

**REGULAR MEETING Thursday, APRIL 2nd, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, April 2, 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: Bob Bulmer, Alternate
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio Board of Selectmen

ABSENT: Rosanna Carabelas, Secretary, Gregory Massad, Alternate

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 8:00 PM after the previously scheduled Public Hearings. He noted that he had seated 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. Application of Randi A. & Maureen S. White for a Zone Change for property identified in the Application as 41 West Main Street, Niantic, CT. East Lyme Assessor's Map 11.1, Lot 27.

Mr. Nickerson noted that they had just continued this Public Hearing to the May 7, 2009 meeting of the Commission.

2. Application of Joseph W. & Sophia Brubaker for a Zone Change for property identified in the Application as 25 West Main Street, Niantic, CT. East Lyme Assessor's Map 11.1, Lot 28.

Mr. Nickerson noted that they had just continued this Public Hearing to the May 7, 2009 meeting of the Commission.

3. Application of Harry Loginidis of Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified in the Application as 233 Main Street, Niantic, CT.

Mr. Nickerson called for a motion.

****MOTION (1)**

Mr. Salerno moved to approve the Application of Harry Loginidis of Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified in the Application as 233 Main Street, Niantic, CT.

Mr. Carpenteri 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.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this would publish on April 9, 2009 and become effective on April 10, 2009.

4. Approval of Minutes – Public Hearings I through IV and Regular Meeting Minutes – March 5, 2009

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing and Regular Meeting Minutes of March 5, 2009.

****MOTION (2)**

Mr. Peck moved to approve the March 5, 2009 Public Hearing I, Public Hearing II, Public Hearing III, Public Hearing IV and Regular Meeting Minutes of the Commission as presented.

Mr. Salerno seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Nickerson

Old Business

1. Stormwater

There was no discussion.

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

Mr. Nickerson said that they would soon be working on getting a preliminary design in place.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

Mr. Mulholland passed out copies of information most recently supplied by Town Counsel on this for the Commissioners to review.

Mr. Nickerson said that they would like them to review this at home and to be prepared to discuss it at the next meeting of the Commission when Ms. Carabelas is also present. He also asked at this time that they have no discussion regarding this via email and that they hold their discussion at meetings.

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

Mr. Peck reported that they had held their second monthly meeting and that it was very productive and they are making good progress.

New Business

1. Application of Melinda Graus for a Special Permit for Outdoor Dining at property identified in the Application as 334 Main Street, Niantic, CT.

Mr. Nickerson asked that Mr. Mulholland schedule this for public hearing.

2. Application of Lymak Fitness, LLC for a Special Permit for Indoor Recreation at property identified in the Application as 17 Liberty Way, Niantic, CT.

Mr. Nickerson asked that Mr. Mulholland schedule this for public hearing.

Mr. Mulholland noted that this business would be looking to occupy a space that had a similar use previously.

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

Mr. Peck asked that they add from the floor; Discussion of Section 20.27 proposed regulations on Outdoor Dining Permit Renewals and also Discussion on the attendance and participation of Alternates and Regular members of the Commission to the agenda for discussion.

****MOTION (3)**

Mr. Peck moved to add two items from the floor to the agenda - Discussion of Section 20.27 proposed regulations on Outdoor Dining Permit Renewals and; Discussion on the attendance and participation of Alternates and Regular members of the Commission.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

- **Discussion of Section 20.27 – Proposed Regulations on Outdoor Dining Permit Renewals**

Mr. Peck said that there seems to be some confusion over this and that the draft that they received is not what they had discussed at their last meeting and that what was in the minutes was correct. They had discussed and asked that the text amendment for permit renewals be: **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 they should schedule this change for public hearing.** He asked that it be looked at again and brought back to them.

Mr. Mulholland said that he would do that.

- **Discussion on the Attendance and Participation of Alternates and Regular members of the Commission**

Mr. Peck said that he had brought up the issue before that he feels that it is important that if people are members of the Commission that they show up for and participate in the meetings. If they are alternates and are not seated, they need to be in attendance so that they can be seated. He said that he has not seen much of one particular member and asked that the situation be addressed.

Mr. Nickerson said that he has spoken with that person previously and that they cannot 'impeach' someone for not attending the meetings.

Mr. Dwyer said that they cannot throw someone off of the Commission and that the person would have to resign on their own.

Ms. Hardy said that the Chairman can write a letter to the person and copy the party Chairman. She recommended that a letter be written expressing the concerns that they have and that the lack of attendance has an effect on the business of the Commission. She also suggested that the First Selectman could be copied on the letter along with the party Chairman.

Mr. Nickerson said that he would look into it.

****MOTION (4)**

Mr. Dwyer moved that they add to the agenda; Discussion: Tattoo Parlors.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

- **Discussion – Tattoo Parlors**

Mr. Dwyer said that he had brought this up as it was in the news in New London and he has found it interesting.

Mr. Peck said that he believes that it is permitted as a personal service establishment by their regulations and that they would not have the issues that New London had before they changed their regulations. Because of this, he said that he would not think that they would need to talk about it.

4. Zoning Official

Mr. Mulholland reported that they continue to be busy and that he is seeing a lot of signs of things moving along. Further, he said that they would continue to be busy as they also have many housekeeping items to work on. They are still busy with a number of smaller projects and he also still gets requests on other potential projects.

5. Comments from Ex-Officio

Ms. Hardy said that she did not have anything to report.

Mr. Salerno asked Ms. Hardy if there has been any movement on the Scenic Roads Ordinance.

Ms. Hardy said that it is with the Attorney for his review and any comments he might have.

6. Comments from Zoning Commission liaison to Planning Commission

There was no report.

7. Comments from Chairman

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

8. Adjournment

Mr. Nickerson called for a motion to adjourn.

****MOTION (5)**

Mr. Carpenteri moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:25 PM.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary