

**TOWN OF EAST LYME
ZONING COMMISSION
March 7th, 2019
PUBLIC HEARING and REGULAR MEETING MINUTES**

Members Present:

- John Manning**
- Norm Peck**
- Terence Donovan**
- George McPherson, Secretary**
- Kimberly Kalajainen**
- Anne Thurlow, Alternate**
- William Dwyer, Alternate (*Sat as a Regular Member)**

FILED IN EAST LYME
CONNECTICUT
Mar 13, 2019 AT 8:05 AM/PM
Brook Stearns ATC
 EAST LYME TOWN CLERK

Also Present:

- Bill Mulholland, Zoning Officer**
- Rose Ann Hardy, Ex-Officio**

Absent:

- Matthew Walker, Chairman**
- James Liska, Alternate**
- Rose Ann Hardy, Ex-Officio**

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

The Commission sat Mr. Dwyer as a Regular Member for the evening.

Pledge of Allegiance

Mr. McPherson 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. Mulholland shared that due to unforeseen regulatory issues that Applicant has withdrawn and will re-apply at a later date. Mr. McPherson read a letter from Attorney Harris dated March 7, 2019 into the record.

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This item has been withdrawn for the same reasons stated above.

3. Application of Brom Builders, Inc., for a Text Amendment to the East Lyme Zoning Regulations Section 15.5.2, for Floodplain Management Regulations.

- Mr. McPherson noted for the record the publication of the legal ad for this item.
- Mr. Donovan read Mr. Mulholland's memorandum dated March 7th, 2019 into the record.
- Mr. Donovan read the memorandum from DEEP dated March 6th, 2019 into the record.
- Mr. McPherson read the memorandum from the Planning Commission dated March 7th, 2019 into the record.

Rio Rico of Brom Builders 163 Boston Post Road, Waterford came forward to speak. He said Mr. Mulholland's memorandum is spot on how we reached this point; they've tried to simplify the text amendment as much as possible to keep it a housekeeping item.

Mr. Mulholland directed the Commission to their Member Packets noting the text changes are in red (attached.) He clarified that our regulations did not permit the use of flood vents in a crawl space type foundation thus requiring homes to be built on piers, which is normally only required for VE zones. DEEP has added an elevation of 1 foot since it's the standard now. Mr. Mulholland briefly discussed the changes to the building codes in October and noted that further FEMA updates will probably be forthcoming and continue to affect our regulations.

Mr. Donovan said he thinks this is pretty cut and dry.

Mr. McPherson called for Public Comment and there was none.

MOTION (1)

Ms. Kalajainen 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 withdrawn.

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 withdrawn.

3. **Application of Brom Builders, Inc., for a Text Amendment to the East Lyme Zoning Regulations Section 15.5.2, for Floodplain Management Regulations.**

Mr. Donovan said besides being a no brainer this is really more of a safety issue and Mr. McPherson concurred.

MOTION (2)

Application of Brom Builders, Inc., for a Text Amendment to the East Lyme Zoning Regulations 15.5.2 Section C., for Floodplain Management Regulations.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

Mr. Mulholland said this will be published next Thursday March 14th and effective Friday March 15th.

5. Approval of Minutes of February 21st, 2019

MOTION (3)

Ms. Kalajainen moved to approve the Public and Regular Meeting Minutes of February 21st, 2019 as presented.

Mr. Donovan seconded the motion.

Motion carried, 5-0-1.

Mr. Manning abstained from the vote due to his absence from the February 21st, 2019 meeting.

Old Business-

1. Subcommittee-Mixed Use in CB Zone.

2. Subcommittee-Site Plan Requirements/Architectural Regulations

Mr. Mulholland supplied the Commission with reading material for them to review prior to the next meeting; He will add this to the Agenda for that meeting.

New Business-

1. **Application of Jennifer & William Argyle for a Text Amendment to the East Lyme Zoning Regulations Section 8.3.1, CA Commercial District, Dimensional Requirements, Lot Size, to add “, and municipal sewer and water must be provided.”**

Mr. Mulholland will schedule this item.

2. Any business on the floor, if any by the majority vote of the Commission.
There was none.

3. Zoning Official

Mr. Mulholland briefly discussed the material he handed out as well as the Corridor Study Mr. Goeschel, the Town Planner is doing of Flanders Road..

4. Comments from Ex-Officio
Ms. Hardy was not in attendance.

5. Comments from Zoning Board Liaison to Planning Commission

Mr. Liska was not in the attendance; the Commission will hear is report at the next scheduled meeting.

6. Comments from Chairman
There were none.

Adjournment

MOTION (4)

Mr. Donovan moved to adjourn the Zoning Commission Meeting at 8:06 p.m.

Ms. Kalajainen seconded the motion.

Motion passed, 6-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary

Proposed Text Amendment to Town of East Lyme Zoning Regulation

15.5.2 SPECIFIC STANDARDS - In all areas of special flood hazard zones A and AE, the following standards are required;

A. RESIDENTIAL CONSTRUCTION – New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to **one (1) foot** above the base flood elevation.

B. NON-RESIDENTIAL CONSTRUCTION – New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the **one (1) foot above** the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice. Such certifications shall be provided to the Zoning Official.

~~4. Strike this section.~~ *Add new section C below then re-letter next two sections.*

C. FULLY ENCLOSED AREAS BELOW THE BASE FLOOD ELEVATION OF ELEVATED BUILDINGS – New construction, substantial improvements, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:

- (a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
- (b) The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a

crawlspace, must be set equal to the outside finished grade on at least one side of the building;

- (c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Zoning Official;
- (d) Openings shall not be less than three (3) inches in any direction in the plane of the wall;
- (e) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;
- (f) All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.
- (g) Electrical, plumbing, HVAC duct work, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated to one (1.0) foot above the BFE in the space, may subject the structure to increased flood insurance rates.
- (h) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 15.5.2.C (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 15.5.2 C (a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 15.5.2.B.

D. MANUFACTURED HOMES
E. RECREATIONAL VEHICLES