

**REGULAR MEETING Thursday, MAY 7th, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, May 7, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

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

ALSO PRESENT: William Dwyer, Alternate, William Mulholland, Zoning Official
ABSENT: Bob Bulmer, Alternate, Gregory Massad, Alternate

Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 10:36 PM after the previously scheduled Public Hearings.

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.**
(Note: Mr. Peck recused himself and Mr. Dwyer, Alternate was seated for this application and the next one.)

Mr. Nickerson said that he would like to think about the information and testimony that they had received earlier this evening on this application and the next one.
The Commissioners agreed that they would like to review what was presented.

- 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 said that he would like to think about the information and testimony that they had received earlier this evening on this application and the next one.
The Commissioners agreed that they would like to review what was presented.

(Note: Mr. Peck returned to the table and Mr. Dwyer, Alternate to the audience)

- 3. Application of AHEPA 250 Inc to amend Section 25.5 of the Zoning Regulations Section 25.5 Table of Minimum Controls for Specific Special Permit uses. AHEPA 250 Inc proposes to modify the density requirement for Section 202 Housing for the Elderly Multi-Family/Multi story by reducing the lot area requirement from 4000 square feet to 2500 square feet for each efficiency unit and from 6000 square feet to 4000 square feet for each two-bedroom unit.**

Mr. Nickerson said that he wanted to look this over so that he would know where it might be placed.

Mr. Mulholland said that it is already limited to the SU zones and that if people came in for a new application that they would have to come before this Commission anyway and meet all of the requirements.

Mr. Nickerson said that it still does not stop this from happening anywhere in Town with a zone change.

Mr. Mulholland reminded them that this is about density.

Mr. Carpenteri asked what would stop them from coming in three years from now and asking for this to be changed again for still another building. He suggested that as they first obtained this land from the State that they seek to obtain more land from the State so that they do not have to change the density.

Mr. Peck, recalled to the Commission the history of this property stating that it originally was 20 acres and that with HUD, it was this Commission (years ago) that allowed it to be reduced to 10 acres. He said that he did not think that it was fair at that time and also is concerned with what would stop other developers from wanting to do this same thing.

Mr. Salerno said that it is even denser than the Affordable Housing regulations and that he agrees that others can come in and say that they are giving special considerations to the AHEPA / HUD projects and look for those considerations.

****MOTION (1)**

Mr. Peck moved to DENY the Application of AHEPA 250 Inc to amend Section 25.5 of the Zoning Regulations Section 25.5 Table of Minimum Controls for Specific Special Permit uses. AHEPA 250 Inc proposes to modify the density requirement for Section 202 Housing for the Elderly Multi-Family/Multi story by reducing the lot area requirement from 4000 square feet to 2500 square feet for each efficiency unit and from 6000 square feet to 4000 square feet for each two-bedroom unit.

Mr. Salerno seconded the motion.

Mr. Nickerson called for a vote on the motion, noting that the motion that they were voting on was to DENY the application.

Vote: 4 – 1 – 1. Motion passed.

For: Mr. Gada, Mr. Salerno, Mr. Carpenteri, Mr. Peck

Against: Ms. Carabelas

Abstained: Nickerson

Mr. Mulholland noted that this would publish on May 14, 2009.

4. 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 said that he thinks that this is a great business for the Town and having the tables outside will add to it.

****MOTION (2)**

Mr. Salerno moved to approve the Application of Melinda Graus for a Special Permit for Outdoor Dining at property identified in the Application as 334 Main Street, Niantic, CT.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this would publish on May 14, 2009 and become effective on May 15, 2009.

5. 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. Peck recused himself from discussion on this application and was seated in the audience. Mr. Dwyer, Alternate was seated at the table.

Mr. Nickerson called for discussion.

Mr. Salerno said that they have 28 parking spaces available and the potential of a membership of 600-800 people. He thinks that will self-regulate if it gets too busy and people cannot get in. He added that while he knows that the use is LI however, by special permit, by their regulations, this is an allowed use. He said that he trusts the research that was presented and feels that the security and numbers will self-regulate.

Mr. Nickerson said that there is nothing to hold the next applicant to the five parking spots that are left.

Mr. Mulholland said that they could not allow someone in there who would require more than five parking spaces.

****MOTION (3)**

Ms. Carabelas moved to approve the 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. Salerno seconded the motion.

Vote: 5 – 1 – 0. Motion passed.

Against: Mr. Nickerson

Mr. Mulholland noted that this would publish on May 14, 2009 and become effective on May 15, 2009.

6. Approval of Minutes – Public Hearings I & II and Regular Meeting Minutes – April 16, 2009

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing and Regular Meeting Minutes of April 16, 2009.

****MOTION (4)**

Mr. Carpenteri moved to approve the April 16, 2009 Public Hearing I, Public Hearing II, and Regular Meeting Minutes of the Commission as presented.

Mr. Peck 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)

Mr. Nickerson said that they will have something together to present for one of the next meetings.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

Mr. Mulholland said that this has been scheduled for Public Hearing.

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

Mr. Peck reported that they are moving slow but sure and noted that there is a CEDARS seminar on the Best Practices in Land Use Regulations that will be held on May 22, 2009 in Berlin, CT. He said that he has been to these types of seminars and that they are very good.

New Business

1. Application of Jeffrey McNamara for Mary Sanchez Quality Homes, LLC for an Affordable Housing Application on property identified in the application as Scott Road, Assessor's Map 29.0, Lot 14.

Mr. Nickerson asked Mr. Mulholland to schedule this for Public Hearing.

Mr. Salerno asked where on Scott Road this was.

Mr. Mulholland said that he has little information on this application at this time.

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

Mr. Peck asked that they check into the Scenic Roads Ordinance and where it is stuck in the process.

It was noted that it is scheduled for a Public Hearing with the Board of Selectmen for May 20, 2009.

3. Zoning Official

Mr. Mulholland reported that they continue to be busy with a lot of the smaller applications and that he also gets requests on other potential projects on a regular basis. He also reported that Ballestrini Day Care is getting ready for their CO and that 38 Hope Street had another opening and that they have about 50 units completed at this time.

4. Comments from Ex-Officio

There was no report.

5. Comments from Zoning Commission liaison to Planning Commission

There was no report.

6. Comments from Chairman

Mr. Nickerson reported that he is working with Mr. Massad regarding his interests.

7. Adjournment

Mr. Nickerson called for a motion to adjourn.

****MOTION (5)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 11:12 PM.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary