

FILED IN EAST LYME TOWN
CLERK'S OFFICE

EAST LYME ZONING COMMISSION

Feb 23 20 01 at 1:50 AM
PM

REGULAR MEETING

February 15, 2001

Esther B Williams
EAST LYME TOWN CLERK

MINUTES

The East Lyme Zoning Commission held a Regular Meeting on Thursday, February 15, 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, David Chamberlain, Alternates Mark Nickerson, Donna Orefice and William Dwyer.

Absent: Athena Cone, Ed Gada.

Also present: William Mulholland, Zoning Officer; Meg Parulis, Land Use Coordinator.

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

REGULAR MEETING 1

East Lyme Zoning Commission proposal to create a new zoning district entitled Gateway Planned Development District (GPDD).

Mr. Bulmer introduced Mrs. Parulis, who is a member of the Planning Dept. Staff and has worked extensively on the proposed GPDD.

Mrs. Parulis presented a color map showing the proposed GPDD.

I. Call to order

Mr. Bulmer called the Regular Meeting to order at 9:20 PM, following the Public Hearings 1 and 2.

II. Approval of Minutes

MOTION (1): Mr. Chamberlain moved to approve the Minutes of the February 1, 2001 Meeting.

Mrs. Orefice seconded the motion.

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

III. 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 invited comments from the Commission members.

Mr. Nickerson inquired as to the reason the RU-40 area was included in the GPDD.

Meg Parulis stated that the property did not have a likelihood of development for residential due to inadequate access. By including it in the GPDD, the property could be developed to its highest and best use.

Mr. Chamberlain inquired as to any existing economically feasible plans regarding a frontage road.

Mrs. Parulis stated that engineering studies have been done in the past. She noted that there are environmental issues with regard to the river crossing, but this is the jurisdiction of the Conservation Commission.

Mr. Nickerson inquired if any consideration had been given to including the Flanders 4-corner area in the GPDD. Mr. Mulholland indicated that, if that were the case, those existing properties would become "existing non-conforming", which would create difficulties if those businesses wanted to expand or extend their building.

Mr. Bulmer recommended that the Commission review and discuss the Proposed Section 11A along with the modifications proposed by the Planning Commission. The Commission concurred.

Section 11A1: Permitted Uses

Mr. Bulmer stated that he believed that if there is a corporate cafeteria, which is not open to the public, it should not be included as part of retail.

The Commission discussed the Planning Commission's recommendation #1 to revise Section 11A1.9 to read "Retail Store or Retail Complex under 20,000 sf."

Mr. Peck raised the issue of definition of the word "complex". He suggested using "store" or "building". The Commission agreed that "retail complex" was one or more retail stores or retail buildings on one site plan.

Following further discussion, the Commission agreed to modify Sec. 11A1.9 as follows:

"Retail Complex totaling under 20,000 sf."

Section 11A.2: Special Permit Uses

11A2.4 Parking Garage as accessory use. Discussion regarding permitting parking lots followed.

Mr. McLaughlin opened discussion regarding a Parking Lot as an accessory use referring to the Mr. Bill Savage's comment during the Public Hearing. Mrs. Parulis noted that in that particular case, the parking lot would be for primary use and therefore would not be permitted under the current proposal. The Commission could add parking lot as a primary use if it so chose. The issue of a large employer, located away from the district and/or town, but having a stand-alone private parking lot in the GPDD, was discussed briefly. It was decided by the Commission that a stand-alone parking lot would not be a desirable situation.

The Commission agreed to modify Section 11A2-5 to read "Retail Complex totaling over 20,000 sf."

Mr. Chamberlain stated his opposition to Section 11A2.5 because it opens up the possibility of the “big box” store, which meets all the requirements of the zone. Mr. Mulholland stated that Section 25 of the Zoning Regulations there is language that speaks to “being in harmony with.....”, which give the Commission some discretion. Mr. Bulmer read that portion of Section 25.

Mr. Peck stated that he is opposed to any single retail store over 20,000 sf. He suggested that Section 11A1.9 read “Retail store or complex under 20,000 sf” and 11A2.5 read “Retail sales complex over 20,000 sf” would eliminate the possibility of a “big box store”. Mr. Bulmer suggested “Retail complex 20,000 sf and over (no one store over 20,000 sf)”. Mr. Peck concurred. The Commission concurred.

Section 11A2.2 Mr. Nickerson inquired as to what the difference is between a Regional Public Transit Center and a Employer Parking Lot with shuttle buses. Mr. Mulholland stated that SEAT would be considered “public” (for the general public) rather than private employer-owned bus operated for their employees and/or patrons. Mr. Nickerson stated his concern regarding a diesel bus terminal in the district, particularly the noise and odor and its effect on the surrounding neighborhoods. Mr. Peck suggested striking Regional Public Transit Center and renumbering Section 11A.2 accordingly. The Commission concurred.

Section 11A3 Dimensional Requirements

11A3.3 Setback Discussion centered around setback and buffer between the GPDD and Residential Zones, as well as building height as a determinant of setback and/or buffer. Mr. Mulholland suggested that Section 11A7.1 is the appropriate section to discuss buffers. The Commission agreed to leave this discussion at this time and renew discussion with Section 11A3.6.

Section 11A3.6 Height-No building or structure shall exceed 60 feet in height. Mr. Nickerson inquired as the approximately how many stories would be in a 60-foot building and what LI and CA Zones height limitation is. Mr. Bulmer stated that a 6-story building would be 60 feet. Mr. Mulholland stated that in Light Industrial (LI) Zone –40 feet and Commercial (CA Zone) –30 feet and RU-40 –30 feet and CB Zone – 40-feet. Mr. Nickerson stated that a 60-foot building would lend itself to an office building or hotel. He noted that the buildings at Shaws Cove were 4-story buildings and suggested a 4-story limitation. Mr. Bulmer suggested that this Section be consistent with other Zones and recommended 40-feet and by Special Permit up to 55-feet.

Following further discussion of Setbacks and Buffers, it was agreed that Mr. Mulholland and Mrs. Parulis will meet to review height, setback and buffer limitations and their relationship to each other and get back to the Commission.

Section 11A4 General Requirements

Section 11A4.2 Development of over 20 acres shall require a minimum of two access points to an approved Town or State Road. – Mr. Nickerson raised the possibility of a 20 acre development that does not have the ability to access directly a State or Town road. He also questioned the advisability of creating two access roads to Route 161. Mrs. Parulis stated that if a new access road or frontage road is constructed, it would be considered a Town or State road. The Commission requested Mr. Mulholland and Mrs. Parulis also meet to discuss the issues raised and report back to the Commission.

11A4.3 Access from Boston Post Road shall be of a boulevard design...” The Commission agreed to delete “Access from Boston Post Road” and add “All access roads”.

11.A4.4 Any expansion or change in use of existing structures shall be subject to the requirements of this section. The question was raised as to the meaning of "this section", i.e. all of Section 11A or only Section 11.A4. Mr. Nickerson inquired if this would apply to existing residences in the district. Mr. Mulholland suggested he and Mrs. Parulis also clarify the issues raised and report to the Commission at the next meeting.

The Commission agreed to continue discussion of the new Section 11A-Gateway Planned Development District (GPDD).

IV. East Lyme Zoning Commission proposal to create a new zoning district entitled Gateway Planned Development District (GPDD).

Continued to the next meeting.

V. New Business

Mr. Mulholland reported that the Public Hearing tentatively scheduled for 3/1/01 has been withdrawn. He cautioned the Commission that the Landmark application may return to the Commission in the future.

VI. Adjournment

Mr. Bulmer thanked Mrs. Parulis for attending this evening's meeting and clarifying some of the issues raised by the Commission and the public at the Public Hearing.

MOTION (2): Mrs. Orefice moved to adjourn the Regular Meeting at 10:50 PM.
Mr. McLaughlin seconded the motion.
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett
Recording Secretary
23 February 2001