

East Lyme Zoning Commission
Regular Meeting
September 9, 1999
MINUTES

FILED IN EAST LYME TOWN
CLERK'S OFFICE
9/16, 99 at 2:30 AM/PM
J. P. Blais
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on September 9, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearings to order at 7:31 PM and the Regular Meeting to order at 8:40 PM

PRESENT: Paul Formica, Chairman, Norman Peck, Shawn McLaughlin, William Weber, and Alternates Robert Bulmer and William Dwyer and Rose Ann Hardy, ex-officio

Also Present: William Mulholland, Zoning Officer.

Absent: Athena Cone, Daniel Price

REGULAR MEETINGS

1. Acceptance of Minutes

- MOTION (1):** Mr. Peck moved to approve the Minutes of July 29, 1999 as corrected.
Mr. Weber seconded the motion.
Corrections: Page 3, paragraph 3 correct spelling of Formica. "Mrs. Cone and Mr. Formica suggested that..."
Page 3, paragraph 3 replace "residence" with "residency"- sentence beginning "Mrs. Cone also inquired as to whom would....."
Vote in favor: (5-0), Mr. Bulmer abstained.
- MOTION (2):** Mr. Bulmer moved to approve the Minutes of August 5, 1999.
Mr. Peck seconded the motion.
Vote in favor: (5-0), Mr. Dwyer abstained.
- MOTION (3):** Mr. Dwyer moved to approve the Minutes of August 16, 1999 Special Meeting.
Mr. Bulmer seconded the motion.
Vote in favor: (4-0), Mr. Weber and Mr. McLaughlin abstained.

2. Application of Landmark Development Group to amend Section 2A of the Zoning Regulations to permit elderly housing and golf courses in the RU-120 District.

Mr. Peck will sit out. Commission members sitting are Mr. Formica, Mr. Weber, Mr. Dwyer, and Mr. Bulmer.

Mr. Dwyer stated that the RU-120 Zone has recently been changed to a Greenway Conservation District after considerable time and effort and public input. He indicated that the intent of the Commission was to protect and preserve the previous RU-120 District.

Mr. McLaughlin concurred with Mr. Dwyer and added that the Commission had also recently adopted the SU-E, Elderly Housing zone.

Mr. Bulmer noted that the applicant had submitted this application prior to the change from RU-120 to Greenway Conservation District. He indicated that he would evaluate this application with the RU-120 regulations in mind since that is what existed at the time of the application. Mr. Bulmer read from Section 2A, paragraph 1 of the RU-120 Regulations which indicated that "areas characterized by severe constraints development due to natural factors such as steep slopes, shallow bedrock and high erosion propensity". He noted that to allow a golf course in this area would be extremely detrimental to a RU-120 District. Golf courses require clear cutting, immense amounts of water, and pesticides. He noted that the Planning Commission disapproved of this application. He stated that approving this application would not be in the best interest of the Town.

Mr. Weber indicated that he was not in favor of making changes to a district that does not exist.

Mr. Formica agreed and added that the RU-120 District does not allow for golf courses. In the Greenway Conservation District most of the uses of the RU-120 were eliminated most of the commercial uses that had existed. He added that this application is not consistent with what the Zoning Commission has done.

MOTION (4)

Mr. Weber moved to deny the application of Landmark Development Group to amend Section 2A of the zoning regulations to permit elderly housing and golf courses in the RU-120 District.

REASONS: In keeping with the authority granted in Section 8-2 of Chapter 124 of the Connecticut State Statutes and it is also not in keeping with the purpose as outlined in the regulations.

Mr. Bulmer seconded the motion.

Vote in favor: (6-0), Unanimous

Effective upon publication.

3. Application of J. Robert Pfanner to amend Sections 20.13 and 24.6E-3 of East Lyme Zoning Regulations.

Mr. Peck will sit for this item along with Mr. Formica, Mr. Weber, Mr. Dwyer, Mr. Weber and Mr. Bulmer.

Mr. Peck stated that this amendment is a good opportunity for a positive change.

Mr. Bulmer commented favorably on Mr. Pfanner's presentation. He stated that his concerns regarding buffer encroachment and additional paved areas have been alleviated. He indicated that the rear access drives between commercial areas.

Mr. McLaughlin stated that he was concerned about safety and the buffer between commercial and residential areas and that these concerns have been alleviated.

Mr. Dwyer supported the amendment indicating that it would eliminate some curb cuts.

Mr. Weber stated he favored this amendment and that he agreed with Mr. Dwyer and that the ability to drive between businesses and reduce curb cuts helps community business.

MOTION (5): Mr. Weber moved to approve the application of J. Robert Pfanner to amend Sections 20.13 and 24.6E-3 of the East Lyme Zoning Regulations. REASONS: In keeping with the authority granted in Section 8-2 of Chapter 124 of the Connecticut State Statutes- and the regulation change will lessen congestion in the streets.
Mr. Dwyer seconded the motion.
Vote in favor: (5-0), Mr. Formica abstained.

4. Request of Norm Birk for an exception to Site Plan Review requirements-Section 24.6C-Sidewalks and 24.6E-Landscape Buffer.

Mr. Formica read into the record:

1. September 7, 1999 letter from Norm Birk to Paul Formica, Chairman of the East Lyme Zoning Commission requesting these exceptions.
2. September 8, 1999 letter from William Mulholland, Zoning Official to the East Lyme Zoning Commission.

Mr. Birk and Mr. Mulholland presented the Site Plans. Mr. Birk indicated that the rear of the lot is wetlands and he has received been granted a permit by the Conservation Commission. On the north side, Mr. Birk intends to place an architectural fence. Mr. Mulholland stated that by placing the fence, the emergency vehicle access would be improved. He also indicated that on the south there are currently partially planted with arborvitae and the request is to waive only that currently unplanted area.

MOTION (6): Mr. Peck moved to approve the application of Norm Birk for an exception to site plan review requirements, Sections 24.6C-sidewalks and 24.6.E-3-landscape buffer as presented on site plan.
Mr. Dwyer seconded the motion.
Vote in favor: (6-0), Unanimous.

OLD BUSINESS NONE

NEW BUSINESS

1. Application of Theodore Harris, agent for Benchmark East Lyme, LLC for a Special Permit and Coastal Site Plan Review to construct an Assisted Living Facility consisting of 66 Units of Residential Housing.

Public Hearing will be scheduled for the first available date.

2. Application of Robert D. Tobin, Agent for West Hill, LLC, for a Special Permit to construct 88 Units of Elderly Housing at 237 Flanders Road, East Lyme, CT 06333.

Public Hearing will be scheduled for the first available date.

3. Correspondence – none.

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

5. Zoning Official

Mr. Mulholland indicated that the First Selectman, in a memo to the Zoning Official, has indicated that the Zoning Commission Legal Ad Budget has been overspent due to the rigorous agenda this year. He stated that typically, for the last 3 years, the legal ad expenditure has been \$2,300 to \$2,500 per year and this year's budget amount is \$2,000.00. The Commission will need to request a special appropriation in the amount of \$2,000.00, an amount Mr. Mulholland recommended.

MOTION (7): Mr. Bulmer moved to forward a request to the Board of Selectmen for a special appropriation of \$2,000.00 for legal advertising expenditure.

Mr. Peck seconded the motion.

Vote in favor: (6-0), Unanimous

6. Planning Representative – None

7. Ex-Officio Comments – None

8. Adjournment.

MOTION (8): Mr. Weber moved to adjourn the meeting at 9:20 PM

Mr. McLaughlin seconded the motion.

Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett
Recording Secretary