

Feb 13 20 01 at 12:25 AM  
PM

EAST LYME ZONING COMMISSION

*W. B. Williams*  
EAST LYME TOWN CLERK

**PUBLIC HEARING**  
**February 1, 2001**

**MINUTES**

The East Lyme Zoning Commission held a Public Hearing on Thursday, February 1, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Bulmer called the meeting to order at 7:30 PM.

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

Absent: Athena Cone

Also present: William Mulholland, Zoning Officer.

Panel: Mr. Bulmer, Mr. McLaughlin, Mr. Peck, Mr. Gada, Mr. Nickerson and Mr. Chamberlain

**I. Pledge of Allegiance**

**II. Public Delegation**

Joe Kwasniewski, 67 Walnut Hill Rd., East Lyme inquired as to where the Zoning Commission was 5-10 years ago regarding Oswetatchie Hills.

Mr. Bulmer inquired as to whether any member of the Commission had a conflict of interest in either matter before the Commission. There were none.

**PUBLIC HEARING 1**

East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations by adding a new Section 11A-Gateway Planned Development District (GPDD).

Mr. Bulmer noted that the Legal Ad had been appropriately published. Mr. Bulmer then read into the record:

1. Proposed Amendment to the Regulations – Section 11A and Appendix B

Mr. Gada read into the record:

1. Letter dated January 28, 2001 from the Planning Commission to the Zoning Commission.

Mr. Peck read into the record:

1. Letter from the State of Connecticut, Department of Environmental Protection, Connecticut Coastal Planner to the Zoning Commission

Mr. Bulmer inquired if a letter had been received from the Southeastern Connecticut Council of Governments. Mr. Mulholland stated that the letter has not been received, but was en route.

Mr. Chamberlain read into the record a letter from Robert J. Marelli to Mr. Bulmer, Chairman, Zoning Commission.

Mr. McLaughlin inquired if the Planning Commission recommendations have been added to the proposal. Mr. Mulholland stated that the recommendations have not been included in the proposal before the Commission, but that it is up to the Zoning Commission review, consider and add any Planning Commission comments.

Mr. Peck stated that considering the fact that the Planning Office was instrumental in the writing of the proposed amendment, was there a member of the staff at this hearing. If not, if the Public Hearing is continued, will they be at the next hearing to explain the comments of the Planning Commission.

Mr. Bulmer stated that the Planning staff was asked to appear at this Public Hearing, but due to a conflict in scheduling, they were unable to attend. If the Public Hearing is continued, they will be invited to attend in order to respond to the Commission's and public's questions.

Mr. Bulmer opened the floor to those persons wishing to speak in favor of the proposal.

Bill Savage, 3 Meetinghouse Lane inquired if churches and associated facilities, assisted living facilities and steeples be permitted in the GPDD.

Mr. Mulholland responded that under Section 20 of the regulations, churches are permitted, however assisted living facilities are not presently in the proposal. Steeples are considered architectural features and under height limitation, Section 20.12, they are permitted if reasonable and necessary as determined by the Zoning Commission.

Residence of 17 Rose Lane stated that it is difficult to comment one way or another since it is difficult to visualize the development, including access roads, and the relation to residential areas. He stated that the public needs more information in order to analyze and estimate the impact there may be on their property values and quality of life.

Mr. Mulholland stated that the map before the Hearing, although not scaled, delineates what is proposed, however the Legal Ad specifies the lot numbers and other details. Mr. Bulmer added that the information can be obtained in the Zoning office in the Town Hall.

Mr. Bulmer stated that the second Public Hearing this evening will discuss the boundaries of the proposed GPDD, and that the proposal before this Public Hearing was the change in zone only. There is no proposed development or project before the Zoning Commission.

Paul Reutenauer, 2 Bittersweet Drive stated his concern regarding the lighting of the GPDD. He stated that from his home, the lights from Motel 6, ¾ mile away, shine into his home. He stated that the landscaping would require mature trees to screen the residential area and how would he be protected from lights from a 40-60 foot building only 800 feet away.

Joe Kwasniewski, 67 Walnut Hill Rd. stated that development of the proposed GPDD will invite more traffic into the area and that the Planning Commission does not do traffic planning. He inquired if a traffic plan had been established.

Susan Kraynak, 1 River Road stated that if retail is invited in, the buildings could be architecturally pleasing and fit with the Town's scheme. She added that she concurred with the previous speakers concerns, particularly traffic.

Gary Robinson, 14 Bittersweet Drive stated that he needed more information, particularly delineated maps which say where roads will come through. He stated his concern for the wetlands and if the Conservation Commission will be brought into the discussion relating to roads through the wetland. He also commented on the water situation in Town and how will it effect the Town if Light Industrial is constructed in the area. Finally, he commented on the Rte 95 proposed widening and the traffic problems on that road.

Mr. Dwyer inquired if a letter from the Water & Sewer Commission had been read. Mr. Bulmer stated that letter would be read in the Public Hearing 2.

Mr. Mulholland indicated that this Public Hearing deals with a Zone Change and a Zoning Regulation amendment and that no project or development application is before the Commission. If an application was before the board, the Conservation Commission, Planning Commission, and other agencies in Town will be required to review and approve the application. Additionally, there would be Public Hearings on any application submitted for development.

Rick Cornell, 23 Jeremy Drive inquired if there is any documentation that states that there is a need at this time to rezone land for more commercial use. He stated that he was under the impression that there was sufficient commercial property in East Lyme.

Paul Reutenauer 2 Bittersweet Drive stated that recently there has been media attention regarding a water "crisis" in southeastern Connecticut and particularly in East Lyme. He asked why the town would risk contamination of an aquifer and when the zone is developed how is the Town to support the additional requirement for water.

Wayne Fraser, Gurley Road, East Lyme First Selectman requested the opportunity to address some of the public's stated concerns. He stated that for several years the town has been working on Exit 74 southbound to eliminate the curve. Regionally, the town has been working on I-95 improvements. Dept. of Transportation will not put in a new exit unless there is something exit to, i.e. service road. The I-95 improvements would allow for a third lane. He added that there is no plan at this time for a project on the Exit 74 area land (proposed Gateway Planned Development District) and that what is before the Commission is conceptual use of the land.

With regard to the water issue, Mr. Fraser stated that the Town has water, but is in a protracted permitting process with DEP in order to use it. The proposed area is currently zoned primarily Light Industrial, and RU40 and CA. The build out in those zones will probably use the same amount of water as the GPDD. The Water & Sewer Commission reviews project applications for the impact on the Town's resources. At this time there is no plan for the proposed district, but any project in the future must meet all regulations including 1500' wetlands setback. Most of this area is an Aquifer Protection Zone. The landscaping and layout of the GPDD will have less potential for problems then the present zoning which could include a factory and other light industrial.

Mr. Fraser also stated that there have been many inquiries for purchase or leasing of office space in East Lyme. He stated that well done retail is the only way to support the infrastructure needed to be put into the land. He added that Exit 74 area is tied to the Gateway to Southeastern Connecticut and to the growth of Southeastern Connecticut. With Routes 395, I95 and 11, the area will become part of a main traffic/transportation/tourist area.

Mr. Fraser stated that this is a difficult piece of property to develop because of the access to it and it's present relationship to Exit 74 and I95. He indicated that the problems of I95 may need to be corrected before a developer is willing to put millions of dollars into environmental studies, construction of infrastructure, etc. Any project proposed must meet the requirements of the Town with regard to lighting, building height, buffers, road construction, drainage, etc. and as stated earlier, there would be a Public Hearing. He added the part of the property is not readily available for sale.

Mr. Robinson, 14 Bittersweet Lane inquired as to the current zoning on Rte. 161 and if any consideration had been given to converting that to GPDD.

Mr. Mulholland stated that the majority is CA Commercial to Midway Mall area and varies in depth between 400-800 feet deep. Mr. Fraser responded that the depth of the zone is a restricting factor. Mr. Mulholland added that on the west side, the lots area in Aquifer Protection Area and the lots area shallow.

William McCoy, 34 Village Drive, representing Brouwer Estate, which is one of the property owners in the area, stated several concerns. He added that the 20,000 sf limitation for retail may discourage retail development. He stated that the interest seems to be with respect to retail development and the regulation appears to work against that.

Mr. Bulmer inquired if there was anyone else who wished to speak. He noted that the Commission has yet to receive the letter from SE CT Council of Governments. There being none, Mr. Bulmer continued the Public Hearing at 8:50 PM.

Mr. Peck requested that the Planning Staff be requested to attend the Public Hearing. Mr. Bulmer will draft a letter to that effect.

Public Hearing II to immediately follow.

Bob Moore, 29 Willow Lane also stated that the public needs to have a forum with the Planning Dept. Staff. He stated that including the current RU40 in the GPDD does not seem logical to him and he would like to understand the rationale.

Paul Reutenauer, 2 Bittersweet Dr. stated that the map before the Commission is not accurately scaled and he would like to see the proposed district map to scale.

Mr. Nickerson recommended continuing the Hearing not only to read into the record the Letter from the SE Connecticut Council of Governments, Regional Planning, but also to invite the Planning Dept. Staff to the next meeting for an open dialogue.

Mr. McLaughlin agreed that since the Planning Dept. Staff had a great deal of input into the proposed amendment to the Zoning Regulations and into the creation of the GPDD as outlined on the map before the Commission, they could answer many of the questions raised by the public.

The Commission agreed to continue the Hearing. Mr. Bulmer continued the hearing at 9:30 PM to the next meeting.



Anita M. Bennett  
Recording Secretary  
12 February 2001