

**EAST LYME ZONING COMMISSION
SPECIAL MEETING
Monday, FEBRUARY 14th, 2005
MINUTES**

FILED IN EAST LYME P
Feb 22, 2005 AT 3:45 M

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas,
Secretary, Ed Gada, Norm Peck, Shawn McLaughlin,
Marc Salerno, Alternate

Z. Ablais atc
EAST LYME TOWN CLERK

ALSO PRESENT: William Mulholland, Zoning Official
William Dwyer, Alternate
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Pamela Byrnes, William Henderson, Alternate

1. Call to Order

Chairman Nickerson called the Special Meeting of the Zoning Commission to order at 10:35 PM immediately following the two previously scheduled Public Hearings.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were no delegations.

2. Acceptance of Minutes of December 2, 2004 Regular Meeting, January 6, 2005 Public Hearing I and Regular Meeting Minutes and January 20, 2005 Public Hearing I and Regular Meeting Minutes
(Note: It was determined that the December 2, 2004 meeting minutes had been accepted at the January 6, 2005 meeting.)

Mr. Nickerson asked if they could, that they motion the Minutes in groups by the date. He then called for any corrections to or discussion on the Zoning Commission Public Hearing I and Regular Meeting Minutes of January 6, 2005.

****MOTION (1)**

Ms. Carabelas moved to accept the Zoning Commission Public Hearing I and Regular Meeting Minutes of January 6, 2005 as presented.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Peck and Mr. Salerno

Mr. Nickerson called for any corrections to or discussion on the Zoning Commission Public Hearing I and Regular Meeting Minutes of January 20, 2005.

****MOTION (2)**

Ms. Carabelas moved to accept the Zoning Commission Public Hearing I and Regular Meeting Minutes of January 20, 2005 as presented.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Gada and Mr. McLaughlin

3. Application of Theodore A. Harris agent for "Mike's Famous of Niantic" for Special Permits for Regional Shopping, Restaurant and Repair Station at property identified in the Application as 15 Industrial Park Road, East Lyme, Lot 2 on East Lyme Assessor's Map 26.1

Mr. Nickerson said that they heard a lot of testimony over the two nights of the public hearing – he suggested that they have staff present draft motions for them for and against the application and supply possible conditions that could be put on the events.

Mr. Mulholland asked if this is what they wanted – some suggested motions for and against and possible conditions.

Mr. Nickerson said yes – as they can have 199 people for outdoors events however indoors, there are no restrictions.

Mr. Gada said that he would like to get some ideas on how many people would be at these events.

Ms. Carabelas said that she would like to see restrictions on the Town road behind the school.

Mr. Nickerson said that it really was not up to them to police the school's driveway. The school can bring that up to the Board of Selectmen. He asked if everyone was comfortable with staff putting together something for them to look at and use as a discussion point.

Mr. Peck asked what the need was. With the events – anything over 199 has to go to the Town for permission. He said that it seems to him that there are three issues – traffic, noise and the zoning regulation issue and if this is an auto sales operation.

Mr. Gada said that they have heard from Mike's several times and that these other applications have been put off for some time. He suggested that they clean some things off of their plate and come back to this.

****MOTION (3)**

Dr. Gada moved to switch the order of the agenda in this section to address the Public Hearings that they had closed this evening first – the new order: Items - 4., 5., and then 3.

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

(Discussion after the Jeffrey McNamara and Plaza Ford decision was made)

Mr. McLaughlin said to Mr. Nickerson that he would like to step down, as he is not familiar with the record.

Mr. Dwyer, Alternate was seated and Mr. McLaughlin left.

Mr. Nickerson said that he couldn't think of a better place in Town where this belongs. The 35,000 vehicles is high, higher than normal and the traffic study also assumed that there would be approximately three people to a car. If they look at the use versus the Stop & Shop, they do not seem to be over taxing that two-tenths of a mile especially since that area had just been totally redone.

Mr. Dwyer said that the area is an industrial park, for industrial use and noise has nothing to do with the applicant, as it is a State road.

Ms. Carabelas said that she was apprehensive about the events and 100 people riding on Pennsylvania Ave. on a weekend in the summer.

Mr. Dwyer said that they are motor vehicles using a State highway and the impression that she is giving is that she does not want them using the State highway.

Mr. Nickerson said that there is a Harley-Davidson dealership in Groton that has been there for 25 years without problems. He also noted that if the dealership is not in our Town that it would not stop people from going through our Town to get to it in another Town. The events could ride through our Town anyway and we could not control that. We can't control public streets – this is a free country and we are land use and have nothing to do with traffic control.

Mr. Dwyer said that Harley was in East Lyme – they started here first – down West Main Street from Gada's.

Mr. Gada said that he had specific questions for staff and that it had to do with the nine questions that were raised asking if it was legal for a dealership to be in the LI zone.

Mr. Peck said that we are concerned here with public safety, traffic volume and noise and we do not deal with dollars/economics. When Mike tells us that most of his people come for the restaurant, shopping and the

museum then the lesser traffic is for the motorcycles. Because of this, he would call this a regional shopping center that sells motorcycles.

Mr. Gada asked if a regional shopping center is allowed under the LI zone.

Mr. Nickerson and Mr. Peck said absolutely – that is why the Bridal Mall is where it is.

Mr. Peck said that the event issues they will have to work on however they should keep in mind that most entering the area will be cars and not bikes. Also, whatever noise the bikes may produce is a temporary thing as it moves on and is not an on-going thing like a factory. He said that he is not belittling the issue, he just wants to put it into perspective.

Ms. Carabelas said that she has a problem with it being all at once.

Mr. Nickerson said that they could not regulate who uses a Town road.

Mr. Dwyer said that they have a marathon that ties up the Town for hours while people run around in their shorts. How much could vehicles leaving tie up the Town.

Mr. Gada asked the Recording Secretary when they would have the February 3, 2005 minutes.

The Recording Secretary said that they were filed with the Town Clerk that afternoon and that Mr. Mulholland could better let them know when they would get them.

Mr. Mulholland said that they could e-mail them and would also send them out so they would have them before their next meeting.

4. Application of Jeffrey McNamara for a change of Zone from R-10 to CB Commercial for property identified in the application as 100 Pennsylvania Avenue, Niantic, (Parcel A) Lot 13 on East Lyme Assessor's Map 17.3.

(Note: Mr. Peck recused himself for this discussion and sat in the audience. Mr. Dwyer, Alternate was seated for this discussion and decision.)

Mr. Dwyer said that State Road is a very busy commercial street and that he does not see where changing this one corner is a problem or where that one-quarter acre is going to adversely affect anything.

Mr. Salerno agreed and added that he already thought that was zoned commercial. He said that he thinks that the Town Hall is a good buffer. With regard to other lots – they would have to come before the Commission and they would have to approve or deny them separately.

Mr. McLaughlin said that it seems that the only thing that would fit in there is the professional office building that is planned.

Ms. Carabelas said that there is not a lot of parking there so she could not see some heavy traffic producing business going in there. She came into this tonight feeling opposed to it however now she thinks that this is probably a good use for this.

Mr. Gada said that he agrees with Mr. Salerno and that any changes would still have to come back here to them and they would disallow adding the rear lot so what has been brought up as a potential problem is not one at all.

Mr. Nickerson said that he thinks that they as Zoning take seriously changing zones. Here, they are looking at one-quarter of an acre that is bordered on most sides by commercial. There is also the fact that the Town was looking at this property in terms of the Public Safety building and that would have required a change of zone. He said that he does not see the domino effect happening.

****MOTION (4)**

Mr. Salerno moved to approve the Application of Jeffrey McNamara for a change of zone from R-10 to CB Commercial for property identified in the Application as 100 Pennsylvania Avenue, Niantic, CT, (Parcel A), Lot 13 on East Lyme Assessor's Map 17.3.

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Reason for Approval – This is in keeping with the comprehensive Plan of Development of the Town.

Mr. Mulholland stated this would publish on February 24, 2005 and take effect on February 25, 2005.

5. Application of Donald Sherman for a Special Permit to allow an "Auto Sales Agency" at 218 & 222 Flanders Road, Niantic, Lots 23 & 24 on East Lyme Assessor's Map 26.1

(Note: Mr. Peck was seated for this discussion and decision and Mr. Dwyer, Alternate was seated with the audience.)

Ms. Carabelas said that she would like to see a stipulation with regard to the easement so that the turnaround remains.

Mr. Peck said that if this is approved that they are approving the site plan and the easement is on the plan.

Mr. Mulholland said that it is a permanent easement.

Mr. Nickerson said that he was comfortable with this use as it was put in our regulations so that we would not look like New London where there is one car dealer next to another for the length of the street. He also noted for the record that this is not like DeBartolos service center as the dealership repair is an accessory use to the primary purpose of selling vehicles.

Mr. McLaughlin asked if DOT looked over the entrance area.

Mr. Mulholland said that they will come down and look at it however, this is not a major traffic generator and the reason why a traffic study was not required.

****MOTION (5)**

Mr. Peck moved to approve the Application of Donald Sherman for a Special Permit to allow an "Auto Sales Agency" at 218 & 222 Flanders Road, Niantic, CT, Lots 23 & 24 on East Lyme Assessor's Map 26.1 and to grant the following two waivers – first a waiver of the rear landscaping and second a waiver of the landscaping along the common driveway. Said approval also includes the following two conditions – first, there will be no parking of vehicles in the northern parcel and second, there will be a permanent easement for truck turning over the northern parcel.

Mr. Salerno seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Gada

Reason for Approval – This is consistent with the Town's Zoning Regulations and with the Plan of Conservation & Development.

Mr. Mulholland stated this would publish on February 24, 2005 and take effect on February 25, 2005.

Old Business

1. Stormwater

This is a work in progress.

2. Aquifer Protection

This is a work in progress.

3. Report from Sub-Committee on Lot Sizes – Mr. Nickerson, Mr. Salerno and Mr. Henderson

Mr. Mulholland reviewed the Open Space & Density – Special Use-Elderly (SU-E) and Special Use (SU) changes that had been made to the regulations. (Attached at end of Minutes)

Mr. Nickerson asked that staff schedule this for public hearing.

4. Neighborhood Zone Sub-Committee – Mr. Peck and Ms. Byrnes

Mr. Peck suggested that they look over the information that they had received in their packets so that they can discuss it at their next meeting.

New Business

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

There was none.

2. Zoning Official

Mr. Mulholland said that he had no further comments.

Mr. Gada asked if anything has come of the Downtown District.

Mr. Mulholland said that he has met with the subcommittee and director and that they are working on guidelines for village district regulations or an overlay district. He said that he thought that they could lift and bring the Noank one here to look over and decide as Noank has worked on this also. He said that they might change the label but not the zone. Case law also tells them that they should not create non-conformities but at the same time they have to be careful on restricting people. There are a lot of issues to be weighed carefully.

3. Comments from Ex-Officio

Ms. Hardy had no report due to the lateness of the hour.

4. Comments from Zoning Board liaison to Planning Commission

Ms. Carabelas did not attend the meeting and had no report due to the lateness of the hour. She said that she would attend the next meeting of the Planning Commission on March 1, 2005.

5. Comments from Chairman

Mr. Nickerson had no further comments.

6. Adjournment

****MOTION (6)**

Mr. Peck moved to adjourn this Special Meeting of the East Lyme Zoning Commission at 12:00 AM – February 15, 2005.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of

P.O. Drawer 519
Zoning Department



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357
(860) 691-4114
Fax (860) 739-6930

TO: East Lyme Zoning Commission
FROM: William Mulholland, Zoning Official
DATE: February 1, 2005
RE: Open Space & Density – Special Use – Elderly (SU-E) & Special Use (SU)

As the Commission is aware, the standing subcommittee on Lot Sizes is considering modification to the Open Space and Density requirements in the SU-E and SU Zones. I have been requested by the subcommittee to review the current regulations and to offer an opinion. With regard to the SU-E regulations I would suggest the following:

The primary density control and open space criteria are regulated under Section 25.5 Table of Minimum Controls. I would suggest we modify the regulations as follows:

Section 25.5 Table of Minimum Controls

Elderly Housing

SU-E

delete

1. Lot shall contain not less than 10,000 square feet per unit where there are no public sewers or water facilities. This may be reduced to 6,000 square feet per family unit where there is public water and/or public sewer facilities existing. The maximum number of dwelling units per acre is five.

30% easy to understand + dropping from 5 to 4

replace →

1. Open space shall consist of 30% of the lot area. The open space may be used for passive recreation. The open space shall be contiguous. Such open space area shall not include wetland soils classified as poorly drained or very poorly drained by the National Cooperative Soils Survey. The maximum number of units per acre is four (4).

2. No building shall be less than 20 feet from all internal roadways. No unit may be located less than 15 feet from any other single family detached residential unit.

3. (1) Each dwelling unit shall be occupied by:
a. At least one person who is 55 years of age or older.
b. Occupant pursuant to (a) above who survives.

Attachment - Zoning Spec. Mtg. 2/14/05

c. Occupant pursuant to (a) above who's co-occupant has entered into a long-term continuing care facility.

In b. and c. above, remaining occupants who remarries or cohabitates must meet all occupancy requirements.

(2) Required floor area in all units shall contain not less than 650 square feet for one bedroom and 800 square feet for each two bedroom.

4. A project consisting of single family detached residential units shall be designed in clusters of no more than 8 units, and each cluster shall be separated from adjoining clusters by a distance of 50 feet or more.

5. Internal roadways for a project consisting of single family detached residential units shall be constructed to the following standards. The roadways shall be constructed to town standards for geometry and cross sections, base construction and surfacing, lighting, underground utility and drainage. The main access roadway shall be no less than 24 feet in width and other interior roadways shall be no less than 20 feet in width. No on - street parking shall be permitted on internal roadways.

6. No more than 40 percent of the lot area may be covered with impervious surfaces.

7. Each dwelling unit shall contain a basement or attic for storage.

8. The purchase of a dwelling unit for investment purposes, i.e., by a person or entity not intending to occupy the unit, is prohibited except that a non-resident family member may purchase up to one unit for persons who will reside in the unit and who otherwise comply with the provisions of this regulation.

9. An owner of a dwelling unit may rent his or her unit for a term(s) of not less than one year provided that the tenant fully complies with all of the conditions of this regulation.

delete
~~10. There shall be set aside contiguous open space area equal to 2,000 square feet per unit. Such open space area shall not include wetland soils classified as poorly drained or very poorly drained by the National Cooperative Soils Survey.~~

replace?
10. A walking trail system shall be provided within the proposed development. Unpaved walking trails may be counted as open space.

1. Area: A minimum of twenty Dwelling acres of contiguous land is required for a multi-family development.

2. Density: The average number of dwelling units per acre in a development shall not exceed two. In computing the number of acres in the parcel of land proposed for development for the purposes of this paragraph, the number of square feet in the buffer area pursuant to subparagraph (7) following, shall be excluded.

3. Grouping: The shortest distance between any two structures shall be not less than the height of the taller structure, with a minimum of 24 feet. Courts shall be completely open on one side. Each structure shall consist of no more than 12 units. Maximum height of any building in the development shall be two stories, but such height shall not in any event exceed 30 feet. The Commission may waive the separation requirement if design of the proposed development is benefited by closer spacing.

delete

4. Recreation Space: There shall be set aside, suitably prepared, protected and equipped for organized recreational activities, site areas of 300 square feet per dwelling unit, which are not to be included in the buffer strip, and are not wetlands or slopes of 15 degrees or greater.

delete

5. Living Space: There shall be set aside, not to be built upon, unpaved and landscaped with an acceptable balance of viable trees, shrubs and grass, site area equal to 3,000 square feet per dwelling unit. The buffer area described in subparagraph (7) following, shall not be considered as living space in computing the 3,000 square feet of living space per dwelling unit.

delete

6. Open Space: In addition to the 3,000 square feet of living space required in (5) above 2,000 square feet of open space per dwelling unit shall be provided, which may include open paved areas, and one half the area of covering parking or garage areas.

*By straight }
30%
Area*

4. Open space shall consist of 30% of the lot area. The open space may be used for passive recreation. The open space shall be contiguous. Such open space area shall not include wetland soils classified as poorly drained or very poorly drained by the National Cooperative Soils Survey.

5. 7. Buffer Area: There shall be provided a landscaped side or rear yard buffer area of at least 100 feet in width adjacent to each property line of the parcel to be developed. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet.

If, in the opinion of the Zoning Commission, the individual topographical or natural qualities of the site should suggest that this buffer region is not appropriate, the Commission

reserves the right to alter the buffer requirements by vote of three-fourths of all the members of the Commission. This buffer may not be increased to more than double nor decreased to less than half of the requirements herein.

6 8. Parking: Parking spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area

7 9. Required Floor Area: in multi-family dwelling shall contain not less than the following area for each type of family unit:

<u>BEDROOMS</u>	<u>MINIMUM FLOOR AREA</u>
EFFICIENCY	500 square feet
ONE	650 square feet
TWO	800 square feet
DETACHED DWELLING	900 square feet

Efficiency means a dwelling unit containing bathroom and kitchen facilities.

8 10. Access Streets and Sidewalks: The placement, size, arrangement and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety.

9 11. Utilities: No Multi-family development shall be approved unless there is provided public sanitary sewers and clear evidence of safe and satisfactory means of providing water supply.