

EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, JANUARY 22nd, 2004  
MINUTES

FILED IN EAST LYME P  
*Jan 26, 2004* AT *3:00* M  
*L. A. Blais ATC*  
EAST LYME TOWN CLERK

PRESENT: Mark Nickerson, Chairman, Ed Gada, Secretary,  
Pamela Brynes, Rosanna Carabelas, Shawn McLaughlin,  
Norman Peck,

ALSO PRESENT: William Mulholland, Zoning Official  
Rose Ann Hardy, Ex-Officio, Board of Selectmen  
William Dwyer, Alternate  
Al Littlefield, Alternate  
Marc Salerno, Alternate

ABSENT: No one

**1. Call to Order**

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 8:18 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.

There was no one.

**2. Accept Minutes of December 4, 2003 and January 8, 2004 - Regular Meetings.**

Mr. Nickerson called for any corrections or discussion on the Zoning Commission Regular Meeting Minutes of December 4, 2003.

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

Mr. Gada moved to accept the Zoning Commission Regular Meeting Minutes of December 4, 2003 as presented.

Ms. Carabelas seconded the motion.

Vote: 5 - 0 - 1. Motion passed.

Abstained: Ms. Brynes

Mr. Nickerson called for any corrections or discussion on the Zoning Commission Regular Meeting Minutes of January 8, 2004. He asked Mr. Salerno and Mr. Littlefield to also vote on these minutes to make the quorum.

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

Mr. Salerno moved to accept the Zoning Commission Regular Meeting Minutes of January 8, 2004 as presented.

Mr. Gada seconded the motion.

Vote: 4 - 0 - 5. Motion passed.

Abstained: Ms. Brynes, Ms. Carabelas, Mr. Dwyer, Mr. Gada, Mr. McLaughlin

**3. Application of Theodore A. Harris to amend/modify Section 12 of the Zoning Regulations to allow recreational/residential projects on large tracts of land.**

Mr. Nickerson noted that they had just continued this to their next meeting.

**4. Presentation "Main Street Program" Streetscape**

Mr. Zoller said that he and Phyllis Gada are Co-Chairs of the Main Street Design Committee and that they were presenting this streetscape design for information purposes only. Diversified Technology Consultants in

New London and Elena Pascarella had donated the time to do this prototype for them. They are hoping to present this to the Board of Selectmen and the Planning Commission in the future. This streetscape starts at the north end of the green and extends down Main Street as far as the RR tracks.

Mr. Zoller explained that both sides of Main Street would have a granite curb, then a strip of modular concrete pavers 2' wide to act as a buffer strip and then wire-mesh reinforced concrete for the basic walkway. The current driveway openings will be maintained. The design includes two crosswalks; one near Smith's and Constantine's and the other near the Cinema and Millstone Discovery Center. Concrete planters and decorative bollards will flank each end of these crosswalks. On the South side of the street new ornamental and shade trees will be planted. There will be 16 new street lamps in the Victorian style on the north side of Main Street. They will be about 50' apart and have arm hangers for banners to announce the Light Parade etc. and an outlet to plug in for Christmas decorations rather than what is presently done. These new lanterns can only be on one side of the street as they cannot be on the side with the power lines.

Ms. Gada explained that they chose the Victorian style as it represents vestiges of what is still in existence on Main Street. She said that CL&P has approved the lamps and that they are trying to get the best lamp for the best price. One of their concerns is how they would hold up under the salt water and air conditions that they would be subject to. They have narrowed it to two companies and are trying to find out if the higher price would really give them a better product.

Mr. Zoller said that the planter designs are 2' x 4' and that this would be a good project for the Beautification Committee. The benches would have cast iron ends and would be bolted to the concrete. The slats could be of the same composite material as the Boardwalk. He also showed pictures of some possible trash receptacles and tree guards. The last pictures were before and after streetscapes of Main Street in Southington as it was somewhat similar to Niantic.

Mr. Nickerson asked if the crosswalks would be level with the pavement of the road.

Mr. Zoller said yes and that they would be reinforced concrete so that they would have the same strength as the road and the trucks would not crush them.

Mr. Nickerson noted that in Newport near a hospital that the crosswalk was raised a bit and reflectors or lights were placed in it so that you would see it.

Mr. Dwyer said that this would create a speed bump situation and that it would cause problems for the plows.

Mr. Peck asked if the sidewalk material would be regular concrete except for the 2' wide band and the granite curbs. He also asked if the width would be the same as what is there now.

Mr. Zoller said yes and added that the flowers and trees would be planted in the 2' wide strip. The sidewalk would have the same width, location and elevation as what is there now.

Mr. Nickerson asked when this would be done.

Mr. Zoller said that everything is done incrementally and that they are working on the lamps now. They hope to install a few soon. Obviously, funding for these things will also dictate how they can proceed.

Ms. Brynes said that she was impressed with the presentation and gave kudos to everyone involved.

Mr. Mulholland asked if the sidewalks would be done on both sides at the same time.

Mr. Zoller said that they were trying to coordinate the project and added that it also depends upon the funding.

Ms. Gada noted that they were looking to run the power lines to the Boardwalk under the crosswalk.

Mr. Nickerson asked who would maintain all of this and if it would be a function of our Town. He also asked who would be responsible for the street lamps should someone hit one of them.

Mr. Zoller said that CL&P would maintain the street lamps.

Ms. Gada added that once they are put in that CL&P would maintain and replace them. However, she noted that she has not been able to get specific information from them on how promptly they would respond to this.

Ms. Brynes asked about putting the power lines on Main Street underground.

Ms. Gada said that she thought that would be quite expensive.

Mr. Mulholland said that while no one has done a study on it, it is most likely a cost issue as he has heard that it is quite expensive.

Mr. Peck asked if the existing trees would be left.

Mr. Zoller and Ms. Gada said that the plan is to take all of the trees down on the high power line side of the street as they have been cut into Y's to go around the power lines. They not only look bad but also are a hazard for the Public Works people to put the Christmas lights on with a cherry picker. They would then put in new ornamentals such as the ornamental Pear trees they presented. They would also have to be trimmed to keep them down to size. Some of the Lindens that are in bad shape would be replaced and they would trim the trees on the north side.

Mr. Nickerson thanked everyone noting that the Main Street project is for everyone and that everyone has a part in it and has supported it.

## **5. Zoning Commission Budget**

Mr. Mulholland suggested to the Commission that \$200 be added to the budget under Operating Expenditures in the Professional & Business Expenses line item – Dues in Professional Org. as he would be attending more of these conferences and there is nothing there to support it.

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

**Mr. Gada moved that they add \$200 to their budget under Operating Expenditures in the Professional & Business Expenses line item – Dues in Professional Org.**

**Ms. Brynes seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Mulholland explained that the State fees had risen to \$20 and that they collect it for the State each time they sign a permit. It is then sent to the State quarterly. The Revenue figure of \$27,850 was an estimate only as it is driven by the activity that occurs in the Town. At present the Town is very active.

Mr. Gada asked where the \$27,850 goes.

Mr. Mulholland said that it stays with the Town and is market driven. He went over the rest of the budget for them and noted that there was a change in supervisory duties downstairs and that Carmen had been reassigned to him and that this has worked out well. He said that they do not see administrative assistants here as they are shared by basically four departments and are out of the building department budget.

Mr. Nickerson said that he had asked Mr. Mulholland to update his job description. He passed a copy of this out to the Commission members. (Attached at end of Minutes) He continued that last year the Commission had sought to obtain a raise for Mr. Mulholland beyond the COLA that everyone gets and beyond any step raises. At that time they asked for 3% based upon his approximately 20 years of service. Through all of the confusion he only received a .5% raise which was not their intent. There is no step this year and he asked for discussion on how they felt about acting on their wishes from 12 months ago.

Mr. Peck asked if they should look at percentages or what is paid for comparable positions in other Towns.

Mr. Nickerson asked Ms. Hardy to update them on this as he thought that a wage study was being done.

Ms. Hardy said that they did pay to have a wage study done and that Mr. Mulholland falls just above mid-range of what is paid for the five to seven Towns in the region. However, what is different is that in other Towns he might have an assistant or full-time secretary so it is hard to decide. This information was brought to the Board of Selectmen just prior to the election so the recommendation to Mr. Fraser was that a new subcommittee be formed and that they look not only at the figures but the amount of time. She suggested that once this Commission makes a unanimous decision that they put it in the form of a memo.

Mr. Mulholland noted that Ms. Hardy had brought up a good point as he does things differently than they do in other Towns.

Ms. Brynes suggested that they should also look at the amount of activity in the Town and that we are in an active growth spurt.

Mr. Peck suggested that it might be appropriate for the Zoning Official and Planner to be the same salary wise.

Ms. Hardy said that in our case in this Town that Mr. Mulholland does not negotiate for his salary. The unions get the best of the best as an increase. She suggested that the Chair write a letter to Mr. Fraser if they are all in agreement.

Mr. Nickerson noted the title change listed in the job description as Zoning Enforcement Officer is really not appropriate for this Town. He asked how the Commission felt about the title change.

The Commission agreed that 'Zoning Official' much better defines the position and the work that is done.

Mr. Nickerson asked Ms. Hardy how to proceed regarding the budget so that this is not lost somewhere.

Ms. Hardy said that they should do their budget and submit it. They could do a letter and write See Attachment A in the Zoning Official line item and attach the letter to the budget and submit them together. She also suggested that if he was still concerned that it might get lost that he might want to speak directly with Mr. Fraser when he gets back and go over the wage pay study results with him.

Mr. Nickerson asked if they agreed with the rest of the budget and that they should do an Attachment A.

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

**Ms. Carabelas moved to accept the operating budget of the Zoning Commission as presented with the \$200 suggested increase and to write 'See Attachment A' in the ZEO line item and submit this attachment with the budget.**

**Mr. Peck seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson then asked for a decision on the Job Description title change to Zoning Official.

**\*\*MOTION (5)**

**Ms. Carabelas moved to change the Zoning Enforcement Officer title to Zoning Official and to accept the updated job description of the Zoning Official to better reflect the duties and responsibilities of the job that is being done.**

**Ms. Brynes seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**\*\*MOTION (6)**

**Mr. Nickerson moved to send with the Commission budget Attachment A – said Attachment A to read as such: “We, the Zoning Commission request that a full analysis of the Zoning Official’s current salary be done in parody with that of the Planning Official and with consideration for his years of service and his duties and responsibilities as Zoning Official. We are attaching an updated copy of his duties and responsibilities to support our unanimous decision.”**

**Mr. Gada 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 Nevil C. Petrini for a Special Permit to locate a 2<sup>nd</sup> floor dwelling unit (apartment) over an existing Marine office at 119 Oswegatchie Hills Road, Niantic, CT.**

Mr. Mulholland said that he would schedule this.

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

Mr. Peck asked that he be allowed to bring an issue on Light Industrial Districts to the floor.

**\*\*MOTION (7)**

**Mr. Peck moved to add to the agenda under Item 2. New Business – Discussion on Light Industrial Districts.**

**Mr. Nickerson seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**◆ Discussion on Light Industrial Districts**

Mr. Peck said that in Section 11 Light Industrial Districts under 11.2 Special Permit Uses in 11.2.2 istates Regional shopping center. He reminded the Commission of a flyer that was sent prior to the election targeting them about big box development. While this flyer came out before the authors of it had realized that this Commission had turned down the proposed changes to the Gateway Planned Development Zone he suggested that they might want to eliminate this one line from the Special Permit Section and eliminate Regional Shopping Center from the Light Industrial District.

Mr. Mulholland noted that if someone were to acquire enough land that they could do a shopping center elsewhere in a CA, CB. He also suggested that they think about an accessory use such as a warehouse operation with some retail space for people to see the product so they can place an order.

Mr. Nickerson suggested that it be worded so that the primary use is the warehouse.

Mr. Peck said that he felt that there were enough other controls for that and asked them to recall the discussions that they had when they developed the Gateway Zone. He noted that they almost disallowed retail in the Gateway Zone and finally compromised on only 30% retail and what he is asking is consistent with that.

Ms. Brynes agreed that 11.2.2 is a loaded line and that it should be deleted.

Mr. Nickerson said that he would support sending this to a public hearing.

Mr. Mulholland said that he would draft the formal language for the public hearing notice and expedite it.

**3. Zoning Official**

Mr. Mulholland passed out a Proposed Amendment Section 18 "Sign Regulations" (Attached at end of Minutes) and explained that these are housekeeping issues that need to be done and that he will be addressing others as time permits. If the Commission agreed with them, he would put them to public hearing and comment.

The Commission asked that he schedule them for public hearing.

Mr. Mulholland said that their next meeting is going to be a long one as they have a lot of activity and many proposals so they should expect to be here late. Lastly, he reported that the new bank construction at 314 Flanders Road will be starting soon, the Stop & Shop is underway and there is a lot of activity.

#### **4. Comments from Ex-Officio.**

Ms. Hardy reported that the Boardwalk project has been capped for the winter due to the extreme cold and would hopefully start up in the spring when the weather subsides. She added that the area is still off limits for walking. Also, she said that she has received a lot of comments as to why the Zoning Commission does not tape and broadcast their meetings so that they can be seen on TV. She asked them to please discuss this and determine if they would like to be on TV. She thinks that it would be a service to the Town.

Mr. Mulholland asked if there was any target date for the Boardwalk completion.

Ms. Hardy responded not at this time.

#### **5. Comments from Zoning Board Liaison to Planning Commission**

No one was scheduled to go.

#### **6. Comments from Chairman**

Mr. Nickerson said that he received a note on making sure that the minutes are sent to the website for posting. Mr. Mulholland and the Recording Secretary said that they are sent to Mr. Brooks for posting on the website at the same time that they are filed with the Town Clerk.

Mr. Nickerson asked for discussion on taping their meetings for broadcast on Channel 19 to the public. He said that he thought that it would be providing a service.

Mr. Salemo said that he has heard from people that they are embarrassed to speak on tape and would stay away from the meetings.

Mr. Nickerson asked if they could tape only the public hearings.

Ms. Hardy said no.

Ms. Brynes said that she thinks that the Townspeople spoke at the last election about wanting an open democracy. She does not particularly care to be on camera however she feels that the meetings should be taped for the public to see.

#### **\*\*MOTION (8)**

**Ms. Brynes moved that the meetings of the Zoning Commission be taped and then broadcast on Channel 19 for the public to see.**

**Ms. Carabelas seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

#### **7. Adjournment**

#### **\*\*MOTION (9)**

**Mr. Gada moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 10:05 PM.**

**Mr. McLaughlin seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

Updated  
Version

> ~~Zoning Administrator~~ *new titles*  
Zoning Official

Department: Zoning Commission

*NOW  
Known As Zoning Official*

Position Definition: Responsible for the administration, interpretation and enforcement of the zoning regulations. (Agent of the Zoning Commission)

General Duties:

Provides administrative support to the Zoning Commission acting in an advisory capacity to the commission and in an informational capacity to the public. Organizes work according to the policies and procedures of the zoning commission. Acts as the primary contact point for parties interested in commercial, industrial and multi-family Landuse developments, providing both information and guidance through the regulatory process. Coordinates the review and processing of major and minor development applications, special permits, site plans, zoning amendments, etc. presiding over pre-application development conferences coordinating comments from various other Landuse departments and agencies in order to prepare findings and recommendations to public hearing bodies, reviewing subsequent finalized plans for compliance with code and conditions of approval. Ensures preparation of Commission's Agenda's, legal ads, notice of decisions, and prepares reports as required. Provides technical consultation and services to other Landuse Commissions as necessary. Provides support to the Zoning Board of Appeals. Confers with Attorneys, developers, builders and members of the public on zoning and development matters. Coordinates with and confers with Regional, State and Federal agencies as needed. Performs inspections, investigative and administrative duties to assure that residential and commercial and other properties comply with the zoning regulations of the Town and with related State Statutes. Issues Zoning permits in accordance with local and state statutes. Issues certificates of zoning compliance. Receives and investigates complaints of zoning violations. Issues notices of violations. Issues cease and desist orders. Confers with Town Attorney in enforcement or interpretive situations. Appears in Court, as necessary to support enforcement or petition procedures. Regularly reviews zoning regulations and recommends revisions or additions.

Additional Duties:

Prepares interpretive material of zoning regulations for public information. Coordinates with and assists other departments and commissions in any matter dealing with zoning regulations. Serves as the Towns Coastal Area Management Representative. Prepares and maintains written and permanent records of violations, applications and related matters. Participates in professional planning organizations to remain current on technological and legal developments and change. Performs related duties as required.

*Attachment Zoning Commission Reg. Mtg. 1/22/04*

Supervised by:

Receives general supervision from Chairman of the Zoning Commission and functional supervision from the First Selectman.

Qualifications Profile:

Bachelor's degree in city, urban, or regional planning and five year experience in land use planning or a combination of education and work experience equivalent to five years responsible planning or related experience such as land development. Ability to read and interpret engineering and architectural drawings, blue prints and construction specifications. Working knowledge of Town zoning regulations. Ability to acquire a working knowledge of State and local building codes, and land use regulations and statutes, including inland wetland and coastal management regulations. a working knowledge of investigation and inspection techniques. Ability to prepare written reports and to present information in a clear and concise manner. Ability to deal effectively with Town employees and the general public. Ability to climb or crawl to inspect remote locations. Ability to work in poor weather conditions, including the heat, cold, rain or snow.

License or Certificate Requirements:

Connecticut Association of Zoning Enforcement Officials (CAZEO) Certification  
Connecticut Motor Vehicle Operator's license.

TOWN OF EAST LYME

Title: Zoning Enforcement Officer

- 020 -  
Date:

Department: Zoning Commission

**Position Definition:**

Performs inspection, investigative, and administrative duties to assure that residential, commercial, and other properties comply with the Zoning Regulations of the Town and with related State Statutes.

**General Duties:**

Receives oral or written instructions from Chairman. Organizes work according to policies of Zoning Commission and standard procedure. Provides administrative support to the Zoning Commission. Prepares meeting agenda and appropriate support information. Plans work to provide regular and periodic on-site inspection of properties throughout Town. Assists the Building Official in review of building and site development plans to assure compliance with zoning regulations. Issues certificates of zoning compliance. Receives and investigates complaints of zoning violations. Issues field notices to violators. Follows up to insure that violations are corrected. Issues cease and desist orders. Confers with Town Attorney in enforcement or interpretive situations. Appears in court, as necessary, to support enforcement or petition procedures. Provides information and technical assistance to members of the public. Regularly reviews zoning regulations and recommends revisions or additions. Delivers legal notices of zoning matters for publication in newspaper. Prepares regular narrative and statistical reports for the Planning Commission, the Zoning Commission and the Conservation Commission. Reports on activities to the Board of Selectmen upon request.

**Additional Duties:**

Prepares interpretive materials of zoning regulations for public information. Coordinates with, and assists, other departments and Commissions in any matters dealing with zoning regulations. Serves as the Town's Coastal Area Management Representative. Prepares and maintains written and permanent records of violations, applications and related matters. Participates in professional planning organizations to remain current on technological and legal developments and change. Performs related duties as required.

**Supervised By:**

Receives general supervision from the Chairman of the Zoning Commission and functional supervision from the First Selectman.

**Qualifications Profile:**

Bachelor's degree in city, urban, or regional planning and one years experience in land use planning or a combination of education and work experience equivalent to five years responsible planning or related experience such as land development. Ability to read and interpret engineering and architectural drawings, blue prints and construction specifications. Working knowledge of Town zoning regulations. Ability to acquire a working knowledge of state and local building codes, and land use regulations and statutes, including inland wetland and coastal management regulations. A working knowledge of investigation and inspection techniques. Ability to prepare written reports and to present information in a clear and concise manner. Ability to deal effectively with Town employees and the general public. Ability to climb or crawl to inspect remote locations. Ability to work in poor weather conditions, including the heat, cold, rain or snow.

**License or Certificate:**

Connecticut Motor Vehicle Operator's license.

Note: The above tasks and responsibilities are illustrative.

Proposed amendment Section 18 "Sign Regulations"

DRAFT

As a result of numerous requests over several years I am recommending that this Commission review the review the feasibility of permitting suspended advertising signs. Should the Board choose to move forward I would suggest the following amendment.

1. Delete in Section 18.1.12 "signs Prohibited Under this Ordinance" the words "Suspended signs".
2. Modify Table 1.5A "Permitted Signs by Type and Zoning District" by deleting the letter "N" in zoning district in all columns for suspended signs and adding the letter "S".  
Modify Table 1.5C "Number Dimensions and Location of Individual Sign by Zoning District" by adding the words "Suspended Sign" after "Freestanding" in block one under "Type of Sign".
3. Add the following statement at the bottom of the page;  
The minimum height from the ground to the bottom of the suspended sign shall be Ten feet.
4. Modify table 1.5D by adding the following text after the period in the sentence "No more than one internally-lit sign shall be permitted for each zone lot." Add "Suspended signs shall not be internally illuminated"
5. Modify Section 8.2.2, CA Commercial District and Section 9.2.3-CB Commercial District by **deleting** "40 percent" and **replace** the text with "50 percent".

*Housekeeping  
Issues*

*Being in agreement w/ these changes  
Commission requested that  
This be scheduled  
for Public Hearing*

*Attachment Zoning Commission Reg. mts. 1/22/04*