

**EAST LYME ZONING COMMISSION  
REGULAR MEETING**

**September 6, 2001**

**MINUTES**

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Sept 13 20 01 at 12:30 AM  
PM

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on Thursday, September 6, 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, Ed Gada, David Chamberlain, Norman Peck, Alternate William Dwyer, and Alternate Mark Nickerson.

**Absent:** Alternate Donna Orefice

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC DELEGATIONS: None**

**REGULAR MEETING**

1. Mr. Bulmer called the Regular Meeting to order at 7:30 PM.

Mr. Bulmer introduced the Commission members.

Mr. Bulmer requested that Regular Meeting Item #4 be moved to #2. The Commission agreed.

2. Application of Peter Lang for a Coastal Site Plan Review to construct a single family dwelling at 20 Riverhead Road, East Lyme, CT.

Mr. Cone read into the record a letter from Zoning Official William Mulholland dated September 6, 2001.

Donald Gerwick, Licensed Professional Engineer and Land Surveyor, 163 Boston Post Rd., Waterford address the Commission as the agent of Peter Lang. Mr. Gerwick's firm prepared the site plan and application for coastal site plan review. He indicated that the site is in an R-10 Zone. The lot area is approximately 34, 000 sf. The proposed structure is approximately 2,000 sf. There will be on-site septic system and well. The principle resources are the estuarine embayment and coastal hazard zone. The 100-year flood elevation is elevation 10 and the lowest elevation of the structure is elevation 22. The proposed dwelling will be 90-feet from a coastal resource. Impact on the resources are minimal to nonexistent. There is an existing seawall at the base of the property, which will not be disturbed. Two additional retaining walls are planned to the south of the proposed dwelling and 50 ft. from the existing

seawall, basically for aesthetic purposes, and would either be constructed at the time the dwelling is constructed or sometime in the future.

Mr. Land stated that he planned to place hay in addition to the silt fence to mitigate consequences of rain fall.

**MOTION (1)** Mrs. Cone moved to approve the application of Peter Lang for a Coastal Site Plan Review to construct a single family dwelling with attached garage at 20 Riverhead Lane, East Lyme, CT for the following reasons: Application found to be consistent with all applicable coastal policies, including all reasonable measures to mitigate adverse impact.  
Mr. Chamberlain seconded the motion.  
Vote in favor: (6-0), Unanimous.

3. Acceptance of the Minutes of the August 2, 2001 Meeting and August 15, 2001 Special Meeting.

**MOTION (2)** Mrs. Cone moved to accept the Minutes of the Public Hearing #1 as amended.  
Mr. Peck seconded the motion.  
Amended as follows: Title of Public Hearing should be: Application of Granville R. Morris to amend Section 21 (Non-conforming uses, buildings, and lots), Sections 21.1.3 and 21.1.5.  
Vote in favor: (6-0), Unanimous.

**MOTION (3)** Mrs. Cone moved to accept the Minutes of the Public Hearing #2.  
Mr. Peck seconded the motion.  
Vote in favor: (6-0), Unanimous.

**MOTION (4)** Mrs. Cone moved accept the Minutes of the Special Meeting of August 15, 2001 as amended to include Mr. Dwyer as present.  
Mr. Chamberlain seconded the motion.  
Vote in favor: (5-0), Mr. Peck abstained.

4. East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations by adding Section 31-Telecommunications Facilities.

Mr. Bulmer reminded the Commission that the CT Siting Council has the final word on the placement of telecommunications towers, however, Town regulations will be considered.

The Commission reviewed the proposed Section 31 based upon evidence presented, discussion and deliberations at the August 2, 2001 Regular Meeting and Public Hearing.

Section 31.2.3 – It was the consensus of the Commission to delete Section 31.2.3. Mr. Peck inquired if a map was planned. Mr. Mulholland stated there could be a map in the future, however, he recommend getting the regulation in place and when the map is completed, the Regulation could be amended.

Section 31.2.11 Mr. Peck recommended changing “the Zoning Commission may...” to “the Zoning Commission shall...” The Commission concurred. Also in this Section, Mr. Peck stated that it was his understanding that “a bond to insure...” is the correct word to use in this context and the Commission concurred.

Section 31.7 Mr. Peck noted the typographical error in Section 31.7(q) “nay” should be “any”. The Commission concurred.

Section 31.3(f) Mrs. Cone noted that at the August 2, 2001 Public Hearing Mr. Dwyer had raised the issue of allowing towers in Residential Zones and recommended against it. Mr. Bulmer indicated that towers in Residential Zones are frequently in steep slopes and rocky outcroppings where houses could not be built. If these locations were eliminated, the towers could be placed in more desirable areas of the Town. The Commission agreed to let it stand.

Section 31.5.2(b) Mrs. Cone inquired if the Commission wished to change “...length and shall not exceed...” to “...length and may not exceed...” Mr. Bulmer stated that “shall” was more binding. The Commission agreed to let it stand as written.

Section 31.5.3(a) Mr. Chamberlain requested the meaning of “RF”. Mr. Bulmer recommended abbreviations be spelled out initially as is done in technical writings. The Commission concurred.

AMENDMENTS TO OTHER SECTIONS, Section 1.61.b Mr. Gada noted a typographical error that needs correction. “...noticeable different...” should be “...noticeably different...” The Commission concurred.

Section 31.4.3(a) Mr. Bulmer stated that “If all structures exist...” should be deleted and the sentence read “All structures existing within ¼ mile...” The Commission concurred.

Section 31.2.12 Mr. Bulmer noted a punctuation error to be corrected in the first sentence. A comma should be placed between “safety” and “telecommunications”. The Commission concurred.

**MOTION (5)** Mrs. Cone moved to approve the East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations by adding Section 31-Telecommunications facilities with the corrections as noted below and by adding 1.61.a and 1.61b to the Definition section.

1. **Delete** Section 31.2.3.
2. Change Section 31.2.11, Sentence #2 to: “As a condition of site plan approval, the Zoning Commission **shall** require a bond to insure removal of abandoned towers.”
3. Section 31.7(q) to read: “...visual impact of **any** tower or structure and ...”
4. Spell out abbreviations:
  - EMF** – Electromagnetic Field
  - RF** – Radio Frequency
  - FCC** – Federal Communications Commission
  - FAA** – Federal Aviation Administration
5. Amendment to Other Sections: Section 1.61.b correct “noticeable” to “**noticeably**”.
6. Section 31.4.3(a), sentence #3, delete “**If**” at the beginning of the sentence and change “exist” to “**existing**”.
7. Section 31.2.12 correct punctuation by adding a comma after “**safety**”.

Mr. Gada seconded the motion.

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

**OLD BUSINESS**

1. Subcommittee
  - A. Backlots

Mr. Mulholland stated that a meeting is planned for Wednesday, 9/11/01 with the Planning Commission.

**NEW BUSINESS**

1. Application of Timothy Yuhas for a Special Permit to operate a fitness training facility (commercial indoor recreational) at 34 Industrial Park Rd., Niantic, CT.  
Mr. Bulmer requested Mr. Mulholland schedule a Public Hearing for the next available date.
2. Application of Aces High RV Park for a Special Permit to operate the campground at 301 Chesterfield Rd., East Lyme, CT “in all seasons”.  
Mr. Bulmer requested Mr. Mulholland schedule a Public Hearing for the next available date.
3. Application of Attorney David F. Sherwood, agent for Wendy’s International, Inc., for a Special Permit to construct and operate a Wendy’s Restaurant at 259 Flanders Road, East Lyme, CT.  
Mr. Bulmer requested Mr. Mulholland schedule a Public Hearing for the next available date.
4. Application of Attorney Jeffrey H. McNamara, agent for Webster Scott, for a change of zone from Special Use-Elderly (SU-E) back to RU-40 Residential for property identified as 33 Dean Road, East Lyme, CT.  
Mr. Bulmer requested Mr. Mulholland schedule a Public Hearing for the next available date.
5. Application of Attorney Theodore A. Harris to amend the East Lyme Zoning Regulations by adding a new Section 21.1.8-Change in Use.
6. Correspondence
  1. Letter regarding TMK Associates, Sleepy Hollow Subdivision to the East Lyme Zoning Commission, Planning Commission and Conservation Commission from P. J. Rivero.
7. Any business on the floor, if any, by the majority vote of the Commission. – none
8. Zoning Official  
Mr. Mulholland stated he anticipates the fall will be busy for the Commission based on the applications currently being scheduled for Public Hearing.
9. Comments from Ex-officio – none
10. Comments from the Zoning Commission Liaison to Planning Commission – D. Chamberlain  
Mr. Chamberlain was on vacation and did not attend the meeting. Mr. Bulmer reminded the Commission members that if they cannot attend their scheduled Planning Commission meeting to try to enlist a substitute from among the other Zoning Commission members.
11. Zoning Board Liaison to Planning Commission – Athena Cone, September 18, 2001
12. Comments from the Zoning Commission Chairman  
Mr. Bulmer requested Mr. Mulholland suggest an effective date for the new Section 31-Telecommunications Facilities. Mr. Mulholland recommended 9/12/01 for the publication date and 9/14/01 as the effective date.

**MOTION (6)** Mr. Gada moved that the effective date of Section 31-Telecommunications Facilities shall be Friday, September 14, 2001.  
Mr. Chamberlain seconded the motion.  
Vote in favor: (6-0), Unanimous.

13. Adjournment

**MOTION (7)** Mrs. Cone moved to adjourn the Regular Meeting at 8:25 PM  
Mr. Gada seconded the motion.  
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
13 September 2001