

Town of

Zoning Department



East Lyme

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MEMO TO: East Lyme Zoning Commission

FROM: William Mulholland, Zoning Official

RE: Proposed Zoning Regulation Text Amendment
Section 24 Site Plan

DATE: Sept 7, 2023

This past July, The Commission was beneficiary of a brief presentation by Marjorie Meekhoff, of the 501 (c)(3) nonprofit organization known as The Pollinator Pathway East Lyme (PPEL), regarding the use of native plants in our community. It was suggested that the Board may want to address this subject by adjusting our Zoning Regulations.

As a result of Ms. Meekhoff's presentation, the Commission Chair, Ms. Thurlow, asked that I review our Site Plan Regulations and develop an enhanced landscape regulation that would address the use issue of invasive plantings in new commercial developments. Based on this directive, I offer the following Text Amendment to the landscaping standards in the Site Plan Regulations, Section 24, of the Zoning Code.

It is specifically proposed to amend Section 24.6 E "Landscaping and Buffers" by adding the following to the sections:

*Rename Section E "Landscaping Standards" modify section to read:

24.6 E Landscaping and Buffers – The purpose of this section is to provide standards for landscaping, street trees, fences, and walls. Together, these elements contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during warmer months and wind screening during winters. Trees and other plants create green spaces in developments which provide separation for pedestrians and traffic and contribute to the character of such development.

It is also proposed to amend this section by adding the following sub sections to 24.6 E:

24.6 E 1.1 Non-native invasive and invasive plant species listed on the Connecticut Invasive Plant List shall not be used in the landscaping plan for any new development or redevelopment of property under these regulations.

24.6 E 1.1.2 Native plants shall be used in all landscape plans. (A native plant is defined as one that lives or grows naturally in a particular region without direct or indirect human intervention and is indigenous to the northeast).

24.6 E 1.1.3 Landscape plans shall facilitate greenways and planting to support local fauna, including pollinators.

24.6 F Maintenance and Replacement - All structures and areas contained within all approved site plan shall be maintained. All plantings, including shrubs, lawns, trees, evergreen trees, and ground coverings such as mulch beds that are delineated on an approved site plan shall be maintained. Such items may not be modified or altered without the approval of the appropriate zoning authority, either the Commission or its Agent.

Plants contained within a landscape buffer area designed to provide visual separation and screening of development shall not be removed or trimmed as to limit their natural growth unless authorized by the zoning authority, either the Commission or its Agent. If such plantings become diseased or die, they shall be replaced by the end of the next planting cycle with a plant of similar type and size. Undergrowth in buffer areas, if natural, shall not be removed nor trimmed unless authorized by the Commission or its Agent. Failure to maintain any landscape area or buffer area shall constitute a violation of the Regulations. These may be exempt in the event of a catastrophic incident, such as a major storm, which necessitates immediate removal or trimming/limbing.

24.6 G Outdoor Lighting – All applications requiring a site plan pursuant to Section 24 of the Regulations shall include the following:

All Outdoor Lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable Light Trespass and Glare at the property lines and disabling Glare at any location on or off the property. Lighting design levels and patterns as recommended in the Illuminating Engineering Society of North America (IES) Lighting Design Handbook (Latest edition), shall be followed and a photovoltaic lighting plan submitted showing the following:

1. The location, height and type of all outdoor lighting fixtures, including building mounted (wall packs), light poles and others.

2. The luminaire manufacturers specification date, including lumen output and photometric data showing cutoff angles.

3. The type of fixture: metal halide, compact fluorescent, high pressure sodium light emitting diode (LED).

4. The lumens plan shall delineate average lighting on site: maximum and minimum lighting levels expressed in foot candles at ground level.

5. A statement and copies of appropriate IES standards for the proposed use demonstrating that proposed lighting levels are consistent with recommended IES standards.

6. All lighting for parking and pedestrian areas, including wall-mounted lighting, shall be Full Cut-Off Type Fixtures.

7. Lighting for flagpoles, Ornamental Lighting (trees, sculptures, etc.), Buildings and aesthetics shall be shielded to prevent direct Glare and/or Light Trespass and shall also be, as much as possible, contained to the target area. All Building lighting for security or aesthetics shall be Full Cut-Off or a Fully Shielded/recessed type, not allowing any upward distribution of light.

8. Adjacent to all residential and multi-family uses and on properties in the RU and SU districts, no direct light source shall be visible at the property line at three (3) feet above ground level.

9. Adjacent to business, commercial or industrial uses the light source shall not be visible at a height greater than five (5) feet above ground level.

10. All Street lighting installed as part of residential developments shall be Full Cut-Off Type Fixtures.

11. Canopy lights shall be recessed into the structure or be surface mounted Full Cut-Off Type Fixtures.

12. Use of metal halide, compact fluorescent, light emitting diodes (LED) or high pressure sodium lamp types is strongly encouraged.

13. Any lighting provided along pedestrian walkways shall be provided by light bollards or other low-level lighting standards with shielded light sources or other low intensity lighting.

14. All non-essential lighting should be reduced or turned off after business hours, leaving only the necessary lighting for site security. Motion or infrared sensor lighting is encouraged.

15. The Height of Luminaires, except streetlights in public right-of-ways, shall not exceed a height of twenty-five (25) feet including the base, except for lighting for recreational facilities.

The following performance standards shall be met:

- A. No Luminaire shall be closer than five (5) feet from any property line, and
- B. No lighting plan shall shed more than one-quarter (.25) Foot-Candles beyond any property line.
- C. This requirement may be waived by the Commission, by a majority vote, upon a written request submitted at the time of application.

24.6 H. Changes to Lighting Plan after approval- No change to Outdoor Lighting fixtures, type of light source used, or location of Luminaires may be made after the lighting plan has been approved, until a change request application has been submitted to the Commission demonstrating that the proposed changes meet the requirements of these Regulations.

24.6 I Exempt Lighting - The following lighting types shall be exempt from these Regulations:

- 1. Temporary Lighting used by police, fire, or emergency services,
- 2. Temporary Lighting needed for nighttime Road construction projects,
- 3. Lighting required and regulated by federal or state regulatory agencies,
- 4. Traditional seasonal or special event lighting,
- 5. Interior lighting,
- 6. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code,
- 7. Code required exit signs,
- 8. Code required lighting for stairs and ramps, and
- 9. Customary exterior illumination of a One-Family or Two-Family Dwelling and Driveway.