

TOWN OF EAST LYME
ZONING COMMISSION
July 1st, 2021
PUBLIC & REGULAR MEETING MINUTES

Members Present:

- Matthew Walker, Chairman
- Norm Peck
- Terence Donovan
- Bill Dwyer
- Anne Thurlow
- George McPherson, Alternate (Sat as a Regular Member)

FILED

Absent:

- Kimberly Kalajainen
- Bill Mulholland, Zoning Official
- Rose Ann Hardy, Ex-Officio
- Denise Markovitz, Alternate
- James Liska, Alternate

July 8, 2021 AT 4 AM
 Brooke L. Thorne ATC
 EAST LYME TOWN CLERK

Chairman Walker called the Zoning Commission meeting to order at 7:32 p.m.

Mr. Walker welcomed the Commission back noting this is their first in person meeting since March of 2020. He said it's refreshing to actually be here in person to conduct our business.

Pledge of Allegiance

Mr. Walker led the Pledge.

Mr. Walker sat Mr. McPherson as a Regular Member for the evening.

Public Delegations

There were none.

Public Hearing

1. Continuation of the application of the East Lyme Zoning Commission for a Text Amendment to the East Lyme Zoning Regulations Section 25.4.3-1 to add "should a public hearing for a Special permit be continued the applicant shall modify or replace the sign and add language announcing the continuance which shall include the time, date and location of said hearing, said sign shall be posted not less than seven days prior to the continued here."

Mr. Walker noted this is a continuation of the May 20 2021 Public Hearing and that they have an updated zoning official memo (attached.)

Mr. Donovan read Mr. Mulholland's memorandum dated June 3rd, 2021 into the record.

Mr. Walker called for questions or comments by the Commission:

- Mr. Peck asked what triggered this amendment.
- Mr. Donovan said there's been several applicants who have posted said public hearing signs or billboards, and then they have continued their public hearing to another meeting.
- He personally doesn't think it's fair to the public.
- He doesn't think it's fair to the people who show up at the meeting only to continue the public hearing to another date; posting the new continued hearing date on the sign serves as notice and/or a reminder of the new date.
- Mr. Peck said if someone is interested in the topic, they will come to that initial public hearing, and will hear when the next one is going to be.
- He's not sure if it's worth burdening the applicant for something that is essentially like hand-holding the public.

Mr. Walker offered the following comments:

- He doesn't have a strong feeling about this one either, and it's for that same reason.
- There has not been public sentiment about this and it was instead, commission generated.
- It's not to say he won't support it, he merely doesn't want to add more layers of regulation for our developers when this Commission has always been pro business.
- At the same time he recognizes the importance for transparency, but thinks we already have that in place.
- We've had applications that have been continued where we had public participation, early on in the public hearing process, and those people kind of fell by the wayside as we got as we continued and continued again.
- He doesn't know if they lost interest, got frustrated with our process, or if a sign would help.
- He goes back and forth on this and sees Mr. Peck's point that if a citizen is truly interested in a particular application they will make sure they're in attendance.
- We have mechanisms in place that allow for them to know what application is before is- the newspaper notice, the agenda on the Town website, and the sign that's posted for the public hearing.

- At that point you could argue it's incumbent upon the citizen, to do their due diligence.

Mr. McPherson asked why can't we just paint over the original date with the revised date, so there's minimal, if not almost no expense for amending the date.

Ms. Thurlow said she thinks it's a good idea and noted if someone's out of town for the first meeting, they may not know it was continued.

Mr. Donovan noted the sign remains erected for quite some time after the meeting; the revised sign serves as a reminder and/or gives that person the opportunity to come and speak.

Mr. Walker said one could argue this is a basis for a more transparent condition which is positive; it's one more avenue for a citizen to have new notice of the continued public hearing.

MOTION (1)

Mr. Donovan to close the Public Hearing at 7:53 p.m.

Ms. Thurlow seconded the motion.

Motion carried, 6-0-0.

Regular Meeting

1. Application of the East Lyme Zoning Commission for a Text Amendment to the East Lyme Zoning Regulations Section 25.4.3-1 to add "should a public hearing for a Special permit be continued the applicant shall modify or replace the sign and add language announcing the continuance which shall include the time, date and location of said hearing said sign shall be posted not less than seven days prior to the continued hearing."

MOTION (2)

Mr. Donovan moved to approve the Application of the East Lyme Zoning Commission for a Text Amendment to the East Lyme Zoning Regulations Section 25.4.3-1 to add "should a public hearing for a Special permit be continued the applicant shall modify or replace the sign and add language announcing the continuance which shall include the time, date and location of said hearing said sign shall be posted not less than seven days prior to the continued hearing."

Ms. Thurlow seconded the motion.

Motion carried, 6-0-0.

The Commission discussed the posting of the decision noting it's usually published Thursday of the following week, and effective that Friday. Mr. Walker said he will consult with Mr. Mulholland about the decision publication.

2. **Approval of Minutes of May 20th, 2021.**

MOTION (3)

Mr. Donovan moved to approve the Meeting Minutes of May 20th, 2021 as presented.

Mr. Dwyer seconded the motion.

Motion carried, 5-0-1.

Mr. McPherson abstained from the vote due to his absence from the May 20th, 2021 meeting.

Old Business-

There was none.

New Business-

1. Application of Candace Devendittis, Tenant, of Dev's on Main, for a Special Permit for outdoor dining, at 255 Main Street, Niantic, CT. East Lyme Assessor's Map 12.1, Lot 107, scheduled for a public hearing, dated August 5th, 2021.

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

Mr. McPherson said when they previously approved medical marijuana dispensaries they didn't address cultivation, and now that recreational marijuana has become a reality, he thinks it's a conversation the Commission needs to have soon.

Mr. McPherson and Mr. Dwyer discussed how election signs are always a problem and how there are signs already up when they're not permitted until 90 days before an election. Mr. Dwyer said he's of the opinion that those 90 days should be cut in half and the Commission briefly discussed enforcement. Mr. Walker said he will ask Mr. Mulholland to add this item to the next agenda so they may discuss the issue further.

3. Zoning Official

Mr. Mulholland was not in attendance.

1. Comments from Ex-Officio

Ms. Hardy was not in attendance.

2. Comments from Zoning Board Liaison to Planning Commission

Mr. Walker said he wasn't able to attend the June 8th, 2021 Planning Commission meeting.

Mr. Dwyer is scheduled to attend the July 13th, 2021 Planning Commission meeting.

3. Comments from Chairman

Mr. Walker said he'll restate what he said at the onset of this meeting; it's good that we're back at the town hall, meeting in person, the way it was intended to be.

Adjournment

MOTION (4)

Mr. McPherson moved to adjourn the Zoning Commission Meeting at 8:03 p.m.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

Town of

P.O. Drawer 519
Zoning Department



East Lyme

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Niantic, Connecticut 06357

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DATE: June 3, 2021
TO: East Lyme Zoning Commission
FROM: William Mulholland
RE: Zoning Regulation Text Amendment Section 25.4.3-1

This is a Zoning Commission generated text amendment proposal. The purpose is to provide additional public notice for Special Permit Public Hearings that have been continued to another hearing date.

Section 25.3.3 which includes Section 25.3.3-1 currently states:

25.3.3 Procedures: The Commission shall hold a public hearing on the application in accordance with the Connecticut General Statutes.

25.3.3-1 Public Notice - In addition to notice of hearing by publication, public notice of application for special permit shall be made as follows:

Posting of Sign - At least 15 days prior to any public hearing on a special permit, the applicant shall post a sign on the premises indicating that such action is proposed. The sign shall be of durable material 4' by 4' in size and shall be firmly set at least three feet above ground surface and located so as to be clearly visible and legible from the most heavily used adjacent Town road or two-lane state highway.

When in the opinion of the Commission or its designee, there is not sufficient land area to post the sign, a 2' by 2' sign may be posted in a window which is clearly visible and legible from the most heavily used adjacent Town road or two-lane state highway. The sign shall contain the following, in black block lettering not less than 3 inches in height for a road sign and 2 inches in height for a window sign on a white background:

The sign shall be removed within 10 days of completion of Public Hearing.

Notwithstanding the above section, applicants for annual special permit renewals for restaurant outdoor dining facilities in CA or CB Zones where alcohol is served shall not be required to post an on premises public notice advertising sign.

It is specifically proposed to modify the "Posting of Sign" by adding the following: Should a public hearing for a Special Permit be continued the applicant shall modify or replace the sign and add language announcing the continuance which shall include the time, date and location of said hearing. Said sign shall be posted not less than seven (7) days prior to the continued hearing.

The Zoning Commission has scheduled a public hearing for May 20, 2021.