

Mar 27 20 03 at 12:20 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
REGULAR MEETING
MARCH 20, 2003
MINUTES
AMENDED**

The East Lyme Zoning Commission held a REGULAR MEETING on Thursday MARCH 20, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Robert Bulmer, Temporary Chairman, opened the Regular Meeting at 8:51 PM, following the 7:37 PM Public Hearing.

PRESENT: Norman Peck, David Chamberlain, Alternate Robert Bulmer, Alternate Marc Salerno, Alternate William Dwyer.

Also present: Rose Ann Hardy, ex-officio

Absent: Ed Gada and Shawn McLaughlin; William Mulholland, Zoning Official

PANEL: **Mr. Peck, Mr. Chamberlain, Mr. Bulmer, Mr. Dwyer and Mr. Salerno.**

ELECTION OF TEMPORARY CHAIRMAN

Mr. Bulmer stated that Mr. Nickerson would not be attending this evening's meeting and, as Mrs. Cone has resigned and thus, there is no Secretary, a Temporary Chairman must be elected to Chair this evening's meeting.

Mrs. Hardy, ex-officio, opened the floor to nominations of a Temporary Chairman.

Mr. Chamberlain nominated Mr. Bulmer and Mr. Peck seconded the nomination. There being no further nominations, Mrs. Hardy called for a vote on Mr. Bulmer's nomination. The vote was unanimous and Mr. Bulmer will serve as Temporary Chairman.

Mr. Bulmer called the meeting to order and lead in the Pledge of Allegiance.

PUBLIC DELEGATION

Wayne Fraser, 1st Selectman stated that the following review and discussion, staff is recommending changes to the SU-E District and the Gateway Planned Development District.(GPDD). Mr. Fraser stated that the GPDD was added approximately three years ago and he has been working with several potential developers since that time. He indicated that if the Zoning Regulations as they stand present an obstacle to the development of that District. He also indicated that the service road and the new exit off I-95, a huge infrastructure endeavor and cost of approximately \$3-4 million. The only way that this is going to be supported and paid for by a developer is if retail, as a major component, helps pay for the infrastructure. With respect to the GPDD District, the staff is recommending amending Section 11A.2.1 by deleting "No one store over 20,000 square feet." And adding to Section 11A.6.7 as indicated in the handout to the members.

With respect to recommended amendment to the SU-E Elderly Housing Regulation, Mr. Fraser pointed out the recommended deletions and additions to, Section 12A.2.1 (Change lot size to 10 acres in area from 20 acres and delete the rest of the paragraph), Section 12A.2.2 (Replace 500 feet frontage with 50 foot frontage), Section 12A.2.3 (replace existing text with "Setbacks: No new building or structure shall be placed less that 50 feet from a street line. A 50-foot buffer shall be required along all SU-E district zone lines") changes to Section 12A.3.2(c).

Mr. Fraser stated that there is a lot of interest in smaller elderly housing developments. Additionally, he indicated that the 500-foot frontage requirement precludes elderly housing developments on many tracts of land that do not have the frontage, thus losing an opportunity for a new development in various areas of town.

Mr. Peck stated that perhaps the existing setbacks should remain as part of the Regulation and allow for a waiver of that requirement on a case by case basis.

Mr. Bulmer indicated that the Commission would review the recommendations and he would request that Mr. Mulholland schedule a Public Hearing.

ACCEPTANCE OF MINUTES

Acceptance of Minutes of January 9, January 15 and February 20, 2003 were tabled until the next Regular Meeting.

Application of John C. Demato, Jr., for a Special Permit to excavate, deposit and regrade earth products on lots #9, 12, 16, 17, and 18 on Freedom Way and Liberty Way in Business Park West, Niantic, CT.

Mr. Dwyer stated that his major concern with this type of excavation would be children in the area and in this case he would support granting the Special Permit.

MOTION (1): Mr. Salerno moved to approve the application of John C. Demato, Jr., for a Special Permit to excavate, deposit and regrade earth products on lots #9, 12, 16, 17, and 18 on Freedom Way and Liberty Way in Business Park West, Niantic, CT. Additionally, notes on the site plan shall include

- (1) Town Engineer Giannattasio's recommendations;
- (2) 24-hour blasting notice in the area;
- (3) blasting only on weekdays, 10:00AM-5:00PM;
- (4) working hours Monday-Friday from 7:00-5:00PM and
- (5) Saturday 7:00AM to 3:30 PM

Mr. Dwyer seconded the motion.

Vote in favor: (4-0), Unanimous. (Mr. Bulmer, Mr. Dwyer, Mr. Chamberlain, Mr. Salerno). Mr. Peck recused himself.

Mr. Peck resumed his position on the Commission.

C. OLD BUSINESS

- 1. Subcommittees
 - a. Storm Water – tabled until the next meeting
 - b. Architectural Design Review - tabled until the next meeting

Mr. Dwyer, referring to “Open Space, What is it? How do we Plan for it? Building Consensus to Protect it”, Section: “Highlights of the Open Space Land Act”, Item 8b, requested that Staff look into and provide the Commission with an explanation as to how the exemption for open space in affordable housing fits into the Town’s new Affordable Housing Regulation. Mr. Dwyer stated that he would like a response by the next meeting and would discuss it with Mr. Mulholland.

C. NEW BUSINESS

- 1. Correspondence: Letter of resignation from Athena Cole.

Mr. Bulmer read Mrs. Cone’s letter into the record. He added that he has enjoyed working with Mrs. Cone, as she has been an articulate and professional member of the Commission and served successfully as the Commission Secretary.. Mr. Dwyer added that he will miss her as a fellow Commission member and as a friend. He recommended that the Commission send her a letter thanking her for her dedication to the Town and Commission for 10 years of service. The Commission members concurred.
- 2. Election to fill Commission vacancy

Mrs. Hardy indicated that Mrs. Cone’s letter is dated February 24 and that the Commission has 30 days to fill the position or the Board of Selectmen would make the appointment. Mr. Dwyer inquired if Alternate members on this meeting’s panel could vote and Mrs. Hardy indicated that as long as the Alternate is a seated member of the Commission, he/she is a voting member and would therefore could vote to fill the Commission vacancy.

Following brief discussion, the members agreed to postpone filling the vacancy and perhaps calling a Special Meeting for this purpose.

3. Ex-Officio Comments: none

4. Chairman's Comments: Mr. Bulmer thanked the members for the Commission's confidence in electing him Temporary Chairman for this Regular Meeting.

5. Adjournment

MOTION (2): Mr. Chamberlain moved to adjourn the meeting at 9:07 PM

Mr. Salerno seconded the motion.

Vote in favor: (5-0), Unanimous. (Mr. Peck, Mr. Bulmer, Mr. Chamberlain, Mr. Dwyer, Mr. Salerno)

Respectfully submitted,



Anita M. Bennett
Recording Secretary
25 March 2003