

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday May 6, 2010  
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday May 6, 2010 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

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

**ALSO PRESENT:** William Dwyer, Alternate, Seated  
James Liska, Alternate and Planning Commission, Liaison  
Bob Bulmer, Alternate  
William Mulholland, Zoning official  
Mark Nickerson, Ex-Officio  
Attorney Edward O'Connell, Town Council

**ABSENT:** Matt Walker  
Rose Ann Hardy, Ex-Officio

**ALTERNATES:** Bob Bulmer  
William Dwyer, Seated May 6, 2010  
James Liska, Scheduled to sit for the next absence.

**Call to Order**

Chairman Salerno called to order the May 6, 2010, Regular Meeting of the Zoning Commission at 7:33 PM.

**Pledge of Allegiance**

The pledge was observed.

Mr. Salerno asked that alternate Mr. Dwyer be seated.

**Public Delegations**

There were none

**Executive Session to Discuss Pending Litigation**

Mr. Salerno called for a motion to enter into executive session for the purpose of discussing pending litigation.

**MOTION (1)**

Rosanna Carabelas moved to enter into executive session for the purpose of discussing pending litigation.

Seconded by Mr. Gada.

Motion carried 5-0-0.

**MOTION (2)**

Rosanna Carabelas moved to return to regular session with no action taken during Executive Session at 8:19 PM.

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

May 17 2010 at 12:23 <sup>AM</sup> <sub>PM</sub>  
Esther B. Williams  
EAST LYME TOWN CLERK

Seconded By Mr. Gada.  
Motion passed 5-0-0

### Public Hearing

Chairman Salerno opened the public hearing for the following application:

1. Application of Theodore A. Harris, for New England National, LLC to amend the East Lyme Zoning Regulations to add Section 12B, SU-A Special Use District. This proposal will provide for single family and two family homes with provisions for mandated affordable housing.

Secretary Rosanna Carabelas read the following items into the record:

1. Official Memo form Zoning Official William Mulholland dated May 6, 2010.
2. Planning Commission Letter form the Department of Planning dated May 5, 2010.
3. Letter from the State of Connecticut Department of Environmental Protection dated April 21, 2010.
4. Letter from Southeastern Connecticut Council of Government dated April 20, 2010.

Chairman Salerno asked the Applicant Theodore Harris to present his application. Mr. Harris asked to state for the record that there have been modifications to the proposal and presented the Commission with an updated copy, recorded as Exhibit 1.

Mr. Harris said that his application was a proposal for a new regulation and explained that it was an approach similar to the floating zoning concept the SU or the SU-E that currently exists. He said the nature of this regulation was a cross between an affordable housing application under 830-G and the incentive housing program which was initiated by the state 3 years ago.

Mr. Harris said with respect to the correspondence form Regional Planning he was not certain how the very limited density that was being proposed implicated regional issues. Mr. Harris also wanted to address the letter from the Department of Planning and their finding that the application was inconsistent. He said he thought the application was consistent and for several reasons, the first being affordable housing and the need for affordable housing. Mr. Harris elaborated on the statistics of affordable housing within the Town of East Lyme. The second factor he felt needed review was how the Planning Department defines multi-family housing. Mr. Harris explained the different types of multi family developments and the wide range of densities that have been allowed. The third thing that Mr. Harris wanted to address was the overall and clear desire within the Plan of Conservations and Development for cluster. He explained the differences between cluster design and condominium developments. He said that the overall concern should be the impact of the land. Mr. Harris also wanted to mention utilities and the limited resources regarding water and sewer, he said there is an alternative and that is to require large areas in not so rural areas. He explained the benefit of being able to provide on site water and septic services on larger areas. Mr. Harris said that the difference between the definition of multi family and single family cluster developments needed to be addressed, that they should not be treated the same, that it is form of ownership. He discussed the difference between nature of ownership between a single family cluster development and a condominium unit. Mr. Harris then distributed to the Commission drawings of the types of housing being proposed, recorded as Exhibit 2, and also a

preliminary site plan, recorded as Exhibit 3. Mr. Harris explained the details of the units and the proposed site plan.

Mr. Harris then asked to move on to the regulation itself. Mr. Harris proceeded to review Exhibit 1 in detail. He commented on the benefit of a two-family home, allowing someone to own a home less expensively. He continued to read through Exhibit 1. Mr. Harris closed his presentation by reiterating the need for this regulation to help people obtain starter homes and stay in the area.

Chairman Salerno asked if there were any questions.

Mr. Peck asked for clarification regarding the density and percentages earlier discussed. There was discussion about the percentage of coverage within the different zones.

Chairman Salerno asked for a more concise answer as to what he would be suggesting, and Mr. Harris responded 10 percent in the RU-40 zone and 20 percent in all other zones.

Mr. Peck was concerned about this regulation interfering with Conservation Design. Mr. Harris said he did not object to adding specific language to address this issue. Mr.

Mulholland asked Mr. Harris why he did not use the current SU regulations. Mr. Harris responded that he didn't think they were as flexible in design and that SU mandates public sewer and water.

Rosanna Carabelas asked why this plan did not fit into the already existing affordable housing regulation. Mr. Harris said the current affordable housing regulation is a straight 830G and brings any application within it the burden of proof and also requires 30 percent affordable housing instead of 20 percent which he is proposing.

Rosanna Carabelas did not like the wording regarding internal sidewalks. Mr. Harris agreed to correct the wording as suggested.

Mr. Mulholland asked why Mr. Harris did not apply under the current subdivision regulations. Mr. Harris said this was a better approach because of the flexibility and didn't feel that under the current subdivision regulation they would get the density necessary to be able to make an economic development that would remain affordable.

Rosanna Carabelas wanted to clarify the restrictions regarding the resale of the home if it were considered affordable housing. Mr. Harris said it had to be "affordable" for 40 years. Mr. Harris explained that it was only 20 percent, and the idea was to get the overall price down. He repeated the beginning of his presentation with his explanation of statutory affordable and practical affordable. He said they are trying to do both. There was further discussion about the proposed flexibility of the plan.

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regulations would have a negative impact on the people who currently live in these neighborhoods.

Chairman Salerno addressed the Commission once more for further questions. Mr. Peck said he did not like the proposed architecture, and in regards to setbacks, asked if there was a possibility of entering the garage from the side as opposed to the front. Mr. Harris explained that this would not fit well with this type of development and that it would consume a significant amount of land and driveway area. Mr. Harris said he would consider the architecture and the possibility of a common drive. Rosanna Carabelas addressed the impact of the town and surrounding area if this was approved. Mr. Harris explained that this was a regulation that still needed to be approved by the Commission with each application, and not an overall rule.

Chairman Salerno called to continue the Public Hearing.

Chairman Salerno called to order the May 6, 2010 Regular Meeting of The East Lyme Zoning Commission.

### **Regular Meeting**

1. Application of Theodore A. Harris, for New England National, LLC to amend the East Lyme Zoning Regulations to add Section 12B, SU-A Special Use District. This proposal will provide for single family and two family homes with provisions for mandated affordable housing.

This was part of an open Public Hearing to be continued.

2. Approval of Minutes of April 8, 2010, Public Hearing I, Minutes of April 8, 2010 Public Hearing II, Minutes of April 8, 2010, Regular Meeting.

### **MOTION (3)**

**Rosanna Carabelas moved to approve the Public Hearing I Minutes of April 8, 2010, the Public Hearing II Minutes of April 8, 2010, and the Regular Meeting Minutes of April 8, 2010, as submitted.**

**Seconded by Mr. Carpenteri.**

**Motion carried 5-0-0.**

### **Old Business**

1. Subcommittee – Niantic Village (Norm Peck & Marc Salerno)

Chairman Salerno said this was being worked on and there would be a sub-committee meeting scheduled within the next few weeks.

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

Mr. Peck said that they were getting closer. There was a developer reviewing the plan currently, and would also be reviewed by Randall Arnt. He hoped to have this done by this summer.

3. Incentive Housing (Ed Gada, Rosanna Carabelas)

Chairman Salerno said there was a sub-committee meeting last week and the COGG regulations were reviewed. Mr. Mulholland said that he would be meeting with COGG the following morning.

### **New Business**

Chairman Salerno read the following applications:

1. Application of SNAP Fitness properties, LLC for a Special Permit for Indoor Recreation for a fitness club for adults at property identified in the application as 88 Pennsylvania Avenue, Niantic.
2. Application of KSM Enterprises Store Two LLC dba Five Guys Burgers and Fries for a text amendment to section 20.27 CA Zones of the East Lyme Zoning Regulations
3. Application of White Gate Farm for a text amendment to section 4 of the East Lyme Zoning Regulations to permit Farm Sites as an accessory use to a farm.

Chairman Salerno asked Mr. Mulholland to schedule the above applications.

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

Chairman Salerno read the following applications.

- A. Application of Melinda Grouse for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 334 Main Street, Niantic.
- B. Application of Sunny Chok for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 334-348 Main Street, Niantic.
- C. Application of David Coonrod for a text amendment to the East Lyme Zoning Regulations to amend Section 20.20.5 to change "85" rooms to "30" rooms.

Chairman asked for any objections from the Commission.  
There were none.

### **5. Zoning Official**

Mr. Mulholland commented that it was becoming very busy. He anticipated more activity. He was working with the people at Hope Street, and said they have put the property for sale and are going to redevelop it themselves. They have asked Mr. Mulholland to assist them in modifying the site plan and present this to the Zoning Commission.

### **6. Comments form Ex-Officio**

Mr. Nickerson as Ex-Officio said that Camp Rell was going to be changed to Camp Niantic. He said that on May 25, 2010 at 2:00 there would be a press conference regarding the tie in to the new water system being proposed. He said there would be a

Town Meeting for the Budget on May 10, 2010 at the East Lyme High School. Celebrate East Lyme would be July 17, 2010. The Board of Selectman has allowed golf carts to be used in beach communities. The vote for an Agricultural Commission was denied, however there will be a sub-committee assembled within the Commission for the Conservation of Natural Resources. The walkway that was supposed to reach the Hole-in-the-Wall would not be taking place due to being unable to obtain the appropriate easement. There would be a plaza built in its place and the "clock" would be placed there. The Niantic Market has closed.

7. Comments from Zoning Board liaison to Planning Commission

Mr. Bulmer said that the Planning Commission meeting had been cancelled.

8. Comments from Chairman

Chairman Salerno said there will be a parking committee that will be added to the next agenda. He discussed the process for alternates being seated. It was decided that they would sit alternately by alphabetical order.

9. Adjournment

**MOTION (4)**

**Mr. Gada moved to adjourn the May 6, 2010 Regular Meeting of the East Lyme Zoning Commission, at 10:25 PM.**

**Seconded By Rosanna Carabelas.**

**Motion passed 5-0-0**

Respectfully Submitted,



Zoe Zrakas, Recording Secretary