

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, OCTOBER 21st, 2004  
MINUTES**

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Oct 25 20 04 at 4:20 AM  
PM

PRESENT: Mark Nickerson, Chairman, Norm Peck, Shawn McLaughlin, William Dwyer, Alternate, William Henderson, Alternate, Marc Salerno, Alternate  
*Edward B. Williams*  
EAST LYME TOWN CLERK

ALSO PRESENT: Attorney Theodore Harris, Applicant  
Karl Frey, Principal - Vespera Investments  
Michael Dunning, AIA, Principal - Shook Kelley, Inc.  
Robert Pfanner, PE, for the Applicant  
William Mulholland, Zoning Official  
Rose Ann Hardy, Board of Selectmen, Ex-Officio

ABSENT: Ed Gada, Secretary, Rosanna Carabelas, Pamela Byrnes

**1. Call to Order**

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 9:55 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.

Joseph Kwasniewski, 67 Walnut Hill Road, East Lyme said that he wanted to discuss the sidewalks that go to nowhere. He wants to see them finished and he wants zoning to not zone for places that have sidewalks that go to nowhere. Gas went up to \$2.10 per gallon and people would walk to Flanders if they had sidewalks that went there instead of to nowhere. They spend millions on a Boardwalk where people will be walking into the radiation when they could be walking away from the radiation if they had sidewalks.

**2. Acceptance of Minutes of Public Hearing I and Regular Meeting of September 16, 2004, Minutes of Public Hearing I and Special Meeting of September 29, 2004 and Minutes of Public Hearing I, Public Hearing II & III and Regular Meeting of October 7, 2004.**

Mr. Nickerson suggested that they could vote on the September 16, 2004 Public Hearing and Regular Meeting Minutes as they had enough members present to do this however they would table the Minutes of September 29, 2004 and October 7, 2004 until their next meeting.

Mr. Nickerson called for any changes or corrections to the Public Hearing I or Regular Meeting Minutes of September 16, 2004.

**\*\*MOTION (1)**

Mr. Salerno moved to accept the Zoning Commission Public Hearing I and Regular Meeting Minutes of September 16, 2004 as presented.

Mr. McLaughlin seconded the motion.

Vote: 4 - 0 - 2. Motion passed.

Abstained: Mr. Dwyer and Mr. Henderson

**3. Application of Theodore A. Harris to amend the East Lyme Zoning Regulations by adding a new Section 12.4 to Section 12 (SU-E) Special Use Districts, and to amend Section 25.5 Table of Minimum Controls for Specific Special Permit.**

Mr. Nickerson said that they had just closed this Public Hearing and called for discussion or a motion.

Mr. Peck said that this is very good zoning and that it is long overdue. He recalled that they had a man come into Town in the late 1980's by the name of Randall with this type of concept but the Town wasn't ready for it then. As far as the taxes being increased – if it were a subdivision versus this project - we would have to build a new school. He said that he would like to make a motion.

**\*\*MOTION (2)**

Mr. Peck moved to approve the Application of Theodore A. Harris to amend the East Lyme Zoning Regulations by adding a new Section 12.4 to Section 12 (SU-E) Special Use Districts, and to amend Section 25.5 Table of Minimum Controls for Specific Special Permit with the following small changes as discussed:

- ◆ **Bottom of Page 1 – Add Exhibit A at end of Section 12.A.2 – to read: The Commission may further increase setbacks and/or reduce the maximum height as provided above if it finds that such a proposed structure will impair views, light or air or interfere with the use of neighboring properties.**
- ◆ **Top of Page 3 – Square Foot Limitation – change the paragraph to read: The accessory uses in total shall not exceed a building coverage of 22,000-sq. ft.; the meeting hall/clubhouse shall not exceed 12,000-sq. ft.; and all other accessory uses in total will not exceed approximately 10,000-sq. ft.**
- ◆ **Also Top of Page 3 Item (d) UTILITIES – Add a second sentence and change to two separate items to read: (d) UTILITIES: 1. The water supply shall be approved by the Town Director of Health and State Department of Health. 2. All utilities should be underground.**

Mr. Henderson seconded the motion.

Mr. Henderson said that the comments that were made about a public safety building on the property, he thinks he would like to see them add language for that to be done if necessary.

Mr. Peck asked Mr. Mulholland if the regulations currently allow for fire and police in any zone and that there was no need to repeat it here.

Mr. Mulholland said that Mr. Peck was correct – Section 20.1.1 states that those uses are permitted in any district and being so, it would be redundant to state it again.

Mr. Dwyer asked about prohibited uses such as riding stables.

Mr. Mulholland said that the regulations are permissive – if they do not say that you can do it then you can't. Also, something such as a riding stable would require a special permit and that would have to come before this Commission.

Mr. Nickerson said that he concurs with Mr. Peck. We are not creative enough and we need to be. We need to be more creative in our development instead of the same old, same old. The land that is going to be preserved on this prototype site is fabulous and he is in favor of this application.

Mr. Henderson said that he thinks that this proposal is better than the others that they have heard and that he is in favor of it.

Mr. Salerno said that he is in agreement with this also.

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Mulholland noted that the effective date would be October 29, 2004.

**Old Business**

**1. Stormwater**

This work is in progress.

**2. Aquifer Protection**

This work is in progress.

**New Business**

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

Mr. Mulholland asked that they make a motion to add: Application of Walnut Hill Properties, LLC for a Special Permit for a golf course residential accessory use pursuant to Section 12.1.4A.

**\*\*MOTION (3)**

Mr. Henderson moved to add to the agenda: Application of Walnut Hill Properties, LLC for a Special Permit for a golf course residential accessory use pursuant to Section 12.1.4A.

Mr. Dwyer seconded the motion.

Vote was 6 – 0 – 0. Motion passed.

◆ **Application of Walnut Hill Properties, LLC for a Special Permit for a golf course residential accessory use pursuant to Section 12.1.4A.**

Mr. Nickerson asked Mr. Mulholland to schedule this for a public hearing.

**2. Zoning Official/Proposed Amendment to Regulate “Shared Access Points” between adjoining properties**

Mr. Mulholland said that he would like to hold off on discussion on this for another night, as he is not comfortable with the language and would like the time to further review it.

Mr. Mulholland also suggested that with respect to the open space in the SU and SU-E that they start by doubling it. He said, here also, he would like to look into this further.

Mr. Nickerson asked if they should form a subcommittee to look into these issues.

Mr. Mulholland said that he would like to work with staff on some suggestions as he typically asks Meg for her input and they are specifically talking SU and SU-E here, which is relatively simple.

Mr. Nickerson said that he would like them to look in to SU and SU-E first and then lot sizes. He asked if anyone was interested in being on a subcommittee with him to discuss lot sizes.

Mr. Salerno and Mr. Henderson indicated that they were interested in working with him on that.

**3. Comments from Ex-Officio**

Ms. Hardy reported that Northeast Utilities and Dominion have extended an offer of their Main Street property for the Town to use. They have asked for a specific proposal as to how we would use it should they offer it to us. No mention has been made of a price or if it would be sold or how that would be dealt with. Her thought was as an auxiliary Public Safety building. She added that it would have to come before Planning and Zoning on referral. Mr. Fraser will be working on a proposal for it.

Ms. Hardy additionally reported that her comments about a moratorium and Mr. Nickerson's comments generated a lot of interest, and people wanted to come to the meeting this evening to discuss a moratorium which was not the intent. She said that she was interested in having a joint meeting of the Land Use Commissions so that the big picture could be discussed. Mr. Fraser has talked about a mega-meeting of some sort. He will also be reporting back to the Board of Selectmen with information from CCM and other Towns regarding a moratorium.

Mr. Nickerson asked how she envisioned a moratorium and the mega-meeting.

Ms. Hardy said that she sees it as trying to take a break to get things done. There is also the issue of the Landmark application that has necessitated everyone's time although she sees some of it as being where everyone is caught up in their own little niche in how and when they do things.

**4. Comments from Zoning Board liaison to Planning Commission**

There were none.

**5. Comments from Chairman**

Mr. Nickerson said that he nothing further to say.

**6. Adjournment**

**\*\*MOTION (4)**

**Mr. Dwyer moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 10:32 PM.**

**Mr. Salerno seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary