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**EAST LYME ZONING COMMISSION
SPECIAL MEETING
JANUARY 15, 2003
MINUTES**

The East Lyme Zoning Commission held a SPECIAL MEETING on Thursday JANUARY 15, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Special Meeting at 7:10 PM

PRESENT: Mark Nickerson, , Norman Peck, Athena Cone, Alternate Robert Bulmer
Alternate Marc Salerno,

Also Present: William Mulholland, Zoning Official;

Absent: Ed Gada, David Chamberlain, Shawn McLaughlin and Alternate William Dwyer. Rose Ann Hardy, Ex-Officio

PANEL: Mr. Nickerson, Mrs. Cone, Mr. Peck, Alternates Mr. Bulmer and Mr. Salerno.

Mr. Nickerson opened the Special Meeting at 7:10 PM.

PLEDGE OF ALLEGIANCE

PUBLIC DELEGATION

None

SPECIAL MEETING

A. Application of John Bialowans for a Special Permit to excavate gravel from property identified in the application as 80 Quail Crest Rd., East Lyme, CT on East Lyme Tax Assessor's Map No. 41, Lot #1.

Mr. Nickerson noted that the Public Hearing had been closed and deliberation raised several issues with regard to the amount of the bond recommended by Mr. Mulholland in his correspondence.

Mr. Mulholland indicated that the bond on the previous permit was \$2500.00. Mr. Peck noted that in his correspondence, Mr. Mulholland had indicated a large performance bond. Mr. Mulholland stated that should there be a problem, the Town can cover the cost of reclaiming the land, i.e. reseeding. Mr. Mulholland stated that the Commission could require a larger bond than the previously required. Mr. Nickerson noted that the area to be reclaimed would be approximately one-half acre. Mr. Mulholland stated that with respect to the previous permit, there are still outstanding issues regarding reclaiming the area disturbed, but are not major. He added that the excavation is continuing. Mr. Mulholland recommended \$3000.00 bond.

Following discussion regarding the term of the permit, Mr. Nickerson entertained a motion.

MOTION (1): Mrs. Cone moved to approve the application of John Bialowans for a Special Permit to excavate gravel from property identified in the application as 80 Quail Crest Rd., East Lyme, CT on East Lyme Tax Assessor's Map No. 41, Lot #1, posting a bond of \$3,000, maintenance and water system as previously installed, a six-month permit, days of operation Monday through Friday, hours of operation 9:00 AM to 3:00 PM and no fuel storage tanks to be utilized in an aquifer zone. The applicant will be allowed to use his one truck (15 yd), effective from filing or February 1, 2003, whichever comes first.

Mr. Salerno seconded the motion.

Vote in favor: (4-0-1), Mr. Bulmer abstained

B. Fee Schedule

Mr. Nickerson indicated that at the January 9, 2002 Meeting, questions were raised with respect to definition of "Zoning Status Opinion (Mortgage)" and certain fees.

Mr. Mulholland indicated that Zoning Status Opinion (Mortgage) that typically what will happen when there's a sale of property, frequently the Zoning Dept. will receive a request from an attorney who wants to know the status of the property, i.e. zoning violations. The staff must investigate the if the property is conforming or nonconforming, and may even need to drive by the property and write a letter indicating the status of the property. Mr. Mulholland indicated about 10-12 letters are requested annually. The fee proposed takes into consideration the staff time involved and shortness of notice typically. The proposed fee is \$50.00. Mr. Mulholland stated that he studies the fees charged by the Town of Waterford when establishing the fee schedule. He pointed out that the old fee schedule generated about \$2,800.00 from fees and, if with the same activity, would raise \$27,000.00 under the new fee schedule.

Mr. Peck stated that he believed the fee for Zoning Compliance Permit (Commercial/Industrial, Additions and Alterations) was inappropriate. He stated that a small business with \$1000 in alterations would pay a \$200 fee. He suggested a fee based on finished square footage. Mr. Bulmer stated that he agreed that the fee should not penalize the small business, but suggested a percentage. Mr. Mulholland recommended adding a new category. Following discussion, the Commission agreed on a cutoff of 1,500 square feet finished space.

MOTION (2): Mr. Bulmer moved to approve the East Lyme Zoning Commission Fee Schedule Draft #2 Proposal December, 2002 with recommended change of deleting “Compliance” on five schedule items, thus reading “Zoning Permit”; Zoning Compliance Permit (Commercial/Industrial Additions and Alteration) to read Zoning Permit (Commercial/Industrial Additions and Alterations) up to 1500 sq. feet total completed total space at \$50.00 and at \$200.00 for greater than 1500 sq. feet total completed total space.

Mrs. Cone seconded the motion.

Vote in favor: (5-0), Unanimous.

C. Budget

Mrs. Cone read into the record:

1. Letter to Mark Nickerson, Zoning Commission Chairman from Wayne Fraser, Frist Selectman, dated January 6, 2003.

Mr. Nickerson indicated that the Commission may want to attached a letter to the budget and attend the February 5th Public Hearing, as discussed at the January 9, 2003. He indicated that he has drafted a letter and provided copies to the Commission members. The intention of the letter is to “fully explain the attached budget”. After reading the letters, the members discussed minor changes and word choices. Mr. Mulholland stated that he would not participate in this discussion.

MOTION (3): Mr. Bulmer moved to approve the letter to the Board of Selectmen/Board of Finance of January 15, 2003 as amended.

Mr. Salerno seconded the motion.

Vote in favor: (5-0-0), Unanimous

Mr. Mulholland stated that the Commission has been requested to delete the changes to the Budget and sending it forward as a zero budget.

Mr. Bulmer suggested resubmitting the Commission’s original amended budget to the Board of Selectmen with the letter. Mr. Nickerson suggested submitting the original budget from the Finance Office and First Selectman’s Office with the letter. Mr. Peck concurred with Mr. Bulmer; Mr. Salerno concurred with Mr. Nickerson. Mr. Peck noted that the fee increases more than cover the wage line increase of the budget submitted previously and it was unanimously agreed to by the Commission. Mr. Bulmer stated that it is the Commission’s decision and should be submitted with the increase. He added that he therefore could not support submitting the zero budget. He noted that the final decision was with the Board of Selectmen.

Following further discussion, the Commission agreed to resubmit the original budget with increased wage line approved December 11, 2002 and unanimously approved at this meeting, January 15, 2003, and to amend the letter to reflect same.

MOTION (4): Mr. Bulmer moved to adjourn the Special Meeting at 8:30 PM
Mrs. Cone seconded the motion.
Vote in favor: (5-0-0), Unanimous

Respectfully submitted,



Anita M. Bennett
Recording Secretary
27 January 2003