

East Lyme Zoning Commission  
PUBLIC HEARING  
July 8, 1999  
MINUTES

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

July 19, 19 99 at 9:50 AM  
Esther B. Willard  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on July 8, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearings to order at 7:35 PM. The Regular Meeting was called to order at 11:33 PM.

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

Also Present: William Mulholland, Zoning Officer. First Selectman Wayne Fraser. Rose Ann Hardy, ex-officio. George McPherson, Planning Commission Liaison.

Absent: Shawn McLaughlin

Mr. Formica opened the Public Hearing and introduced the Commission members. Mr. William Dwyer will sit as a full member on the Commission in Mr. McLaughlin's absence. Mr. Formica then outlined the procedure for the Public Hearing.

PUBLIC DELEGATION: None

**MOTION (1):** Mr. Price moved hold Public Hearing #4 on the agenda first and follow with Public Hearings #1, 2 and 3.

Mrs. Cone seconded the motion.

Vote in favor: (6-0)

**I. 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 Districts.**

Formerly item #4 on the agenda)

This item has been properly advertised by being published in the New London Day on 6/25 and 7/5/99.

Attorney Theodore Harris and the Commission agreed to continue this Public Hearing until July 29, 1999.

## **II. East Lyme Zoning Commission proposal to amend Section 2A (RU-120 District) of the Zoning Regulations.**

Mr. Formica polled the Commission for any conflicts. Mr. Peck will stand down and Mr. Bulmer will sit as a full member of the Commission.

Mr. Formica reviewed the procedure of the Public Hearing. He noted that Public Hearings #1 and #2 on the agenda have much of the same information. The testimony and evidence submitted in **Public Hearing II -East Lyme Zoning Commission proposal to amend Section 2A (RU-120 District) of the Zoning Regulations**, will become part of **Public Hearing III**.

Mrs. Cone read into the record:

1. Legal Ad, 6/22/99. Mrs. Cone read the notice of the Public Hearing and a description of the proposed amendment.
2. Letter from Joan Hoelzel, Sr. Coastal Planner, DEP, Office of Long Island Sound Program dated 7/7/99
3. Letter to the Zoning Commission from the Planning Commission dated 6/23/99.
4. Letter from Joan Hoelzel, Sr. Coastal Planner, DEP, Office of Long Island Sound Program dated 6/17/99
5. Letter from the Southeast Connecticut Council of Governments, Regional Planning Commission dated 6/29/99
6. Citizens Letters
  - a. Ann E. Rosetta, 10 Center Rd., 6/14/99
  - b. Heather Bordeleau, 11 Nehantic Rd., 7/6/99
  - c. Anthony and Lois Riozzo, 14 Round Rock Rd., 6/29/99
  - d. Karen Kari, 6 Boston Post Road, 7/4/99
  - e. George M Milne, Jr., 30 Bishop Bay Dr., 6/29/99
  - f. Thomas Favor, Waterford.

Mr. Formica read into the record a letter from Edward B. O'Connell, of Waller, Smith & Palmer, P.C.

Jeanne Davies, Director of Planning presented the historical overview of the RU-120 project planning going back to 1987 with the Plan of Development's recommendation for the preservation of the Oswegatchie Hills area. In 1989, the Zoning Commission changed the zone from 1 to 3 acres based on the soil and topography information available at that time. Harbor Management Plan was adopted that recommended re-examination of the Zoning Regulations to protect the natural resources of the property and the Niantic River. The Town had looked at methods of acquiring the property for open space in the late 1980's. Cluster development regulations and buffer areas were examined as a means of protecting the River and the Oswegatchie Hills area. In 1996 a Greenway Zoning and Subdivision Standard was discussed by staff and presented to the Planning Commission on September 10, 1996 (Exhibit 3). In 1997, the Planning Commission (Exhibit 5) began looking at critical

resources town-wide. The Planning Commission requested the Zoning Commission consider as part of the examination of Greenway Conservation Zoning the possibility of 3:5 zoning.

Mrs. Davies introduced Meg Parulis, Land Use Coordinator who presented a technical overview of the property. The objective was to protect the critical resources while keeping the value of the property for development, find the mechanisms to place open space appropriately and target development in suitable areas. Minimum Area of Buildable Land (MABL) was considered an appropriate solution for the remaining undeveloped land.

Mrs. Parulis pointed out the differences from the existing RU-120 Zone and mechanisms incorporated to focus on development in suitable areas. Added as Special Permit uses are Bed & Breakfast (5 units) and Inns (12 units). Prohibited clear-cutting except in associated with one of the permitted uses. Increasing minimal lot size from 120,000 sf to 200,000 sf (only for density calculations). Because cluster development is mandated (40,000 sf for on-site sewer system, 20,000 sf for community system or sewers) 200,000 sf is used for calculation of overall density. Added to ensure for open space would be along critical resource, i.e. Niantic River, a 500 ft. buffer is required to the Niantic River. If someone wanted to place a single-family house on an existing lot, they would not have to meet the buffer requirement if they are not subdividing the property. Height of buildings would be approximately 10 feet below the tree line if above 200 ft. elevation.

#### Exhibits submitted

- Exhibit #1 Plan of Development Excerpt
- Exhibit #2 Harbor Management Plan
- Exhibit #3 Minutes of the Planning Commission, September 10, 1996
- Exhibit #4 Map
- Exhibit #5 Minutes of the Planning Commission, June 17, 1997
- Exhibit #6 Letter from the Chairman of the Planning Commission to Chairman of the Zoning Commission, July 16, 1997.
- Exhibit #7 Discussion Notes, Historic Overview
- Exhibit #8 Two maps – Greenway District
- Exhibit #9 Buildout Analysis of Undeveloped Residential Property (Map)

Mr. Formica requested questions and comments from the Zoning Commission members.

Mr. Bulmer suggested that it be noted the 200 ft. elevation be above “mean low water” and that should be specified in the regulation.

Mr. Formica opened the floor to those wishing to speak in favor of the proposed amendment.

Marvin Schutt, 29 Edgewood Rd. N., Niantic expressed his thanks to the landowners in Oswegatchie Hills and people who have work to bring this issue to Public Hearing. He presented 266 letters to the Zoning Commission expressing support for this proposed amendment. As spokesperson for the Friends of the Oswegatchie Hills Nature Preserve he also presented a letter in support of the proposed amendment. Mr. Schutt asked for a show of hands of those present who are in support of the proposed amendment. The show of hands was the majority of those present.

Tom Patsiga, 194 North River Rd., Waterford and owner of land on Oswegatchie Hills and a business at 13 West Main St. inquired if the value of the property would increase or decrease with the approval of the proposed amendment. Mrs. Davies responded that no one was present who was qualified to answer that question. Mr. Patsiga stated that he was clearly in favor of preserving OSWEGATCHIE HILLS. He suggested that the Town obtain the property and turn the hillside into a preserve, with no houses constructed.

Rich Chick, 133 OSWEGATCHIE HILLS Rd., Niantic requested clarification of the buffer and setback requirements and access to lots. Mrs. Parulis stated that currently the setback from coastal or inland wetlands is 100 feet. If the lot stays as it is today, the lot would be grandfathered. There are two parcels (one house per parcel) with frontage on the Niantic River that would be grandfathered. She added that any development would require traffic analysis.

Bernard Faber, 31 Wells St., Niantic inquired how the proposed amendment would effect any attempt by the State to buy waterfront property. Mr. Faber also addressed the issue of waste removal should development ever take place

Mr. Formica stated that the issue in this public hearing is to review Section 2A of the Zoning Regulation and amend them based on the presentation, evidence and testimony. To speculate about traffic, development or intentions of the State are outside the parameters of this Public Hearing.

Robert Gadbois, 358 Boston Post Road stated that he and his wife are in favor. He stated the State or Town should buy this property to preserve it.

Ralph Bates, 49 Laurel Hill Dr., also president of the East Lyme Land Conservation Trust, expressed support for the proposed amendment.

Woodrow Scott, 32 Scott Rd. stated he would like to see the Town of East Lyme or State purchase the property. He stated that 15 years ago he offered 75 adjacent acres to the Town at no cost and his offer was turned down. This, he stated, demonstrates his concern for preserving this area. This proposed amendment is a stop gap measure only.

Gary Rehm, 64 OSWEGATCHIE HILLS Rd. stated that he is in favor of this proposal as a stop gap measure. He inquired if this zoning change would prohibit the construction of a golf course in the area.

Mrs. Parulis and Mrs. Davies stated that a golf course is not a permitted use in this zone. The current zone is a straight forward, 3 acre, single-family housing only. There is nothing in the proposed amendment for anything other than single-family housing, bed & breakfast and inn. A golf course is not consistent with the current regulations.

Resident of 17 Saunders Drive spoke in support of the proposed amendment as a means of preserving OSWEGATCHIE HILLS.

Bill Conrad, 54 Laurel Hill Dr. stated that he was in favor of this proposed amendment. He stated that in 1997 he had written a letter to the Governor's Task Force on Open Space and in their response indicated that the General Assembly had provided a grant of \$1,000,000 for the purchase of land in OSWEGATCHIE HILLS in 1987. The Town was unable to act on the grant and the funding was repealed. He added he is in favor of preserving the land.

Arial Feldman stated that she was in favor. She inquired as to the effect of the zoning change if the State purchased the property on OSWEGATCHIE HILLS.

Mr. Formica deferred to State Senator Peters to discuss the State's procedure.

Melanie Peters, State Senator, 20th District, 10 Totoken Rd., Quaker Hill, CT stated that if the State decides to purchase property on OSWEGATCHIE HILLS in concert with the Town, then it would be open space. She also stated that she believes that the best thing for the community is for the State or Town purchase the property for open space and she will be working with First Selectman Wayne Fraser and the DEP to that end.

Donna Silver stated that a developer is already on the property and inquired if this amendment too late.

Mr. Formica stated that at this time there is no application from any developer.

Mrs. Davies stated that the Zoning procedure was begun in 1996 and has no relationship to any development proposal currently under consideration either in application form or under discussion. She added that this amendment is specifically designed to deal with the existing regulations.

Mr. Formica read the permitted uses according to current regulations : "single family detached dwelling, agricultural or farm use, including raising of livestock or poultry providing they are kept not less than 100 feet from any property line, forestry, veterinarian, nursery or greenhouse provided they are not less than 100 feet from any property line, accessory uses customarily incidental to any of the above permitted uses including customary home occupations when located in the same building as the residence and which do not change the residential character of the property and any of the following uses when granted as a Special Permit by the Zoning Commission subject to Special Permit requirements of Section 25: stand for display or sale of produce grown on the premise, kennels, veterinary hospitals, riding and boarding stables, sawmills, commercial greenhouse or nursery, antique shop."

Joseph Sullivan, Laurel St., Waterford, suggested that the proposal does not go far enough to deter development on OSWEGATCHIE HILLS and that the Commission should make that possibility impossible. He stated that the OSWEGATCHIE HILLS area is a "jewel" and one cannot depend on the State to preserve it.

Joe Kwasniewski, 67 Walnut Hill Rd. stated that he is in favor of the proposal but would rather see it go from 3 to 10-15 acres acre lots instead of 3 to 5 acres.

Kim Maxwell, Pine St., Niantic requested a definition of "Inn".

Mrs. Cone read from the Zoning Regulations, Section 1.26A – "A building or portion thereof kept, used, maintained, advertised or held out to the public containing 12 or fewer units used for sleeping accommodations for guests and providing lodging with or without meals and other incidental services in which there are certain public rooms and services for the use of transient guests." Mr. Formica noted that any application for an Inn under this definition would have to meet the site plan requirements and that definitions. He then read the definition of Bed & Breakfast: "A private house in which a portion of the building is maintained and held out to the public as transient overnight accommodations containing no more than 5 units which provide overnight accommodations for guests and which provide breakfast only for overnight paying guests.

Joanne Brouwer, 27 Oswegatchie Rd., Waterford and 280 Flanders Rd. reiterated comments by Mr. Chick regarding the natural beauty of the area and the need to preserve OSWEGATCHIE HILLS.

Mark Anhalt, 47 Quarry Dock Rd. stated that permitting an inn or bed & breakfast is inconsistent with the desired low density and should be deleted entirely. He is in favor of this amendment with that exception.

Mary Jane Mahon, Quarry Dock Rd. stated that she and her husband are in favor of the proposal.

Ben Orvedal, 65 Holmes Rd. stated the need to preserve the area. He commented on a seminar he attend several months ago in Stamford which dealt with preserving land along rivers that empty into the Sound. He added that the amendment does not go far enough and he would be in favor of 10 acres rather than 5 acres zoning.

Donald Kolowsky, 61 Quarry Dock Rd. inquired if the Commission had the authority to enact more severe restrictions. Mr. Formica stated that the Zoning Commission has that authority, but would require another Public Hearing.

Peter Storm, 10 North Rd., Waterford stated that preserving OSWEGATCHIE HILLS is a regional issue. He would like to see the area purchased and set aside. He asked if there are any efforts being made currently to that end.

Mr. Formica noted that First Selectman Fraser is working with the State to acquire OSWEGATCHIE HILLS as open space, as is State Senator Peters. Mr. Formica refocused attention to the purpose of this Public Hearing.

Sher Alvin, 4 North Pine, noted that several years ago the primary pollutant of the Niantic River was residential lawn fertilizer.

Tom Favor, Waterford spoke in favor of the proposed amendment. He asked if the proposal could be changed tonight. Mr. Formica stated that the Commission cannot change the proposal

to make it more restrictive without defeating this proposal and bringing forward another more restrictive proposal for Public Hearing.

Ron McCue, 5 North Edgewood stated at he is in favor of the zone change. He added that the owners have a reputation for caring for the environment and urged the Town to work with the land owners to effect preservation of the land. He commended First Selectman Fraser for his work with the DEP to this end.

Edgar Riozzi, 22 North Pine St., Niantic stated that the purpose of this hearing is to increase zoning from 3:5. He stated that it is best to approve this proposal, then consider rezoning from 5 acres to 10 acres.

Mr. Formica reiterated that this Public Hearing is to amend Section 2A and the second Public Hearing is a proposal to rezone the existing RU-120 to RU-200. He noted that most of the testimony in this Public Hearing is applicable to the second Public Hearing.

Pam Herget, 68 Old Black Point Rd. spoke in favor of the amendment with the possibility that at some point increasing the lot size be considered.

Mr. William Mulholland, Zoning Officer clarified the procedure a developer would have to follow: 1. Developer would have to apply for a change or project to the Commission at a regularly scheduled meeting. 2. The Commission has 65 days to schedule that. 3. The Commission has 30 days to complete the hearing. 4. The Commission then has 65 days to make a decision.

71 Quarry Duck Rd. stated that he was in favor of the proposal.

Chris Karg, 20 Hill Rd. stated that he was in favor of the proposal and urged the Commission to start the process for more restrictive regulations. He added that the owners have a right to fair market price and compensation.

Chris Connaughty, 84 Quarry Duck Rd. supports the zoning change. He stated that to his knowledge the majority of the property is under contract by a developer.

Mr. Formica then opened the floor to those who wished to speak in opposition to the proposed amendment.

Christian Bayreuther, 113 OSWEGATCHIE HILLS Rd. spoke also on behalf of his brother Warren and his family. He stated his opposition to this proposal, but added he was in favor of the zone being open space. As a family, they have been paying taxes on property in OSWEGATCHIE HILLS for over 60 years. He stated that the Town or State should purchase the property at fair market value

George Mitchell, 48 Attawan Rd. stated that he owns property on OSWEGATCHIE HILLS and has been paying taxes on it for a long time. He stated that he is against the proposal, but is in

favor of it as open space. He stated that the amendment is confiscatory and will decrease the value of the property.

Fatima Lobo, representing William Wilson owner of property at 99 Quarry Dock Rd., stated that the value of the property will be impacted and that this amendment is a drastic change from current regulations and is extremely restrictive. She stated that the owners of the property will suffer as a result. She stated that her client is not under any option with anyone at this point to develop his property. She noted that her client is a developer and intended to develop it. She questioned whether this action was leverage for the State to pay less for the property.

Tom Patsiga, 194 Niantic River Rd. stated that as a landowner he is against this proposed amendment because it devalues the property. He stated that the Commission is attempting to accomplish their goals at the expense of the landowners. He proposed realistic negotiations about preserving the property. He suggested the Towns of East Lyme and Waterford and the State of Connecticut move to preserve the property before the opportunity is lost. He added that the Commission is opening itself up to a law suit.

Attorney Theodore Harris, 351 Main St., Niantic, representing Landmark Developers stated that his client has investigated the Oswegatchie Hills site for over a year and has options for approximately 500 acres. Landmark has spent a great deal of time and money to come up with alternative plans for the site including a subdivision. He stated that it is hard to determine how significant these proposed amendments are without detailed information as to the site and engineering studies. He requested 30 day continuation so that his client can respond to some of the comments made at this Public Hearing and give the Commission information as to what the effect of these regulations will be on the property. He also requested that his remarks with respect to this Public Hearing be considered remarks with respect to the next Public Hearing regarding the change of zone and to the final Public Hearing regarding cluster regulations.

Warren Bayreuther, owner of property on OSWEGATCHIE HILLS, supported keeping the area as open space. He stated that he supports changing the zoning from 3 to 5 acres. He noted that few people in East Lyme live on property over 3 acres. He asked that the Commission go carefully on this item.

William Mathews, 82 West Cedar St., Boston, MA, is a landowner and is representing his brother, David Mathews of Washington, DC and aunt Cynthia Mathews from Wethersfield, CT, who are shareholders in Sargent Head Realty Corp. which owns 150 acres with 5500 feet of waterfront from Turkey Pt to Golden Spur. He expressed his family's unconditional and vociferous opposition to the proposed amendment. He inquired whether the Planning Staff had done an analysis of the economic impact on the property, i.e., lot size, density, setback, etc. as a result of the passage of this amendment.

Mrs. Davies responded that the Planning Office is not in a position to examine the economics , but rather the resource base on which the zoning is applied to the land.. She stated that she understands the property owners concerns with regard to land values, and added that staff are not appraisers and do not examine land values. Staff's analysis was regarding topography, soil conditions and the resources on the property. Mrs. Parulis stated that Staff's main focus was



suitability for development and what the land can support. She noted that 60% of the land in that area is unsuitable for development based on soil types, steep slopes, etc. She stated that the 5 acres proposed is reasonable and suitable.

Mr. Mathews stated that his property is valuable and the proposed amendment is extremely detrimental to the value of his property. He stated that since 1987 or earlier, his family has had their property on the market and his uncle had multiple conversations with the Town and State to try to get the Town and State to purchase the land as open space. He stated that he finds it frustrating to hear people advocate taking the land for open space when it isn't their property. He indicated that there is an attitude in the Town that this property is already public land. He indicated that he is speaking to protect his property rights.

Peter Storm, 10 North Rd., Waterford stated that he does not think OSWEGATCHIE HILLS property should be developed and that this proposal is a 'band-aid'. Any development will have a negative impact on the River.

Mr. Mitchell inquired if the proposed amendment came from the Planning Commission or from the Zoning Commission.

Mr. Formica stated that it is a coordinated effort on behalf of the staff of both Commissions to amend Section 2A in the Zoning Regulations. He indicated that the proposal has developed over many years.

There being no further speakers either in favor or against the amendment, Mr. Fraser asked the Commissioner for comments or questions and to consider Mr. Harris's request to continue the Public Hearing for 30 days. Mr. Dwyer, Mr. Weber, Mrs. Cone, Mr. Peck indicated that they were not in favor of 30-days, but would be open of the possibility of continuing to the next meeting.

Mrs. Davies stated that Mr. Harris has had a copy of the regulations for a period of time and inquired what the purpose would be to continue the Hearing. Mr. Harris noted that the comments made tonight by the staff and the public help's in the analysis of what the effect of these regulations may be.

Mr. Formica stated that he is not in favor of continuing the Public Hearing unless members of the public have more to add.

Mr. Bulmer stated that he is not in favor of continuing the Public Hearing. It was the census of the Commission to close the Public Hearing.

Mr. Formica closed the Public Hearing to amend Section 2A of the Zoning Regulations at 10:00 PM.

### **III. East Lyme Zoning Commission proposal to rezone the existing RU-120 Zoning District to a RU-200 Zoning District (3 acres to 5 acre zone)**

Mr. Formica noted the legal advertisement.

Mr. Formica polled the Commission for any conflicts. Mr. Peck will stand down and Mr. Bulmer will sit as a full member of the Commission. There are no other conflicts.

Mrs. Cone read into the record a description of the property

A map was projected on the screen to show the area being considered and Mr. Mulholland pointed same out on the Zoning Map.

Mrs. Cone read into the record from a letter dated June 17, 1999 from Sr. Coastal Planner Joan Hoelzel, DEP, page 2, entitled "Rezoning of existing RU-120 to RU-200".

Mrs. Davies stated that the presentation from Public Hearing II should be re-introduced as evidence in this Public Hearing. She also presented the 1994 Residential Zoning Coverage figures. Total acreage of parcels that are currently zone

	RU-120	600 acres
	RU-80	6,000 acres
	RU-40	12,500 acres
	RU10/12	1,200 acres
	Total	20,300 acres
Developed acreage for medium – high density	2,776 acres	
low density	599 acres	

Mr. Bulmer reiterated that 20,300 plus acres are zoned for residential and that 3300 acres that could be developed according to 1994 figures.

William Mathews, Boston inquired if the Planning and Zoning Staffs have investigated other zoning classifications for increasing density of, for example, the RU80 to RU160, etc.

Mr. Formica stated that he has been involved in meeting discussions of increasing zoning in some districts from 1 to 3.

Mrs. Parulis indicated that the study was very comprehensive and town-side. She stated that at the last Zoning Commission meeting a Public Hearing was held for an amendment to the definition of lot size to include a Minimum Area of Buildable Land requirement townwide, effecting RU-40, RU-80 and RU-120.

Mr. Mathews inquired if there was any RU-120 districts not included in the proposed amendments.

Mr. Mulholland indicated on the zoning map the RU-120 District and that it is the only RU-120 District in the community.

Marvin Schutt, 29 Edgewood Rd. North stated that, and speaking for the most or all of the 266 persons who signed the letter of support submitted in the previous Public Hearing, it is their wish that ultimately the property be purchased and set aside for open space. He suggested the establishment of a Task Force to coordinate with owners, developers, land trusts, and

conservancies, environmental specials, governmental specialists, financial institutions and the public to that end.

Mr. Formica called a brief recess following which Mr. Schutt resumed speaking. He continued regarding the purpose of the proposed Task Force. Mr. Formica recommended that the Board of Selectmen be contacted regarding such a Task Force.

Mr. Mitchell stated that he would like the remarks he made in the previous Public Hearing be included in this hearing and in the subsequent Hearing. He stated that he is opposed to the proposed amendment, is in favor of the open space. He added that the proposed amendment is confiscatory and it will decrease the value of property. He noted that he believed that this proposal singles out OSWEGATCHIE HILLS as a special zone when there are other zones in town with the same conditions, i.e. soil condition, topography, etc.

Discussion ensued regarding incorporating evidence and testimony from the previous Public Hearing into this and the subsequent Public Hearing.

Fatima Lobo, representing Mr. William Wilson, stated that she wished to have her testimony in the Previous Public Hearing incorporated into this Public Hearing and the subsequent Public Hearing.

Mr. Formica asked those present who testified in the previous Public Hearing if they would like that testimony incorporated into this and the next Public Hearing. There was a show of hands. Mr. Formica stated that he believed that the legal requirements have been met to incorporate testimony and evidence from the previous Public Hearing into this Public Hearing.

Christian Bayreuther, 113 OSWEGATCHIE HILLS requested his testimony in the previous Public Hearing be incorporated into this Public Hearing.

William Mathews, on behalf of the Mathews Family and the Sargent's Head Corp., voiced their unconditional opposition to the proposed amendment.

Theodore Harris, 351 Main St., stated, on behalf of Landmark Development Corp., his clients opposition to this proposal, as well sections of subsequent Public Hearings directly related to OSWEGATCHIE HILLS.

Mr. Formica opened the floor to those wishing to speak in favor of the proposed amendment.

Mr. Richard Chick, 133 OSWEGATCHIE HILLS noted that this particular property is located on the River and it is important not to degrade from runoff the water of the River and the Sound.

Mr. Marvin Schutt, 29 Edgewood Rd. North, stated that what he stated in the previous hearing be incorporated in this Public Hearing.

Ben Orvedal, 65 Holmes Rd. stated he is in favor of the rezoning. He spoke briefly regarding the need to change zoning to remain consistent with the Plan of Development.

Robert Gadbois, 358 Boston Post Road concurred with Mr. Orvedal's comments in support of the proposed amendment. He added that the Town needs to save its resources.

William Mathews inquired what percentage of the acreage of the RU-120 is water front. Mrs. Parulis indicated that it was less than 25%. Mrs. Davies noted that all the property has impact on the River.

Cynthia Mathews, Wethersfield and Waterford, strongly requested that people not walk on the OSWEGATCHIE HILLS property adding that it is very dry in the woods and dangerous. She requested the Planning and Zoning Commissions support this request. She noted that it is private property and the owners are liable.

Mr. Formica polled the Commission members

Mr. Bulmer commended the people who attended the Public Hearing, those who spoke pro and con, and for demonstrating what a great town East Lyme is and how civilly it deals with, discusses and settles its differences.

Mr. Formica closed the Public Hearing at 10:52 PM

#### **IV. Continuation of the Public Hearing on the East Lyme Zoning Commission's proposal to amend Section 23 –Open Space Cluster Development Regulations.**

Mr. Formica opened the Public Hearing at 10:53 PM. The legal ad, notice of continuation, was published in The Day on 6/25/99.

Mr. Formica read into the record a letter dated May 26, 1999 from Gene Lohrs, Chairman Southeastern Connecticut Council of Governments; a letter from the Planning Commission dated 6/17/99 regarding this referral; letter from Joan Hoelzel, Sr. Coastal Planner, DEP dated June 17, 1999 section "Open Space/Cluster Development Amendments"

Meg Parulis reviewed the changes proposed for Section 23 noting additions and changes where pertinent. She noted that MABL does not apply to cluster development. She indicated the changing 'lot frontage' to 'average lot frontage' gives some flexibility in order to use the land to maximum benefit. Discussion ensued regarding this change and the issue regarding septic or sewer systems.

Mrs. Parulis submitted as Exhibit 1 a Report of the Blue Ribbon Committee on Land dated May 1998.

Following an inquiry by Mr. Bulmer regarding the inclusion of Inns, a brief discussion ensued and the Commission decided to pursue and discuss this question during deliberations.

Theodore Harris, 351 Main St. representing Landmark Development Group requested that his comments in the previous two Public Hearings be included with the Public Hearing expressing opposition to this proposal to the extent that it specifically effects the proposed zone change to RU120 to RU-200

Mr. Formica made part of this Public Hearing the testimony and evidence of the previous two Public Hearings because of their relationship. Mr. Mulholland indicated that there is a relationship between the three, and noted that this is a separate hearing.

Mr. Formica closed the Public Hearing at 11:35 PM.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary