

Minutes of East Lyme Zoning Commission - 01/05/23

Date and time: 01/05/23 7:30 PM to: 01/05/23 8:00 PM

Present: Brooke Stevens, Recording Secretary, Members Present:, Terence Donovan, William Dwyer, Terry Granatek, Debbie Jett-Harris, Norman Peck, Anne Thurlow, Alternates:, Jay Ginsberg, Denise Markovitz, Dave Schmitt

CC: Also Present: , William Mulholland, Zoning Official, Rose Ann Hardy, Ex-Officio

Location: East Lyme Town Hall Upper Conference Room, 108 Pennsylvania Avenue, Niantic, CT, 06357

Link: <https://app.meetingking.com/meetings/390773>

Topics

1. Call to Order & Pledge of Allegiance

Note Chairman Donovan called the January 5th, 2023, Zoning Commission meeting to order at 7:30 p.m., and led the Pledge.

2. Public Delegations

Note Public delegation is the time when members of the public are invited to speak to the Commission on such matters that are not on the agenda.

Note No members of the Public were in attendance.

3. Election of Officers

Note Ms. Hardy said she is calling a point of order, the Commission cannot conduct any business until they have the election of officers for the new calendar year, and that item should therefore be moved up on the agenda.

Note Ms. Hardy called for Zoning Chair nominations.

Note MOTION (1)

Mr. Peck moved to nominate Terence Donovan as Zoning Commission Chair. There was no second. Motion failed.

Note Ms. Hardy asked if there were any other names for submission.

Note MOTION (2)

Mr. Dwyer moved to nominate Anne Thurlow as Zoning Commission Chair. Ms. Jett-Harris seconded the motion.

Note No further names were submitted, and Ms. Hardy noted the vote must be a majority in order to pass.

Note Ms. Hardy said all those in favor of Anne Thurlow as Chair should signify by saying Yay.

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EAST LYME, CT
2023 JAN 10 A 8:21
Council Member
TOWN CLERK

Note Vote:

Ms. Jett-Harris- Yay.

Ms. Thurlow- Yay.

Ms. Hardy asked Mr. Dwyer if he was voting yay and he did not respond.

Ms. Hardy asked if Mr. Dwyer could hear her, and he did not respond.

Ms. Hardy asked Mr. Dwyer if he did not wish to vote, and he did not respond.

Mr. Donovan called for a point of order, said they all have to vote, and asked Ms. Hardy if she had called for nays yet. Ms. Hardy replied that she hasn't because she was worried that Mr. Dwyer did not appear to be able to hear her.

Note Ms. Hardy said there is a nomination on the floor and a second, and asked that all in favor again signify by saying Yay.

Decision Vote 2:

Ms. Jett-Harris- Yay.

Ms. Thurlow- Yay.

Mr. Dwyer- Yay.

Mr. Granatek- Yay.

Ms. Hardy asked for those opposed to signify by saying Nay.

Mr. Peck- Nay.

Mr. Donovan- Nay.

Anne Thurlow is the 2023 Zoning Commission Chair.

Note Ms. Hardy called for Zoning Commission Secretary nominations.

Decision MOTION (3)

Ms. Jett-Harris moved to nominate Terry Granatek as Zoning Commission Secretary.

Ms. Thurlow seconded the motion.

There were no further nominations.

Vote:

Motion carried, 6-0-0, Terry Granatek is the 2023 Zoning Commission Secretary.

4. Public Hearing

Note There was none.

5. Approval of Minutes

5-1. Zoning Commission December 1st, 2022, Meeting Minutes

Note MOTION (4)

Mr. Dwyer moved to approve the meeting minutes of December 1st, 2022, as presented.

Ms. Jett-Harris seconded the motion.

Note Mr. Donovan said he has one correction:

The minutes read that Ms. Jett-Harris moved to approve the meeting minutes of November 17th, 2022, when she actually abstained for the vote.

Note The Commission had a brief discussion on how it's acceptable to approve minutes for a meeting they didn't attend, as long as they've read them and stated for the record, they're familiarized themselves with their contents.

Note Ms. Jett-Harris said she did familiarize herself with the November 17th, 2022, minutes and is comfortable with approving them.

Note Ms. Thurlow asked if they wanted to revote on this and Ms. Jett-Harris said Mr. Dwyer moved to approve the minutes and that she will second the motion.

Note The Recording Secretary asked for clarification, if they were voting to approve the December 1st, 2022, as presented even although the vote breakdown for the approval of the November 17th, 2022, minutes is incorrect?

Decision MOTION (5)

Ms. Thurlow moved to approve the December 1st, 2022, meeting with Mr. Donovan's correction.

Mr. Dwyer seconded the motion.

Motion carried, 5-0-1.

Mr. Granatek abstained from the vote due to his absence from the December 1st, 2022, meeting.

5-2. 2023 East Lyme Planning Liaison Schedule

Decision MOTION (6)

Mr. Peck moved to approve the Planning Liaison Schedule for 2023 as presented.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

6. Old Business

6-1. Architectural Design Review Regulations CA Commercial Zone

Note Mr. Mulholland said he has no new updates and is working on this.

6-2. Niantic Village CB Zone Bulk Regulations

Note Mr. Mulholland said they have a meeting scheduled for Monday.

7. New Business

7-1. Application of Charles Koch for a Special Permit for Indoor Recreation at 170 Flanders Road for Cardio Sport by the Bay. East Lyme Assessor's Map 26.3, Lot 11.

Note Mr. Mulholland said the Public Hearing for this item will likely be scheduled for January 19th, 2023.

8. Any business on the floor, if any by the majority of the Commission

Note Mr. Donovan asked Chair Thurlow if she is familiar with the Zoning Commission bylaws and how they're supposed to be on file with the Town Clerk?

Note Mr. Donovan said according to the Town Charter they're required to be on file and Ms. Thurlow replied they will be by tomorrow.

Note Mr. Donovan said he spoke with Mr. Mulholland about this, and Mr. Mulholland told him that he spoke with the Town Attorney, and they don't have to be on file. He said he disagrees with this and read an excerpt from the Charter:

" Except as otherwise provided in this charter, all boards authorized in this chapter shall meet within thirty days of taking office and shall make regulations for the conduct of their meetings and the execution of their duties. Such regulations and any amendments thereto shall be filed with the Town Clerk and shall be public records."

Note Mr. Donovan said he noticed tonight that Mr. Mulholland has copies of the Zoning Bylaws which are dated 2023, and these bylaws are supposed to be adopted and/or revised by the Zoning Commission, and not Mr. Mulholland.

Note Mr. Mulholland said they weren't adopted by him, but by the Commission and Mr. Donovan replied that they were adopted in 2008, so the cover letter should reflect this. He added that the Bylaws should have been signed in 2008 and turned over to the Town Clerk's office.

8-1. Comments from Ex-Officio

Note Ms. Hardy asked if any of the Commission Members had any questions for her.

Note Mr. Donovan said the Planning Commission also forgot to put the election of officers on their agenda, they ran through their meeting, and their staff liaison, Mr. Goeschel, suggested to their chairman, to put it under "chairman notes." He offered that if this is an error, it's a staff error.

Note Mr. Donovan questioned why Ms. Jett-Harris had a problem with the election occurring tonight, when the Bylaws clearly state the election of officers will occur after the first Monday in December and they had no scheduled meeting after the first Monday in December.

Note Ms. Hardy replied that it was her fault, for not reminding the Commission that there would be no second meeting in December.

Note Mr. Donovan said if you look at past minutes, or past videos of meetings, the sitting Chair at that time, has always conducted the meeting until said items were presented on the agenda; so why is it now an issue?

Note Ms. Hardy said she believes she has always done the swearing in at the beginning of a meeting, and she does not believe they have done anything at fault.

Note Ms. Hardy said she wants to be clear on what he's asking, is he asking if the items that were covered at the December meeting are now illegal because you did not have an election for new officers? Mr. Donovan said no, he is asking if tonight's meeting meets the criteria.

Note Ms. Hardy said the election has always occurred first at the meeting and Mr. Donovan said he disagrees with that, and this can be supported by some of the past meeting minutes.

Note Ms. Hardy said all they did was change the order of the agenda which is appropriate, and Mr. Mulholland said he didn't notice the order of the agenda until this morning, and it was too late for him to amend it.

Note Ms. Hardy said he's not amending the agenda, merely changing the order of business.

Note Ms. Hardy said the election of officers was overdue, it should have occurred at the first meeting in December, which is why no business could be conducted tonight prior to the election. She added that she's more than willing to clarify this with town council if the Commission feels that that's warranted.

Note Mr. Granatek asked if there is a feeling that this was an oversight or intentional and Mr. Donovan replied that it's intentional. Mr. Granatek said he views this as an oversight, because it is technically new business, but he agrees that it needs to be conducted prior to the commencement of any activity.

Note Ms. Thurlow said they're way off topic and asked Ms. Hardy to proceed with her Ex-Officio comments.

Note Ms. Hardy offered some of the following comments:

She's going to stand by her statement that the election has always been done at the beginning of the meeting.

They simply rotated the items which made no difference in the outcome of the meeting.

At the last Charter Revision meeting there was some discussion regarding the idea of combining planning and zoning.

The current Charter Revision Commission has been made aware that this idea was explored during two previous revisions and did not pass.

Many nearby towns have combined the two, but she does not feel this is right for our town.

Having the commissions separate allows another set of eyes to view each application.

The Board of Selectmen is still discussing the Hathaway Farm property.

They are still seeking information that has not been provided to them by the Developers.

They have attorneys on both sides looking at the issue and also the issue of the putting up the Oswegatchie Hills property as collateral by the Land Trust for potential purchasing of that property, if the town decides not to purchase it.

There are a number of gaps in information that has been requested by the Board of Selectmen, which has not been forthcoming.

The Parks and Recreation Commission and the Youth Services Commission have now been combined and they will act as one agency and they will be working together.

Note Ms. Jett-Harris said she would like to revisit the earlier topic. She said when she was reading the Charter it says that they're supposed to pick a Chairman by December 31st, which is why she emailed everyone to let them know they hadn't yet done that; since tonight's meeting is after December 31st, Chairman Donovan's term has legally ended. She said it's her understanding that they would have to vote first in order to have a legal meeting.

Note Ms. Hardy replied that Ms. Jett-Harris is correct, and that by Robert's Rules of Order the current Chair may open the meeting, but no business can occur until after the election.

Note Mr. Donovan asked where the December 31st date is listed in the Charter and Ms. Jett-Harris said she doesn't know off the top of her head, but it says the election is supposed to occur by December 31st for all boards. Ms. Hardy agreed that it should be done for all board by this date.

9. Comments from Zoning Board Liaison to Planning Commission

Note Mr. Ginsberg said the Planning Commission he was scheduled to attend was cancelled, and he was not informed that it had been rescheduled.

10. Adjournment

Note At 8:00 p.m. Ms. Thurlow adjourned the January 5th, 2023, Zoning Commission meeting. The Recording Secretary asked if there was a motion and second to adjourn.

Decision MOTION (7)

Mr. Peck moved to adjourn the January 5th, 2023, Zoning Commission meeting at 8:01 p.m. There was no second to the motion. All Commission Members said aye to adjourn.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary