

Jan 29 20 01 at 12:10 AM  
PM

EAST LYME ZONING COMMISSION

Special Meeting

January 22, 2001

MINUTES

*Bob B. Williams*  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Special Meeting on Thursday, January 22, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Bulmer chaired the meeting.

PRESENT: Robert Bulmer, Shawn McLaughlin, Norman Peck, William Dwyer

Absent: Athena Cone, Ed Gada, David Chamberlain and Alternates Donna Orefice and Mark Nickerson

Also present: William Mulholland, Zoning Officer.

Panel: Mr. Bulmer, Mr. McLaughlin, Mr. Peck and Mr. Dwyer.

Mr. Bulmer called the meeting to order at 5:50 PM.

**I. Pledge of Allegiance**

**II. Special Meeting**

The purpose of the meeting is to review the following items:

- A. Request of Jeffrey A. McNamara for a 3-month extension of the Special Permit granted to Webster Scott to construct 38 units of elderly housing at 33 Dean Road.
- B. Proposed Zoning Regulation Amendment – Section 8.3.5 CA Zone.

A. Request of Jeffrey A. McNamara for a 3-month extension of the Special Permit granted to Webster Scott to construct 38 units of elderly housing at 33 Dean Road.

Mr. Mulholland stated that the Zoning Commission had passed a Special Use Zoning District for Elderly Housing (SU-E). Since the granting of the Special Permit, Mr. Scott has recently been dealing with State DEP with regard to a community sewerage system. Mr. Scott is seeking a second extension of the Permit while DEP acts on their application for the CSS.

Mr. Bulmer read into the record:

- 1. Letter dated January 3, 2001 from Jeffrey A. McNamara

Mr. McNamara stated that DEP has scheduled a Public Hearing regarding Mr. Scott's application. He also stated that no permanent construction could take place until DEP approval is received.

**Motion (1):** Mr. Peck moved to grant a 3-month extension of the Special Permit granted to Webster Scott to construct 38 units of elderly housing at 33 Dean Road.  
Mr. Dwyer seconded the motion.  
**Vote in favor:** (4-0), Unanimous

B. Proposed Zoning Regulation Amendment – Section 8.3.5 CA Zone.

Delete: **HEIGHT:** *No building or structure shall exceed 30 feet in height.*

Add: **SECTION 8.3.5**

**HEIGHT** No building or structure shall exceed 30 feet in height except that the Zoning Commission may, under the provision of Section 25 (Special Permit) of these regulations, permit an increase in height to a maximum of 60 feet, upon finding that the following standards are met:

- A. Any building exceeding 30 feet in height shall be designed and used primarily for office and/or hotel use.
- B. The total lot coverage of all buildings exceeding 30 feet in height shall not exceed 10 percent of the lot area.
- C. The increase in height will not significantly impair views from, or the availability of light and air to abutting or nearby properties.
- D. Where a CA Zone abuts a Residential Zone, a buffer of 100 feet shall be maintained from structures 60 feet in height. A buffer of 50 feet shall be maintained from structures over 30 feet in height.

Mr. Bulmer invited questions and comments from the Commission members.

Mr. Mulholland clarified that the height is measured from the average finished grade to half way between the soffett and peak.

Mr. Bulmer inquired as to the height requirement in the Marine Commercial District. Mr. Mulholland responded that it was 50 feet.

Mr. Dwyer noted that item C is arbitrary. Mr. Mulholland stated that item C is taken from the Connecticut State Statutes.

Mr. Bulmer suggested the Commission review each item individually.

With respect to the opening paragraph, discussion regarding the maximum height ensued. Mr. Peck suggested changing the 60 feet maximum to 55 feet and Mr. McLaughlin concurred. Mr. Bulmer stated that his thought was for 50 feet. He stated that 50 feet is consistent with the Marine Commercial District. Following further discussion, the Commission members unanimously agreed to change the 60 feet maximum to 55 feet maximum.

The Commission agreed to let item A, item B and item C stand as proposed.

Discussion then focused on item D. Mr. Mulholland read, for clarification, the definition of Buffer and Setback. The Commission reviewed the Zoning Map for the location and size of CA Zones throughout East Lyme, particularly that which abuts a Residential District. Mr. Bulmer noted that a 100 foot planted buffer was very restrictive and suggested a 100 foot setback. Mr. Mulholland reread from the Regulations the definition of Setback from a Residential District (no building or structure shall be placed more than 20

feet from the street line and 12 feet from any other property line). The Commission agreed to strike the word "buffer" and insert "setback".

Mr. Bulmer opened discussion (item D) "a **setback** of 100 feet shall be maintained from structures 60 feet in height". He suggested striking "60 feet" and replacing it with "over 40 feet" or "over 30 feet". Mr. Mulholland read the requirement for a setback for 30 feet height in CA District abutting Residential District – Section 24 Buffer –25 feet planted buffer. Mr. Bulmer inquired if the structure was under 30 feet what was the fallback position. Mr. Mulholland indicated that it would be 25 feet. The setback in a CA District 20 feet from the front property line and 10 feet from all other property lines.

Mr. Bulmer summarized proposed the change to "Where a CA Zone abuts a Residential zone, a setback of 100 feet shall be maintained from structures over 30 feet in height." The Commission concurred.

The Commission amended the proposal as follows:

Delete: **HEIGHT:** *No building or structure shall exceed 30 feet in height.*

Add: **SECTION 8.3.5**

**HEIGHT** No building or structure shall exceed 30 feet in height except that the Zoning Commission may, under the provision of Section 25 (Special Permit) of these regulations, permit an increase in height to a maximum of **55 feet**, upon finding that the following standards are met:

- E. Any building exceeding 30 feet in height shall be designed and used primarily for office and/or hotel use.
- F. The total lot coverage of all buildings exceeding 30 feet in height shall not exceed 10 percent of the lot area.
- G. The increase in height will not significantly impair views from, or the availability of light and air to abutting or nearby properties.
- H. Where a CA Zone abuts a Residential Zone, a **setback** of 100 feet shall be maintained from structures **over 30 feet** in height.

**Motion (2):** Mr. Peck moved to change the draft proposed amendment of Section 8.3.5 as amended herein.  
Mr. McLaughlin seconded the motion.  
Vote in favor: (4-0), Unanimous.

**Motion (3):** Mr. Dwyer moved to adjourn the meeting at 6:50 PM  
Mr. McLaughlin seconded the motion.  
Vote in favor: (4-0), Unanimous

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
29 January 2001