

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday July 8, 2010
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday July 8, 2010 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

MEMBERS PRESENT:

Rosanna Carabelas
Steve Carpenteri
Marc Salerno
Norm Peck, III

ALSO PRESENT:

James Liska, Alternate and Planning Commission, Liaison, Seated
Bob Bulmer, Alternate
William Dwyer, Alternate, Seated
William Mulholland, Zoning official
Rose Ann Hardy, Ex-Officio

ABSENT:

Matt Walker
Ed Gada

ALTERNATES:

Bob Bulmer
Bill Dwyer, Seated July 8, 2010
James Liska, Seated July 8, 2010
Bob Bulmer, Seated June 17, 2010, scheduled to sit for the next absence.

FILED IN EAST LYME TOWN
CLERK'S OFFICE

July 15, 2010 at 8:15 ^{AM} ~~PM~~
Esther B. Williams
EAST LYME TOWN CLERK

Call to Order

Chairman Marc Salerno called to order the July 8, 2010, Regular Meeting of the Zoning Commission at 7:34 PM.

Chairman Salerno seated Bill Dwyer and James Liska as regular voting members for the night.

Pledge of Allegiance

The pledge was observed.

Executive Session

Public Delegations

There were none

Regular Meeting

1. Application of White Gate Farm to amend the East Lyme Zoning Regulations to add Section 20.17.2 Agriculture Farm Store (Accessory Use)

Mr. Salerno called for discussion.

Mr. Liska said he was happy to see what was happening in that area and very much in favor of the amendment.

Mr. Dwyer was in favor.

Rosanna Carabelas was in favor.

Mr. Carpenteri said anytime you could help a local business, and keep the farm character of the town, he was greatly in favor.

Mr. Peck was in favor.

Mr. Salerno was in favor and his only concern was parking on the roads.

Mr. Mulholland said this would be addressed under the special permit process.

MOTION (1)

Rosanna Carabelas moved to approve the application for White Gate Farm to amend the East Lyme Zoning Regulations to add Section 20.17.2 Agriculture Farm Store (Accessory Use.)

Seconded by Mr. Dwyer.

Motion Passed 6-0-0.

2. 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.

Mr. Salerno said that there is a sub-committee studying incentive housing in the town. He discussed the criteria that was defined for those areas, public access to buildings, bus routes and things of that nature. He said that the proposed amendment was going to allow more density and didn't see where there were restrictions to protect open space.

Mr. Carpenteri said he liked the fact that the amendment gave the Commission control and also gave the town affordable housing however he didn't like that there was no restriction on location.

Mr. Peck said that he was concerned about increasing density, and that developers may use this amendment frequently. He said a considerable amount of time has been spent trying to rewrite the regulations and this may render those efforts as ineffective. He does not see the benefit to the town.

Rosanna Carabelas said she was reluctant to agree with something that may be designed by a developer as opposed to something the Commission had created. She is in favor of affordable housing and the idea of having it somewhere other than downtown.

Mr. Dwyer said a lot of time has been spent on affordable housing and this amendment appears to be more of a benefit to a contractor than the town.

Mr. Liska thanked the public for appearing and making their statements. He said that he felt the original house plans were very well thought out, however he is strongly against the amendment. He feels there are Zoning Regulations in place that are designed and supported by experts. He said the amendment was inconsistent with POCD and did not feel the need to change the existing Zoning Regulations.

Mr. Salerno felt that the current SU regulation was sufficient and the town has been in favor of supporting affordable housing. Mr. Salerno said that the reason to deny this amendment was not based on what was written but based on what they have learned from their research on what's appropriate for density.

MOTION (2)

James Liska moved to Deny the 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.

**Seconded by Rosanna Carabelas.
Motion Passed 6-0-0.**

Mr. Carpenteri is stepping down at 10:00 PM.
Mr. Bulmer, Alternate is seated at 10:00 PM.

**3. Application of David M. Coonrod to amend the East Lyme Zoning Regulations
Section 20.20.5 RE: Liquor for Motels/Hotels.**

Mr. Liska said he could definitely see both sides. He said the idea of having beer at a hotel if the customer wasn't driving, was something to consider. He was looking for input from the Commission.

Mr. Dwyer asked how many motels this is going to affect, and the liquor laws pertaining to distance still apply.

Mr. Mulholland read the section 20.20.5 in the Zoning Regulations regarding the size of hotels and the location.

Rosanna Carabelas wanted to clarify the amount of rooms required. She asked what hotels were 30 or more rooms. There was discussion of which hotels qualified.

Mr. Salerno asked Mr. Mulholland what this means. There was discussion regarding having a bar or mini bars in the rooms.

Rosanna Carabelas was leaning towards being in favor considering that alcohol in hotels can be very expensive.

Mr. Salerno asked if a Bed & Breakfast can serve alcohol. Mr. Mulholland replied no, a Bed & Breakfast is not a hotel.

Mr. Bulmer felt there were enough drinking establishments in town, and there was no definite decision as to what would be in the rooms, would there be a bar or a liquor cabinet. He said until it was more well defined he would vote against.

Mr. Salerno asked if a bar could be put in.

Mr. Mulholland said this would require a liquor permit from the state. There was discussion as to the regulations regarding a bar and whether it would be open to the public as well.

Rosanna Carabelas suggested denying the application without prejudice for the purpose of rewriting the application to be more specific regarding limiting the liquor to registered guests only. There was extensive discussion regarding the wording of the application in regards to "registered guest".

MOTION (3)

Rosanna Carabelas moved to deny without prejudice the application of David M. Coonrod to amend the East Lyme Zoning Regulations Section 20.20.5 RE: Liquor for Motels/Hotels.

Seconded by Mr. Bulmer.

Mr. Mulholland will share the Commission's concerns with the applicant.

Motion Passed 5-1-0

Mr. Bulmer was in favor.

Mr. Liska was in favor.

Mr. Dwyer was in favor.

Rosanna Carabelas was in favor.

Mr. Salerno was in favor.

Mr. Peck was opposed.

4. Approval of Regular Meeting Minutes, Public Hearing Minutes, Executive Session Minutes of June 17, 2010

MOTION (4)

Rosanna Carabelas moved to approve the Regular Meeting Minutes, Public Hearing Minutes, and Executive Session Minutes of June 17, 2010.

Seconded by Mr. Peck.

Motion Passed 5-0-1

Chairman Salerno Abstains

Old Business

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

There was no report.

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

Mr. Salerno asked that everyone review the regulation changes for the CDD to be discussed at the next meeting.

Mr. Peck said the Zoning Regulations are ready to be presented and the Sub-division Regulations need some housekeeping which is being done by Gary Goeschel. There was a brief review of what was written regarding sub-division.

3. Incentive Housing (Ed Gada, Rosanna Carabelas, Marc Salerno)

Mr. Mulholland said the application was on hold.

4. Parking Subcommittee (Mathew Walker, Marc Salerno, Steve Carpenteri)

There was no report.

New Business

Mr. Salerno asked to schedule a Special meeting of the East Lyme Zoning Commission on July 29, 2010 to address the following applications:

1. Application of KSM Enterprises Store Two LLC dba Five Guys Burgers and Fries, for a Special Permit for Outdoor Dining/Patio per East Lyme Zoning Regulation 20.27, at property identified in the application as 295 Flanders Road, East Lyme Connecticut.

2. Application of Fred Finn, Agent, for Maximum Inc. dba Burke's Tavern, for a Special Permit for Outdoor Dining/Patio per East Lyme Zoning Regulation 20.27, at property identified in the application as 267-283 Main Street, Niantic, Connecticut (aka 13 Hope Street, Niantic, Connecticut).

3. Application of the Town of East Lyme for a Special Permit for Town Buildings and Uses, Sections 20.1.2 (F) and Section 25 and Section 24, at property identified in the application as 8 Capitol Drive, East Lyme, Assessor's Map 09.0, Lot 17.

4. Application of Christopher & Amy Leigh for a Special Permit to operate String Theory School of Music at property identified at 11 Freedom Way, Units D3 and D4, Niantic, Connecticut.

5. Application of Nick & Rita Fokaidis for a Special Permit for Outdoor Dining/Patio per East Lyme Zoning Regulation 20.27 at property identified in the application as 53 West Main Street, Niantic, Connecticut.

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

There was none.

7. Zoning Official

Mr. Mulholland said he had nothing to report.

8. Comments from Ex-Officio

There were none.

9. Comments from zoning board liaison to Planning Commission

There were none.

10. Comments from Chairman

There were none.

11. Adjournment

MOTION (5)

Bob Bulmer moved to adjourn the Meeting at 10:55.

Seconded by Rosanna Carabelas.

Motion Passed 6-0-0.

Respectfully Submitted,

Zoe Zrakas, Recording Secretary

