

East Lyme Zoning Commission  
Regular Meeting  
December 3, 1998  
Minutes

FILED IN EAST LYME TOWN

CLERK'S OFFICE

Dec 11, 19 98 at 10 <sup>AM</sup> PM

*Esther B. Williams*

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on December 3, 1998 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Chairman Formica called the Meeting to order at 7:32 PM.

PRESENT: Paul Formica, Chairman, Athena Cone, Secretary, Norman Peck, Daniel Price, Shawn McLaughlin, and Alternates William Weber, Robert Bulmer, William Dwyer,  
Also Present: William Mulholland, Zoning Officer. Rose Ann Hardy, ex-officio.

Absent: Christopher Mullaney

**Regular Meeting of the East Lyme Zoning Commission**

Mr. Formica called the meeting to order at 8:37 PM.

A. Acceptance of the Minutes of November 19, 1998

**Motion (1):** Mr. Price made a motion to accept the Minutes of the November 19, 1998 Regular Meeting. Mr. Peck seconded the motion.

Vote in favor: (4-0), Mrs. Cone and Mr. Weber abstained.

B. Application of Robert D. Tobin to amend Section 12.1.3 and Section 25.5 of the East Lyme Zoning Regulations to modify the Elderly Housing age minimum from 62 years of age to 55 years of age.

Mr. Peck and Mrs. Cone excused themselves from the panel Mr. Bulmer will sit for this Hearing. Mr. Dwyer was previously excused due to illness.

Mr. Formica stated that he needed time to obtain a response from the Town Attorney regarding the impact of one of the options, i.e. all residents must be 62 years of age to live in an Elderly Community.

Mr. Bulmer stated that he also would like more time to review the material presented.

Mr. McLaughlin stated he would prefer to postpone to the next meeting.

Mr. Formica indicated that the Commission had 65 days from the Public Hearing to make its decision.

This item will be continued at the next Regular Meeting, January 7, 1999.

C. Application of W. C. Smith, DBA Hidden Acres, for a Special Permit to excavate gravel from property off Chesterfield Road, East Lyme, Lots 44 and 45 on East Lyme Assessor's Map 19 and 1.

Mr. Peck and Mrs. Cone will sit on the panel. Mr. Bulmer is sitting out.

Mrs. Cone noted that the hours of operation should be discussed. She indicated that the issue of the trucks and school buses traveling Rte. 161 at the same time was one concern and recommended 8:00 AM as a possible start time.

Mr. Mulholland requested that the Commission clarify if the start time of the hours of operation: is it the time operators can start equipment and work on the property or can the operators enter the property and start up equipment prior to the start time. Mr. Formica indicated that the hours of operation would be the start time and end time of work on the property.

Discussion ensued regarding additional traffic created by the trucks on Saturdays.

**Motion (2):**

Mr. Weber made a motion to approve the application of W.C. Smith, DBA/Hidden Acres, for a Special Permit to excavate up to 28,000 cubic yards of gravel from property off Chesterfield Road, East Lyme – Lots 44 & 45 on East Lyme Assessor's Maps 19 & 1 for a period of one year under the following conditions:

(1) Hours of operation 8 AM-4:30 PM Monday through Friday and 8 AM-2 PM on Saturday,

(2) Bond to be \$5,000 Cash, and \$25,000 surety bond for a total of \$30,000.

Mrs. Cone seconded the motion.

Vote in favor: (6-0), Unanimous

Effective upon publication. Reason: Complies and is consistent with zoning regulations.

D. Request of Doane-Collins Engineering for Aly Group Limited Partnership for an exception to the requirements of Section 24.6E(3) (Landscaping & Buffers) to permit construction of a 4,200 square foot new building and 1,800 square foot addition to the plaza at 56-82 Pennsylvania Avenue, Niantic, CT

Mr. Peck and Mrs. Cone are not sitting on the panel. Mr. Bulmer will sit on this application.

Mr. Price read into the record a letter from Doane-Collins Engineering Co, Civil Engineering dated November 24, 1998 to Mr. Formica, Chairman, East Lyme Zoning Commission. The applicant is requesting an exception as permitted in Section 24.7 of Section 24.6E (3) Landscaping and Buffer Strip. A 6 foot buffer area is required along the lot boundaries in the commercial district. An exception

is requested for the western and southern boundaries. The western boundary lies behind the existing building and currently does not meet the 6 foot required buffer for the entire length of the property line. Increasing the buffer for this area would limit delivery and emergency truck access and therefore no changes are proposed. The 6 foot buffer area requirement is also not met along the entire length of the southern boundary. No changes are proposed to increase the buffer since the proposed site development must accommodate existing curb cuts and parking.

Darcy R. Collins, PE made a presentation to the Commission regarding the proposed plans for the plaza including landscaping.

**Motion (3):** Mr. Price made a motion to approve the request of Doane-Collins Engineering for Aly Group Limited Partnership for an exception to the requirements of Section 24.6E(3) (Landscaping & Buffers) to eliminate the 6 foot landscape buffer strip along the southerly and westerly boundaries to permit zoning site plan compliance for plaza expansion at 56-82 Pennsylvania Avenue, East Lyme, Connecticut. and to allow an architectural fence along the northerly and westerly property line as noted on the Site Plan.

Mr. Bulmer seconded the motion.

Discussion: Mr. Bulmer requested that as part of the motion, the Site Plans be included. Mr. Formica noted that the Site Plans will automatically be included.

Vote in favor: (5-0), Unanimous.

E. Request of the East Lyme Water and Sewer Commission to amend Section 20 of the zoning code to prohibit issuance of special permits for Multi-family dwellings filed under Sections 9.2.5 and 12.1.4

Mr. Peck is not sitting on the panel for this request.

**Motion (4):** Mrs. Cone made a motion to approve the request of the East Lyme Water & Sewer Commission to amend Section 20 of the zoning code to prohibit issuance of special permits for Multi-family dwellings filed under Section 9.2.5 and 2.1.4 for a period of one year ending on December 1, 1999.

Mr. Bulmer seconded the motion.

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

F. East Lyme Zoning Commission proposal to amend Section 18.1.10 of the sign code to permit "Community Bulletin Boards".

Mr. Waterman requested an opportunity to speak on this issue. Mr. Formica stated that he is precluded from allowing a Planning Commission member to speak to prevent him/her from influencing the vote. He noted that the Zoning Commission received a letter from the Planning Commission indicating that Commission's vote to approve the proposed

amendment. He added that the Legal Advertisement indicated that three Boards were proposed and he cannot at this time change that number.

**Motion (5):** Mr. Price made a motion to approve the amendment to Section 18.1.10 of the sign code to permit "Community Bulletin Boards".  
Mrs. Cone seconded the motion.

Vote in favor: (6-0), Unanimous

G. East Lyme Zoning Commission proposal to amend Section 11 of the zoning code to permit Motor Vehicle Repairers Stations as a use in Light Industrial zones.

**Motion (6):** Mr. Price made a motion to approve to amendment to Section 11 of the zoning code to permit Motor Vehicle Repairers Stations as a use in Light Industrial Zones.  
Mr. Weber seconded the motion.

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

Zoning Commission Schedule of Meetings for 1999

**Motion (7):** Mr. Price made a motion to approve the Zoning Schedule of meetings for 1999.  
Mrs. Cone seconded the motion.

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

Correspondence

- A. Letter from Mr. Bob Simpson regarding Elderly Housing. Mr. Formica stated that since the Public Hearing is closed on this item, he will not read the letter into the record.
- B. Letter from Mary and Robert Gadbois, 358 Boston Post Road inquiring if Mr. Formica has visited Devonwook in Farmington, Connecticut

Business on the Floor

Election of Officer Special Meeting is scheduled for Thursday, December 10, 1998 at 6:00 PM at East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, Connecticut

Planning Commission Liaison

Richard Waterman, Planning Commission Liaison addressed the Zoning Commission regarding the Community Bulletin Boards.

1. The number of boards and the locations. He indicated that he spoke with Marvin Schutt of the Shoreline Chamber of Commerce regarding this matter and others.

2. Size of the signs on the Board. He indicated that 1 x 6 foot boards should also be considered in addition to 2 x 3 foot signs.
3. Mr. Waterman recommended that the Zoning Commission decide and approve the locations.
4. Guidelines for the use of the Boards and the role of the Shoreline Chamber of Commerce should be put in writing.
5. Regulations on the use of sandwich boards remain in effect and be enforced.

**Motion (8):** Mrs. Cone made a motion to adjourn the meeting at 10:00 PM.  
Mr. McLaughlin seconded the motion.

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

Respectfully submitted,



Anita M. Bennett  
Recording Secretary