

East Lyme Zoning Commission

May 15 20 00 at 12:40 AM
PM

Public Hearings I and II

May 4, 2000

Esther B. Williams

EAST LYME TOWN CLERK

MINUTES

The East Lyme Zoning Commission held Public Hearings (2) and Regular Meeting on May 4, 2000 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. William Weber chaired the meeting. Mr. Weber called the meeting to order at 7:32 PM.

PRESENT: Chairman William Weber, Norman Peck, Ed Gada, David Chamberlain, Shawn McLaughlin, Alternates Donna Orefice, Robert Bulmer, and Mark Nickerson.

Absent: Athena Cone, William Mulholland, Zoning Officer

Also Present: Rose Ann Hardy, Ex-officio

PUBLIC HEARING I

1. Application of Edward Tomaszek for a Special Permit to excavate gravel to create a pond at 56 Stones Ranch Rd., East Lyme, CT, Assessor Map 23, Lot #1.

Mr. Weber appointed Mrs. Orefice as acting secretary in Mrs. Cone's absence. He noted that this is a continuation of a public hearing opened April 6, 2000.

Mrs. Orefice read into the record:

1. Letter from Edward S. Tomaszek to Zoning Official William Mulholland dated December 23, 1999.
2. Letter from Zoning Official William Mulholland to the Zoning Commission dated April 5, 2000.
3. Letter from Melanie Osterhout, Environmental Planner to Zoning Official William Mulholland dated March 22, 2000.
4. Letter from Jack J. Santo to Zoning Official William Mulholland.

Mr. Weber noted the application and also that the Legal Ad had been published in the New London Day on March 23, 2000 and April 3, 2000.

Mr. Weber invited the applicant to address the Commission and Public.

Edward Tomaszek, 56 Stones Ranch Road, East Lyme, CT stated that he had met with Mr. Mulholland on a number of occasions and since he will be selling material, a public hearing is required. A permit had earlier been granted, and work had begun on the pond. The previous permit has expired. Mr. Tomaszek stated that because the pond is

incomplete, i.e. grading incomplete, erosion is a problem. He stated that Jack Santo has agreed to complete the pond.

Mr. Gada inquired as to the use of such a pond.

Mr. Tomaszek stated that the pond originally was intended to be a trout pond. It also could be used for irrigation for the property, which is a registered tree farm. He added that the pond is spring fed.

Mr. Santo stated that he owned four trucks, which will be used. He approximates 600 yards of material will be removed per week and stockpiled. It will take 1-3 months to dry the material before it can be sold. He anticipates, if the permit is granted to begin work in June and complete it within 3 months.

Mrs. Orefice inquired as to the proximity of surrounding homes. Mr. Tomaszek stated that the closest house was approximately ¼ mile away.

There being no further speakers in favor of the application, Mr. Weber opened the floor to those wishing to speak in opposition.

George MacPherson, 419 Boston Post Rd., East Lyme, CT stated his opposition. He added that there were some conditions he would like the Commission to consider.

1. 7:00 am is early hour to start and requested restricting hours of operation to *am-4:30 pm, Monday through Friday.
2. He stated that from his home he can hear a pump operating through the night. He requested that pumps and other equipment not be used after 4:30 PM.
3. The Zoning Official inspect the site weekly to ensure compliance
4. Limit the permit to one year with extension granted following review of progress by the Commission.
5. Adequate drawing of the site submitted

Mr. Tomaszek stated that trees surround the site will buffer the noise and on previously excavation there had been no complaints. He also stated that he is not running a pump at the site. He stated that if Mr. Mulholland wishes to inspect the site at any time, he would be welcome. He noted that the Conservation Commission would most likely be making site inspections.

There being no other speakers, Mr. Weber closed the Public Hearing I at 8:02 PM.

PUBLIC HEARING II

2. Application of Granville R. Morris to amend the East Lyme Zoning Regulations to allow "guest houses" by Special Permit in RU-40 and RU-80 zoning districts.

Mr. Weber polled the Commission for any conflicts of interest. There were none.

Mrs. Orefice read into the record:

1. Letter from Attorney Granville Morris to Zoning Official William Mulholland dated February 14, 2000.
2. Exhibit A – Proposed Amendment
3. Letter from the East Lyme Planning Commission dated April 11, 2000 indicating that the Commission had unanimously voted (0-4) on the application, unanimously opposed to the proposed amendment.
4. Letter from Southeastern Connecticut Council of Governments, Regional Planning office dated March 28, 2000.
5. Noted that the Legal Ad had been published in the New London Day on April 20 and May 1, 2000.

Mr. Weber noted that a copy of the Planning Commission Minutes was not enclosed with the letter as indicated. He also noted the CAM report.

Mr. Granville Morris, representing Jonathan and Deborah Butler who are property owners in East Lyme, then addressed the Commission and Public. He indicated that including "Guest Houses" as a permitted use in RU40 and RU80 Zones would be an added dimension to the residential zones.

The guesthouses would be occupied by a temporary guest or domestic help (no rentals) and could not exceed 900 square feet. The guest house may be attached to the principle house or standalone structure with cooking facilities. The guest house shall be located on lots not less than 2 acres, the building area of the guest house shall be included for purposes of determining total lot coverage and meet all setback requirements. The Special Permit application may include a plot plan, but the Commission may require a Site Plan.

Mr. Weber opened the floor to those wishing to speak in favor of the proposed amendment.

Barbara Brown, 158 Old Black Point Rd., Niantic, CT stated that she grew up with a guesthouse and from a personal point of view, she finds them great for when families have overnight guests. She added that guesthouses are allowed in Lyme and Old Lyme.

John Butler, 14 West Lane, Niantic, CT stated that he has four grown children who visit on holidays and during the summer. The guesthouse benefits the landowner by providing

remote accommodations and privacy for adult children and grandchildren with no detriment to the Town.

There being no further speakers in favor of the proposal, Mr. Weber opened the floor to those wishing to speak in opposition to the proposed amendment.

George MacPherson, 419 Boston Post Road, East Lyme, CT stated that he thought that allowing guesthouses was a bad idea. He stated the enforcement would be difficult and could set a bad precedent. He added that this change in the regulations is townwide. Mr. MacPherson sited several scenarios involving misuse of the guesthouse.

There being no further speakers Mr. Weber noted that he had not received a letter from the Zoning Official regarding the proposed amendment. He added that the Minutes of the Planning Commission needed to be entered into the record and reviewed by the Commission before closing the Public Hearing. Therefore, Mr. Weber continued the Public Hearing to May 18, 2000.

Respectfully submitted,



Anita M. Bennett
Recording Secretary
12 May 00