

# Town Of East Lyme

P.O. Drawer 519

Niantic, Connecticut 06357

ZONING COMMISSION

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

MINUTES  
EAST LYME ZONING COMMISSION  
PUBLIC HEARING  
THURSDAY, SEPTEMBER 11<sup>TH</sup>, 1997 - 7:30 P.M.

Sept 22, 1997 at 4:30 PM  
Esther B. Willaw  
EAST LYME TOWN CLERK

**CALLED TO ORDER**

Mr. Wayne Fraser called the September 11, 1997 Public Hearing of the East Lyme Zoning Commission to order at 7:30 p.m.

**ATTENDANCE**

Three regular members were in attendance: Wayne Fraser, Norman Peck, and Christopher Mullaney. One alternative member was in attendance: Shawn McLaughlin.

**PUBLIC DELEGATIONS**

No one wished to speak under Public Delegations.

Wayne Fraser explained the rules and procedures of a Public Hearing.

**PUBLIC HEARING #1**

**APPLICATION OF ROBERT I. REARDON, JR. FOR A CHANGE OF ZONE FROM RU-40 RESIDENTIAL TO A CA COMERCIAL FOR THE FOLLOWING PROPERTIES:**

- a. 435 Boston Post Road, further identified as Lot 25, East Lyme Assessor's Map 24.
- b. 436 Boston Post Road, further identified as Lot 131, East Lyme Assessor's Map 24.
- c. 296 North Bride Brook Road, further identified as Lot 130, East Lyme Assessor's Map 24.

Wayne Fraser noted that Chris Mullaney would be acting Secretary.

Chris Mullaney read the following documents into record:

1. Letter from Alice Johnson of the Planning Commission to Wayne Fraser dated August 20, 1997.
2. Letter from Beatrice Misniak to the East Lyme Zoning Commission.
3. Letter from Craig R. Welch to the East Lyme Zoning Commission.
4. Letter from Howard Tingue to East Lyme Zoning Commission.
5. Memo from William Mulholland to the East Lyme Zoning Commission dated September 11, 1997.

Wayne Fraser asked Bill Mulholland if he had a copy of the legal relative to this public hearing. Bill Mulhollnad indicated that Mr. Fraser was provided with a copy of it in his master folder.

Wayne Fraser invited any one in the audience to speak in favor of the application.

Bob Reardon indicated that he was the owner of the property. He told the Commission all about the Ballet School, its functions and importance in the community.

He stated that they wanted to sublease to a small retail store, to provide capital for the Ballet School. He said that the place was vacant for 15 years and that the Ballet had returned the building to the community and now they wanted some recognition for their work.

He recited two cases relative to the spot zoning issue: Kutcher vs. Town of Manchester 138 CT 705 and Baker vs. Planning and Zoning Commission 212 CT 471

Mr. Reardon introduced Exhibit 1 – Map from Planning Commission

Mr. Reardon stated that the 1987 Plan of Development , existing land use, cited this property as commercial.

Bill Dwyer asked how the Ballet School got into the building to begin with. He was told that in 1991 they were issued a special use by the East Lyme Zoning Commission.

Bob Reardon stated that Section 20 allows non profit schools but that they wanted to sublease and that they are not equipped to do so.

Joe Kuznuwski of 67 Walnut Hill Road stated that he remembered when there was a gas station at that intersection and that it was commercial use years ago.

David Sheffield of 17 Stone Ranch Road stated that he was opposed because of environmental problems.

Joseph Mingo stated that the Commission needed to maintain control of the property. He stated that there was a shortage of water and now sewer in that area. He stated that once you change the zone its out of your hands.

Floyd Welch of 427 Bost Post Road stated that he was opposed to the zone change.

Robert Gadbois of 358 Boston Post Road stated that it was clearly spot zoning.

Walter Palcharolla indicated that he was opposed to the application.

Bill Mostoway of 42 Mostoway Road indicated that he was opposed to the application.

Marge Welch of 427 Boston Post Road indicated that she was opposed to the application and that the property was not always commercial.

Greg Ross of 365 Boston Post Road stated that the special use was good but not in favor of changing the zoning to commercial.

Audrey Scott of 441 Boston Post Road indicated she was opposed to the application.

George McPherson of 419 Boston Post Road said he was opposed.

Woodrow Scott gave history of last 80 years of the property.

Bob Reardon stated that this was not an attempt at spot zoning but it was flexible zoning, which would be seen more and more often.

Chris Mullaney stated that he wanted to ask difference of the two maps by Planning.

Wayne Fraser closed the Public Hearing at 9:30 p.m.

**PUBLIC HEARING #2**

**EAST LYME ZONING COMMISSION'S PROPOSAL TO AMEND SECTION 20.20.6 (Liquor for Standard Restaurants) OF THE ZONING REGULATIONS**

Wayne Fraser asked Bill Mulholland to go over the changes he had made since the last Public Hearing.

Bill Mulholland read the proposed 20.20.6

Bill Dwyer asked about non-conforming, he stated that he was opposed to the 200 feet.

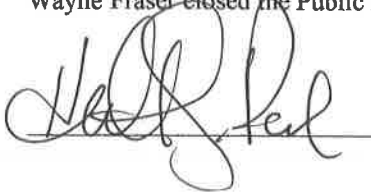
Chris Mullaney stated that he was worried that teachers might be tempted to drink during school hours if a bar is so close to them. He stated that the 200 feet should stay.

Wayne Fraser read East Lyme Economic Development Commission letter to Wayne Fraser dated August 6, 1997.

Gary Lakowsky stated that the 200 feet was common courtesy.

Bob Simpson of 30 Sharp Hill Road stated that he was in favor of eliminating the 200 feet limitation between school property.

Wayne Fraser closed the Public Hearing at 9:55 p.m.

A handwritten signature in cursive script, appearing to read "Wayne Fraser", written over a horizontal line.