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*Esther B. Williams*

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION  
SPECIAL MEETING  
DECEMBER 11, 2002  
MINUTES**

The East Lyme Zoning Commission held a SPECIAL MEETING Wednesday DECEMBER 11, 2002 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Special Meeting at 7:50 PM

PRESENT: Mark Nickerson, Norman Peck, Athena Cone, Alternate Marc Salerno, and Alternate Robert Bulmer

Absent: Shawn McLaughlin, Ed Gada, David Chamberlain, Alternate William Dwyer

Also present: William Mulholland, Zoning Official; Rose Ann Hardy, Ex-Officio

PANEL: Mr. Nickerson, Mrs. Cone, Mr. Peck, Mr. Bulmer and Mr. Salerno

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PLEDGE OF ALLEGIANCE

PUBLIC DELEGATION – NONE

SPECIAL MEETING

Mr. Nickerson opened the Special Meeting at 7:50 PM.

**A. Election of Chairman**

Mrs. Hardy, Ex officio, proceeded to accept nominations for Chairman of the Zoning Commission. Following election of the Chairman, Mrs. Hardy entertained nominations for Secretary of the Zoning Commission.

**MOTION (1):** Mrs. Cone nominated Mark Nickerson for Zoning Commission Chairman. Mr. Salerno seconded the nomination. Vote in favor: (5-0-0), Unanimous

**MOTION (2):** Mr. Bulmer moved to close nominations for Chairman.  
Mr. Salerno seconded the motion.  
Vote in favor: (5-0-0), Unanimous

**B. Election of Secretary**

**MOTION (3):** Mr. Nickerson nominated Athena Cone for Zoning Commission Secretary.  
Mr. Salerno seconded the nomination.  
Vote in favor: (5-0-0), Unanimous.

**MOTION (4):** Mr. Bulmer moved to close nomination for Secretary.  
Mr. Peck seconded the motion.  
Vote in favor: (5-0-0), Unanimous.

**C. Acceptance of Minutes of November 21, 2002 – Tabled until next meeting**

**D. Acceptance of Minutes of November 25, 2002**

Mr. Bulmer moved to correct the Minutes of the Public Hearing I & II, November 25, 2002 as to the members present, absent and seated and table acceptance until the next meeting. Mr. Salerno seconded the motion.

Discussion: Per Mr. Peck's request, the Recording Secretary will listen to the tape for comments by Mr. Morton concerning comparative water usage of 100 dwellings vs. golf course on the property for inclusion into the Minutes.

Correction:

PRESENT: Mark Nickerson, Shawn McLaughlin, Norman Peck, David Chamberlain, Alternate Marc Salerno, Alternate William Dwyer and Alternate Robert Bulmer

Absent: Mrs. Cone, Mr. Gada

Also present: William Mulholland, Zoning Official; Rose Ann Hardy, Ex-Officio

PANEL: Mr. Nickerson, Mr. McLaughlin, Mr. Peck, Mr. Chamberlain and Alternates Mr. Bulmer and Mr. Salerno

Mr. Bulmer withdrew the motion.

**MOTION (5):** Mr. Salerno moved to table the Minutes of November 25, 2002 until the next Regular Meeting.  
Mr. Nickerson seconded.  
Vote in favor: (5-0-0), Unanimous.

## **E. East Lyme Zoning Commission Budget**

Mr. Mulholland stated that the budget before the Commission is the same budget that the Commission has had over the years, however, referring to form A, he noted "Total Services Contracted" there should be a number for Recording Secretary of \$1,680.00. Per Mr. Funke, this amount is included in the total Budget amount. Mrs. Cone inquired if this was an increase rate for the Recording Secretary and Mr. Mulholland stated it was not an increase in the amount of money budgeted for that item. He added that increase rates are generally determined and approved by the Board of Selectman. He indicated that the amount has been more than adequate in terms of covering the expense for the year and it has also helped to defray some of the cost for additional temporary staffing needed.

Mr. Mulholland stated that the 1<sup>st</sup> Selectman's Office and the Board of Selectmen are looking for zero budgets for this year and recommended approval.

Mrs. Cone inquired as to the "7/1/03 adj." notation under Zoning Official salary and whether it was a raise percentage built into the budget. Mrs. Hardy stated it was not a raise, but believed it was rather a Cost of Living Adjustment for 2003, which she thought was between 2.5-3%.

Mr. Mulholland pointed out "Estimated Revenues" and noted that in 2002 the Commission took in \$8,198.00, which reflects fees received. He indicated that this amount is higher than what is typical and reflects the amount of work done over the year. He pointed out that the Budget indicates \$4,800.00, which is more realistic.

Mr. Peck inquired as to Zoning fees charged and if the Planning Commission had increased its fees. Mr. Mulholland stated that staff has discussed increasing legal ad fees and impact fees, however the town has chosen not to go forward at this time. He stated that the Commission could, if it wished, explore, with a subcommittee, increasing fees and come up with a fee schedule that reflects the staff time. He indicated that philosophically the town has chosen not to charge impact fees because it hadn't seen a level of development that would deem it necessary.

Mr. Bulmer inquired of Mrs. Hardy if the Board of Selectmen had done a review of staff salaries and if the question of raises for individuals staff had been discussed and/or determined. Mrs. Hardy stated that the Board has met with a subcommittee of the Board and Townspeople, which came up with the COLA adjustment in June-July 2002. She stated that there were two positions given raises that she could recall. The 1<sup>st</sup> Selectman had agreed to do a wage and salary survey and to bring someone in to conduct that survey to see if the Town was paying comparable wages with comparable towns. The survey has not yet been done.

Mr. Mulholland stated that it was his understanding, in response to Mr. Nickerson's question as to the Commission's flexibility in making adjustments, that the Commission has the right to make changes in the Budget, however, the Budget goes to the Board of Selectmen and the Board of Finance and they can cut items if they deem them inappropriate. If the Zoning Commission wished to pursue this action, it could lobby the Board of Finance for restoration of any items cut by the Board of Selectmen. Mrs. Hardy added that the Selectmen cannot add into the Budget what the Commission does not ask for.

Mr. Mulholland stated that the Budget before the Commission at this time is suggested by the Finance Office and is a zero budget.

Mrs. Hardy stated, in response to Mrs. Cone's question regarding the rate received by Recording Secretary, that the Board of Selectman would make the determination as to the Recording Secretary's hourly rate and it would apply to anyone serving in that position for all Boards and Commissions. Mr. Nickerson inquired as to the current hourly rate for Recording Secretary (\$10/hr).

Mr. Bulmer recommended that the Commission request a 3% salary increase for the Zoning Official over the COLA increase previously discussed at 2.5-3%. The Commission concurred. Mr. Nickerson calculated new Budget bottom line assuming a 3% COLA increase in July 2003 and a 3% increase in salary for the Zoning Official following COLA adjustment (\$49926.00).

Mrs. Cone inquired when the 7/1/03 -3% was effective and handled, and stated some confusion, as did Mr. Bulmer, as to the meaning of that notation. Mrs. Hardy stated that as of 7/1/03, the estimated 3% COLA increase becomes effective. She stated that Selectmen would add that amount into the Budget.

Following a brief discussion,

**MOTION (6):** Mr. Bulmer moved to recommend an increase in salary for the Zoning Official of 3% after the COLA the increase is applied.  
Mr. Salerno seconded the motion.  
Vote in favor: (5-0-0), Unanimous.

Mr. Salerno noted that in a previous meeting the Commission had briefly discussed the feasibility of a part-time Zoning Assistant for Zoning Enforcement. He stated that this might be the time to further explore that possibility.

Mr. Mulholland stated that he met with the 1<sup>st</sup> Selectman and staff this morning concerning Stormwater, Phase II, which is mandated. When that takes place, Zoning will need more staffing in his judgment. He indicated that at this morning's meeting discussions took place regarding who should have what responsibilities. He stated that at this time he cannot say that he needs a part-time assistant. He stated that although the Zoning Office has been very busy this year, he considers it a "bubble" year. He added that the Zoning Office has the benefit of a very skilled, responsible and knowledgeable administrative staff, however, they are not comfortable fielding technical questions and dealing with technical issues because of the liability associated with it. If the Zoning Office became overwhelmed later in the year 2003, he could go to the 1<sup>st</sup> Selectman and request additional temporary support staff or get help from existing staff when that can be coordinated. He added that he would not at this time recommend additional staff. He added that there was discussion at this morning's meeting about changing the Zoning rules to require applicants to provide weekly reports, so that the onus is on the applicant to provide the information to the Zoning Official.

Mr. Peck inquired as to the current fees charged. Mr. Mulholland indicated they range from \$100-125 for Special Permit, Site Plan Review and CAM. These fees defray legal costs and staff time. He indicated that some towns use a two-tier system where a Special Permit for a small addition, for example, is \$125 and larger structures are based on a sliding scale or may be an impact fee.

Mr. Bulmer inquired as to the most recent update of Zoning Official's Job Description. Mr. Mulholland indicated that it was last done to his knowledge 10-12 years ago to his recollection. Mrs. Hardy added that the Board of Selectmen would update Job Descriptions. Mr. Bulmer recommended that the Job Description be updated.

Mr. Nickerson recommended a letter requesting an updated Job Description to be sent forward to the 1<sup>st</sup> Selectmen with the Budget and the recommended Zoning Official raise explaining the reason for same.

**MOTION (7):** Mrs. Cone moved to send the East Lyme Zoning Commission Budget of \$56,812.00, as amended to include COLA and raise for the Zoning Commission, forward to the Board of Selectmen  
Mr. Bulmer seconded the motion.  
Vote in favor: (5-0-0), Unanimous.

OLD BUSINESS

- A. Stormwater – nothing further
- B. Affordable Housing – nothing further

NEW BUSINESS

- A. Application of Theodore A. Harris for a change of zone from CA Commercial and RU40 Residential to SU-E, Special Use-Elderly for the following properties: 4 Indian Woods Rd., 6 Indian Woods Rd., 8 Indian Woods Rd., 10 Indian Woods Rd. and 142 West Main Street, Niantic, CT.

Mr. Mulholland will schedule a Public Hearing.

- B. Application of Theodore A. Harris for a Special Permit and Coastal Area Management Site Plan review to construct 80 units of Elderly Housing on property identified as 4 Indian Woods Rd., 6 Indian Woods Rd., 8 Indian Woods Rd., 10 Indian Woods Rd. and 142 West Main St., Niantic, CT

Mr. Mulholland will schedule a Public Hearing.

- C. Correspondence – none
- D. Comments from Zoning Board Liaison to Planning Commission – Mr. Peck stated he arrived last night for the meeting, but there was none.

**MOTION (8):** Mrs. Cone moved to adjourn the meeting at 9:00 PM.  
Mr. Salerno seconded the motion.  
Vote in favor: (5-0-0), Unanimous.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
17 December 2002