

East Lyme Zoning Commission
Regular Meeting
November 6, 1997

FILED IN EAST LYME TOWN

CLERK'S OFFICE

Nov 10, 19 97 at 4:05 PM

Esther B. Willaw

EAST LYME TOWN CLERK

Present: Paul Formica, Acting Chairman
William Dwyer, Acting Secretary
Christopher Mullaney
Norman Peck, III
Shawn McLaughlin, Alternate
Donn Jourdan, Alternate

Also Present: Ronald Rando
John Drabik
Robert Simpson
Jim Lagrotteria
Walter Cullen
Joseph Kwasniewsky
George Leone
Kelvin Tyler
Gary Lakowsky, ex officio
William Mulholland, Zoning Official

Absent: Wayne Fraser
Athena Cone

Mr. Jourdan and Mr. McLaughlin, alternates, were asked to take a seat on the Commission.

PUBLIC DELEGATIONS Mr. Formica invited the public to address the Commission on subject matters not on the Agenda.

James Lagrotteria of 20 Lincoln Street, Niantic, Connecticut, presented Commission members with a suggested change to Section 7, R-10 Residence Districts. He suggested modification to the wording, as follows:

"General Description and Purpose-A highly developed residential district with urban character. The purpose of this zone is to provide for moderately-high density residential use."

He asked that Section 7.1 Permitted Uses remain as stated and that Section 7.2 Special Permit Uses be deleted in its entirety.

He recommended that commercial remain together and not be mixed with residential.

Mr. Mulholland agreed to forward Mr. Lagrotteria's recommendations to the Chairman.

John Drabik of 18 Drabik Road recommended that this Commission help keep businesses in East Lyme.

PUBLIC HEARING

1. None

REGULAR MEETING

1. Acting Chairman Formica called the November 6, 1997, Regular Meeting of the East Lyme Zoning Commission to order at 7:35 p.m.

2. Acceptance of the East Lyme Zoning Commission Minutes of October 16, 1997.

MOTION: Mr. Jordan moved to table review of the East Lyme Zoning Commission Minutes of October 16, 1997, until the next meeting of this Commission. Seconded by Mr. Peck. (6-0) Unanimous.

3. Request of Kelvin Tyler d.b.a. Niantic Lumber Company, 28 Hope Street, Niantic, Connecticut, for an exception (See Section 24.3) to Section 24.6E-3 Landscape buffers to reduce six foot easterly and westerly side yard buffer requirement to zero.

Mr. Dwyer read letter to Mr. Mulholland from David Lee of Niantic Lumber Company and Memo from Mr. Mulholland, dated November 6, 1997.

David Lee, Agent for Niantic Lumber and Kel Tyler reviewed proposed plans with the Commission.

Mr. Dwyer felt they were getting rid of the buffer strip and allowing for better security.

Mr. Jourdan stated he was in favor of a variance on the east side only.

Mr. Mullaney suggested notifying neighbors of changes to this property.

Mr. Formica felt this application fits all criteria except a side yard buffer. He felt on the west side this is being accomplished. On the east side there is an existing building and he had no objection.

Mr. Peck felt it makes no sense to require landscaping between a railroad track and building.

Mr. Formica asked if there was a fence? Mr. Tyler replied there is no fence on the west side.

Shawn stated the building is being placed far back enough, and he has no problem with it.

Mr. Formica stated he has no problem with the applicant's request since we are allowed to have a waiver with a preexisting condition.

MOTION: Mr. Mulholland moved to accept the application of Kelvin Tyler, Agent for Niantic Lumber Company, of 28 Hope Street, Niantic, Connecticut, for an exception

to Section 24.6 E-3 Landscape buffers to reduce six foot easterly, northerly and westerly sideyard buffers requirement to zero. Seconded by Mr. Peck. (6-0)

4. Request of George Leone d.b.a. the "Tire Store", 127 Boston Post Road, East Lyme, Connecticut, for an exception (See Section 24.3) to Section 24.6 E-3 Landscape buffers to reduce six foot easterly, northerly and westerly side yard buffers requirement to zero. Mr. Dwyer read letter received November 5, 1997, from George Leone to Mr. Mulholland, regarding an exception to 24.6 E-3 and Memo dated November 6, 1997. to East Lyme Zoning Commission from William Mulholland. Site plans were submitted for review.

Mr. Mulholland stated a new building will be built on the westerly side. Norwich Savings Society is on one side and the school is 100' back.

Mr. Mullaney suggested soliciting comments from the neighbors. Mr. Mulholland stated the lot is "L" shaped. There is no requirement to notice the neighbors.

Mr. Peck asked what are the pre-existing conditions? Mr. Mulholland stated there is a preexisting condition on the lot size.

Mr. Formica stated the regulations do not speak to requesting the neighbors.

Mr. McLaughlin had no comments.

Mr. Dwyer stated he would like to see a buffer strip in the back to block off the view to the school and neighbors.

MOTION: Mr. Mullaney moved to table this application until information is submitted by Theodore Harris on his desires on this application. No second.

MOTION: Mr. Jordan moved that the request of George Leone d.b.a. the "Tire Store", 127 Boston Post

Road, East Lyme, Connecticut, for an exception to Section 24.6 E-3 Landscape buffers to reduce six foot easterly and westerly side yard buffers requirement to zero but that the northerly side require a 6 foot buffer. Seconded by Mr. Peck.

Mr. Formica suggested an 3 foot buffer on the northerly side.

MOTION: Mr. Jourdan moved to amend the previous motion that the northerly side require a 3 foot buffer. Seconded by Mr. Peck.
Motion withdrawn.

Mr. Leone stated he would put up a fence to reduce the requirement to 1 foot. Mr. Mulholland informed him fences may be constructed to the property line.

MOTION: Mr. Peck moved to approve an exception for the Tire Store at 127 Boston Post Road, East Lyme, Connecticut, in accordance with zoning regulation 24.6 E-3, allowing a zero buffer on the easterly side, leaving an existing buffer on the westerly side and requiring a stockade fence of 6 feet on the northerly side. Seconded by Mr. Dwyer. In Favor: Dwyer, Formica, Jourdan, Peck and McLaughlin. In Opposition: Mr. Mullaney. (5-1) Motion carried.

5. Moratorium Telecommunications Towers/Antennas. Mr. Dwyer read letter dated October 22, 1997, from Alice Johnson, Chair of East Lyme Planning Commission, regarding telecommunication Towers.

Mr. Mulholland gave Commission members copies of letter dated October 27 1997, from Robert W. Marrion, Town Attorney, regarding Zoning Moratorium. There was a general consensus to direct staff to put together language concerning a Moratorium.

Mr. Lakowsky stated he is opposed to expansion of the one tower we have in Town but does not object to a Moratorium on more towers.

Mr. Dwyer asked if there was any health issue with microwave towers? Mr. Mulholland stated he has not read any information concerning a health issue but agrees to look into it further.

6. Subcommittees

a. Density - 3/5 acre zoning. There was a general consensus that this matter be tabled until the Commission has had an opportunity to review the Yale Final Report.

OLD BUSINESS

1. None.

NEW BUSINESS

1. Application of Susan Turner on behalf of certain area Hope Street residents to re-zone from CB Commercial to R-10 Residential the following properties: Lots 143, 144, 145, 146, 147, 148, 149 and 142, on East Lyme Tax Map 11.2. This matter was tabled until January, 1998 to enable the Commission to receive comments from several agencies.

2. Correspondence

a. Mr. Dwyer read letter dated October 8, 1997, from Alice Johnson, Chair, East Lyme Planning Commission, to Wayne Fraser, Chairman, East Lyme Zoning Commission, regarding properties located at Exit 74--Planned Development District. Mr. Cullen stated Ms. Davies would like to discuss this matter with the Commission.

Mr. Peck felt Ms. Davies ideas for this property were worthwhile.

Mr. McLaughlin felt the Commission should hear Ms. Davies presentation.

Mr. Formica asked Mr. Mulholland to discuss this matter with Town Attorney and schedule Ms. Davis presentation the first meeting in January.

3. Any business on the floor, if any by the majority vote of the Commission.
None.

4. Zoning Enforcement Officer. Mr. Mulholland reported he has been working with Theodore Harris on signage for the Days Inn.

Mr. Dwyer asked for clarification of fire code regulations for the Morton House. Mr. Mulholland stated the interior space of the building was modified. The building predates the zoning code.

Mr. Mulholland reported on businesses seeking to locate in East Lyme.

5. Planning Representative. Mr. Cullen asked how much rental the Town is receiving on Tower Moratoriums? Mr. Lakowsky replied more than \$75,000. Mr. Cullen asked where is this figure shown in the Town Budget? Mr. Lakowsky replied under Revenues, Other Income.

6. Comments from Ex-officio. Mr. Lakowsky hoped his comments as an ex-officio member of the Board of Selectmen have been helpful to this Commission. Mr. Formica replied on behalf of Mr. Fraser and the Commission Mr. Lakowsky and Mr. Dwyer will be sadly missed.

7. Adjournment.

MOTION: Mr. Jourdan moved to adjourn the East Lyme Zoning Commission Regular Meeting of November 6, 1997, at 9:30 p.m. Seconded by Mr. Dwyer. (6-0) Unanimous.

Respectfully submitted,



Frances Gheri
Recording Secretary