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**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
JANUARY 9, 2003  
MINUTES**

The East Lyme Zoning Commission held a REGULAR MEETING on Thursday JANUARY 9, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Regular Meeting, following Public Hearing, at 8:35 PM

**PRESENT:** Mark Nickerson, Shawn McLaughlin, Norman Peck, Athena Cone,  
Alternate Marc Salerno, Alternate William Dwyer.

**Absent:** Ed Gada, David Chamberlain, and Alternate Robert Bulmer; sent: William Mulholland,  
Zoning Official; Rose Ann Hardy, Ex-Officio

**PANEL:** Mr. Nickerson, Mrs. Cone, Mr. Peck, Mr. McLaughlin and Alternates Mr. Dwyer and Mr.  
Salerno.

**PLEDGE OF ALLEGIANCE**

**PUBLIC DELEGATION**

Joe Kwasniewski, 67 Walnut Hill Rd., E. Lyme stated he had attended the Planning Commission meeting of January 7, 2003 Public Hearing and Regular Meeting at which the Commission discussed subdivisions totaling 300 units. He asked 'where is East Lyme heading?' He noted no Zoning Liaison was present. He stated that his concern with all these subdivisions is that taxes will go sky high and people won't be able to pay them. He indicated that 60% of the town budget is for education or \$8000 per child. The roads will have to be maintained, more fire and police protection will be required and water mains and sewers will have to be constructed. He recommended that 'East Lyme slow down'.

**ACCEPTANCE OF MINUTES**

1. December 11, 2002 -

**MOTION (3):** Mrs. Cone moved to accept the Minutes of December 11, 2002.  
Mr. Salerno seconded the motion.  
Vote in favor: (4-0-2) Mr. McLaughlin and Mr. Dwyer abstained.

2. November 21, 2002 -

**MOTION (4):** Mr. Salerno moved to accept the Minutes of November 21, 2002.

Mr. McLaughlin seconded the motion.

Vote in favor: (4-0-2). Mrs. Cone and Mr. Dwyer abstained.

3. November 25, 2002

Mr. Peck noted that a correction was to be made to the Minutes, which the members did not have at this time. Minutes were tabled until the correction was available.

Discussion: **AMENDED NOVEMBER 25, 2002, PUBLIC HEARING**

Mr. Peck inquired what the water use of 100 home in an RU80 would be compared to the golf course water use.

Bruce Morton, Aqua Solutions, responded that estimates for domestic water use is typically calculated upon the number of bedrooms in the dwelling unit. For purposes of this example, he assumed 450 GPD/3-bedroom unit (2 people/ bedroom) or 45,000 GPD excluding external use. Mr. Morton noted that based on an actual golf course where 10 years of metered water use was available, the average daily use for irrigation purposed was 80,000 GPD for a maximum daily use (August) of 120,000 GPD. He added that on one or two days, usage may be as much as 240,000 GPD.

Mr. Peck noted that most of the water would be put back into the ground. Mr. Morton estimated that 20% of consumption would be for non-irrigation purposes.

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. Peck recommended tabling a decision and obtaining comment from Mr. Mulholland regarding the amount of the bond.

Mr. Dwyer inquired if a delay of two weeks would present a burden to the applicant. Mr. Bialowans stated that the delay would be a burden and he did not understand why the bond had to be larger than the previous one of \$2500.

Mr. McNamara suggested leaving the bond open in the motion for the Zoning Official's recommendation. Mrs. Cone stated the amount of the bond should be included as part of the motion. Mr. Peck concurred.

Mr. Nickerson stated that in his discussion with Mr. Mulholland, the amount of the bond was not discussed. He added that he was confident that the land would be restored appropriately however. Mr. Peck noted that Mr. Mulholland had a reason for mentioning the "large cash bond". Mr. Nickerson suggested a five minute recess to contact Mr. Mulholland for his comment. Mr. Peck and Mrs. Cone stated that Mr. Mulholland's comment should be made on the record and in public rather than through a third party.

**MOTION (5):** Mrs. Cone moved to table 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 until the next Regular Meeting.

Mr. Nickerson seconded the motion.

Vote in favor: (6-0), Unanimous

B. Application of Mitchell Trust, LLC for a Special Permit and Coastal Area Management Site Review to expand the existing movie theater complex at 277 Main Street (rear), Niantic, CT, property further identified as Tax Assessor's Map 12.1, lots 104, 105 and 106.

There being no further questions or comments, Mr. Nickerson entertained a motion.

**MOTION (6):** Mr. Peck moved to approve the application of Mitchell Trust, LLC for a Special Permit and Coastal Area Management Site Review to expand the existing movie theater complex at 277 Main Street (rear), Niantic, CT, property further identified as Tax Assessor's Map 12.1, lots 104, 105 and 106, including all waivers as requested.

Reason: Consistent with Plan of Development and Charette Report and conforms to all applicable zoning regulations and is consistent with all applicable goals and policies of coastal area management and will not have an adverse impact on coastal resources.

Effective: January 17, 2003.

### C. Proposed Zoning Fees

Mr. Nickerson stated that Mr. Mulholland had indicated that the Fee Schedule is appropriate and fair, although it does not come close to recouping the actual costs to the town and recommended endorsement by the Commission and recommendation to the Board of Selectmen who will change the fees according to the town's charter.

Mr. Dwyer inquired what "Zoning Status Opinion (Mortgage)" referred to on the Schedule. Mr. Peck stated that it was his understanding that this was a written confirmation that a building is conforming in a particular zone.

Mr. Peck stated that he was hesitant to approve the Fee Schedule, as, in his opinion, some were too high. Specifically, Mr. Peck mentioned "Compliance Permit, commercial/industrial, addition and alterations" at \$200.

The Commission decided to table approval and call a special meeting on January 15, 2003 at 7:00 PM, tentatively, in order to receive comment from Mr. Mulholland as to Mr. Dwyer and Mr. Peck's questions.

#### OLD BUSINESS

1. Stormwater - tabled
2. Affordable Housing - tabled

#### NEW BUSINESS

1. Correspondence

Mrs. Cone read the letter from Mr. Fraser dated January 6, 2003 concerning the Zoning Commission Budget recommending 'as close to a zero budget' as possible and fee increases.

Mr. Nickerson indicated that the Commission has been asked to reconsider the change in the salary line. He stated that he supports the increase. He suggested the Commission submit the zero budget and, in light of the fee schedule increase by a factor of 10, attach a letter indicating its recognition of the valuable services of the Zoning Official, recommend a wage increase as indicated in the originally submitted Budget, and determine wage levels of other similar departments and Zoning Officials in nearby towns. Mr. Dwyer and Mrs. Cone concurred. Mr. Nickerson stated that he would draft the letter for the Commission's approval.

Mr. Peck stated that the Commission is requesting a \$3000 addition to the wage line with increased revenue from the fees of \$21,000. He also recommended that all Commission members who support the wage increase sign the letter and attend the Board of Selectmen's Public Hearing on February 5, 2003.

Mr. Peck recommended a Special Meeting with Zoning Official Mulholland in attendance to address the questions regarding the Fee Schedule, the Budget and Commission's letter. The Commission members agreed to schedule a Special Meeting for Wednesday, January 15, 2003 at 7:00 pm.

Mr. Dwyer stated that he has noticed that Zoning Commission Minutes are not appearing on the Town's Website. He indicated that he mentioned it to Mr. Mulholland, but has not seen the Minutes posted yet. Mr. McLaughlin stated he would follow up.

2. Comments from Chairman – none
3. Adjournment

**MOTION (7):** Mrs. Cone moved to adjourn the meeting at 9:15 PM  
Mr. Nickerson seconded the motion.  
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
21 January 2003