9)**

Mr. Salerno moved that the text amendment changes for permit renewals Section 20.27 - #13 be formalized as being for a period of one year for those establishments that do serve liquor and for a period of three years for those that do not and that once formalized this be scheduled for public hearing.

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

4. Zoning Official

Mr. Mulholland reported that the new McDonald's opened this week and that it received good reviews regarding the interior although some are not happy with having to drive around the outside to get to the window – something that will take some time to get used to.

They are still 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 (10)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:45 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary