

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, DECEMBER 3rd, 2009  
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, December 3, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Marc Salerno, Acting Secretary, Steve Carpenteri, Ed Gada, Norm Peck, William Dwyer, Alternate

**ALSO PRESENT:** William Mulholland, Zoning Official  
Rose Ann Hardy, Ex-Officio, Board of Selectmen

**ABSENT:** Rosanna Carabelas, Secretary, Bob Bulmer, Alternate

**Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 7:03 PM. 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 Theodore A. Harris for GDS Capital Holdings LLC to amend the East Lyme Zoning Regulation Sections 9.2.3, 1.1 and 25.5 with regard to Mixed Use Development.**

Mr. Nickerson called for discussion.

Mr. Peck suggested that the amendment with all of the changes be read and proceeded to do so in order for the Commissioners and the public to be up to speed on this.

Mr. Nickerson called for comments.

Mr. Salerno said that he has some concerns and that he thinks that what the amendment is addressing are buildings that are too big for the downtown area. He noted that while they do have larger buildings downtown that they are closer to the West Main Street end. He said that he is also concerned with the height of 40' as they had changed it to 30' for a reason and they also changed the mixed use regulations earlier this year. While he is not totally against this, his basic concern is the size.

Mr. Nickerson said that they do have 'bulk' downtown at present. In addition, while they will not and do not want to be 'Mystic', he noted that downtown Mystic does have big buildings and that they have worked them such that they fit into the downtown area. While they are not looking to be a 'Mystic', they are talking about a re-birth of the downtown Niantic area and this gives them a good opportunity to do something great. And – there is bulk downtown now and a lot of older buildings that are not really

conducive to wheelchairs or consumerism. He noted that they did change the regulation on mixed use and that this might be a step in the right direction. Also, as they have already changed the regulations before, they can change them again once one of these buildings is done if that should be what they would like to do. Here, he said that he likes the opportunity for a better roof design instead of just having the mansard or gambrel style; and of having a different type of parking than the usual huge parking lots exposed with lights all over and plants here and there trying to 'pretty' them up. He said that he applauds the effort here and that while he would like to have the architectural pattern book and regulations in place, he does not feel that they can deny this because they did not get their own work done in time for this type of change.

Mr. Peck said that he has been on the fence over this – back and forth on it. He said that he would like to see some information added on the design characteristics so that they have more control over the design.

Mr. Mulholland suggested that they could add that the buildings at the village center shall have a main street center characteristic or something in that line.

Mr. Peck said that he had jotted something down and would like to see it added to the end of item 3. B. (3) ..... *'and shall weigh heavily to the Zoning Commissions' consideration for approval; in terms of maintaining New England village character and enhancement with/to neighboring buildings.'*

Mr. Salerno said that while this may be something for the future, that he did not think that it is something for today.

Mr. Dwyer said that he does not agree with this for today or for the future and thinks that it is just too big.

**\*\*MOTION (1)**

**Mr. Salerno moved to deny the Application of Theodore A. Harris for GDS Capital Holdings LLC to amend the East Lyme Zoning Regulation Sections 9.2.3, 1.1 and 25.5 with regard to Mixed Use Development.**

**Mr. Dwyer seconded the motion.**

Mr. Nickerson called for a vote on the motion to deny the application; explaining that a vote in favor would be a vote to deny the application.

**Vote: 2 – 2 – 2. Motion failed. (Votes cancel each other out)**

**For: Mr. Dwyer, Mr. Salerno**

**Against: Mr. Nickerson, Mr. Peck**

**Abstained: Mr. Carpenteri, Mr. Gada**

**\*\*MOTION (2)**

**Mr. Peck moved to approve as amended the Application of Theodore A. Harris for GDS Capital Holdings LLC to amend the East Lyme Zoning Regulation Sections 9.2.3, 1.1 and 25.5 with regard to Mixed Use Development.**

**Mr. Nickerson seconded the motion.**

**Vote: 3 – 2 – 1. Motion passed.**

**For: Mr. Gada, Mr. Nickerson, Mr. Peck**

**Against: Mr. Dwyer, Mr. Salerno**

**Abstained: Mr. Carpenteri**

Mr. Nickerson said that this would publish on 12/10/09 and become effective on 12/11/09.

**3. Approval of Minutes – Public Hearing I and Regular Meeting Minutes of November 19, 2009**

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing I and Regular Meeting Minutes of November 19, 2009.

**\*\*MOTION (3)**

**Mr. Salerno moved to approve the November 19, 2009 Public Hearing I Minutes and Regular Meeting Minutes of the Commission as presented.**

**Mr. Carpenteri seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**Old Business**

**1. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno)**

Mr. Nickerson noted that as he would no longer be on this Commission that he would not be a part of this subcommittee and asked that Mr. Peck please fill his position as he is already working with Mr. Mulholland on the pictures.

Mr. Peck said that he would.

Mr. Gada said that he might be able to get them some pictures of downtown and save them from having to go take them. He said that he would get back to them on this.

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

Mr. Peck reported that they are getting close to having a final draft on this. With the changing of the members of this and the Planning Commission, he noted that the continuity of the members is key to getting this done and suggested that the current members see it through to completion.

**3. Subcommittee – Incentive Housing Zones (Ed Gada, Mark Nickerson, Rosanna Carabelas)**

Mr. Nickerson said that he would also be resigning from this subcommittee. He noted that the regulations will be written by the COG for a fee as they have also been involved with this.

**New Business**

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

There was none.

**2. Zoning Official**

Mr. Mulholland said that he did not have anything further to report.

**2. Comments from Ex-Officio**

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

**3. Comments from Zoning Commission liaison to Planning Commission**

There was no report.

**4. Comments from Chairman**

Mr. Nickerson said that as this was his last meeting with them and he would be going to the Board of Selectmen that he wanted to thank everyone and express his pleasure with being able to work with such a professional group of people who have always taken the best interest of the Town to heart. He also thanked Mr. Mulholland for all of his hard work with them and his professionalism with regard to the Town.

Mr. Nickerson noted that they would have to schedule a special meeting so that they could elect a new Chairman and Secretary of the Commission to serve for the coming year. He asked their pleasure of when they would like to meet.

The consensus of the Commissioners was that they would hold a Special Meeting for the purpose of electing the Chairman and Secretary for the upcoming year on Monday, December 7, 2009 at 6 PM in the Upper Meeting Room of the Town Hall.

Mr. Mulholland said that he would see that an agenda was filed on the following day so that they could hold the Special Meeting.

Mr. Nickerson noted that they would be holding a brief meeting of the East Lyme Aquifer Protection Agency once this meeting was over. He noted that they also serve in that capacity for the Town of East Lyme.

#### **5. Adjournment**

Mr. Nickerson called for a motion to adjourn.

#### **\*\*MOTION (4)**

**Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:30 PM.**

**Mr. Gada seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary