

June 15, 1999 AT 3:15 <sup>AM</sup> <sub>PM</sub>  
LABLAN, ATC  
East Lyme Town Clerk

## East Lyme Zoning Commission

### REGULAR MEETING

June 10, 1999

### MINUTES

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on June 10, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearing to order at 7:33 PM and the Regular Meeting to order at 8:40 PM.

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

Also Present: William Mulholland, Zoning Officer. Walter Cullen, Chairman East Lyme Planning Commission.

Absent: Rose Ann Hardy, ex-officio

#### REGULAR MEETING

##### I. Call to Order

Mr. Formica called the Regular Meeting of the East Lyme Zoning Commission to order at 8:40 PM.

##### II. Approval of Minutes

**MOTION (1):** Mrs. Cone moved to approve the Minutes of May 6, 1999.  
Mr. Weber seconded the motion.  
Vote in favor: (5-0), Mr. McLaughlin abstained.

Approval of the Minutes of the May 20, 1999 is tabled until the next Regular Meeting.

##### III. Application of Athena Communities, LLC for a Special Permit to construct a Convalescent/Assisted Living Elderly Facility at 15 Freedom Way, East Lyme, CT, property further identified as Lot 28 on Tax Assessor Map 9.

Mr. McLaughlin stated that the Site Plan was well done and all zoning requirements have been met and the use fits with the Light Industrial Zone. He stated that the type of use does not necessitate sidewalks and he therefore supports the waiver for sidewalks.

Mr. Price stated he supported the waiver on sidewalk construction and was comfortable that the Zoning Commission has control should at any point in time the building not be used as an Assisted Living Facility.

Mr. Peck stated he was in favor of the application.

Mr. Weber stated he was comfortable that the Zoning Officer and Engineering Officer were handling the questions regarding lighting. He supported the waiver of the sidewalks.

Mr. Mulholland stated that he, the developer, and the Town Engineer were finalizing the lighting plan. The developer is looking to provide enough light for safety purposes yet keep the lighting appropriate for the location. He added that he is comfortable with the direction and progress in this matter. He stated that there are still very, very minor changes to the Site Plan anticipated such as catch basins and perhaps an additional light.

Mr. Weber noted that the Regulations do not state that the posted sign must provide a date, but only that public notice has to be posted.

Mr. Formica indicated that he believes this is a terrific use of the site and addition for East Lyme.

Mr. Peck stated the he believed that a sidewalk should be required.

**MOTION (2):** Mr. Weber moved to approve the application of Athena Communities, LLC for a Special Permit to construct a Convalescent/Assisted Living facility at 15 Freedom Way, East Lyme, CT, property further identified as lot 28 on Tax Assessor's Map 9 including exempting of Section 24.6, which requires installation of sidewalks along the street frontage.  
Mr. Price seconded the motion.  
Following discussion Mr. Weber amended the motion to state "including exempting of Section 24.6(C ), which requires installation of sidewalks along the street frontage."  
Vote in favor: (6-0), Unanimous.  
Effective upon publication.

#### **IV. Old Business**

None

#### **V. New Business**

##### **1. Application of Capitol Grounds, Inc., for a Special Permit to operate a Fast Food Coffee Shop and Retail Store at 214 Flanders Rd., Niantic, CT.**

Mr. Mulholland stated that this item should be withdrawn at this time.

##### **2. Correspondence**

None

##### **3. Any business on the floor, if any by the majority vote of the Commission.**

**MOTION (3):** Mr. Price moved to add to the agenda starting the Meetings with the Pledge of Allegiance.  
Mrs. Cone seconded the motion.  
Vote in favor: (6-0), Unanimous.

Mr. Formica noting that a member of the public had questioned absence of the Pledge of Allegiance at the Commission meetings. The Commission concurred.

##### **4. Zoning Official**

Mr. Mulholland indicated that there has been a staffing issues. He added that the Zoning Office is very busy and is having difficulty meeting all its obligations. Mr. Mulholland stated that he anticipates that the staffing situation could be resolved, hopefully, by July 1.

5. Comments from the Planning Representative.

Mr. Walter Cullen, Chairman of the Planning Commission, stated that he is opposed to giving any waivers on sidewalks. He indicated that it was a disservice to the community to waive this requirement.

Additionally, he stated that it is not a conflict for him, as a member of the Planning Commission, to speak at a Zoning Public Hearing as a private citizen, provided he does not have a personal or financial (direct or indirect) involvement with the matter before the Commission. He added that one does not give up ones right as a private citizen simply because one is a member of a Commission.

Mr. Formica indicated that, having received various and conflicting legal opinions regarding this matter, he ultimately held, and conducted meetings accordingly, that if one serves on a Land Use Commission, you gives up his/her right to speak at a Land Use Commission Public Hearing as a private citizen.

6. Comments from the Ex-Officio – None

7. Adjournment

**MOTION (4):** Mrs. Cone moved to adjourn the meeting at 8:59 PM.  
Mr. Price seconded the motion.  
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary