

TOWN OF EAST LYME

ZONING COMMISSION

MARCH 3, 2016

MEETING MINUTES

MEMBERS PRESENT:

MATTHEW WALKER, CHAIRMAN
JOHN MANNING
WILLIAM DWYER
GEORGE MCPHERSON
TERENCE DONOVAN
NORM PECK
DAVID MCILHENNEY, ALTERNATE (Sat for Item 1)
JAMES LISKA, ALTERNATE

MEMBERS ABSENT:

PETER LUKAS, ALTERNATE

ALSO PRESENT:

BILL MULHOLLAND, ZONING OFFICER
RITA FRANCO-PALAZZO, PLANNING REPRESENTATIVE

CALL TO ORDER

Chairman Walker called the meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

Mr. Peck recused himself for Item 1, David McIlhenney was sat as a regular member for Item 1.

PUBLIC DELEGATIONS

There were no public delegations.

1. REQUEST OF THEODORE A. HARRIS, ESQ., FOR GATEWAY DEVELOPMENT/EAST LYME LLC FOR A MODIFICATION OF A SITE PLAN APPROVED ON DECEMBER 10, 2015 FOR THE INTERIM ACCESS TO THE DISTRICT, TO ALLOW SITE EXCAVATION AND FILLING NEEDED IN CONJUNCTION WITH ACCESS ROAD CONSTRUCTION, AND PREPARATION AREAS TO BE DEVELOPED, ON PROPERTY LOCATED AT THE GATEWAY COMMONS DISTRICT 0, 282, 284 AND 286 FLANDERS ROAD, EAST LYME ASSESSOR'S MAP 31.0, LOT 1, MAP 31.3, LOT 2, MAP 31.3, LOT 1, AND MAP 26.0, LOT 2.

FILED IN EAST LYME
CONNECTICUT
Mar 7 2016 AT 12:40 AM PM
[Signature]
EAST LYME TOWN CLERK

Mr. Mulholland stated he has met with staff, Town Engineer, Water Engineer, Planner, there were the usual concerns and they have been satisfied. This is a permit to accelerate the development of the site. There is a Costco hearing with the Inland Wetlands Agency coming up. There is an aggressive construction timetable. This is a housekeeping issue. He would suggest a condition of a Motion that they go to staff with the final details.

Mr. Dwyer asked if this is in the wetlands or not.

Mr. Mulholland stated Attorney Harris will address that, but it doesn't require a wetlands permit according to the wetlands officer.

Attorney Harris stated this is a request to modify the site plan access road. The formal Costco application is scheduled for a public hearing on March 14th. The request to the Inland Wetlands Agency is for the upland review activities. Their soil scientists has indicated there is no significant impact. He will get the zoning plans for Costco to Mr. Mulholland for his informal review. The application for permitting the crossing of East Society Road is with the Army Corps of Engineers. They are also filing with DEEP for permitting of that crossing. They are continuing the process with OSTA, they expect that to be done by June or July. They propose to excavate the gravel for filling on site. Some needs to be moved for East Society Road anyway. Costco believes they can have a Fall 2017 opening date. Substantial site work is needed. There is an old gravel pit or moon pit on site. It composes ½ of the Costco site. They have to bring that area up to grade. They need to start by the end of March so Costco can get their work started by Spring of 2017. Everyone wants to move as quickly as they can. These activities are pretty much the same as what was done in the residential area, as far as excavating, blasting and processing materials. There will be test samples sent to make sure the soil is clean. There will be two engineers on site, one from Costco and one from the applicant's company. It has to be done in layers, there will be certification and testing done. There will be erosion and sedimentation controls around the perimeter of the area, additionally there will be erosion and sedimentation controls where the trucks will be crossing as well are plywood to keep from getting anything into the river. They will use silt fence and plywood. The excavation requires a state permit, and that requires testing of storm water discharge. That permit is active for the entire site. Mr. Mulholland has the right to inspect. The moon pit area has a required \$40,000 erosion and sedimentation bond to ensure no erosion and that the area is restored. They will restore the site, use erosion control blankets, very same process as the residential area. Future stabilization will be bonded with the Town. The work will be done on weekdays, and there may be an isolated Saturday. The work will be done during normal work hours. There will not be any work done on Sundays.

Mr. Dwyer asked if anything will be coming off site.

Attorney Harris stated there is some debris that they were going to take off site, but he was just informed that it can be ground up and used on site.

Mr. Donovan asked about the diversion swales at the end.

Attorney Harris stated they will get leveled out when the site is restored.

Mr. Mulholland asked if this is approved is the applicant willing to adjust if it is requested by staff.

Attorney Harris stated yes.

Motion (1) MR. DONOVAN MOVED TO APPROVE THE REQUEST OF THEODORE A. HARRIS, ESQ., FOR GATEWAY DEVELOPMENT/EAST LYME LLC FOR A MODIFICATION OF A SITE PLAN APPROVED ON DECEMBER 10, 2015 FOR THE INTERIM ACCESS TO THE DISTRICT, TO ALLOW SITE EXCAVATION AND FILLING NEEDED IN CONJUNCTION WITH ACCESS ROAD CONSTRUCTION, AND PREPARATION AREAS TO BE DEVELOPED, ON PROPERTY LOCATED AT THE GATEWAY COMMONS DISTRICT 0, 282, 284 AND 286 FLANDERS ROAD, EAST LYME ASSESSOR'S MAP 31.0, LOT 1, MAP 31.3, LOT 2, MAP 31.3, LOT 1, AND MAP 26.0, LOT 2 WITH THE FOLLOWING CONDITION:

- 1. APPLICANT SHALL WORK WITH TOWN STAFF TO ADDRESS ANY TECHNICAL CONCERNS REGARDING THIS APPROVAL AND SHALL PROVIDE ALL DOCUMENTATION AS NECESSARY TO SATISFY SAID CONCERNS.**

SECONDED BY Mr. McPherson.

Motion Passed 6-0.

- 2. REQUEST OF DAVID COONROD, FOR RONALD JONES, FOR A COASTAL AREA MANAGMEENT REVIEW AT 47 ATTAWAN AVENUE, NIAN TIC, CONNECTICUT FOR THE DEMOLITION OF AN EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SINGLE FAMILY HOME TO COMPLY WITH CURRENT BUILDING CODES AND FEMA REGULATIONS.**

Mr. Peck returned and Mr. McIlhenney stepped down.

Mr. Coonrod stated the house was built in 1962. The owner bought it a year ago. It is across the street from the beach. It is in a flood plan area, they will use hay bales, drainage swale, they will leave as much grass on site as possible. It will be the same grade as the existing lot. They are not changing the slope. There will be no impact on the coastal resources.

Mr. Mulholland asked if they are going to meet the 30 foot height requirements.

Mr. Coonrod stated yes, and they are using 24.9% coverage of the lot. All of the coastal resources are across the street.

Motion (2) Mr. McPherson moved to approve the request of David Coonrod, for Ronald Jones, for a Coastal Area Management Review at 47 Attawan Avenue, Niantic, Connecticut, for the demolition of an existing single family residence and construction of a new single family home to comply with current building codes and FEMA regulations.

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.

3. APPROVAL OF MINUTES OF FEBRUARY 18, 2016

Motion (3) Mr. McPherson moved to approve the Public Hearing and Regular Meeting Minutes of February 18, 2016.

Seconded by Mr. Manning.

Motion passed 5-0-1 (Mr. Dwyer abstained)

OLD BUSINESS

1. SUB-COMMITTEE MIXED USE IN CB ZONE

They have not met recently.

NEW BUSINESS

1. APPLICATION OF EDUARDO MARTONE FOR A SPECIAL PERMIT FOR OUTDOOR DINING AT 11 EAST PATTAGANSETT ROAD, EAST LYME, EAST LYME ASSESSOR'S MAP 11.2, LOT 150.

Chairman Walker asked Mr. Mulholland to schedule this for a public hearing.

2. APPLICATION OF JEFF MCNAMARA, FOR TUCK PROPERTIES, FOR A SPECIAL PERMIT FOR COMMERCIAL INDOOR RECREATION AT 27 HOPE STREET, EAST LYME ASSESSOR'S MAP 12.1, LOT 98.

Chairman Walker asked Mr. Mulholland to schedule this for a public hearing.

3. ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION

Chairman Walker asked if Mr. Mulholland had spoken to the town attorney regarding the gambling regulations.

Mr. Mulholland stated he is going to talk to him tomorrow.

Mr. Dwyer stated one place has Keno, is that allowed?

Mr. Mulholland stated he will ask the town attorney about that.

4. ZONING OFFICIAL

Mr. McPherson stated Norwich Orthopedic Group is nearing completion, Costco is moving along with the Inland Wetlands Agency. It is a busy time of year. He has been approached about a 10,000 square foot retail site on Route 156. A letter will be going out to Crest Ford.

Mr. Peck asked if he had an update on Capital Drive.

Mr. Mulholland stated they are back in court and he has no update.

Mr. McPherson asked about the electronic sign at Camp Niantic being left on all night.

5. COMMENTS FROM EX-OFFICIO

Rose Ann Hardy was absent.

6. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

Mr. Dwyer stated he attended a meeting and they discussed amendments to the regulations, and White Gate Farm.

Mr. Liska stated he attended a meeting and there was a Public Hearing on the amendments to the subdivision regulations, they also reviewed Attorney Harris' definition for anchor store.

7. COMMENTS FROM CHAIRMAN

Chairman Walker had no comments.

ADJOURNMENT

Motion (4) Mr. McPherson moved to adjourn at 8:30 p.m.

Seconded by Mr. Donovan.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**

