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Esther B. Williams

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
REGULAR MEETING
APRIL 3, 2003
MOTIONS**

The East Lyme Zoning Commission held a REGULAR MEETING on Thursday APRIL 3, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Regular Meeting, at 7:35 PM

PRESENT: Mark Nickerson, Norman Peck, Alternate Marc Salerno, Alternate William Dwyer and

Absent: Shawn McLaughlin, Ed Gada, David Chamberlain, Alternate Robert Bulmer

Also present: Rose Ann Hardy, Ex-Officio

PANEL: Mr. Nickerson, Mr. Peck, Alternate Mr. Salerno and Alternate Mr. Dwyer.

PLEDGE OF ALLEGIANCE

PUBLIC DELEGATION: Joe Kwasniewski, 67 Walnut Hill Rd., East Lyme, CT questioned the communications between the Planning Commission, Zoning Commission, Conservation Commission and Water & Sewer Commission. He strongly suggested that these Commissions get together to coordinate better development in town.

REGULAR MEETING

1. Call of the Regular Meeting: Mr. Nickerson Called the meeting to order at 7:35 PM.

2. Acceptance of Minutes of:

- a. November 25, 2002 – tabled
- b. January 16, 2003 – tabled
- c. January 20, 2003 – tabled
- d. March 20, 2003 – tabled
- e. January 9, 2003

MOTION (1): Mr. Dwyer moved to accept the Minutes of the January 9, 2003 Public Hearing.
Mr. Salerno seconded the motion.
Vote in favor: (4-0), Unanimous

MOTION (2): Mr. Salerno moved to accept the Minutes of January 9, 2003 Regular Meeting.
Mr. Dwyer seconded the motion.
Vote in favor: (4-0), Unanimous

3. Affordable Housing – Discussion

Mr. Peck stated that in prior discussion, consideration was given briefly that buffers be included in the calculation of open space percentage. He stated that buffers should encourage more than open space.

Mr. Nickerson stated that he would encourage not cutting back on buffers since the Affordable Housing structure, a multifamily development, is a floating zone and could abut a residential zone and would want greater buffers. He added that he would also encourage recreational areas within the development as a quality of life improvement particularly because Affordable Housing is a multifamily development.

Mr. Peck noted that a developer could chose to incorporate more than 10% open space into the development depending on the property and configuration. Mr. Peck also noted that the SU-E, multifamily, has a buffer of 100-feet adjacent to each property line of the parcel being developed and must be planted or preserved in a natural state. He indicated that Affordable Housing as a multifamily, could be put in the same category. He suggested including a buffer requirement in the Regulation that the Zoning Commission may allow a percentage of buffer to be included as part of the open space requirement.

Mr. Dwyer stated that he would prefer to retain the proposed 10% open space rather than incorporate it into the buffer.

Mr. Salerno noted that 30% of a development would be Affordable Housing and the balance of 70% would be dwellings at market rate.

Mr. Peck recommended incorporating in the Zoning Regulation, page 135, Multifamily – SU, Item #7 Buffer Area, paragraph #1 into this regulation and add that the Zoning Commission may chose to include a portion of the buffer area in the open space requirement.

Mr. Salerno noted that a 100-foot buffer would 18% of the land in a 3 acre parcel, the minimum size lot allowed and would make the parcel undevelopable. He added that a 9 acre (600'x 600') with 100-ft. buffer, one-third of the parcel would be open space.

Mr. Peck suggested eliminating the minimum 3 acre requirement. He added that a 100-ft buffer requirement would force a certain sized parcel. Mrs. Hardy indicated that the 3 acre minimum is to encourage Affordable Housing throughout the Town, not just in one focused area. She noted that the Affordable Housing Regulation encompasses the entire town and suggested a graduated buffer relative to the acreage.

Mr. Peck noted that minimum acreage for multifamily housing is 20 acres and questioned why Affordable Housing requirement should be any different.

Mr. Nickerson proposed considering establishing buffer size depending upon the total acreage or the total number of units proposed.

Mrs. Hardy suggested a subcommittee discuss the options with respect to buffers and open space with Mr. Mulholland and present a report at the next meeting.

Mr. Nickerson named Mr. Peck and Mr. Salerno to the subcommittee.

Mr. Nickerson suggested the percentage of open space be tied to the acreage and/or number of units in the development.

Mr. Peck noted that in many cases, there is unbuildable land on the parcel such as wetlands which are incorporated of the open space requirement.

The Commission members agreed to table further discussion until the next regular meeting.

4. Request of Theodore A. Harris for a waiver under Section 20.8 with respect to the ownership of a right of way for a back lot at 30 Black Point Rd., Niantic, CT

Mr. Harris indicated that 30 Black Point Rd. is in a CA Zone, which allows single family dwellings. The owner wants to build a home. There is an existing right-of-way which is the actual access that's being used for this parcel as well as other houses in the area. The definition of the right-of-way that's sufficient to define a backlot requires that it be an exclusive right-of-way. Thus, the owner couldn't use the existing right-of-way to serve this lot. Additionally, there is insufficient frontage on the existing lot. There is sufficient area in the lot to divide it into two parcels, but not sufficient frontage. The proposal that's being requested is to allow the 25 foot access right-of-way to be the legal right-of-way to serve this proposed rear lot.

Mr. Dwyer stated that if the rear lot is sold, the new owner in the future may chose to pave their right-of-way. Mr. Harris pointed out that if the front lot were sold, there would be a note on the deed subject to the right-of-way. He added that it is the owner's intent that if and when the front lot is sold, to indicate that it is not the intent of the owner to use it for access to the backlot.

MOTION (3): Mr. Nickerson moved to approve the request of Theodore A. Harris for a waiver under Section 20.8 with respect to the ownership of a right-of-way for a back lot at 30 Black Point Rd., Niantic, CT with the requirement not to use the right-of-way as physical access if consistent with Planning Regulations.

Seconded by Mr. Peck

Vote in favor: (4-0), Unanimous

OLD BUSINESS

1. Subcommittee

- a. Storm Water – nothing further
- b. Architectural Design Review

Mr. Nickerson invited comments and questions from the Commission members. Mr. Dwyer indicated that line 2, “Zoning Commission and/or Zoning Official” should be repeated in the second sentence (line 7) “to enable the Commission and/or Zoning Official to make that determination.”

Mr. Peck recommended going forward with the proposal to public hearing. He added that Mr. Mulholland had done significant research prior to drafting the proposal.

MOTION 4): Mr. Peck moved to instruct Mr. Mulholland to schedule a public hearing to amend the Zoning Regulations by adding proposed Section 24.6 and 25.4.1.1 ARCHITECTURAL DESIGN as amended (second sentence shall read: “The applicant shall provide adequate information to enable the Commission *and/or Zoning Official* to make that determination, including architectural plans of all buildings other structures and signs.”)
Mr. Salerno seconded the motion.
Vote in favor: (4-0), Unanimous

NEW BUSINESS

1. SU-E Proposed Amendments (Section 12A)

Mr. Nickerson noted that at the last meeting of the Commission, Mr. Fraser presented the proposed changes.

Mr. Peck noted that SU-E Section 12A1.1 requires only single family detached dwelling units and the present regulation requires a 500-foot frontage for each lot and/or land area. He stated he would support the change to a 50-foot frontage.

Mr. Peck noted that the current regulation requires no new building or structure less than 150-feet from the street and that the proposal is to change that to 50-feet from a street line. He noted that the subdivision regulations, RU-40, setback is 50-feet and that by changing SU-E setback requirement would be consistent with the RU-40.

Mr. Salerno noted that by reducing the minimum lot size from 20 acres to 10 acres it is reasonable to reduce the setback requirement as well.

The proposal would reduce the buffer to 50-feet from the zone line. Mr. Peck noted that the present regulation states “100-feet from any other property line”. Mr. Nickerson stated he believed the zone line and property line would be the same. Mr. Peck disagreed in that a zone line distinguished Zoning

Districts. He noted a zoning line could be in the middle of a parcel. Although the rarely occurs, it may occur.

Mr. Peck recommended retaining the current regulation and inserting that the “Zoning Commission may waive the 100-foot from the property line (Section 12A.2.3) and require a 50-foot buffer shall be required along all SU-E district zone lines.”

MOTION (5): Mr. Peck moved to instruct Mr. Mulholland to schedule a public hearing to amend Section 12A-SU/E with changes as discussed.
Mr. Salerno seconded the motion.
Vote in favor: (4-0), Unanimous.

2. GPDD Section 11A Amendment

Mr. Dwyer noted that elimination of the Special Permit Use 11A.2.4 “No store over 20,000 square feet” would allow a ‘big box’ structure and would anticipate objection from neighbors.

Mr. Peck noted that the regulation, along with architectural design regulation allows the Commission significant review for a project greater than 20,000-sf.

MOTION (6): Mr. Salerno moved to instruct Mr. Mulholland to schedule a public hearing to amend the Zoning Regulations, Section 11A GPDD Gateway Planned Development District as proposed.
Mr. Peck seconded the motion.
Vote in favor: (4-0), Unanimous

3. Election to fill Commission vacancy

Mr. Nickerson noted the resignation of Athena Cone and therefore the necessity of electing a member to fill the vacancy. He stated he received correspondence from the Democratic Committee endorsing Mr. Dwyer.

Mr. Nickerson opened the meeting to nominations.

Mr. Peck nominated Mr. Dwyer.

Mr. Salerno nominated Mr. Bulmer.

Vote: (2-2) Mr. Dwyer and Mr. Peck voted for Mr. Dwyer. Mr. Salerno and Mr. Nickerson voted for Mr. Bulmer.

The Commission agreed to schedule a special meeting Tuesday, April 8, 2003 at 7:00 PM for the purpose of holding an election to fill the vacancy.

MOTION (7): Mr. Salerno moved to adjourn the meeting at 9:30 PM.
Mr. Dwyer seconded the motion.
Vote in favor: (4-0), Unanimous.

Respectfully submitted,



Anita M. Bennett
Recording Secretary
4 April 2003