

East Lyme Zoning Commission
SPECIAL MEETING

July 29, 1999
MINUTES

Aug 3, 19*99* AT *8:45* AM
PM
J. A. Blair, etc
East Lyme Town Clerk

The East Lyme Zoning Commission held a Public Hearing and Special Meeting on July 29, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearings to order at 7:34 PM and the Special Meeting to order at 8:56 PM.

PRESENT: Paul Formica, Chairman, Daniel Price, Norman Peck, Shawn McLaughlin, Athena Cone, Secretary, William Weber, and Alternates, William Dwyer.

Also Present: William Mulholland, Zoning Officer. Meg Parulis, Land Use Coordinator. George McPherson, Planning Commission Liaison.

Absent: Alternate Robert Bulmer Rose Ann Hardy, ex-officio

REGULAR MEETING

1. Mr. Formica called the meeting to order at 8:56 PM.

Panel of Commissioners: Mr. Formica, Mrs. Cone, Mr. Price, Mr. Weber and Mr. Dwyer. Mr. McLaughlin and Mr. Peck sat out. Mr. Bulmer is absent.

2. Acceptance of the minutes of July 8, 1999.

MOTION (2):

Mrs. Cone moved to approve the Minutes of July 8, 1999 as modified.

Mr. Weber seconded the motion.

Modifications : 1. Page 3 or 13 – last paragraph beginning “Marvin Schutt, 29 Edgewood Rd. N. – second sentence should read “He presented 266 signatures on a petition to

2. Page 4 of 13 – first paragraph beginning “Tom Patsiga, 194 North River Rd., second sentence should read “Mrs. Davies responded that no one from Planning was qualified to answer

3. Page 7 of 13 – second paragraph beginning “Ron McCue, 5 North Edgewood...” should read “Ron McKeon,”

4. Page 9 of 13 – sixth paragraph beginning “There being no further speakers, first sentence should read “.....Mr. Formica asked the Commissioners for comments.....”

5. Page 12 of 13 – last paragraph correct the spelling of the last word to “deliberations”

Vote in favor as corrected: (5-0)

3. East Lyme Zoning Commission proposal to amend Section 2A (RU-120 to RU-200) Greenway Conservation District.

Mr. Formica indicated that the Commission has 65 days to make its decision from July 8, 1999. The Commission decided to go forward with its discussion and deliberation.

Mr. Dwyer inquired as to the reasoning behind allowing an Inn (commercial use) which has 12 or fewer units. He indicated that he equated an Inn with a Hotel.

Mr. Formica stated that it recognizes limited commercial access as a part of tourism district. Mrs. Cone read the definition of "Inn", "Hotel" and "Bed and Breakfast".

Mr. Formica noted that the issue of property values was a stated concern during the Public Hearing. Mr. Weber noted that the Charette Report indicated that the property value increased in So. Hampton when lot size was increased.

Discussion ensued regarding the 500 ft. buffer to the Niantic River and the height requirements. The Commission consensus was that the 200 ft. elevation should be clarified.

MOTION (3): Mr. Weber moved to approve the East Lyme Zoning Commission proposal to amend Section 2A (RU-120 Districts) of the Zoning Regulations by deleting the existing Section and adding new Section 2A – RU-200 Greenway Conservation District, as described in the hearing Legal Ad, with the addition of "mean high water (MHW)" after "elevation 200" in paragraph 2.A.4.5 for the reasons:

- A. The approval conforms to the East Lyme Plan of Development.
- B. 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.

Mr. Price seconded the motion.
Vote in favor: (5-0), Unanimous.
Effective on publication.

4. East Lyme Zoning Commission proposal to rezone the existing RU-120 Zoning District to a RU-200 Greenway Conservation District

Panel of Commissioners: Mr. Formica, Mrs. Cone, Mr. Price, Mr. Weber and Mr. Dwyer. Mr. McLaughlin and Mr. Peck sat out. Mr. Bulmer is absent.

Following brief discussion and review of correspondence, etc.,

MOTION (4) Mrs. Cone moved to approve the zone change – East Lyme Zoning Commission proposal to rezone the existing RU-120 Zoning District, as delineated on the East Lyme Zoning Map, described in the Zoning Regulations, and further described in the hearing Legal Ad, to a RU-200 Greenway Conservation District. Reason for approval:

- A. Conforms to the East Lyme Plan of Development.
- B. 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.

Seconded by Mr. Price.
Vote in favor: (5-0), Unanimous

5. East Lyme Zoning Commission proposal to amend Section 23 (Open Space Cluster Development Regulations) of the Zoning Regulations.

Panel of Commissioners: Mr. Formica, Mrs. Cone, Mr. Price, Mr. Weber and Mr. Dwyer. Mr. McLaughlin and Mr. Peck sat out. Mr. Bulmer is absent.

The Commission reviewed the Proposed Amendment dated 5/6/99, notes, public hearing testimony/evidence and correspondence and Mr. Formica indicated changes. Section 23.4 (B) is re-labeled (A). Insert "Building" before "Setback to wetlands/watercourses" Delete RU-120, 85% and 70% from Section 23.5 (B)

MOTION (5): Mr. Weber moved to approve Cluster Section 23- East Lyme Zoning proposal to amend Section 23 "Open Space Cluster Development" of the Zoning Regulations by modifying the regulations as proposed and with the following changes 23.4 add "building" in front of "setback" and in 23.5B remove RU-120 from the table.
Mr. Price seconded the motion
Vote in favor: (5-0), Unanimous.

6. East Lyme Zoning Commission to amend Section 1.38 (Lot Size) of the Zoning Regulations

The Commission reviewed the Proposed Amendment dated 4/8/99, notes, public hearing testimony/evidence and correspondence. Lengthy discussion ensued regarding the lot size, configuration of the buildable area, flood control, and other issues.

Section 1.38 A – Mr. Formica stated that the "square" may be a difficult or impossible configuration and suggested "parallelogram no less than 100 ft. on a side and no angles less than 75 degrees." The Commission concurred with this change.

Where the term "parcel" was used in 1.38 A-1.38E, the term "minimum area of buildable land" shall replace it.

Section 1.38.B shall read "such minimum area of buildable land shall not include any land determined to be inland wetlands or tidal wetlands as defined by the Connecticut General Statutes."

Section 1.38.C shall read: "no more than 20% of such minimum area of buildable land shall be comprised of topography exceeding a 25% slope, but not limited to,"

Section 1.38. D shall read: "a total of no more than 25% of such minimum area of buildable land shall be encumbered by"

Section 1.38.F shall be added as follows: "Zoning compliance chart shall accompany each lot."

MOTION (6): Mrs. Cone moved to approve Section 1.38 – East Lyme Zoning Commission to amend Section 1.38 of the Zoning Regulations by modifying the existing language as proposed and as discussed. Reasons for approval
A. Conforms to the East Lyme Plan of Development.

B. 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.
Seconded by Mr. Price.

Vote in favor: (5-0), Unanimous

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

Panel of Commissioners: Mr. Formica, Mrs. Cone, Mr. Peck, Mr. Price, and Mr. Weber. Mr. Dwyer and Mr. McLaughlin sat out. Mr. Bulmer is absent.

Tabled until August 5, 1999.

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

Continued to August 5, 1999

OLD BUSINESS

None

NEW BUSINESS

1. Correspondence – none
2. Zoning Official – Mr. Mulholland noted that the Zoning Office is obviously very busy.
3. Comments of Planning Representative
George McPherson indicated that he had attended a Seminar recently on How to Hold a Public Hearing. He added that the Commission can limit the amount of time for a presentation by the applicant provided they are informed of the limitation.
4. Ex Officio – none
5. Adjournment

MOTION (7): Mr. Peck moved to adjourn the meeting at 10:41 PM.

Mr. Weber seconded the motion.

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

Respectfully submitted,



Anita M. Bennett
Recording Secretary