

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, OCTOBER 1st, 2009
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, October 1, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

PRESENT: Marc Salerno, Acting Chairman, Mark Nickerson, Acting Secretary, Norm Peck, Steve Carpenteri, Bob Bulmer, Alternate, William Dwyer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
Attorney Nicholas Painsiris, Representing the Applicant

ABSENT: Rosanna Carabelas, Secretary, Ed Gada, Bob Bulmer, Alternate,

Call to Order

Acting Chairman Salerno called this Regular Meeting of the Zoning Commission to order at 9:05 PM after the three previously scheduled Public Hearings.

Pledge of Allegiance

The Pledge was previously observed.

Public Delegations

Mr. Salerno 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 said that he thought that they should get further definitions from staff on the garage part and also that he would like the time to go out and walk Main Street and try to visualize it with respect to this proposal.

Mr. Carpenteri commented that it is much easier to rent out apartments should a commercial business be an issue and with 100% of the ground floor being for commercial use, this mixed use concept is a good idea for downtown as the apartments will help to carry the commercial and the foot traffic from the apartments will drive and bring in the commercial aspect.

Mr. Nickerson said that he thinks that missed use is a good idea; he just wants to look at the scale of it.

Mr. Mulholland said that he would review the proposal again.

2. Application of AHEPA 250 INC for a Special Permit to construct a multi-family, multi-story dwelling for elderly housing under Section 12.1.5 of the East Lyme Zoning Regulations at 267 Roxbury Road, Niantic, CT, Assessor's Map 10.0, Lot 9.

Mr. Salerno noted that this is an identical building to what was approved the last time.

****MOTION (1)**

Mr. Nickerson moved to approve the application of AHEPA 250 INC for a Special Permit and site plan to construct a multi-family/multi-story building containing 52 units at 267 Roxbury Road with the following:

- **The granting of a waiver to reduce the building setback from West Main Street from 150' to 70' as allowed under Section 12.2.3; and –**
- **Approval of the increase in height from 30' to 39'7" as provided for in Section 12.2.5; and –**
- **The planting of white pines that are to be a minimum of 6' in height in the void areas along West Main Street to provide for an adequate buffer.**

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Salerno noted that this would publish on October 8, 2009 and become effective on October 9, 2009.

3. Application of Tsiropoulos Holdings LLC for a Special Permit (Mixed-Use) to construct an apartment over an existing business at 167 Main Street, Niantic, CT.

This Public Hearing was opened and continued to October 15, 2009.

4. Approval of Minutes – Regular Meeting of September 3, 2009 and Regular Meeting of September 17, 2009

Mr. Salerno called for discussion on, or corrections to the Commission's Regular Meeting Minutes of September 3, 2009.

Mr. Peck asked that on Page 2 in the third paragraph up from the bottom where he is speaking that the second line be changed to read: 'in getting *the DEP septic permit* is extensive ...'

****MOTION (2)**

Mr. Carpenteri moved to approve the September 3, 2009 Regular Meeting Minutes of the Commission as amended.

Mr. Dwyer seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Bulmer

Mr. Salerno called for discussion on, or corrections to the Commission's Regular Meeting Minutes of September 17, 2009.

Mr. Peck asked that on Page 2 at the very bottom of the page that the last paragraph (3 lines) where he is speaking be stricken from the record.

****MOTION (3)**

Mr. Nickerson moved to approve the September 17, 2009 Regular Meeting Minutes of the Commission as amended.

Mr. Carpenteri seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Bulmer, Mr. Dwyer

Old Business

1. Stormwater

This is in progress.

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

Mr. Salerno noted that they have the pictures as was requested.

Mr. Nickerson commented that he understands what it is that they are trying to achieve here but feels that the way to get there is by creation of a pattern book. He said that they are not a Stonington borough or an Essex or anyplace else – rather, we are Niantic and we want it to be better than what it is now.

Mr. Mulholland suggested that if that is the way that they want to go that as a starting point they should take their own digital pictures of downtown and put their own book together.

Mr. Peck said that he would volunteer to walk the downtown area with someone and take pictures and use them as a starting point.

Mr. Mulholland said that he would go with Mr. Peck and work on this project.

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

Mr. Peck reported that they have a meeting scheduled for October 22, 2009.

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

Mr. Nickerson reported that they have met and started looking over the information that they have.

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 reported that Five Brothers has subleased the building; Smarty's opened over the weekend in the Morton House; Constantine's is doing window repairs and updating the front of the building and the grocery store is being stocked and should be open by the end of the month. He also noted that the trailer and ice house were removed from behind the grocery store and that they would not be coming back.

3. Comments from Ex-Officio

There were none.

4. Comments from Zoning Commission liaison to Planning Commission

There was no report.

5. Comments from Chairman

There were no further comments.

6. Adjournment

Mr. Salerno called for a motion to adjourn.

****MOTION (4)**

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

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary