

EAST LYME ZONING COMMISSION

FILED IN EAST LYME TOWN
CLERK'S OFFICE

REGULAR MEETING

August 2, 2001

MINUTES

August 9 20 01 at 12:05 PM

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on Thursday, August 2, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Bulmer called the meeting to order at 7:30 PM.

PRESENT: Chairman Robert Bulmer, Shawn McLaughlin, Secretary Athena Cone, Ed Gada, Norman Peck, and William Dwyer.

Absent: David Chamberlain, and Alternate Mark Nickerson. Alternates Donna Orefice, Rose Ann Hardy, ex-officio.

Also present: William Mulholland, Zoning Officer

I. Pledge of Allegiance

II. Public Delegation

III. Regular Meeting

1. Mr. Bulmer called the meeting to order at 7:30 PM, August 2, 2001.
2. Acceptance of the minutes of the July 12, 2001 and June 21, 2001 meeting of the East Lyme Zoning Commission.

MOTION (1): Mr. Dwyer moved to approve to approve the Minutes of July 12, 2001. Mr. McLaughlin seconded the motion. Vote in favor: (4-0), Mrs. Cone and Mr. Gada abstained.

MOTION (2): Mrs. Cone moved to approve to approve the Minutes of June 21, 2001. Mr. Gada seconded the motion. Vote in favor: (4-0), Mr. Bulmer and Mr. McLaughlin abstained.

3. Application of Granville R. Morris to amend Section 21 (Non-conforming uses, buildings and lots), 22.1.3 and 21.1.5 of the East Lyme Zoning Regulations

Mr. Peck stated that this proposed amendment would encourage better building and discourage charade; that the final result would be better than the structure prior to demolition.

Mr. Dwyer stated that this change would be effective townwide. The goal, the ultimate aim, is to get rid of non-conforming uses and this proposal perpetuates non-conformity. New construction must conform to the Zoning Regulations.

Mr. McLaughlin stated he agreed with Mr. Dwyer's comments. Additionally, Section 21.1.3 allows for reconstruction of a dwelling. In the proposed amendment, Zoning Regulations do

not define “new nonconforming”. He further stated, that if a building is 100% demolished, the new building should conform to Zoning Regulations of the Town and district.

Mr. Bulmer stated that Section 21.1.3 addresses homes existing at the time Zoning Regulations were put in place and which did not conform to the new regulations. The existing Section 21.1.3 stated that if 75% or more of the value of a structure is destroyed, “repairs or reconstruction shall be made only in accordance with the regulations for the District in which it is located.”, i.e., conforming. The proposed regulation states that if 100% of the structure is destroyed, one may rebuild a nonconforming structure. However, under existing Section 21.1.3, if 99% of the structure is destroyed, one must rebuild conforming to the Zoning Regulations of the district. This presents a conflict. Mr. Bulmer stated that the proposed amendment, in his opinion, perpetuates nonconformity. He stated that he could not approve the application. Mr. Bulmer added that perhaps the applicant should go before the Zoning Board of Appeals and request a variance for their particular situation.

Mr. Peck stated that an applicant going before the Zoning Board of Appeals must have a hardship in the land or in the Regulations. He stated that in his view, the issue here is the improvement of the property. By approving the proposed amendment, nonconforming properties can construct a less nonconforming structure. Overall this proposal will improve the quality of construction and this would be to the benefit of the town and neighborhood.

Mrs. Cone stated that this proposal, as is, is not ready to be included in the Regulations.

Mr. Gada stated that he agrees with many of Mr. Peck’s comments, however, the proposal appears to be directed toward one piece of property. He indicated that he agreed that this proposal was perhaps a step in the right direction, however, it should be studied further with all nonconforming properties in mind.

Mr. Dwyer stated that the magnitude of this change is too immense to approve at this time. He questioned how many properties throughout East Lyme would be effected by this proposal.

MOTION (3): Mr. Peck moved to approve the application of Granville R. Morris to amend Section 21 (non-conforming uses, buildings and lots), 22.1.3 and 21.1.5 of the East Lyme Zoning Regulations.
Mr. Bulmer seconded the motion.
Vote in favor: (1-5), Motion denied.

4. East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulation by adding Section 31, Telecommunication Facilities.

Mr. Bulmer noted the following typographical errors in the proposal as presented:

1. Section 31.2.12, first sentence, “with public safety, telecommunications...” comma after “safety”.
2. Section 31.7(q) Correct “nay tower or structure” to “any tower or structure”.

Mr. Gada stated that, since some of the Commission members have not had the opportunity to review and consider the proposed Section 31 and there is no map as stated in Section 31.2.3, also noted by the Planning Commission, deliberations be continued until the next Regular Meeting.

Mr. Dwyer stated that he would like to see included that the installation of the towers follow industry guidelines.

MOTION (4): Mr. Gada moved to continue deliberation regarding East Lyme Commission proposal to amend the East Lyme Zoning Regulations by adding new Section 31, Telecommunication Facilities.

Mrs. Cone seconded the motion.

Vote in favor: (4-0)

IV. Old Business

1. Subcommittees

A. Backlots

Mr. Dwyer stated that Mr. Ross of the Planning Commission forwarded copies of the Planning Regulations dealing with backlots. Mr. Mulholland will set up a date for subcommittee meeting.

IV. New Business

1. None

2. Correspondence – none

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

4. Zoning Official – Mr. Mulholland indicated that there are a couple of fast food restaurants inquiring at the Zoning Office and he anticipates applications to come before the Commission.

5. Comments from Ex-officio – none

6. Comments from Zoning Liaison to Planning Commission – Mr. Bulmer, July 17, 2001

1. Planning Commission approved an application for 2-lot subdivision on property at 25 Hathaway Rd.

2. Planning Commission approved application for 6-lot re-subdivision at Dean's Ridge. Lots average approximately 5 acres each, with over 15 acres of Open Space. Some land will be deeded to the Town of East Lyme.

7. Comments from Chairman – Mr. Bulmer stated that the Town of Old Lyme is in conflict with a proposed 190-foot tower on a 100-ft. x 100-ft. lot. He also indicated that the Town of Griswold and Voluntown are in conflict with the Connecticut Siting Council regarding the telecommunications towers in these towns.

8. Adjournment

MOTION (5): Mrs. Cone moved to adjourn the meeting at 9:47 PM.

Mr. Gada seconded the motion.

Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett
Recording Secretary
7 August 2001