

**TOWN OF EAST LYME**

**ZONING COMMISSION**

**SEPTEMBER 5, 2013**

**REGULAR MEETING MINUTES**

**Members Present:**

**Marc Salerno, Chairman**

**Matthew Kane**

**Norm Peck**

**Terence Donovan**

**George McPherson**

**Peter Lukas, Alternate (Did Sit for Regular Meeting)**

**James Liska (Did Not Sit)**

FILED IN EAST LYME  
CONNECTICUT  
Sept 10, 2013 AT 10:35 AM/PM  
Brooke D. Henrich ATC  
EAST LYME TOWN CLERK

**Members Present:**

**Matthew Walker**

**Also Present:**

**Bill Mulholland, Zoning Officer**

**Holly Cheeseman, Ex-Officio (Entered at 7:45)**

**Call to Order**

Chairman Salerno called the meeting to order at 7:33 p.m.

**Pledge of Allegiance**

Chairman Salerno led the assembly in the Pledge of Allegiance

Mr. Lukas was sat in Mr. Walker's place.

**Public Delegations -**

Larry Winkler asked about 45 Roxbury Road.

Mr. Mulholland stated Mr. Winkler can come see him in his office. That is under investigation and he will be happy to talk to him about that.

- 1. Application of Keith Neilson, Docko, Inc, Agent for Crescent Beach Association, Owners for a Coastal Area Site Plan Review to reconstruct and restore the coastal bluff at Crescent Beach at property identified in the**

**application as Crescent Beach from Crescent Avenue to South Washington, Niantic, Connecticut.**

Mr. Neilson requested a continuance until their next meeting.

Chairman Salerno stated they will continue this to the next meeting.

**2. Application of Keith Neilson, Docko, Inc, Agent for William and Susan Rifkin, Owners for a Coastal Area Site Plan Review for shoreline protection improvements at property identified in the application as 283 Old Black Point Road, Niantic, Connecticut.**

Mr. Kane read a memo from Mr. Mulholland.

Mr. Neilson stated this project is at the south end of Black Point. They are proposing to restore stone armor in front of the seawall at the site. The seawall was built in 1939, and it precedes the CAM act. They want to embellish the shorefront protection, to protect the house and the septic. It is not a large project. The work will be done from the land. There will be no coastal resources affected by this project. It will remain a rocky shorefront. The work will be consistent with the CAM Act.

Mr. Mulholland asked what time of year the work will be done.

Mr. Neilson stated they would like to start as early as late October and hopefully done by January. They are not removing any old stone, they are just capping the existing stone.

Mr. McPherson asked what would happen if a storm comes before they finish this job.

Mr. Neilson stated they are trying to proceed as quickly as they can.

**Motion (1) Mr. McPherson moved to approve the application of Keith B. Neilson, P.E., for Docko, Inc., for a Coastal Area Management Review for shoreline protection improvements at property identified as 283 Old Black Point Road, Niantic.**

**Reasons:**

- 1. Application is consistent with all applicable goals and conditions of the CAM Act.**
- 2. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.**

**Seconded by Mr. Donovan.**

**Motion Passed 6-0.**

This will be published on Thursday, September 12<sup>th</sup> and become effective on Friday, September 13<sup>th</sup>.

- 3. Application of David M. Coonrod, Agent for Drina Lynch, Owner for a Coastal Area Site Plan Review to construct a new single family dwelling and necessary appurtenances at property identified in the application as 4 East Shore Drive, Niantic, Connecticut.**

Mr. McPherson read a memo from Mr. Mulholland.

Mr. Coonrod presented revised plans.

Mr. Mulholland stated this is in the jurisdiction of the Zoning Commission only because of the CAM Act.

Mr. Coonrod stated there is an existing single family house. They will be putting a new house up on the same property. There is an existing 9 foot seawall on the property.

**Mr. Coonrod presented Exhibit A: Photographs of the property.**

Mr. Coonrod stated the seawall will be the erosion control. There the stairs are there will be silt barriers. The house will be raised up per FEMA guidelines. The grade will match what is there. There will be no stockpiling on site during construction. This will have no impact on coastal resources. There is no basement in the house, it is in a flood zone.

**Mr. Coonrod presented Exhibit B: New Site Plan**

**Motion (2) Mr. Donovan moved to approve the application of David Coonrod, for Drina Lynch, for a Coastal Area Management Review for construction of new house at property identified as 4 East Shore Drive, Niantic.**

**Reasons:**

- 1. Application is consistent with all applicable goals and conditions of the CAM Act.**
- 2. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

This will be published on Thursday, September 12<sup>th</sup> and become effective on Friday, September 13<sup>th</sup>.

**4. Application of Pazz Construction, LLC, Applicant for a Site Plan Renewal with previously approved waivers and conditions, for construction of 32 units of elderly housing on property identified in the application as 121 and 122 Sleepy Hollow Road, Niantic, Connecticut, aka Sleepy Hollow Hills. Assessor's Map 26, lot 6, and Map 21.1, lot 45.**

Attorney Ted Harris presented this application. This was an application that was approved in 2001. Since then development has started, but with the passage of time the site plan has expired. The site plan will be exactly the same.

Mr. Mulholland stated this is similar to what the Zoning Commission recently did with Whiting Farms.

Don Gerwick stated this is at the north end of Sleepy Hollow. Municipal water has been accepted. There is onsite sewage disposal. Approximately half of the homes have been constructed.

Mr. Mulholland stated this is a nice project with a new owner.

**Motion (3) Mr. Peck moved to approve the application of Pazz Construction, LLC, Applicant for a Site Plan Renewal with previously approved waivers and conditions, for construction of 32 units of elderly housing on property identified in the application as 121 and 122 Sleepy Hollow Road, Niantic, Connecticut, aka Sleepy Hollow Hills. Assessor's Map 26, lot 6, and Map 21.1, lot 45.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

This will be published on Thursday, September 12<sup>th</sup> and become effective on Friday, September 13<sup>th</sup>.

**5. Zoning Regulation/Interpretation.**

Mr. Harris stated there has been a letter of intent executed. He is here tonight to discuss conformance with the Regulations. He has met with Mr. Mulholland and they have both compared the floor plan with the Regulations. They thought it was wise to come before the Zoning Commission regarding the net floor area. After reviewing with Mr. Mulholland it was determined that there is a net floor area of approximately 138,000 square feet after the deduction for the thickness of the walls and accessory areas. Accessory areas are for supporting use of the building but not actually occupied. The 138,000 is below what is allowed in the Regulations. They are looking for Zoning Commission concurrence before they proceed.

Mr. Mulholland stated not more than one anchor store with 140,000 net floor area is allowed in the Gateway Section of the Regulations. It is his opinion that if you start taking out areas it could get even lower

Mr. Donovan asked what an unoccupied area is defined as.

Mr. Harris stated they are used typically to support the use of the building, but not serving the main purpose of the building.

Mr. Mulholland stated they are looking for endorsement on the interpretation, and that more square footage could be pulled out of the net floor area using the definition in the Regulations.

Mr. Harris stated the liquor store will be separate per State Statute.

Chairman Salerno stated that would be similar to Stop and Shop with stores next to it.

Mr. Harris stated they want to be on the same page as the Zoning Commission as far as the appropriate deductions to determine net floor area.

Mr. Mulholland stated they are asking for them to agree with the interpretations of now the net floor area was determined.

**Motion (4) Mr. Peck moved the following: The Zoning Commission expresses its approval and agrees with the definition of net floor area per the August 27, 2013 letter to Mr. Mulholland from Mr. Harris on behalf of Gateway, and the conceptual floor plan dated August 5, 2013.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

#### **6. Approval of Minutes of August 8, 2013.**

**Motion (5) Mr. Peck moved to approve the Public Hearing and Special Meeting Minutes of August 8, 2013.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

#### **Old Business**

- 1. Sign Subcommittee (George McPherson, Matthew Walker, Terence Donovan)**

They did not meet.

Mr. Mulholland stated it would be helpful if they could meet prior to the next meeting. He will set that up.

**2. Outdoor Dining Bars Subcommittee (Bill Dwyer, George McPherson, Terence Donovan)**

They did not meet.

**New Business**

**1. Application of Timothy S. Hollister, Attorney, for Landmark Development Group, LLC and Jarvis of Cheshire, LLC to rezone 140 acres at Caulkins Road to Affordable Housing District.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

**2. Any business on the floor, if any by the majority vote of the Commission.**

There was no business on the floor.

**3. Zoning Official**

Mr. Mulholland stated the building on 156 has its CO, they are getting ready to go to Inland Wetlands for the second building. The work on Henny Penny is continuing. The new building on 161 has started being framed today. The new Japanese restaurant has opened. As far as the sidewalk on West Main Street, until there is significant progress he will not be issuing the CO. The solar park is under construction, and that is out of the Town's jurisdiction.

Mr. Peck stated there have been some disheartening undercurrents about Gateway. He wants to make sure all members of the Zoning Commission have an answer to those opinions. A public hearing was called for the preliminary site plan approval for the project that was the largest to ever come to the Town of East Lyme. They anticipated an outcry by the townspeople so they scheduled it at the High School. To everyone's surprise there were very few citizens that attended. There were a few from the development that abuts the apartment building at Gateway. The developer compromised with those people and knocked the number of units down from 475 to 275. There was no comment regarding the commercial end of the project.

Chairman Salerno stated the developer met with residents and the Zoning Commission and they voiced their concerns and then they came back with an updated application and the people who were originally against the project weren't here.

Mr. Donovan asked if they were supposed to have started with the Commercial.

Mr. Mulholland stated no, that that was a wish list, but it was subject to the economy.

#### **4. Comments from Ex-Officio**

Ms. Cheeseman stated the Board of Selectmen met last night, they authorized Mr. Formica to enter into a contract for lighting in the children's section of the library, they authorized budget transfers, there will be a Special Town Meeting on September 18<sup>th</sup>, they discussed bamboo, there was a SEAT Bus resolution, the boardwalk work is out to bid, they don't anticipate the work starting until the end of the year. They are in discussion with AMTRAK because of the damage to the embankment where the tracks are. They appointed members to the Health and Safety Committee.

RoseAnn Hardy has received complaints regarding the early noise of the work at Henny Penny.

#### **5. Comments from zoning board liaison to Planning Commission ( Kane – 9/3/2013, Liska – 9/17/2013)**

Mr. Kane did not attend, Mr. Liska will attend the next one.

#### **6. Comments from Chairman**

There were no comments.

#### **7. Adjournment**

**Motion (6) Mr. Donovan moved to adjourn the meeting at 9:05 p.m.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

**Respectfully Submitted,**



**Karen Miller Galbo  
Recording Secretary**

10/10/10

Dear Mr. [Name],

I am writing to you regarding the [Topic]

As you are aware, the [Topic]

is currently being reviewed by the [Authority]

and we are pleased to inform you that

the [Topic] has been approved.

We will be in contact with you again

in the near future regarding the next

steps in the process.

Thank you for your patience and

cooperation throughout this process.

Yours faithfully,

[Signature]

[Name]

[Title]

[Organization]

[Address]

[City]

[Country]

[Phone Number]

[Email Address]