

Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

Filed In East Lyme Town

Clerk's Office

ZONING COMMISSION

PUBLIC HEARING

December 7, 1995

12/12, 1995 AT 3:00

AM
PM

Jesley A. Blais
East Lyme Town Clerk

PRESENT:

Wayne Fraser, chmn.; Paul Formica, Secy.; Athena Cone, Bill Dwyer, Norman Peck III and Chris Mullaney.

Alternate Kent Presley

ABSENT: Shawn McLaughlin

Mr. Fraser, chairman, called the meeting to order at 7:30 p.m.

PUBLIC DELEGATIONS: none

PUBLIC HEARING:

1. Continuation of the Public Hearing on the Zoning Commission proposal to amend Section 24 (Site Plan Review Requirements) of the East Lyme Zoning Regulations.

No new correspondence on this matter.

Steve Rebelowski said Planning did not discuss it at its last meeting as they had so many new members who needed to be briefed.

There was discussion as to whether it was necessary to keep this hearing open for further Planning Commission comments.

Mr. Peck suggested that Bill Mulholland, ZEO, and Jeanne Davies, Town Planner, get together and bring the results of the discussion to Zoning. If there should be a substantial change, then Zoning would have to hold another hearing and re-advertise it.

The time frame was discussed for all this, and Bill Mulholland said the Commission can grant itself a 30 day extension.

It was then voted to extend the hearing for 30 days. (See motion in regular meeting Minutes).

Mr. Rebelowski of Planning Commission suggested that a letter be addressed to Jeanne Davies. Mr. Mulholland suggested the letter should come from the Zoning chairman.

This public hearing was then closed for extenseion to 1/4/96.

2. Application of Terrance D. Lomme to amend Section 1.10 Building Height, Section 14.2.1c- Coastal Site Plan Review Exemptions and Section 20.15 Setback from Wetland or Waterbody.

Mr. Mulholland stated that Mr. Lomme has withdrawn the portion to amend Section 1.10 Building Height.

It was noted that this hearing was properly advertised in "The Day".

1. A letter from Atty. Lomme was read in which they withdrew the proposed changes to Section 1.10 regarding structure height.
2. Letter from Atty. Lomme re: the proposed changes to the Zoning Regulations.
3. Planning Commission's letter approving the proposed amendments as stated in Atty. Lomme's letter of 8/10/95.
4. Letter from Southeastern Conn. Council of Governments Regional Planning Commission noted that increasing the no-build zone from 25 ft. to 100 ft. from tidal wetland, watercourse, or other body of water appears severe. They enclosed the water setback requirements for the surrounding towns of Montville, Salem and Waterford.
5. Letter from SERPA saw no problems with proposals.
6. ^{Mr.} MEMO - from Bill Mulholland to Zoning Commission in which he advised the board to carefully consider the impacts of the proposal on existing residential properties. This change would prohibit the construction of any building or structure within 100 ft. of a waterbody (lake, pond, stream) area within the Town.

Mr. Lomme presented petitions from many people who would like to see these recommendations approved- all signed by owners of property in town.

7. Letter from Reed McIntyre, dated 9/5/95/in favor of proposed changes.

Atty. Lomme asked is a deck a terrace, or vice-versa. He also stated that East Lyme's setback of 25 ft. is the shortest distance of any town.

He agreed that maybe the setback should state it is for coastal waterways only. He proposes 100 ft. setback from a water body. He said his client's interest is in tidal wetlands and tidal water bodies. They did not mean to affect the streams, lakes and ponds..

Mr. Peck noted that this change would affect commercial and residential property well up inland like on Pattagansett River. It would make many houses non-conforming.

Atty. Lomme felt 100 ft. would make it better.

page 3, Pub. Hearings 12/7/95

Mr. Peck then decided he should abstain from this hearing because his home is 100 ft. from tidal wetland.

Mr. Bill Dwyer said he should also abstain for this reason.

It was noted that it is up to each individual member as to whether he can remain impartial on a matter.

Mr. Kent Presley was asked to sit with the Board at this time.

Chris Mullaney asked regarding 20.15- Setback from Wetland or Water Body- if there is any safety factor required by the State. Mr. Mulholland said he was not aware of any.

Mr. Lomme suggested 50 ft. from a non-tidal wetland as 25 ft. is just too short a distance, he said.

Athena Cone asked how would this affect the Marine District. Mr. Mullaney asked if there were any State or Federal requirements for setback. Mr. Mulholland did not believe there were any.

Mr. Lomme said they are taking decks and porches out of Section 14.2.1c and the 100 ft. would make it consistent. An existing house within the review area would have to be reviewed by the commission if making any changes. He said the motivation for this change is to protect the coastline and the view.

The Zoning officer pointed out that if you lived here in the village, you would probably have to come before the commission to make any change to a property within 1000 ft. of the coastline.

The "Coastal Boundary Map for the Town of East Lyme" was studied by the Commission at this point.

Mr. Formica asked how a boardwalk would fit into this change.

Mr. Presley felt these regulations should be one way for coastal- tidal and another for inland wetlands and water bodies.

Bill Mulholland stated that FEMA now protects as to building on inland water ways.

Mr. Bob Simpson, Sleepy Hollow Rd., said his concern is elevation, as along the Niantic River. He said there you could be 25 ft. from the water and still be 100 ft. high from the river.

Mr. Lomme said maybe we should split off total wetland from inland wetlands.

This hearing was closed at 9:21 p.m.
Item 3., Charles Keefe, had been withdrawn.

Attest:

Elizabeth J. Taylor
Elizabeth J. Taylor
Recording Secretary