

FILED IN EAST LYME P
Feb 12, 2008 AT 2:10 M

**EAST LYME ZONING COMMISSION
PUBLIC HEARING III
Thursday, FEBRUARY 7th, 2008
MINUTES**

S. Blais, etc.
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on its own proposal to amend the Zoning Regulations Section 20 of the code, specifically to delete from Section 20.1.1 "Public Schools, fire departments, libraries and other Town Buildings and uses"; and to add a new Section (F) "Town Buildings and Uses" to Section 20.1.2, on Thursday, February 7, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 8:40 PM after the previously scheduled Public Hearings.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Norm Peck, Steve Carpenteri, Ed Gada, Marc Salerno

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

ABSENT: John Birmingham, Alternate, William Dwyer, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Norm Peck, Steve Carpenteri, Ed Gada, Marc Salerno

The Pledge was previously observed.

Public Hearing III

1. The East Lyme Zoning Commission proposal to amend the Zoning Regulations - Section 20 of the code, specifically to delete from Section 20.1.1 "public schools, fire departments, libraries and other Town Buildings and uses". And to add a new Section (F) "Town Buildings and Uses" to Section 20.1.2. This change would require a Special Permit approval from the Zoning Commission for all Town buildings and uses.

Mr. Nickerson noted that this had been continued from the last meeting of the Commission. He asked Ms. Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas, Secretary read the following correspondence into the record:

- ◆ Letter dated 1/16/08 to Mark Nickerson, Chairman, EL Zoning Commission from Francine Schwartz, Secretary, EL Planning Commission - Re: EL Zoning Commission Amendment to Section 20.1.1 and 20.1.2 of the EL Zoning Regulations requiring a Special Permit for all Town Buildings and Uses – finding that this amendment is CONSISTENT with the Plan of Conservation & Development goal to ensure that development meets high standards of quality.
- ◆ Email dated 1/14/08 to Bill Mulholland, Zoning Official from Marcia Balint, CT DEP OSLIP – Re: EL Zoning Regulation change to delete from Section 20.1.1 "public schools, fire, library and other Town Buildings and Uses" and add new Section F "Town Buildings and Uses" to Section 20.1.2 which would require a Special Permit – finding the proposed amendments CONSISTENT with the goals and policies of the Connecticut Coastal Management Act.

Mr. Nickerson noted that the legal ad had run in The Day on January 4, 2008 and January 14, 2008. He also said that there was no Regional Planning report.

Mr. Mulholland explained that the Regional Planning Commission did not have a quorum at their last meeting and chose not to take this up at another time.

Mr. Nickerson noted that Mr. Salerno and Ms. Carabelas were on this subcommittee and asked if they would like to give a brief narrative on what this is.

Mr. Salerno said that this subcommittee was formed to address public (municipal, government) buildings and that they decided to put forth this amendment so that the Zoning Commission would review any government and Town buildings just as they would any other private buildings. They decided that they would do this by requiring that a special permit be obtained. They hoped that this would alleviate some of the parking and other issues that they are not currently able to address with respect to these municipal buildings.

Mr. Mulholland noted that they are deleting Town Building and Uses from Section 20.1.1 and adding it as a Section F by Special Permit to Section 20.1.2(F).

Mr. Nickerson asked if there were any questions from the Commission.

Mr. Salerno asked Mr. Mulholland if signage, sidewalks and driveways were part of this.

Mr. Mulholland said no – this is meant for example – for a Public Safety Building, Town Hall, Police Station or Town Garage to name a few things.

Mr. Nickerson called for public comments in favor, against or neutral on this application –
Hearing none –

Mr. Nickerson said that the intention here is a good one and he thanked the subcommittee for the work that they did on this.

Mr. Nickerson called for a motion to close this Public Hearing –

****MOTION (1)**

Mr. Salerno moved to close this Public Hearing.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:55 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of

P.O. Drawer 519
Zoning Department

October 17, 2007



East Lyme

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TO: East Lyme Zoning Commission
FROM: Mark Salerno & Rosanna Carabelas
RE: Subcommittee Report/Government Buildings

As you may recall the commission recently discussed the issue of how municipal buildings and uses are regulated by our zoning ordinance. After some debate, the board concluded that we should form a subcommittee to review the pertinent regulations to ensure they are concurrent. Mrs. Carabelas and I were assigned as the subcommittee. We reviewed the current zoning regulations, which are attached for your convenience and found that "municipal uses" are regulated under our general regulations found in Section 20 of the code. Specifically, section 20.1 and 20.1.1, which states the following:

20.1 USES PERMITTED IN ANY DISTRICT - The following uses are permitted in any Zoning District subject to these regulations:

20.1.1 Streets, public schools, fire departments, libraries, Public and Subdivision Open Space, parks and playgrounds and other Town buildings and uses.

Based on the current regulations we concluded that our zoning ordinance essentially allows these uses as outright permitted uses with little regulatory control. It is our view that municipal uses and buildings should be subject to the requirements of a special permit.

The Special Permit process requires an application to meet the regulations found in section 25 "Special Permits". This section also requires submittal of a site plan, which conforms to section 24 "Site Plan Review Requirements". As the commission is aware, when acting upon a special permit the board acts in an administrative capacity. Robert A. Fuller, author of "Land Use Law and Practice", notes that when acting upon a special permit the commission's "function is to determine whether (1) The applicants proposed use of the property is expressly permitted under the commission's regulations; (2) whether the standards in the relevant zoning commission's regulations and satisfied; and whether conditions necessary to protect the public health, safety, convenience and property values, as provided by section 8-2 of the general statues, can be established". As a result of our finding we recommend that the zoning commission modify Section 20 by adopting the following:

Delete: From section 20.1.1 "public schools, fire departments, libraries and other Town Buildings and uses"

- ❖ Preventing or lessening congestion of the public highways;
- ❖ Providing for the preservation of desirable open space, tree cover, historic sites, recreation areas, scenic vistas, stream valleys, wetlands and related water sources, and other environmentally important lands, soiled and geologic phenomena;
- ❖ Encouraging energy efficient development;
- ❖ Providing adequate open spaces for light and air;
- ❖ Securing safety from fire, panic, flood and other dangers;
- ❖ Facilitating adequate provisions for transportation, water, sewage disposal, schools, parks and other conveniences;
- ❖ Stabilizing and conserving the value of land, homes and other buildings;
- ❖ Encouraging the most appropriate use of land throughout the town; and
- ❖ Providing proper provision for soil erosion and sediment control.