

EAST LYME ZONING COMMISSION

PUBLIC HEARING II

August 2, 2001

MINUTES

**FILED IN EAST LYME TOWN
CLERK'S OFFICE**

Aug 13 20*01* at *12:15* **AM**
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

PUBLIC HEARING II

East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations by adding anew Section 31, Telecommunications Facilities.

Mr. Bulmer opened the Public Hearing at 8:33 PM.

Mrs. Cone noted the Legal Ad had been published on July 20 and July 30, 2001. She then read into the record:

1. Letter dated July 18, 2001 from the East Lyme Planning Commission, Kathleen Jones, Chairwoman.

Mrs. Cone stated that this is the first opportunity she has had to read the proposed Section 31.

Mr. Gada stated that as was noted in the letter from the Planning Commission, Section 31.2.3, which refer to "scenic view areas as identified on a map in the Town...." If that map does not exist, it would not be proper to continue at this time.

Mr. Mulholland stated that the map has not been developed and suggested the Commission delete Section 31.2.3 and proceed with the review and discussion of the proposal. Should the map be developed, the Section and be amended at a later date.

Mr. McLaughlin, referring to the Planning Commission letter (item #1), stated that in Section 31.2.11 the work "may" be changed to "shall" and "insure" to "ensure".

Mr. Dwyer, referring to Section 31.1, para. 4, “permitted in all zones”, stated that he was concerned about placing towers in residential and requested “except residential zones” be added.

Mr. Mulholland stated that the CT Siting Council has total jurisdiction. He stated that in his conversations with representatives from the Council, he was told that the Council would take Regulations into consideration.

Mr. Dwyer stated that since the Town does not have the final say, he would like to add “except residential zones”. He also referenced Section 31.2.1, sentence #2, “Placement of more than one tower on a lot may be permitted if....” He stated that he did not support more than one tower on a lot. Para #2, last sentence, “Town of East Lyme may require a third party technical study at the expense of either or both the permit holder and the applicant”. Mr. Dwyer stated he questions if this is enforceable. Mr. Mulholland stated that the responsibility is on the applicant to demonstrate they can comply and bring technical information to the Commission if the Town does not have the expertise and the applicant wants to receive a permit.

Mr. Bulmer stated that in the proposal is a list of preferential locations, (Section 31.3), where residential zones is the last in a list of six locations.

Mr. Mulholland stated that there is a tendency to group towers along ridgelines or the highest available point.

Section 31.2.6: Mr. Dwyer clarified that “..or be set back from all property lines a distance equal to the height of the structure, whichever is greater” indicates that a 1000-ft tower requires a 1000-ft fall zone. He added that some companies lease property of 100-ft square. Mr. Bulmer stated that per this proposed regulation, the companies would need to lease property to accommodate the 1000-feet, or height of the tower.

Mr. Dwyer also noted that a fencing requirement was not included in the proposed regulation and he would like to see a requirement for an 8-foot fence, 50-foot square and should be included in Section 31.2.14. Mr. Mulholland stated that flagpoles are sometimes used as towers for the antennae and questioned the requirement for fencing in this instance. He also stated that perhaps the company or operator, who is liable, determine if fencing is to be used and what height. Mr. Bulmer suggested that as part of the Special Permit process, fencing be considered on a case by case basis.

Section 31.2.8 Landscape buffers. Mr. Dwyer inquired as to the depth of the buffer. Mr. Mulholland stated that the application would be for a Special Permit and the depth of the buffer would be at the discretion of the Commission.

Section 31.2.12 Mr. Dwyer stated that EMF (Electromagnetic Field) in the last sentence be spelled out.

Section 31.2.14(b) Mr. Dwyer indicated that in the Regulations the grade is up to 15% for roads and driveways and this proposal requires 8% grade. He recommended consistency at 15%. Mr. Bulmer stated he was concerned that 15% was too steep a grade.

Section 31.3 Mr. Dwyer indicated he would like to eliminate residential structures in Residential Zones.

Mrs. Cone inquired if the Siting Council has reviewed this proposal. Mr. Mulholland stated that a review is not required, however, he has been in discussion with the their representatives regarding this proposal.

Respectfully submitted,



Anita M. Bennett
Recording Secretary
13 August 2001