

EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, November 20th, 2003
MINUTES

FILED IN EAST LYME P
Nov 24, 2003 AT 4:00 M

L. A. Blair, Jr.
EAST LYME TOWN CLERK

PRESENT: Mark Nickerson, Chairman, Shawn McLaughlin,
Ed Gada, Norman Peck, Marc Salerno, Alternate
William Dwyer, Alternate,

ALSO PRESENT: William Mulholland, Zoning Official,
Rose Ann Hardy, Ex-Officio, Board of Selectmen
David Coonrod, LS

ABSENT: Bob Bulmer, Secretary, David Chamberlain,
Andrew Manter, Alternate

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 8:41 PM immediately following the previously scheduled public hearing.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

Bob Gadbois, 358 Boston Post Road, East Lyme said that at the last meeting in discussion on the Senior Housing project that Mr. Bulmer had made a comment that it would not affect the school system because the people had to be over 55 years old. He failed to mention that only one person has to be 55 years old, the other one could be 25 years old and they could still have children so it could have an effect on the school system. Also, there is only one way in and one way out and if there was an accident in front of that driveway he wanted to know how they would get in for emergency purposes. He asked this at the meeting and he did not hear this addressed at that meeting.

2. Accept Minutes of November 6, 2003 – Public Hearing and Regular Meeting.

Mr. Nickerson called for any corrections or discussion on the Zoning Commission Public Hearing I Minutes of November 6, 2003.

****MOTION (1)**

Mr. Salerno moved to accept the Zoning Commission Public Hearing I Minutes of November 6, 2003 as presented.

Mr. Gada seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Dwyer

Mr. Nickerson called for any corrections or discussion on the Zoning Commission Public Hearing II Minutes of November 6, 2003.

****MOTION (2)**

Mr. Salerno moved to accept the Zoning Commission Public Hearing II Minutes of November 6, 2003 as presented.

Mr. Gada seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Dwyer

Mr. Nickerson called for any corrections or discussion on the Zoning Commission Regular Meeting Minutes of November 6, 2003.

****MOTION (3)**

Mr. Salerno moved to accept the Zoning Commission Regular Meeting Minutes of November 6, 2003 as presented.

Mr. McLaughlin seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Dwyer

3. Application of “The Herb Chambers Companies” for a Special Permit to erect a second freestanding sign in accordance with Section 18.1.8.5 of the zoning regulations at 51 Boston Post Road, East Lyme, Connecticut, property further identified as Lot 61, East Lyme Assessor Map 36.0.

Mr. Nickerson noted that this had just been withdrawn for now.

4. Request of David M. Coonrod for an interpretation of the parking requirements (as provided for in Section 22.1.15) for Day Care Centers.

Mr. Salerno, Acting Secretary read into the record:

1. Letter to William Mulholland, Zoning Official, from David M. Coonrod, LS dated November 3, 2003 – Re: Interpretation of parking space requirements for a Child Care Center on West Main Street.

Mr. Coonrod, LS, said that there is no requirement in the East Lyme Zoning Regulations for the number of parking spaces for a child care center. He has provided more than one space for every 16 children – he is providing one space for every 10 children and one parking space for each employee. He wants to make sure that this is satisfactory.

Mr. Mulholland asked how many kids they expected at this center.

Mr. Coonrod said that they would probably have about 85 but he is designing spaces for 100.

Mr. Mulholland asked how many overall spaces would be there.

Mr. Coonrod said that there would be 20 spaces.

Mr. Mulholland said that the one for ten is about an average and seems to be appropriate for the site.

Mr. Coonrod said that there is one way in and one way out and that wetlands would like them to cut down on the spaces.

Mr. Nickerson asked if ten spaces would be enough for all those kids being dropped off.

Mr. McLaughlin said that he finds it acceptable as he has used daycare centers and knows that the drop off time is staggered over a two-hour time frame so they are not all coming or going at the same time.

Mr. Mulholland suggested that for the record that they make a motion on this so that there are no questions.

****MOTION (4)**

Mr. Salerno moved that they approve the allowance of one parking space for every ten children and one parking space for each employee for a total of twenty parking spaces for a child care center to be located on West Main Street, Niantic.

Mr. Peck seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

OLD BUSINESS

1. Stormwater

Mr. Mulholland said that this is an on-going process.

NEW BUSINESS

1. Application of “The Herb Chambers Companies, LLC,” for a Coastal Site Plan Review to construct a Saturn automobile dealership at 51 Boston Post Road, East Lyme, Connecticut, property further identified as Lot 61, East Lyme Assess or Map 36.0.

Mr. Mulholland said that he would schedule this when appropriate.

2. Application of Theodore Harris to amend/modify the zoning regulations to allow recreational/residential projects on large tracts of land

Mr. Mulholland said that he would schedule this also.

3. Zoning Commission 2004 Meeting Schedule

Mr. Mulholland said that this is essentially the same as this year and that he has worked around the holidays as usual.

****MOTION (5)**

Mr. Peck moved to accept the Zoning Commission 2004 Meeting Schedule as presented.

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

4. Any business on the floor, if any by the majority vote of the Commission

Mr. Peck asked that they briefly discuss a structure that is being built at the Town Garage area.

****MOTION (6)**

Mr. Peck moved to add to the agenda under Item 4. New Business – Discussion on a structure being built at the Town Garage area.

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

◆ Discussion on a structure being built at the Town Garage area.

Mr. Peck said that there is a Quonset hut being built on residential property on Roxbury Road. He asked Mr. Mulholland if he knew anything about it.

Mr. Dwyer said that he thought that Town buildings were exempt from Zoning.

Mr. Mulholland said that he had heard the same thing but has no knowledge for sure. He added that as Mr. Dwyer had pointed out that Town buildings are exempt from our regulations.

Mr. Peck recalled that when the Town was planning on storing sewage and drainage pipes near Veteran's Field that there was a public hearing so the public could speak. While it may not have been required, it was considerate of them to do it. Perhaps this should be done here and a letter should be sent.

Mr. Nickerson asked if Mr. Peck knew for sure that it was going there.

Mr. Peck said that he drove by it and understands that it is going at the Town Garage.

Ms. Hardy said that perhaps she could shed some light on this. The Hathaway's donated the building and they may have seen it previously as part of their greenhouse area. It is planned to go on a cement platform and to be used for the storage of equipment that is outside and road signs and cones. It is definitely in the works now. Also, the lower parking lot has had some grading done to it and there is some ripping up of the pavement on lower Roxbury Road for a new drainage pipe to filter the highway garage water so that they can wash the town vehicles there.

Mr. Peck asked Ms. Hardy if she knew if there would be landscaping done to hide this.

Ms. Hardy said that there are plans for landscaping but she does not know how high. She said that she could ask at the next Board of Selectmen meeting for someone to address this Commission regarding this.

Mr. Peck said that two weeks from now would probably be too late.

Mr. Gada suggested that Ms. Hardy could call and find out about it for them.

Ms. Hardy said that the problem is the timing and that nobody meets again before the first week in December.

Mr. Peck said that even though this is out of our jurisdiction that he suggests that the Chair address this with the appropriate party as soon as possible to express their concerns regarding this building in a residential zone.

Mr. Mulholland said to be clear – their objection and concern is for the architecture and appropriateness of this type of building in a residential zone.

Mr. Peck said yes – as developers come into this Town and the Zoning Official does a great job with putting them through the wringer to get us some great products most of the time and now the Town is doing something like this. This does not make any sense and we would be neglectful not to look into it.

Ms. Hardy asked if it was a fact that Zoning has no oversight here.

Mr. Mulholland said that there should be an 8-24 review by Planning and that technically and legally there should be a building permit issued here. If you look at the regulations he is obligated to give them a permit and the building can go anywhere.

Ms. Hardy said that to the best of her knowledge there have not been any complaints yet and she knows that, that area does have a history of complaints from the neighbors. She suggested that the Chair calls and asks about this.

Mr. Nickerson asked if they have discussed this at the Board of Selectmen meetings and how Ms. Hardy knew about it.

Ms. Hardy said that the First Selectman has charge of the Town buildings and that the report came from him. Mr. Gada suggested that this should have been communicated to them as common courtesy rather than hearing it 'curbside'.

Mr. Nickerson acknowledges that clearly there is a gap as there is no outlet for anyone to have comment on it – he said that he would get together with Mr. Peck, make a call and report back to this Commission.

5. Zoning Official

Mr. Mulholland said that he would have some updates from the State for them on public acts at their next meeting when the new Commission members would be present. He added that they would not have a public hearing at their December 4, 2003 meeting.

6. Comments from Ex-Officio.

Ms. Hardy said that she had nothing further to report.

7. Comments from Zoning Board Liaison to Planning Commission

Mr. Dwyer reported that he had gone to the Planning Commission meeting and that they have not decided yet on two applications with 20 lots. They have however, approved subdivision applications that add up to 316 building lots. They are also talking about revising their time frames on applications although he understood this was set by Statute.

Mr. Mulholland said that he would go over these at their next meeting as the Statutes have been altered.

Mr. Dwyer said that they are also increasing their fees from \$10 to \$20.

Mr. Mulholland explained that the State mandates this fee and that they have just doubled it and that it applies to every application that they take in. The State gets this money.

Mr. Dwyer said that they reported about the Main Street Design Committee and that it now has 25 members. They said that they could find 82 locations for lights on Main Street. Lastly, he said that he did not understand why the public could not speak and had to write a letter in advance for the Planning meetings.

8. Liaison to Planning Commission Meeting scheduled for December 2nd – S. McLaughlin

To come.

9. Comments from Chairman

Mr. Nickerson read into the record a letter addressed to himself and the Commission from Anthony Starace of 83 Hillcrest Rd., Niantic, CT. Mr. Starace said that on October 30, 2003 he had written to the First Selectman and had received no reply yet, so he was writing to them directly. He feels that the current regulations are discriminatory towards the disabled and do not consider the ADA as they are presently written. He requested a resolution of this in the very near future.

Mr. Mulholland explained that Mr. Starace had applied for a permit for a handicap ramp and could not meet the setbacks so he had to go to the ZBA to get permission to put the ramp in. The Zoning statutes do not grant the ability to do this. He thinks that the Chair should write Mr. Starace back noting that he is championing the ADA cause very honorably. There are a lot of non-conforming lots in this community and there is no vehicle except the ZBA to get this and technically the ZBA is not there for this purpose. A handicap is not considered a legal hardship in the Zoning business – not ethically but by the law.

10. Adjournment

****MOTION (7)**

Mr. Gada moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:18 PM.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of East Lyme
Zoning Commission
Regular Meeting Schedule
Year 2004

FILED IN EAST LYME
Nov 24, 2003 AT 4:00 P

J. A. Blair, Jr.
EAST LYME TOWN CLERK

Regular Meetings are held at the East Lyme Town Hall, Meeting Room #1
On the following listed Thursdays beginning at 7:30 PM

Special Meetings may be called at other times.

Members are requested to advise the Zoning Office (691-4114) if they are unable to attend a meeting.

2004 Calendar

**January 8, 2004
January 22, 2004**

**February 5, 2004
February 19, 2004**

**March 4, 2004
March 18, 2004**

April 1, 2004

**May 6, 2004
May 20, 2004**

**June 3, 2004
June 17, 2004**

July 8, 2004

August 5, 2004

**September 2, 2004
September 16, 2004**

**October 7, 2004
October 21, 2004**

**November 4, 2004
November 18, 2004**

December 2, 2004

Approved at the Regular Meeting of the Zoning Commission on November 20, 2003

Attachment - Zoning Commission - Nov. 20, 2003 - 1 p.