

# EAST LYME ZONING COMMISSION

## PUBLIC HEARING AND REGULAR MEETING

March 22, 2001

### MINUTES

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

3/29, 01 at 12:40 AM (PM)  
*J. A. Blais, etc.*  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on Thursday, March 22, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Bulmer called the meeting to order at 7:30 PM.

PRESENT: Chairman Robert Bulmer, Secretary Athena Cone, Shawn McLaughlin, David Chamberlain, Ed Gada and Alternate William Dwyer, Alternate Donna Orefice,

Absent: Norman Peck, Mark Nickerson  
William Mulholland, Zoning Officer

Panel: Chairman Robert Bulmer, Secretary Athena Cone, Shawn McLaughlin, David Chamberlain, Ed Gada and Alternate Donna Orefice

- I. Pledge of Allegiance
- II. Public Delegation – none
- III. Public Hearing

East Lyme Zoning Commission proposal to amend Section 8.3.5 (Height) of the East Lyme Zoning Regulations to allow height increases by Special Permit in CA Zones.

Mr. Bulmer requested Mrs. Cone read the correspondence.

Mrs. Cone read into the record the following:

1. Letter dated 2/21/01 from the Planning Commission to the Zoning Commission with the following recommendations: (a) Change text to read “the footprint of all buildings exceeding 30-feet in height shall not exceed 10 percent of the total lot area. (b) Change text to read ‘Where CA Zone abuts Residential Zone a 25-foot minimum buffer within the setback of 100-feet shall be maintained over 30-feet in height.’”
2. Letter dated 2/27/01 from the Southeastern Connecticut Council of Governments.
3. Letter from Zoning Official William Mulholland dated 3/21/01 to Zoning Commission.

Mr. Bulmer indicated that, per Zoning Officer Mr. Mulholland, the Coastal Area Management Group, in a phone call to him, in lieu of correspondence, has no comment.

Mr. Bulmer briefly reviewed the Public Hearing procedure.

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

Wayne Fraser, 1<sup>st</sup> Selectman, Town of East Lyme, 22 Gurley Road, East Lyme, CT stated that businesses looking to establish along the I-95 area and other commercial districts in town generally are looking for 4-story, and over buildings in order to invest because economically it is less expensive to build up than out. In certain areas where there may be problems with boundaries, buffers and parking area requirements can be more readily met. This amendment allows a maximum of 55-feet by Special Permit. Thus, the regulation provides the Zoning Commission controls through the Special Permit mechanism. Mr. Fraser added that the Fire Marshall also would be involved in site plan review. The proposed amendment will also make East Lyme competitive with nearby towns.

There being no further speakers in favor, Mr. Bulmer opened the floor to those wishing to speak in opposition to the amendment. There being no further speakers, Mr. Bulmer closed the Public Hearing at 7:44 PM.

#### **IV. Regular Meeting**

##### A. Acceptance of the Minutes of March 1, 2001

Mr. Bulmer requested a postponement in order to have the opportunity to read the minutes and listen to the tape recording of the meeting.

**MOTION (1):** Mrs. Cone moved to postpone acceptance of the March 1, 2001 Minutes until the next Regular Meeting.

Mr. Gada seconded the motion.

Vote in favor: (6-0), Unanimous

##### B. East Lyme Zoning Commission proposal to amend Section 8.3.5 (Height) of the East Lyme Zoning Regulations to allow height increases by Special Permit in CA Zones.

Mr. Bulmer requested comments and question from the Commission.

Mr. Chamberlain stated that he was in favor of the proposal, as it is consistent with the GPDD (Gateway Planned Development District) and provides for Special Permit mechanism allowing the Commission more control.

Mr. Gada stated that he was in favor of the amendment.

Mrs. Cone inquired if "office and/or hotel" were the only allowed uses. Mr. Bulmer indicated that "the building itself is primarily one or the other but could have some other use within it."

Mr. Bulmer referred to the recommendations made by the Planning Commission for discussion. He stated that "footprint" is not defined in the Zoning Regulations and recommended "total lot coverage" in the proposal remain as is. The Commission concurred. Secondly, the Planning Commission recommended text change: 'Where CA Zone abuts Residential Zone a 25-foot

minimum buffer within the setback of 100-feet shall be maintained over 30-feet in height.” He stated that the Zoning Regulations do address this item in Section 24.6 Standards and Section 8, Landscaping and Buffers. He recommended letting the proposal stand as written. Mr. Bulmer also stated his appreciation of the Planning Commission’s comments. The Commission concurred.

**MOTION (2):** Mrs. Conc moved to delete from CA Zone, Section 8 “HEIGHT: No building or structure shall exceed 30-feet in height.”  
Mr. Gada seconded the motion.  
Vote in favor: (6-0), Unanimous.

**MOTION (3):** Mrs. Cone moved to 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:

- 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 view from, or the availability of light and air to abutting and nearby properties.
- d. Where a CA Zone abuts a Residential Zone, a setback of 100-feet shall be maintained from structures over 30-feet in height.”

Mr. Chamberlain seconded the motion.  
Vote in favor: (6-0), Unanimous.

**B. Old Business – none**

**C. New Business**

1. Correspondence

Mr. Bulmer read a letter from Marvin Schutt, member of the Waterfront Commission requesting comments and suggestions as to the use of Cini Park. Members of the Commission indicated that they had received a copy of the letter.

2. Comments from Zoning Official – none

3. Comments from Zoning Liaison to the Planning Commission

Mr. Bulmer stated that he attended the March 20<sup>th</sup> meeting. He stated that there is a meeting being called by the 1<sup>st</sup> Selectmen with the Chairs from the Planning Commission, Zoning Commission and Economic Development to discuss ways of expediting communications among the three Commissions. Mr. Bulmer will attend the meeting.

4. Comments from ex-officio – none

5. Comments from Chairman

Mr. Bulmer commended the Commission members for their dedication and hard work. He also commended the Planning Commission for their efforts and considerations.

6. Adjournment

**MOTION (4):** Mr. Gada moved to adjourn the meeting of the Zoning Commission at 8:00 PM.  
Mrs. Cone seconded the motion.  
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
26 March 2001