

TOWN OF EAST LYME

ZONING COMMISSION

OCTOBER 5, 2017

PUBLIC HEARING MINUTES

MEMBERS PRESENT:

Matthew Walker, Chairman
William Dwyer
John Manning
George McPherson
Peter Lukas, Alternate (Sat for Public Hearing)

MEMBERS ABSENT:

Terence Donovan
Norm Peck
James Liska, Alternate
David McIlhenney, Alternate

Also Present:

Bill Mulholland, Zoning Officer
Marc Salerno, Ex-Officio

FILED

Oct 11 2017 AT 8:15 AM/PM
Karen Gulbo, At
EAST LYME TOWN CLERK

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

Mr. Lukas sat as a Regular Member for the Public Hearing.

PUBLIC DELEGATIONS

There were no public delegations.

PUBLIC HEARING

1. PROPOSAL TO OPT OUT OF THE REQUIREMENTS OF PUBLIC ACT 17-155, PERTAINING TO TEMPORARY HEALTH CARE STRUCTURES

Chairman Walker confirmed the legal advertisement ran on this item.

Mr. McPherson read a memo from Mr. Mulholland.

Attorney Edward O'Connell and Attorney Tim Bleasdale were present to discuss this item.

Attorney O'Connell presented a copy of the Public Act (Exhibit A)

Attorney O'Connell stated this essentially creates a new accessory use, a temporary health care structure in any area that is zoned for single family. This automatically takes effect unless the town decides to opt out. It is for temporary housing to live in close proximity to a caregiver, it can be no more than 500 gross square feet, there cannot be a permanent foundation, the person requiring care must require assistance in at least two areas, such as eating, walking, etc. They are not required to hook up to water and sewer. The application for the permit must be acted upon within 15 days. They must provide a certified letter from a doctor attesting to the persons need. The structure must be removed within 120 days if they are no longer living in it. The caregiver can be a relative, a health care agent, or a legal guardian who will be responsible for the unpaid care of the disabled person. It is a cloudy definition.

Mr. Manning stated if the person is paid they are not considered a caregiver.

Attorney O'Connell stated it does say unpaid.

Mr. Manning asked if someone could have a trailer, not get paid for care, but get paid rent.

Attorney O'Connell stated it is a slippery definition.

Mr. Mulholland stated it could have been written better, this would allow a trailer in every yard, and could be impossible to enforce.

Chairman Walker it is impossible as written.

Attorney O'Connell discussed the fee structure, the town would also have to store the confidential information provided by the doctor. If the Zoning Commission decides to opt out they would then send a request to the Board of Selectmen and ask them to opt out.

There was no Public Comment.

MOTION (1) Mr. McPherson moved to close the Public Hearing.

Seconded by Mr. Manning

Motion Passed 5-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**