

Aug 9, 19 99 at 4:20 ^{AM} _{PM}

Esther B. Willaw

EAST LYME TOWN CLERK

**East Lyme Zoning Commission
Regular Meeting
August 5, 1999
MINUTES**

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on August 5, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearings to order at 7:31 PM and the Regular Meeting to order at 11:00 PM.

PRESENT: Paul Formica, Chairman, Daniel Price, Norman Peck, Shawn McLaughlin, Athena Cone, Secretary, William Weber, and Alternate Robert Bulmer

Also Present: William Mulholland, Zoning Officer.

Absent: Alternate William Dwyer and Rose Ann Hardy, ex-officio

REGULAR MEETING

1. Mr. Formica called the Regular Meeting of the East Lyme Zoning Commission to order at 11:00 PM>

2. Acceptance of the Minutes

MOTION (1): Mrs. Cone moved to approve the Minutes of June 17, 1999.
Mr. Price seconded the motion.
Vote in favor: (6-0)

3. Application of Theodore A. Harris, agent for Benchmark Assisted Living, LLC, to amend the Zoning Regulations to permit "Elderly Assisted Living Facilities" in the CB-Commercial Zoning District

Mr. Peck indicated his concern and questioned the justification for the reduction in the buffer with the reduction of height of the building. Following discussion and reference to Zoning Regulations, the Commission agreed to delete item (O) of the Proposed Amendment.

The Commission concurred with the following changes to the proposed amendment:

- a) #2 **ADD NEW SECTION 9.2.8 AS FOLLOWS**
Assisted living facility
- b) (F) Occupancy: Residential units shall be for persons of at least 62 years of age and in the case of multiple occupancy of a dwelling unit, one (1) person shall be at least 62 years of age, but **none** less than 55 years of age.
- c) (N) Correct the spelling in the second sentence: "**Calculation** for this area...."
- d) **Delete (O) Buffers**
- e) (P) Staffing will **re-lettered to (O)**.

MOTION (2): Mr. Price moved to approve the application of Theodore A. Harris, agent for Benchmark Assisted Living, LLC, to amend the Zoning Regulations to permit "Elderly Assisted Living Facilities" in the CB-Commercial Zoning District as amended.
Mr. McLaughlin seconded the motion.
Vote in favor: (6-0)

Reasons:

1. The approval action is in keeping with the authority granted to the Commission in Section 8-2 of Chapter 124 of the Connecticut General Statutes.

Effective upon publication.

4. Application of C.L.A. Engineers, Inc., agent for Patrick Quinn, for a Special Permit to expand the existing recreational vehicle park at 301 Chesterfield Road, East Lyme, CT

Commission panel: Mr. Formica, Mrs. Cone, Mr. Price, Mr. McLaughlin, Mr. Weber, and Mr. Bulmer. Mr. Peck is sitting out.

Mr. Bulmer indicated that the Planning Commission's disapproval of the referral was an important consideration. He noted that the area is on a main Town aquifer and expressed concern was with regard to possible pollution. He added that his primary focus must be what is in the best interests of the Town. Mr. Bulmer indicated that although he can see an expansion to the RV Park, he is opposed to off-season storage due to the risk of spillage of gasoline and other fuels.

Mr. Peck stated that he would put his trust in the DEP and the Conservation Commission regarding environmental issues. He added that without DEP approval this expansion cannot go forward. He enumerated the issues, i.e., traffic, unsightly appearance of the park, property values, etc. and comment on each. Mr. Peck stated that he is in favor of the expansion including winter storage.

Mr. McLaughlin recommended the Commission review the Conditions for Phase I and Phase II for consistency. He indicated that he is in favor of the expansion.

Mrs. Cone stated that she concurred with Mr. McLaughlin with regard to reviewing the Conditions. She commented that the winter storage designated lots are set back on the site and no homes are in view. She indicated she was in favor.

Mr. Price commented that with regard to the water moratorium, this expansion will not impact until next summer. He indicated that FEMA and the DEP will err on the side of caution. He indicated that he was in favor of the expansion and winter storage. He stated his concern for the 12 new sites, which are more forward that they appear more part of the Phase I sites, but are off to the side and out of the line of sight from the street. He indicated that he was opposed to winter storage on any of the Phase I sites, but not opposed to the new sites toward the back.

Mr. Formica stated that he felt this was a good use for the property. He noted that Town Sanitarian Calkins and the DEP can be expected to be thorough and cautious in their reviews. Mr. Formica noted the request for waiver of the sidewalks on Rte. 161 and indicated he did not see the need for them at that location. With regard to the waiver request regarding buffer—north, south and west side of the property. He noted the natural vegetation and shrubs present on the east side.

Discussion ensued with regard to security and Conditions. A Manager's apartment is located on the property.

MOTION (3): Mrs. Cone moved to approve the application of C.L.A. Engineers, Inc., agent for Patrick Quinn, for a Special Permit to expand the existing recreational vehicle park at 301 Chesterfield Road, East Lyme, CT by adding 46 new RV parking sites and a new

bathhouse as delineated on the Site Plan labeled Aces High RV Park, Phase II, Chesterfield Rd., East Lyme, CT revised 1999 with the following conditions:

1. Recreational Vehicles (RV's)/Trailers shall not have wheels removed nor shall any type of permanent foundation be installed and such recreational vehicles (RV's)/trailers shall remain mobile.
2. Mobile homes shall not be permitted on site.
3. There shall not be any tents erected on the subject property.
4. Parking of recreational vehicles (RV's)/trailers shall be limited to the approved sites on the premises and shall not be permitted in any other area.
5. Security on site shall be provided by Owner or Manager.
6. No trespassing signs shall be placed on all boundaries of other properties.
7. No on-site fueling with exception of propane.
8. In-Season use: April 1st to October 31st; Off-Season use: November 1st to March 31st.
9. No recreational vehicles (RV's)/trailers shall be occupied as a residence by any person during the off-season. This restriction shall be prominently included in the contract between the recreational vehicle (RV)/trailer owner and the park owner for off-season use.
10. The park owner will maintain a list with the name of the owner of each recreational vehicle (RV)/trailer using the park during the in-season and off-season together with the address of the owner, a description of the recreational vehicle (RV)/trailer and its location in the park. All recreational vehicles (RV's)/trailers using the park during the in-season and off-season shall be located in an approved site at the park.
11. No recreational vehicle (RV)/trailer in the park during off-season shall be connected to any park utilities. No generators shall be operated to provide electric power to a recreational vehicle (RV)/trailer utilities during the off season. This prohibition will be a part of the contract between the recreational vehicle (RV)/trailer owner and the park owner for off-season use of the park.
12. The park owner shall cut off all utilities to the approved sites of the park during the off season.
13. During the off season, the park owner shall secure the main access road to the park thereby limiting access to the approved sites.
14. By October 15th of each year, the park owner shall provide the Tax Assessor for the Town of East Lyme with a list of the name and address of the owner of each recreational vehicle (RV)/trailer located in a site at the park as of October 1st of each year together with a description of the recreational vehicle (RV)/trailer.
15. No recreational vehicle (RV)/trailer owner shall cover any recreational vehicle (RV)/trailer with any tarp or cover.
16. During the off season, no recreational vehicle (RV)/trailer with gasoline, diesel fuel, LP gas or similar fuels shall be placed in any approved sites located in the buffer area adjacent to wetlands and watercourses.

With the exceptions 1) Section 24.6C -Sidewalks and 24.6.E3 – Vegetation Buffers Mr. Peck seconded the motion.

Vote in favor: (5-1), Mr. Bulmer opposed.

5. Application of Webster M. Scott for a change of zone from RU-40 Residential to a Special Use-Elderly Zone on a portion of property at 33 Dean Road, East Lyme, CT, property known as Lot 76 on East Lyme Tax Map 24.

Following brief discussion,

- MOTION (4)** Mr. Weber moved to approve the application of Webster M. Scott for a change of zone from RU-40 Residential to a Special Use-Elderly Zone on a portion of property at 33 Dean Road, East Lyme, CT, property known as Lot 76 on East Lyme Tax Map 24.
Seconded by Mr. Price.
Vote in favor: (6-0), Unanimous

Reasons:

1. The approval action is in keeping with the authority granted to the Commission in Section 8-2 of Chapter 124 of the Connecticut General Statutes.
2. The approval conforms to the East Lyme Plan of Development.

Effective upon publication.

6. Application of Webster M. Scott for a Special Permit to construct 38 units of Elderly Housing at 33 Dean Road, East Lyme, CT, property known as Lot 76 on East Lyme Tax Map 24

Following discussion regarding the waiver requests of Section 24.6C and 24.6.E3 and Mr. Mulholland's comments regarding compliance with site plan requirements,

- MOTION (5):** Mrs. Cone moved to approve the application of Webster M. Scott for a Special Permit to construct 38 units of Elderly Housing at 33 Dean Road, East Lyme, CT, property known as Lot 76 on East Lyme Tax Map 24, with exception Section 24.6C-Sidewalks and Section 24.6.E3-Landscape on the northern side.
Seconded by Mr. Price.
Vote in favor: (6-0), Unanimous.

Reasons:

1. The approval action is in keeping with the authority granted to the Commission in Section 8-2 of Chapter 124 of the Connecticut General Statutes.

OLD BUSINESS None

NEW BUSINESS

1. Amendment Proposal Central Business District (CB) Parking Overlay Zone
Tabled to the next meeting for discussion at that time.

2. Zoning Official

Mr. Mulholland requested the Commission's consensus on an interpretation of Section 22-Parking Standards, specifically, Section 22.1.8-Theaters, Auditoriums, Places of Public Assembly. The item for interpretation is banquet facilities. Following discussion, the Commission concurred that banquet halls fall under this Section.

3. Adjournment

MOTION (6): Mr. Price moved to adjourn the meeting at 12:15 AM, August 6, 1999.
Mrs. Cone seconded the motion.
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett
Recording Secretary