

**EAST LYME ZONING COMMISSION**  
**REGULAR MEETING**  
**JANUARY 6, 2000**  
**MINUTES**

FILED IN EAST LYME TOWN  
CLERK'S OFFICE  
1114,00 at 3 AM (PM)  
LABLAIS ATC  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on January 6, 2000 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Chairman William Weber called the meeting to order at 7:35 PM.

PRESENT: Athena Cone, Norman Peck, Shawn McLaughlin, William Weber, David Chamberlain, Ed Gada, Robert Bulmer and Donna Orefice.

Also Present: William Mulholland, Zoning Official, Rose Ann Hardy, ex-officio

**REGULAR MEETING**

Mr. Weber opened the Regular Meeting at 8:39 PM.

- I. Acceptance of the Minutes of December 16, 1999.
- II. Zoning Commission proposal to amend Section 20.25 of the Zoning Regulations to extend the water moratorium to December 1, 2000.

Public Hearing continued to the next scheduled meeting.

- III. Application of Theodore A. Harris to amend the East Lyme Zoning Regulations by adding new Section 20.18.1 to permit unenclosed decks (in CM, CA, and CB Zones) not exceeding six feet to be built along the common property line.

Mr. Weber inquired of the Commission members if they were prepared to deliberate. The Commission members agreed to discuss this agenda item.

Mr. Peck stated that he did not oppose the amendment. He added that he would support a site plan review by the Zoning Commission for the public's comfort.

Mr. McLaughlin stated that he supported the proposal because it would provide more flexibility in design in the commercial zones and since the adjacent property owner would have to agree, he did not oppose the regulation change. He added that he was

comfortable with administrative review of the site plan and that Zoning Commission review was not necessary.

Mr. Chamberlain stated that the “toughest critic” would be adjoining property owner in his view. He added that the process of approval of the site plan would be too cumbersome a process to bring each one to the Zoning Commission. He was satisfied with administrative site plan review.

Mr. Gada stated that he was not opposed to the proposal considering the adjoining property owner would have to agree.

Mr. Weber stated that he was satisfied with administrative review instead of Zoning Commission review of the site plans and the adjoining property owner agreement.

**MOTION (3)**

Mr. McLaughlin moved to approve the application of Attorney Theodore A. Harris to amend the East Lyme Zoning Regulations as follows: Add 20.18.1 – In CM, CA and CB districts, by agreement with the owners of the two adjacent lots, duly recorded on the records of the Town of East Lyme, either party may reduce or eliminate the side yard requirements with respect to the construction of unenclosed decks not exceeding six (6) feet in height measured to the upper surface of the deck to be built along or near the common line. Any such agreement shall be deemed to eliminate the buffer requirements in the area affected by any such deck, together with such area, which shall be needed for access to it.  
Mr. Chamberlain seconded the motion.  
Vote in favor: (5-0) Mrs. Cone abstained.

Effective upon publication.

IV. Old Business – none

V. New Business

A. Application of Edward S. Tomaszek for a Special Permit to excavate and sell gravel from 56 Stone Ranch Road, East Lyme Tax Assess Map 71, Lot 4.

To be scheduled for public hearing.

B. Correspondence – none

C. Any business on the floor, if any by the majority vote of the Commission. – none

D. Zoning Official

Mr. Mulholland presented the schedule of Planning Commission liaisons. He stated that he expected the year to be busy, but at this time there are no formal applications.

Planning Commission is working on some proposals that will eventually come before the Zoning Commission.

E. Comments from the Planning Commission Representative – Walter Cullen, Chairman  
Mr. Cullen stated that he hoped the Planning and Zoning liaisons would attend their assigned meeting and that the Commissions should submit their lists to the other Commission. He indicated that he was concerned about the communications between the two Commissions and suggested both Commissions work to improve it.

Mr. Cullen also commented on “spot zoning”.

With regard to the new Section 20.18.1 proposed by Mr. Harris, Mr. Cullen reiterated that the Planning Commission was strongly and unanimously opposed and stated that a variance request perhaps should have been an option rather than changing the Zoning Regulations throughout the community. He added that he was disturbed that there is no limitation on the length of the deck and stated that the visual impact was one of the concerns of the Planning Commission.

Mr. Weber suggested that the Zoning and Planning Commissions send each other the Minutes to their meetings.

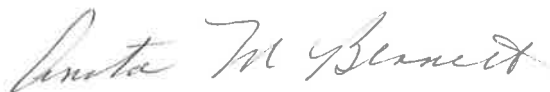
F. Comments from Ex-Officio – Rose Ann Hardy

Mrs. Hardy congratulated Mr. Weber and Mrs. Cone on their election to Chairman and Secretary of the Commission.

Mrs. Hardy stated that she would contact Town Attorney Ed O’Connell and request a ruling regarding the conflict of interest for a Planning Commission member to address an issue on the floor during a Zoning Commission meeting and vice versa. She added that the policy should be consistent with all Commissions. She will also seek a ruling on Alternates role.

**MOTION (4):** Mrs. Cone moved to adjourn the meeting at 9:05 PM.  
Mr. McLaughlin seconded the motion.  
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary