

**TOWN OF EAST LYME  
ZONING COMMISSION  
December 6th, 2018  
PUBLIC HEARING & REGULAR MEETING MINUTES**

**Members Present:**

**Matthew Walker, Chairman**  
**Norm Peck**  
**Terence Donovan**  
**George McPherson, Secretary**  
**John Manning**  
**Anne Thurlow, Alternate (\*Sat as a Regular Member)**  
**William Dwyer, Alternate**

**Also Present:**

**Bill Mulholland, Zoning Officer**  
**Rose Ann Hardy, Ex-Officio**  
**Kirk Scott, Planning Representative**  
**Mark Nickerson, First Selectman**

FILED IN EAST LYME  
CONNECTICUT  
Dec 13, 2018 AT 8:43 AM PM  
*Brade L. ...*  
EAST LYME TOWN CLERK

**Absent:**

**Kimberly Kalajainen**  
**James Liska, Alternate**

Chairman Walker called the Zoning Commission meeting to order at 7:30 p.m.

The Commission sat Ms. Thurlow as a Regular Members for the evening.

**Pledge of Allegiance**

Mr. Walker led the Pledge.

**Public Delegations**

There were none.

**Public Hearing-**

1. **Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a zone change from existing RU-40 to CA of a portion of the property at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

Mr. Walker noted this item is being opened and continued without discussion at the request of the Applicant, to January 3rd, 2019.

2. **Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a Special Permit for the construction of four units of elderly housing at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

Mr. Walker noted this item is being opened and continued without discussion at the request of the Applicant, to January 3rd, 2019.

**3. Application of the Town of East Lyme for a Special Permit under Section 20.1.2F of the East Lyme Zoning Regulations to convert the existing building at 277 West Main Street, Niantic, Connecticut to a public safety facility.**

Mr. Walker noted the legal ad published, for the record.

Mr. McPherson read Mr. Mulholland's memorandum dated December 6th, 2018 into the record.

Mr. Walker clarified for the record that this is a land use application which will focus on the use, property and application compliance with Zoning Regulation; the public hearing will not address financial issues or an opinion regarding if this a good or bad idea.

Tom Gardner of 24 Sunrise Trail and Member of the Public Safety Task Force came forward to speak. He explained that the intent if this project is to house the East Lyme Police Department, Emergency Management, Fire Marshal, Emergency Dispatch, and others all in one building; currently these departments are scattered through Town and this cohesion will make everything more secure and efficient.

Mr. Gardner said it's essentially a turnkey operation but they intend to add a fence by the parking lot; there will be no structural changes to the building or parking lot. Mr. Donovan asked if they intend to add towers and Mr. Gardner said it hasn't been engineered yet but there will be minimal visual impact; it's a 17+ acre tract of land so there is nothing really around it.

Mr. Donovan asked if there is a potential for additional access through the JAG property and Mr. Gardner said they would seek an easement. Mr. Nickerson explained that the easement should not be an issue but that if it was, it could be accomplished through eminent domain since it's for municipal use.

Mr. Peck pointed out there is hardly any frontage yet they requested a sidewalk waiver. Mr. Mulholland said that is being asked for because the Zoning Regulations require the sidewalk.

Ms. Thurlow asked if any part of the property is in the flood zone and Mr. Gardner explained that the boundary is the Four Mile River and the building itself is 700 ft uphill from the flood zone.

Mr. Walker asked if they've given any thought to what the fence might look like and Mr. Gardner said a 6 ft chain link fence for security measures which won't affect the JAG property visually. Mr. Donovan said this is for land use only which would allow the use if it passes referendum and that his only concern would be the towers. Mr. Mulholland said this is a similar scenario to the communications tower that was approved at the previous Zoning meeting and that in terms of cellular it's no longer conducive for tall cell towers; the trend has become to put them on buildings instead.

Mr. Walker called for Public Comment and the following came forward:

1. Robert Vancour of 107 South Beechwood Road
  - He said a change in use is way too premature and it's putting the cart before the horse.
  - No public hearings or referendums have occurred.
  - The technological study hasn't been determined.

- He thinks they should leave the zone in place and if the application is approved and financed the zone change can occur at that time.

## 2. Sharon Hanson of 6 Mamacock Road

- She said that sections of Rocky Neck and Rocky Neck Extension are in the flood zone.
- There's only one way out and how are the police officers going to get out and reach the homes in the Heights and at the beaches?
- The building may be perfect, she's just curious about the egress.
- She detailed an accident that previously occurred and how the emergency access through Rocky Neck could not be utilized until someone came to unlock the fence.
- She said given the traffic on the road it's not an optimal locale from her perspective.
- She added that it's the furthest possible southern section of Town and that a more central location is ideal.
- She's concerned about all our emergency vehicles coming out of there and pointed out it's the only way to I95.

## 3. Charles Ambulos of 1 Blueberry Lane

- He said he came here tonight asking himself is there a need or want for this- he now understands there is a need but still has questions.
- Was the perspective building previously occupied 24/7?
- How will this use impact the septic? Will it need to be upgraded?
- He said turnkey means "as is" not "renovating."
- Is someone arrested going to be housed there for a period of time?
- What if you can't utilize the highway?
- He said Industrial Park Road behind Stop & Shop would be a far better location than the one being chosen right now.

Mr. Gardner offered these comments:

- The septic system is designed for 150 people.
- There will be a holding cell but not a jail and the time held would be 8 hours or overnight if going to court the next day.
- 2/3 of the building is built out office space and is good to go.
- The holding cell and processing area need to be built out in a separate area.
- There is already a concrete section complete with a sally port which would have otherwise had to have been built.

Mr. Walker said it's important to remember they're not charged with analyzing logistics; they will be discussed Monday at the Public Forum.

Mr. Gardner explained that officers are on patrol during their shifts, fragmented throughout Town and pre-deployed based on where roll calls sends them; they would not all be leaving the station to go on a call.

Mr. Manning asked about the egress and choke point related to flood elevation. He asked if cars are passing through the flood zone.

Mr. Donovan asked if the egress can be pursued even if JAG is not developed and Mr. Nickerson said yes, there will be two points of egress. Mr. Mulholland said the Commission can make a recommendation regarding egress but it's not their purview. He also shared that the Planning Commission ruled that this item is consistent with their Plan of Conservation and Development.

4. Si Baker-Goodwin of 32 North Bridebrook

- She said she has the same questions about the egress and flood zone.
- If this application is just about land use then how can we talk about permits when we don't even know what the plans are?
- It's difficult to make a zone decision if you don't have the details of project and it's really easy to run costs over.
- Why waiver the sidewalk? There may not be a need but if it's beneficial and cheaper to do it now, why waive it?
- She said she doesn't think we have enough information to make a decision.
- The sea level is rising and has anyone looked at this for the next thirty years and the potential impact that could have on this project?
- She added that she thinks this should be tabled until the discussions have occurred and that there might be a more suitable location.

5. Elizabeth Murphy of 279 West Main Street

- She said she's not sure yet how she feels about this proposal and that her house is right next door to it.
- She understands she's only one taxpayer but she also paid a quarter of a million dollars for her home and would like to be able to sell it eventually.
- She hopes they consider the impact on her family.

Mr. McPherson said there seems to be a perception that this is a done deal when it isn't; it still has to go before the Board of Selectmen, Board of Finance and Town Referendum. He asked why the land use request is before them tonight when none of that has occurred yet.

Mr. Nickerson explained this is a methodical process and we don't wait to do this step because we don't want to spend \$6,000 on a referendum only to find that it's not suitable because of zoning. He said he wanted to clarify that the zone would not actually be changed; they'd merely allowing municipal use in the light industrial zone.

Mr. Vancour reiterated that it's his strong opinion that changing land use types is far too premature; let's wait to see what happens and if it has public support.

**MOTION (1)**

**Mr. McPherson moved to close the Public Hearing.**

**Mr. Manning seconded the motion.**

**Motion carried, 6-0-0.**

**Regular Meeting-**

1. **Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a zone change from existing RU-40 to CA of a portion of the property at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

This item has been continued until the next regularly scheduled meeting.

**2. Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a Special Permit for the construction of four units of elderly housing at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

This item has been continued until the next regularly scheduled meeting.

**3. Application of the Town of East Lyme for a Special Permit under Section 20.1.2F of the East Lyme Zoning Regulations to convert the existing building at 277 West Main Street, Niantic, Connecticut to a public safety facility.**

Ms. Hardy said she would like to speak as Ex-Officio and said she had some of the same questions as to why this was going to Zoning first.; it makes sense to proceed in this fashion because why spend the money as well as Town staff time if Zoning doesn't feel it's an appropriate site. She clarified for the audience that if Zoning were to say no, the project would not happen.

Mr. Walker observed that the Application complies with all the standards of Section 25.

Mr. Manning said he thinks it's important to include the recommendation for the second egress in their decision. Mr. Peck said making it a recommendation is more appropriate then having it as a condition. He added that access is feasible.

Mr. Peck said in regards to the next door neighbor, this site is considered the industrial zone and other possibilities could also exist there. He said essentially this would be an office building and it won't be like a fire house with sirens blaring. Mr. Peck said he doesn't see this as having an adverse effect on the neighborhood and Mr. Walker concurred.

Mr. McPherson said after hearing Mr. Nickerson and Ms. Hardy clarify the steps, this makes sense.

Ms. Thurlow said she doesn't see the problem with waiting until after the public forums are completed.

Mr. Peck said they're charged with a very limited scope and are only concerned with the land use itself. He said many departments are going to be involved in the approval of this item.

Mr. Donovan said he is on the same page as Ms. Hardy and Mr. Nickerson; following the steps in this manner is the most cost effective way to proceed. He said the Commission is not for or against this application; their only concern is whether the use is allowed. He added that his one comment would be the inclusion of sidewalks; there is minimal frontage so it's not worth the waiver.

**MOTION (2)**

**Mr. Peck moved to approve Application of the Town of East Lyme for a Special Permit under Section 20.1.2F of the East Lyme Zoning Regulations to convert the existing building at 277 West Main Street, Niantic, Connecticut to a public safety facility with a sidewalk waiver and strong recommendation to install a second egress from the property.**

**Mr. Manning seconded the motion.**

**Motion carried, 4-0-2.**

**Ms. Thurlow and Mr. McPherson abstained from the vote.**

**Mr. Manning seconded the motion.**

**Motion carried, 6-0-0.**

#### **4. 2019 Zoning Commission Meeting Schedule**

##### **MOTION (3)**

**Mr. McPherson moved to approve the 2019 Zoning Commission calendar as presented.**

**Ms. Thurlow seconded the motion.**

**Motion carried, 6-0-0.**

#### **5. Approval of Minutes of November 15th, 2018**

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

**Mr. Donovan moved to approve the Public and Regular Meeting Minutes of November 15th, 2018 as presented.**

**Ms. Thurlow seconded the motion.**

**Motion carried, 4-0-2.**

**Mr. Manning and Mr. McPherson abstained from the vote due to their absence from the November 15th, 2018 meeting.**

#### **6. Election of Officers**

##### **A. Chairman**

**Ms. Hardy came forward to run the Commission elections and called for nominations for Zoning Chair.**

##### **MOTION (5)**

**Mr. McPherson moved to elect Mr. Walker as Zoning Commission Chair.**

**Mr. Donovan seconded the motion.**

**Motion carried, 5-0-1.**

**Mr. Walker abstained from the vote.**

**Ms. Hardy called for nominations for Zoning Secretary.**

##### **MOTION (6)**

**Ms. Thurlow moved to elect Mr. McPherson as Zoning Secretary.**

**Mr. Peck seconded the motion.**

**Motion carried, 5-0-1.**

**Mr. McPherson abstained from the vote.**

**Old Business-**

1. Subcommittee-Mixed Use in CB Zone  
Mr. Mulholland said he is working on this.

2. Subcommittee-Site Plan Requirements/Architectural Regulations  
Mr. Mulholland said he is currently reviewing this with the Town Attorney.

**New Business-**

1. Application William R. Sweeney, Esq., for Cait Meeks, Applicant for a Special Permit for a Health Spa, Zoning Regulation Section 11.2.4, at 6 Liberty Way, East Lyme. East Lyme Assessor's Map 09.4 Lot 1.

Mr. Walker asked Mr. Mulholland to schedule this item.

2. Application of Gregg Fedus, Fedus Engineering, LLC Agent for Joseph and Brenda Gareis, Owner; for a Coastal Area Management Review for the construction of a new home at 8 South Road, East Lyme. East Lyme Assessor's Map 22.18 Lot 26.

Mr. Walker asked Mr. Mulholland to schedule this item.

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

Mr. Mulholland said the gas station at the north end of Town is coming together. He went inside the model unit at the new Hope Street Condominiums and found it very impressive. He said the office has been extremely busy and he detailed the first phase of the Coastal Resilience Study by Santé, which was presented at the last Board of Selectmen meeting.

Mr. McPherson inquired about Costco and Mr. Mulholland said they received approval from the Health Department yesterday and they're ready to issue permits.

4. Comments from Ex-Officio

Ms. Hardy further detailed the first phase of the Santec Coastal Resilience Study and discussed the inevitable mandate from FEMA to elevate ocean front property, which will be coming down the pike. Mr. McPherson said it would be prudent to revisit height restrictions.

5. Comments from Zoning Board Liaison to Planning Commission

Mr. Liska was not in attendance and Mr. Manning was unable to attend the December 4th, 2018 meeting.

6. Comments from Chairman  
There were none.

**Adjournment**

**MOTION (7)**

**Mr. McPherson moved to adjourn the Zoning Commission Meeting at 8:51 p.m.**

**Mr. Donovan seconded the motion.**

**Motion passed, 6-0-0.**

Respectfully Submitted,

Brooke Stevens  
Recording Secretary