

**EAST LYME ZONING COMMISSION  
PUBLIC HEARINGS I & II  
DECEMBER 6, 2001**

**MINUTES**

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on Thursday, December 6, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mrs. Hardy, Ex-officio called the meeting to order at 7:30 PM.

PRESENT: Athena Cone, David Chamberlain, Mark Nickerson, Shawn McLaughlin, Norman Peck, Ed Gada, Alternates William Dwyer and Mark Salerno.

Also present: William Mulholland, Zoning Officer; Rose Ann Hardy, ex-officio.

**PUBLIC DELEGATION - NONE**

**PUBLIC HEARINGS I & II**

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

Mr. Nickerson opened the Public Hearing 7:37 PM

**PUBLIC HEARING I**

**Application of KIC Development to amend Section 18 of the Zoning Regulations by adding new Section 18.1.5.2.**

Mrs. Cone read into the record:

1. Letter dated 10/29/01 from Newton C. Brainard, KIC Development Corp. to William Mulholland, Zoning Official.
2. Noted Legal Ad published 11/23/01 and 12/3/01.
3. Letter dated 11/28/01 from Gene Lohrs, Chairman, Southeastern Connecticut Council of Government to Zoning Commission.
4. Letter dated 12/5/01 to the Zoning Commission from the Planning Commission, Gregg Ross, Chairman.
5. Memo to the Zoning Commission from William Mulholland, Zoning Official dated 12/6/01

Mr. Nickerson invited the applicant to make a presentation.

Donald Gershman, Executive Vice President of KIC Development Corp. (subsidiary of Konover Investments Corp.) addressed the Commission and Public. He indicated that for over two years KIC has been working with the existing owners of the property at 51 Boston Post Rd., former Lulu's Restaurant at exit 75 of I-95 to attempt to acquire and redevelop the property. KIC has the property under contract and expect to close shortly, however, the closing is contingent upon this amendment. The reason for the proposed amendment is that the economics of the project require that KIC have the ability to lease the sign to a third party to generate revenue to offset costs to improve the site. KIC plan is to demolish all of the structures and develop the property for a restaurant or restaurant/hotel. Mr. Gershman stated that his attorney had sent a letter to Mr. Mulholland on 11/20/01 reflecting a change. He added that the change was to clarify the language of the initial proposal.

Mr. Mulholland stated that the legal ad reflects the 11/20/01 change as noted in the attorney's letter.

Mr. Nickerson invited questions from the Commission members.

Mr. Peck stated that he wished to clarify that the wording "Notwithstanding any provision in Section 18 to the contrary" does take care of Section 18.1.12.8 – No billboard provision.

Mr. Mulholland stated that the last line of the Legal ad addresses Mr. Peck's questions. He added that there were modifications to the original proposal, which does appear in the Legal Ad.

Mr. Nickerson invited comment from the Public in favor of the proposed amendment.

Wayne Fraser, 1<sup>st</sup> Selectman, Town of East Lyme, 22 Gurley Rd., East Lyme stated that he has been working for the last 3 ½ years with several parties to try to develop this site. He is working on a tri-town agreement regarding the supplying of water. From the economic development point-of-view, a viable site contributes taxes to the town. Water and sewer services available to the Golden Spur area and development of the site will offset costs. He stated that he supports the amendment. He stated that he recognized that the development of this site will take incentive and revenues. He added that the sign on this property is unique in town. He added that the Water & Sewer Commission has permitted a water main extension and sewer extension.

Mr. Rando, 194 Boston Post Rd., East Lyme, stated that East Lyme needs viable businesses and the town should take steps to encourage new businesses.

Mr. Nickerson opened the meeting to those wishing to speak in opposition to the amendment. There being none, he invited questions and comments from the Commission members.

Mrs. Cone inquired if the Lulu's buildings would be demolished by KIC if they develop the site and inquired as the number of advertisements that would be placed on the sign. Mr. Gershman stated that it was KIC intent to demolish all buildings on the site. He added that there are two panels on the sign and there may be two different advertisers.

Mr. Peck noted that a nonconforming sign cannot be expanded and must remain the same square footage.

There being no further speakers, Mr. Nickerson closed the public hearing.

## **PUBLIC HEARING II**

**Application of Attorney Timothy Bates, agent for Aces High RV Park, 301 Chesterfield Rd., East Lyme, 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.**

Mrs. Cone read into the record:

1. Letter to Zoning Commission of East Lyme from Timothy D. Bates, Robinson & Cole dated October 26, 2001
2. Note of the Legal Ad filed in the East Lyme Town Clerk's office 11/20/01 and published in the New London Day 11/23/01 and 12/3/01.
3. Letter to William Mulholland, Zoning Enforcement Officer from Timothy D. Bates, Robinson & Cole dated November 28, 2001.

4. Letter to Mrs. Cone, Zoning Commission from Gregg Ross, Chairman, East Lyme Planning Commission dated December 5, 2001.
5. Letter to East Lyme Zoning Commission from Bradford L. Wright dated December 3, 2001.
6. Letter to Mr. Bulmer, Chairman, East Lyme Zoning Commission, from Lois Schenking dated October 12, 2001.
7. Memo to East Lyme Zoning Commission from William Mulholland, Zoning Official dated December 6, 2001.

Exhibits Submitted:

- #1 State of Connecticut Regulations of the Dept. of Public Health concerning Family Campgrounds and RV Parks. M-39, Rev. 1/77, Sec. 19-13-B97a
- #2 ANSI A119-4, NFPA 1174 Standards on Recreational Vehicle Parks and Campgrounds, 1999 Edition, National Fire Protection Assn. and Recreational Vehicle Industry Assn.
- #3 National Association of RV Parks and Campgrounds, "A Recommended Appeal to Sensible Regulation – a research paper and model code to guide State and Local regulations of RV parks and campgrounds, Draft #12, Spring 1999.
- #4 Letter from David Gorin, President and CEO, National Association of RV Parks and Campgrounds, 10/12/01 to Timothy Bates.
- #5 Winter Camping Activities – Aces High RV Park
- #6 CLA Engineers, Inc., 317 Main St., Norwich, CT letter to Patrick Quinn dated 12/6/01.
- #7 Dept. of Environmental Protection 2/14/01 to Patrick Quinn, re: Appl# 199804729, re: Latimer Brook Watershed.

Mr. Nickerson invited Atty. Timothy Bates, agent for Aces High RV Park, to address the Commission and Public.

Mr. Bates, attorney with Robinson and Cole, is representing Ann and Patrick Quinn, Aces High RV Park. Mr. Bates indicated that Mr. & Mrs. Quinn have invested over \$2 million of infrastructure improvements on the property over the past four years including centralized/winterized septic system meeting State requirements as a year-round system, insulated utilities – water supply is year-round and set up in such a way as to prevent freezing of pipes and spigots – a complete electrical system underground and protected from the weather.

Mr. Bates summarized some of the concerns previously expressed by the Commission regarding winter camping, i.e., school age children, substandard subdivision, etc. He indicated that he would address some of these concerns in his presentation with a series of proposals and conditions to meet these concerns.

Mr. Bates noted that RV camping is a very different industry and is becoming popular with baby-boomers. They investment large amounts of money into RV vehicles and travel year-round. Southeastern Connecticut historically was a summer vacation/recreational area, however, in recent years the area has increasingly become a year-round destination due to the Casinos, Aquarium and Seaport. The State of Connecticut also imposes standards on the RV parks.

Mr. Bates indicated that the only area in the existing RV park which is planned for winter recreational camping is the first 64 units. He indicated that one of the Planning Commission's concerns was flooding of Latimer Brook in the winter and spring. The Planning Commission's concerns do not apply to the area the applicant is seeking to get permitted, i.e. Phase I. Historically, this area does not have the high water problems. The area is not expected to be as intensely used in the winter as it is in the summer.

Mr. Bates introduced Alan Mess, P.E. of Barkan & Mess Associates, Inc. reviewed the traffic report researched and prepared by David G. Sullivan, P.E., Sr. Transportation Engineer. Mr. Mess added that he has visited the site as well as reviewed Mr. Sullivan's findings. Based on the findings, Mr. Mess indicated that "opening the RV Park on a year-round basis will have no adverse impacts on traffic operation or safety. In the winter, there would be lower overall traffic volumes in the area and less traffic to and from the site than during the summer months."

Mrs. Cone inquired as to the time of year the data was collected. Mr. Mess indicated: 1999-July; 2000-February; 2000-August; 2001-July.

Mr. Chamberlain inquired as to how often the Dept. of Transportation conduct traffic studies in the area? Mr. Mess indicated that in general every 3 years. He added that Barkan & Mess survey is conducted by staff in the field physically counting traffic.

Mr. Bates then noted that the Commission must consider whether the proposed winter use will be "in harmony with the orderly development of the district." Mr. Bates introduced Alan Beaver, Executive Director, CCOA (Connecticut Campground Owners Association) to discuss the nature and operation of RV parks.

Mr. Beaver indicated that CCOA is an organization of private campgrounds with 52 members (of 54 in CT) with about 8,000 sites in the state. Mr. Bates submitted

Exh. #2 ANSI A119-4, NFPA 1174 Standards on Recreational Vehicle Parks and Campgrounds, 1999 Edition, National Fire Protection Assn. and Recreational Vehicle Industry Assn. and Exh.

Exh. #3 National Association of RV Parks and Campgrounds, "A Recommended Appeal to Sensible Regulation – a research paper and model code to guide State and Local regulations of RV parks and campgrounds, Draft #12, Spring 1999.

Exh.#4 Letter from David Gorin, President and CEO, National Association of RV Parks and Campgrounds, 10/12/01 to Timothy Bates.

Mr. Beaver added that the campground industry is about 35 years old and is totally separate from mobile home parks and any other type of permanent residence park. He indicated that RV Parks and Campgrounds serve as recreational facilities for the tourism industry. He added that the Association has been working for some time to revise regulations written in 1972, which the industry is still operating under. Work was completed August 2001 to update the regulations which have been signed off by the Governor's Office and are currently published in the Law Journal and shortly will go to the Attorney General of CT for final approval, which is expected in the next 2-3 months.

Mr. Beaver noted that the new regulations do not place any restrictions on the length of operation of the RV park. He added that the industry is comprised of professionally trained owners/operators with professional standards.

Mrs. Cone noted that the AAA information indicates that of 20 private parks, only two are year-round in CT; 4 out of 85 in Massachusetts; 1 in Rhode Island. Mr. Beaver stated that there are 12 State of CT Campgrounds of which 5 are open year-round in Connecticut. He added that there are several rating agencies such as AAA, which is part of the CCOA nationally. Of the 52 CCOA members, 8 have winterized facilities such as Aces High. However, Aces High is the only completely winterized RV park. Mr. Beaver stated that in New England there are 2800 RV parks/campgrounds of which 67 are open year-round (5 in CT).

Mr. Beaver indicated that Aces High serves as the model park in the six New England states and was nationally recognized in 2001.

Mrs. Cone inquired as to the total number of units on the property. Mr. Quinn stated that currently there are 65 units, but with the approval for 24 additional units across Latimer Brook. It is not the intention to request winter camping across Latimer Brook, but only 64 units of Phase I.

Mr. Bates indicated that a mobile home park is entirely different as far as the State of CT is concerned. It is a licensed entity subject to a different set of regulations and in order for Aces High to become a mobile home park, the owners would have to come before the Zoning Commission to change the nature of the RV Park and they would have to go to the State also to change the nature from recreational to residential.

Mr. Beaver added that there are 18 criteria that differentiate a mobile home park from a RV Park/Campground. He stated that mobile home units are not allowed in RV Parks/Campgrounds and vice versa. He indicated that CT State Licensing Office is the licensing agency. He added that mobile home parks have hard wiring, hard sewer and hard water lines connected, which are not allowed in an RV Park/Campground per State regulations. In the RV Park, the RV must be able to move within 15 minutes; the wheels must be attached to the units and cannot become permanent homes. In response to Mr. Mulholland's question, Mr. Beaver indicated that a typical mobile home is 400 sq. ft, 8-ft wide to travel on the road (12-ft. wide with a DOT permit to transport wide).

Mrs. Ann Quinn presented a list of activities proposed for winter recreation at Aces High RV Park and in the area. Exhibit #5. She added that the list is posted at the Park.

Mr. Bates addressed the septic system and flooding problem. CLA Engineers, Inc. who designed the system to respond to the Planning Commission's concerns as indicated in their letter to the Zoning Commission. Exhibit #6 CLA Engineers, Inc., 317 Main St., Norwich, CT letter to Patrick Quinn dated 12/6/01. Mr. Bates summarized that the septic system has been designed and permitted for year-round use and seasonal high water table was taken into consideration. The system is installed outside the flood plain and the leaching field will work better if it is continually used than if it is used seasonally. Exhibit#7 Dept. of Environmental Protection 2/14/01 to Patrick Quinn, re: Appl# 199804729, re: Latimer Brook Watershed.

Mr. Bates reviewed the applicants suggested revisions to its existing special permit (Attachment to Application for Special Permit, Dated October 26, 2001). Specifically he addressed Items #7 – Fuel storage, #8 – School age children, #9-Length of stay, #10-List of vehicles, owners, location of RV, #12-Utilities, #13-Secure main access road, #15-Use of tarp or cover and #16-Fuel and storage.

Mrs. Cone expressed concern regarding school age children living at the park and attending school in another town (New London). Mr. Bates stated this conceivably could happen however there are limits as to how long the child can stay at the RV Park (Proposed revisions #8 and #10).

Mr. Chamberlain inquired if there would be a problem with the Zoning Staff monitoring the list of clients at Aces High as indicated in Item #10. Mr. Mulholland stated that he did not anticipate a problem.

With the applicant completing his presentation, Mr. Nickerson opened the floor to those persons wishing to speak in favor of the application.

Mr. Rando, 194 Boston Post Rd., East Lyme stated that he travels around the States seven months of the year in an RV. He stated that the people traveling have money to spend and shop in local stores boosting the economy in town. He added that the RVs are like a house and cost upwards to \$1.0 million. With

regard to Latimer Brook, Mr. Rando stated that prior to development of housing around the Brook it was pristine. Due to the development, the Brook has silt and garbage thrown into it. He added that the Quinns have spent over \$2 million on Aces High and are only allowed to operate it part of the year by the Town. The economy needs businesses in town and the Commission should encourage it.

Mr. Granger, 306 Chesterfield Rd., East Lyme, CT stated that the Aces High RV Park has been an excellent neighbor. There has never been any problem in the five years he has been their neighbor.

Marvin Schutt, 29 Edgewood Rd. No. stated that he has been working with the Quinns on developing the RV Park and to help them as much as he could for the past two years. The reason he stated he has stuck with the project is because he thinks it is a benefit to the Quinns to run an all season business and it is a benefit to the town having Aces High in town.

Lois Schenking, 308 Chesterfield Rd. stated that she had friends visit who stayed at the Park for two nights. They go out and spend money in the Town of East Lyme like other RV Park users and this economically benefits the Town.

Mr. Nickerson invited those wishing to speak in opposition to the application to address the Commission and Public. There being none, Mr. Nickerson requested questions and comments from the Commission members.

Mr. Peck requested that the conditions of prior Special Permits become part of this record. Mr. Mulholland indicated that the conditions can be brought into the record of this public hearing by reference. Mr. Peck stated he would like them part of the record and part of the Commissions considerations.

Discussion followed regarding whether to continue or close the Public Hearing. Mr. Peck and Mr. Chamberlain stated they were prepared to address the application during the Regular Meeting following this Public Hearing. Mrs. Cone stated she would like to become more familiar with some of the Exhibits presented this evening and Mr. Nickerson concurred.

The Commission agreed to continue the Public Hearing and call a Special Meeting for December 13, 2001 at 7:30 PM.

**MOTION (4)** Mr. Peck moved to continue until Thursday, December 13, 2001 at 7:30 PM the Public Hearing II –Application of Atty. Timothy Bates, agent for Aces High RV Park, 301 Chesterfield Rd., for a Special Permit to allow year-round recreational camping on the park premises.  
Mr. Chamberlain seconded the motion.  
Vote in favor: (6-0), Unanimous

Respectfully submitted,



Anita M. Bennett  
Recording Secretary

13 December 2001