

FILED

EAST LYME ZONING COMMISSION

Jan 21 2022 AT 2:00 AM/PM

Regular Meeting, January 20, 2022. 7:30 PM

East Lyme Town Hall, main room

(Signature)
EAST LYME TOWN CLERK

Members Present: Chairman Terence Donovan, Norm Peck, Bill Dwyer, Anne Thurlow, Debbie Jett-Harris, Terry Granatek, Jay Ginsberg, Alt., Denise Markovitz, Alt., Dave Schmitt, Alt.

Members Absent: none

Also Present: Bill Mulholland, Zoning Official, Rose Ann Hardy, Ex-Officio

Call to Order: Chairman Donovan called the meeting to order at 7:30 and the Pledge of Allegiance was recited

I. PUBLIC DELEGATION: Richard England, 22 Bittersweet Drive, asked if the Commission received his letter concerning their approval of the Drabik radio tower and if there was any recourse through the town or commission. B. Mulholland explained the history of the application and stated the court ruled in favor of Mr. Drabik and as far as the town goes it is a closed application

II. PUBLIC HEARINGS: none

III. REGULAR MEETING

1. Town Attorney review of Zoning 101

Attorney Zamarka, Waller, Smith and Palmer, gave an overview of the basics of the Zoning Commission. Zoning Commissions are a creature of the State Legislature granted by statutes in 8-2

Zoning Commissions have three basic functions

- Enact and Amend Regulations,
- Rule on changes on property within the town limits
- Rule on, Applications, Special Permit Applications, Site Plans, and other applications.

He described the application process and the statutory time clock for submission of an application. 8-7d

- Application process starts at the first regularly scheduled meeting after the application is submitted
- 65 days to begin the Public Hearing
- 35 days to conclude Public Hearing
- 65 days after the close of the Public Hearing to render decision
- The Commission can continue a Public Hearing but still must close it within the time frame of 35 days
- The applicant is the only party that can ask for an extension.
- The Commission's decision is subject to appeal to the courts

Typically, during a Public Hearing, the applicant presents first, then the public is allowed to speak to the application which the applicant can respond to or add to their testimony. The Commission can ask questions.

M. Zamarka stated that a clear record must be created, and procedural due process is fundamental to the fairness of the proceedings.

He stated members can be disqualified from hearing an application for two reasons:

- Predetermination bias
- Conflict of Interest-either personal or financial

During a Public Hearing if a member has a specific or specialized expertise that would be relevant to the application, that member must state that expertise at the beginning of the Public Hearing.

Once the Public Hearing is closed the only information that can be considered for a decision is what has been presented during the Public Hearing. The exception is information provided by staff after the hearing has closed.

Only members who have heard all the evidence and the record or if they missed a meeting have familiarized themselves with the record and publicly state they have done so, may vote on the application.

All members are subject to FOIA (Freedom of Information Act) and are advised to keep any discussion on applications during meetings and not in emails or text which are subject to FOI requests.

M. Zamarka informed the members that there are clearly stated criteria for the Commission to meet in private during and Executive Session.

Members of a municipal board or commission cannot be individual sued.

The Commission can put time limits on Public Comment during a Public Hearing.

1a. B. Mulholland informed the members that the Aquifer Protection Board, which is state mandated, and is under the Zoning Commission will be meeting in the near future. Gas stations are not permitted in an aquifer zone, but some are grandfathered in and need to come in to reregister.

He also stated there will be patio renewals coming up int the spring.

2. FY 22/23 Budget Review

B. Mulholland presented the proposed budget and said there was virtually no change from the previous year.

MOTION: (Thurlow/Dwyer) to accept the FY 22/23 Zoning Budget as presented. Vote: APPROVED unanimously.

3. Approval of Minutes of January 9, 2022

MOTION: (Dwyer/Jett-Harris) to approve the Minutes of January 9, 2022, as amended.

Debbie Jett-Harris

MOTION: (Dwyer/Thurlow) to adjourn at 7:56. 8:30 Vote: APPROVED unanimously.

IV. OLD BUSINESS-none

V. NEW BUSINESS

- 1. Request of the Town of East Lyme Public Library, for a special Permit under East lyme Zoning Regulation Sections, 20.1.2F, 25.5, 24, 24.7, 26.6E.3 for historical museum, small group meeting**

room and office at property identified in the application as 1721 Boston Post Road, East Lyme Assessor's Map 31.1, Lot 31.

B. Mulholland will schedule Public Hearing

2. Request of AMG Pub II LLC, for a text amendment to the East Lyme Zoning Regulations, Section 20.26 to amend the distance between drive-thru facilities within the CA District.

B. Mulholland will schedule Public Hearing

IV. NEW BUSINESS

1. Any Business on the floor, if any by the majority vote of the Commission-none

2. Zoning Official

B. Mulholland informed the Commission that the office is busy, and the Spring activity will be picking up.

3. Comments from Ex-Officio:

R. Hardy informed the Commission the town has received 2000 Covid test kits and are hoping to distribute them within the next week. Any resident with health concerns and would like a kit before distribution can call the First Selectman and make arrangements to get a kit.

The Natural Resource Commission which was split off from the Conservation Commission as was the Inland Wetland Agency has been discussing mitigating the salt applied to roads from getting into the waterways. She spoke to B. Mulholland about putting together a small group to discuss some of the issues of aquifer protection.

The Public Safety Building has been getting some publicity lately for its completion and the town police department transitioning to the building. R. Hardy said it is a large moving project which also includes records that have been kept at the Waterford Police Department. The moving of the files from Waterford and East Lyme now having their own holding cells will save the town approximately \$70,000. There is a partial tour of the facility planned for February.

R. Hardy is happy to see the application from the library and thinks it is a good collaboration between the Library and the Historical Society to free up much needed space.

The BOS is still discussing the Harney Property, formerly referred to as the Hathaway Property as to the feasibility of purchase by the town

Parks and Rec has decided to take over the Darrow Pond open space property for passive recreation and will be coming to the appropriated Boards and Commissions for approvals.

4. Comments from Zoning Board liaison to the Planning Commission

A liaison schedule has been provided

5. Comments from Chairman

T. Donovan informed the members that he had received Mr. England's letter

An updated list of contact information of members will be provided to all members.

R. Hardy informed the commission there was a request from a resident to the FOI commission for that every elected and appointed commission member in East Lyme provide contact information.

The FOI Commission has not decided on the request.

VII. ADJOURNMENT

MOTION: (Jett-Harris/Peck) to adjourn at 8:44. Vote: APPROVED unanimously

Respectfully Submitted

Sue Spang,
Recording Secretary

2022 Liaison Schedule:

1/25/2022-Donovan, 2/8/2022-Dwyer, 3/8/2022-Ginsberg, 4/12/2022-Granatek, 5/10/2022-Harris,
6/14/2022-Markovitz, 7/12/2022-Peck, 8/9/2022-Schmitt, 9/13/2022-Thurlow, 10/11/2022-Donovan,
11/15/2022-Dwyer, 12/13/2022-Ginsberg