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RECORDED EAST LYME, CT. LAND USE
May 13 19 99 AT 2:00 P.M.
VOL. _____ PAGE _____

East Lyme Zoning Commission
Regular Meeting
May 6, 1999
Minutes

For B. Williams
TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on May 6, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Meeting to order at 7:33 PM.

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

Also Present: Rose Ann Hardy, ex-officio, William Mulholland, Zoning Officer. Meg Parulis, Land Use Coordinator

Absent: Norman Peck, Shawn McLaughlin

Mr. Formica opened the meeting at 7:33 PM. He noted that Mr. McLaughlin and Mr. Peck had not arrived at this time. He seated the Alternates Mr. Dwyer, Mr. Bulmer.

I. Public Delegation

Robert Gadbois, 358 Boston Post Road asked why the Pledge of Allegiance is not said at the opening of this meeting. He also noted that there are still sandwich signs placed throughout Town and encouraged enforcement of the regulation prohibiting them.

II Regular Meeting

A. Approval of Minutes

Motion (1): Mrs. Cone moved to approve the Minutes of April 8, 1999.
Mr. Price seconded the motion
Motion passed unanimously. Vote (6-0).

III. Old Business

A. Rezone Oswegatchie Hills 3:5 Zoning

Meg Parulis presented the Preliminary Draft of the Proposed Amendments to the Zoning Regulations, 5/6/99 Revised. She noted additions from the previous versions 2A.3 and 2A.4.5 dealing with the height. "No building or structure shall exceed 30 feet in height. In addition, buildings locate above elevation 200 shall be at least 10 feet lower than the average canopy height of trees at the edge of clearing. Elevational drawings demonstrating compliance with this requirement and a plan view indicating the area to be cleared shall be submitted with all applications for building permits."

Under Section 25 – Special Permits – Bed & Breakfast was added, Greenway Conservation District, the lot must have a minimum of 200,000 sq.ft.

Mr. Bulmer inquired as to the precise boundary of the area. Mrs. Parulis stated that at this time there are no regulations that deal with that area other than it is a Conservation Area. Mr. Mulholland pointed out that he will be defining the area and have a legal description.

Mr. Mulholland stated in response to Mr. Dwyer's question that there is very little developed in the RU120. He added that in the non-conforming section of the regulations which allow additions, expansion, etc. in the 5 acre zone. Mrs. Parulis noted that there are 13 parcels in the area which would be effected. Mr. Price inquired if the owners of these properties have been notified. Mr. Mulholland stated that there is no requirement statutorily to personally notify. The notice is posted in the Town Clerk's office and advertised twice prior to the public hearing.

Mr. Bulmer raised a question regarding whether or not docks will be allowed and inquired about a theoretical inn (13 rooms or less), which would want to put a dock in. Mrs. Parulis indicated that no commercial docks would be allowed since it is not a listed permitted use. Mr. Mulholland stated that it would require a CAM review, DEP permit, Army Corps of Engineers and other requirements. Mrs. Hardy added that it would also fall under Harbor Management and the Harbor Management Plan and would require State approval.

Mr. Dwyer stated that he was concerned about the 500-foot buffer from the Niantic River (Sec. 2A.4.3). Mrs. Parulis stated that if one is building on one of the existing lots, and not subdividing lots, you would be exempt from that regulation.

The Commission will schedule a special meeting to walk the property. It was the consensus of the Commission that the proposed amendments be scheduled for public hearing on the next available date.

- B. Special Use Zone – Elderly Housing (SU-E)**
- C. Elderly Housing**

The Commission reviewed and discussed and debated at length the Proposed Zoning Regulation Amendment New Zoning District –SU-E recommended by Mr. Mulholland in his Memo dated April 16, 1999 to the Zoning Commission and the Proposed Changes to East Lyme Zoning Regulations Regarding Elderly Housing by Mr. Bulmer and Mr. Dwyer, dated May 6, 1999. Mr. Mulholland read into the record Section 25 (page 131) of the Zoning Regulations which addresses special permits and what must be submitted.

Discussion ensued regarding Section 12A.3.3 (b) of the Proposed Zoning Regulation Amendment New Zoning District SU-E. It was decided to modify this paragraph to read:

“A description of existing traffic conditions based on three twenty-four hour weekday counts taken within a twelve (12) months period of the application submission on all roadways providing access to the site. Average daily traffic and average peak hour volumes shall be based on these counts.”

Following discussion regarding Lot Size, Section 12A2.1, it was decided to let it stand.

Following lengthy discussion it was decided that Section 25.5 Table of Minimum Controls – Elderly Housing CA Subsection 6 -

Delete: “All units shall be occupied by no more than two (2) persons on a permanent basis at least one of whom shall be 55 years of age or older or be handicapped.”

- Add: (1) Each dwelling shall be occupied by:
- a. At least one person who is 55 years of age or older.
 - b. Occupant pursuant to above who survives.
 - c. Occupant pursuant to above who has entered into a long-term continuing care facility.

In b and c above, remaining occupant who remarries or cohabitates must meet all occupancy requirements.

Section 1 – Definitions

Delete: 1.17.a Elderly Housing CA – A detached building designed for or occupied by three or more families living independently of each other with each residential unit occupied by no more than two (2) persons on a permanent basis at least one of whom shall be 55 years of age or older or be handicapped and said building is located in CA Commercial Districts.

Add: Elderly Housing CA – A detached building, or buildings, designed for or occupied by three or more families living independently of each other with each residential unit occupied by no more than two (2) persons on a permanent basis.

In addition each dwelling unit shall be occupied by:

- a. At least one person who is 55 years of age or older.
- b. Occupant pursuant to above, who survives.
- c. Occupant pursuant to above, who has entered into a long-term continuing care facility.

In b and c above remaining occupant who remarries or cohabitates must meet all occupancy requirements.

Add a new Section 12A – SU-E Special Use Districts. A district designed to accommodate elderly housing uses on large tracts of land in appropriate locations to be determined by the Commission.

The following changes were made to Mr. Bulmer and Mr. Dwyer’s Proposed Amendments presented to the Commission regarding the SU-E District:

12A.2.7 – BUFFER STRIPS - Delete (Bulmer/Dwyer Proposal)

25.5 Table of Minimum Controls for SU-E Special Permit (Bulmer/Dwyer Proposal)

4. (1) Shall read: Each dwelling unit shall be occupied by:
- a. At least one person who is 55 years of age or older.
 - b. Occupant pursuant to above, who survives.
 - c. Occupant pursuant to above, who has entered into a long-term continuing care facility.

In b and c above remaining occupant who remarries or cohabitates must meet all occupancy requirements.

4. (2) One child 21 years of age or older may reside with his or her parent(s) – Delete

4. (9) No more than 40 percent of the lot area may be covered with impervious surfaces.

Mr. Mulholland will investigate the recommendation that a percentage of the lot area that is covered by impervious surfaces be set and what range that percentage might take.

4. (10) Only single family detached units shall be allowed. – Delete.

4. (14) There shall be set aside open space equal to 2,000 square feet per unit (replaces 2,500 square feet per unit). Such open space area shall not include wetland soils classified as poorly drained or very poorly drained by the National Cooperative Soil Survey.

Mr. Price was excused at 940 PM by Mr. Formica.

IV. New Business

1. Correspondence:

2. Business on the Floor by the majority vote of the Commission.

Motion (2): Mrs. Cone moved to add to the agenda:

1) Special Permit application of Athena Healthcare, Freedom Way.

2) Amendment Proposal by Robert Tobin.

3) Amendment Proposal by T. Harris.

Mr. Dwyer seconded the motion.

The motion passed unanimously. Vote (5-0).

Mr. Mulholland will schedule the above three items for public hearing.

3. Zoning Official

None

4. Comments from Planning Representative

None

5. Comments from Ex-Officio

None

6. Adjournment

Motion (3): Mr. Weber moved to adjourn the Regular Meeting of the East Lyme Zoning Commission.

Mrs. Cone seconded the motion.

Motion approved unanimously. Vote (5-0) The meeting was adjourned at 10:40 PM

Respectfully submitted,



Anita M. Bennett
Recording Secretary