

**EAST LYME ZONING COMMISSION
PUBLIC HEARING AND SPECIAL MEETING
DECEMBER 13, 2001**

FILED IN EAST LYME TOWN
CLERK'S OFFICE

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Esther B. Williams

EAST LYME TOWN CLERK

MOTIONS

The East Lyme Zoning Commission held a Public Hearing and Special Meeting on Thursday, December 13, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Nickerson, Chairman, called the meeting to order at 7:30 PM.

PRESENT: Mark Nickerson, Athena Cone, David Chamberlain, Shawn McLaughlin, Norman Peck, Alternates Robert Bulmer and William Dwyer.

Absent: Ed Gada

Also present: Rose Ann Hardy, ex-officio.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Panel: Mr. Nickerson, Mr. McLaughlin, Mr. Peck, Mrs. Cone, Mr. Chamberlain, and Alternate Mr. Bulmer,

Mr. Nickerson opened the Public Hearing at 7:30 PM. He inquired if Mr. Bulmer had familiarized himself with the record of Public Hearing 12/6/01. Mr. Bulmer indicated that he has familiarized himself with the record and that he felt qualified to sit. He added that he had his certification that he has been duly sworn for the record.

Mr. Nickerson invited the applicant to address the Commission.

Robert Sitkowski, from Robinson & Cole, stated that Atty. Bates could not attend this evening's meeting and he, therefore, was substituting for him. He added that Mr. & Mrs. Quinn were present along with Robert DeLuca from CLA Engineering. Mr. Sitkowski submitted a letter from Mr. Bates addressing two of the questions raised at the 12/6/01 Public Hearing.

Mrs. Cone read the letter from Timothy Bates, Robinson & Cole, dated 12/12/01 to the Planning and the Zoning Commission of the Town of East Lyme, regarding application of Aces High RV Park. Enclosed were a copy of the rules of Aces High RV Park. In addition, Mr. Bates suggested rewording of one of the proposed conditions to the Special Permit and the addition of another.

"In response to Mrs. Cone's concern regarding the possibility of school aged children from other towns to occupy the camp during the winter. I would suggest condition #8 be reworded as follows: 'All persons occupying a recreational vehicle (RV/trailers) must have a permanent address in some other town. No school aged person, under 18 years of age, shall occupy a recreational vehicle (RV/trailer) in the RV Park for more than two weeks from September 1st to June 15th'.

We would also suggest in response to the concern for flooding expressed by the Planning Commission that a new condition #17 be added as follows. 'Winter camping, November 1st through March 31st

will only occur in the section of the RV park west of Latimer Brook and will not occur on any site dedicated to winter storage.”

Mr. Sitkowski noted that he would like to underscore in the letter “the rules will be applied year round to the extent possible”. He indicated that this phrase refers to swimming on the Rules and Regulations. Obviously, this rule would not apply in the winter. Mr. Sitkowski added that the reworded #8 is enforceable by #10 of the conditions, i.e., two week reporting requirement.

Mr. Peck stated, referring to #8, that there are school age students 18 years and over. Mr. Sitkowski suggested and the Commission concurred with “up to and including Senior Class in High School”.

Mrs. Cone read into the record a letter from Lou Mostowy, East Lyme to the Zoning Commission dated December 13, 2001.

Mr. Nickerson opened the Hearing to those wishing to speak in support of the application. There being none, he opened the Hearing to those wishing to speak in opposition to the application.

Marvin Schutt, 27 Edgewood Dr. North. He stated that he had addressed the Public Hearing on December 6, 2001 in support of the application and wished to re-iterate his support for the application.

Mr. Bulmer stated that he wished to submit two articles that appeared in the newspapers approximately one year ago at the time of Aces High RV Park application for year round permit.

Mr. Sitkowski registered an objection to admitting as evidence/testimony the articles submitted, as these articles pertain to another application that was before the Commission and do not apply to the Special Permit application before the Zoning Commission at this time.

Mr. Bulmer stated that the articles point out, through quotes from the applicant, their intent and what they were hoping to accomplish at that time and he believed they were germane to this application. He noted that the application at that time was the same application that is before the Commission, i.e., winter camping.

Mr. Sitkowski stated that these articles are only germane in the abstract and that the articles were not written about this specific application.

Mr. Nickerson stated that it is important for the Commission to know the mind frame of the applicant.

Mr. Peck stated that the application before the Commission this evening is a separate and new application and a newspaper article cannot be relied upon. He stated he did not believe the Commission should consider the articles.

Mr. Bulmer argued that some of the comments are attributed to the interpretation of the writer, however, there are direct quotes attributed to the applicant. He argued that the Commission members are able to decide what credence to give or not give the articles.

Mr. Nickerson accepted the articles as part of the record.

Mr. Sitkowski again stated his objection especially to the reading of pieces of the articles out of context.

Mrs. Cone read the two articles submitted by Mr. Bulmer.

1. "Successful RV Park Applying for Year Round Permit", October 12, 2000, East Lyme Tymes
2. "RV Park Asking for Okay to Operate Year Round", October 2000, The New London Day

Mr. Nickerson invited Mr. Sitkowski to comment. Mr. Sitkowski stated that he would like to speak following public comment in order to address all issues raised this evening.

Mr. Nickerson stated that testimony at the 12/6/01 public hearing by the applicant addressed the vacationers with large and expensive RVs, but did not address the transient worker. His impression was that the winter camper primarily would be the vacationer. He noted that vacationers are not the only users of the Park and he was concerned about transient workers in the Park. He inquired if the clientele changed from the last application.

Mr. Sitkowski stated that the "evidence" is from a newspaper article over a year old and not from a witness talking about what is actually happening or what the proposed clientele are. It is the goal of the Park owners that the Park be used by families traveling year round.

Mr. Nickerson inquired what percent of RV Park users are vacationers for a period of days and what percentage of clientele would stay 4-6 months.

Mrs. Ann Quinn stated that in the summer, 4/1 – 10/31, the clientele are mixed. Some stay only days, others leave their RVs for 2-3 months as they travel throughout the area or have family in the area and return to the RV periodically. During the winter, many people travel from Florida, come to East Lyme for vacation or visit relatives also.

Mr. Sitkowski addressed the environmental issues raised by Mr. Mostowy in his letter to the Commission. In addition, he addressed Mr. Mostowy's reference to The Day article of December 13, 2001 by Charles Potter, "Panel to Rule on RV Parks Bid to Stay Open Year Round". With reference to the term "policing" used in the article, Mr. Sitkowski stated that the condition requiring two week reporting was self-enforcing with regard to school age children. The report provided the Zoning Official with information regarding school age children.

Mr. Sitkowski introduced Robert DeLuca, CLA Engineering who would address the environmental issues raised by Mr. Mostowy.

Mr. DeLuca stated that CLA Engineering did the most recent design work on the septic system. He indicated that the septic system has been designed and permitted for year round use and is permitted through CT DEP which has more stringent requirements than local requirements. The septic system design has taken into consideration seasonal high water tables. Because this is a DEP septic system, monitoring wells are required and quarterly samples are taken to monitor pollution levels. The septic system is installed outside of the flood plain and at a higher elevation.

Mr. Peck inquired if it was the applicants intent to rent space to transient workers. Mrs. Quinn responded that it was the intention of the RV Park to rent sites to families traveling.

Mrs. Cone inquired how the owners could stop a transient worker from staying at the RV park. Mr. Sitkowski stated that the applicant cannot, by law, profile peoples and it is possible that a transient worker could stay at the park. It is possible that it happens in the summer, also, or in a hotel.

Mr. Peck stated that the Town and owners cannot control everything and everyone, however, it is their intent to open the park to families traveling. He added that there are Constitutional and Civil Rights.

Marvin Schutt, 29 Edgewood Rd. North, stated that it was possible during the summer for a camper to get a part time job and stay at the RV Park while working.

Mrs. Cone stated that if the RV park cannot deny access to transient workers, how can they deny children of school age.

Mr. Sitkowski stated that denying children access is not akin to "profiling"; that it goes to the public purpose and welfare to the town to ensure the town schools are not overburdened and that this condition/rule is enforceable.

Mr. Schutt, 29 Edgewood Dr. North, added that if a camper violates the rules and regulations of the Park, the applicants can ask them to leave.

Mr. Bulmer noted a discrepancy between the letter from Robinson and Cole which states that "7 months out of any 12 month calendar year" and the condition #9 "7 months in a 12 month period". Mr. Sitkowski indicated that the condition of the Special Permit would control, not the letter submitted.

Mr. Nickerson invited Mr. Sitkowski to make his closing comments.

Mr. Sitkowski stated that Mr. DeLuca had addressed the environmental issues raised. He noted that the Quinns have a large investment in the Park and Town, and that they operate a good facilities, which is nationally noted. He added that they would not risk their investment and reputation by allowing their facility to become a substandard subdivision or by not enforcing the requirements. He noted that tourism in southeastern Connecticut is trending toward year-round with the Casinos, Aquarium and Seaport, which went from seasonal to year-round. The Quinns, therefore, are trying to take advantage of that circumstance and need and through that, contribute to the Town of East Lyme and businesses of East Lyme.

There being no further comments or questions, Mr. Nickerson closed the Public Hearing at 8:27 PM

SPECIAL MEETING

Panel: Mr. Nickerson, Mr. McLaughlin, Mr. Peck, Mrs. Cone, Mr. Chamberlain, and Alternate Mr. Bulmer,

Mr. Nickerson opened the Special Meeting at 8:28 PM and invited comments or questions from the Commission members. He also indicated that the Commission cannot take any further input from the public.

Mr. Bulmer addressed the impact on the standards applicable to all Special Permit Uses, in particular in Section 25.4.1 of the Zoning Regulations. Mr. Bulmer read the Section 25.4. He added that Mr. Alan Beaver had indicated that in New England there are 2800 RV Parks of which 67 are open year round (2.4% of total N.E. campgrounds). He questioned why only 2.4% are open year round if it is advantageous for the towns. He speculated that the concerns of other towns dealt with a fear of a de facto trailer park, as well as a change in the intensity and nature of the park. Mr. Bulmer also indicated that in his opinion, if the Zoning Commission approves the application, they are not only increasing intensity by 71%, but changing the nature of the property as well. He added that the Commission must look beyond the current owners to future owners who may not be as scrupulous and hard-working. He recommended the Commission deny the application.

Mr. McLaughlin noted that there are other uses allowed for the property in question (Section 12) and these include commercial recreation complex, resort area including restaurants, dance hall, bowling alley, theater, pool parlor, picnic area, swimming pool, motel/hotel, multi-family dwellings, apartments, condominiums, office buildings, etc. He added that in his opinion the campground is less intrusive on the land and he felt these mentioned would not necessarily be in harmony with the area.

Mr. Chamberlain stated that he supported the application and was prepared to vote.

Mr. Nickerson reiterated Mr. Bulmer's comments that the Special Permit goes with the land. He commented that the applicant has a large investment on the property, however, they knew at the out-set the restriction to only summer camping. Mr. Nickerson stated that, based on the quote from the applicant in the newspaper articles, the applicant's original desire to open year round was to address the transient workers at Millstone, not winter vacationers. It may be that the tourist industry has changed over these 12 months such that more vacationers could be anticipated. He noted the supportive comments from neighbors, but he added his concern about the third or fourth generation of owners in the future that the Commission must be aware of when making the decision.

Mrs. Cone stated that originally the RV Park was permitted for a 7 month period per the applicant's request.

Mr. Peck stated his support for the application. He added that Aces High is a nationally recognized park. He added that the site at one time was approved for 76 condominiums. He could not image the campground being more "harmonious" with the surroundings. One of the purposes of Zoning is to maintain property values. Making Aces High a year round park would be a great help economically. He added that tax-wise, the RV Park is an asset to the town. He noted that there has been a tremendous effort in the past decade to diversity Southeastern Connecticut and build the tourism industry, and it has been successful. Mr. Peck noted the conditions to the Special Permit work against the RV Park becoming a trailer park, i.e., wheels. The conditions do not allow mobile homes. The State Statutes that will be adopted per Mr. Beaver of the CT Camp Owners Association stated, define RV Parks and legally prevent a RV Park from becoming a trailer park or mobile home park.

Mr. Chamberlain noted that the appraisal submitted shows no adverse impact on neighborhood property values.

Mr. Nickerson, with transient workers in mind, noted that currently campers occupancy can be up to 7 months and that per the conditions, this length of time does not change. He noted that length of time could be difficult to keep track of.

There being no further comments or questions, Mr. Nickerson entertained a motion.

MOTION (1) Mr. Peck moved to approve the application of Attorney Timothy Bates, agent for Aces High RV Park, 301 Chesterfield Rd., East Lyme, CT for a Special Permit to allow year-round recreational camping on the park premises, property further identified as Lot 123 on East Lyme Assessor's Map 48 as applied with the following amendment: #8 and #17 are changed in accordance with Robinson & Cole's letter of December 12, 2001 with a further change in #8, line 2 – replacing the words "under 18 years of age" with "up to and including a Senior Class in High School."

Mr. Chamberlain seconded the motion.

Discussion: Mr. Bulmer stated that he also presumed that the original conditions were included with the application. Mr. Nickerson responded in the affirmative.

Vote in favor: (4-2). Vote in favor: Mr. Peck, Mr. Chamberlain, Mr. McLaughlin and Mr. Nickerson. Vote in opposition: Mrs. Cone and Mr. Bulmer

MOTION (2) Mrs. Cone moved to adjourn the Special Meeting at 9:05 PM
Mr. Chamberlain seconded the motion.
Vote in favor: (6-0), Unanimous

Respectfully submitted,



Anita M. Bennett
Recording Secretary
21 December 2001