

**TOWN OF EAST LYME
ZONING COMMISSION
September 6th, 2018
REGULAR MEETING MINUTES**

Members Present:

Matthew Walker, Chairman

Norm Peck

Terence Donovan

Kimberly Kalajainen

John Manning

Anne Thurlow, Alternate

William Dwyer, Alternate (*Sat as a Regular Member)

FILED IN EAST LYME
CONNECTICUT

Sept 11, 2018 AT 10:20 AM PM
B. [Signature] ATC
EAST LYME TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer

Absent:

George McPherson

James Liska, Alternate

Rose Ann Hardy, Ex-Officio

The Regular Zoning Meeting immediately followed the Zoning Public Hearing.

Pledge of Allegiance

The Pledge was observed during the Public Hearing.

Regular Meeting-

- 1. Application of Theodore A. Harris, Esq., for a text amendment to the East Lyme Zoning Regulations Definitions and Section 7.2.5 to allow Tourist Cabins in the R-10 Residential District.**

The Public Hearing was continued.

- 2. Request of Keith B. Neilson, P.E., for a Coastal Area Management Review for Shoreline protection improvements at property of Mary Beth Chinsky at 18 East Shore Drive, Niantic, CT.**

- Mr. Donovan read Mr. Mulholland's memorandum into the record.
- Mr. Walker read the email of Marcy Balint of DEEP into the record noting the email is the same for application #2 and #3, so he will only be reading it once.

Keith Neilson of Docko, Inc. came forward for his presentation and shared the following:

- Consider what Black Point Beach Club area looks like; virtually every house has a seawall.
- This area has been zoned residential and used as residential for decades.
- One of the houses in question was built in 1932 pre-exists all regulatory laws.

Mr. Neilson presented a drawing showing the distance from the seawall and tide. He said these folks are scared and want to make sure they're protected; raising the seawall is not out of character for this area. He added that this is a pretty significant situation.

Mr. Walker asked what makes this request necessary and Mr. Neilson replied an increase in climate temperatures and the sea level rising which will result in more storms.

Mr. Donovan asked about the steps that lead to the beach.

Mr. Donovan asked if he had a photograph of the berm.

Mr. Peck asked why they don't just add larger boulders in front of the existing wall and a new wall behind the current one. Mr. Neilson said it's the property line of the Black Point Beach Club.

Mr. Donovan said this seems to be more of a privacy issue; why not lift the house up if they're concerned with flooding. Mr. Neilson said they don't want to lose their view.

Mr. Neilson said they're looking for the least invasive solution that doesn't adversely impact the neighboring properties.

Mr. Manning said this seems like an attempt to maximize the property and flies in the face of some of his other designs; the lawn is being added to, to have more of a nice flat lawn.

Mr. Neilson said in those cases the seawall they were trying to protect was already there; this situation is different because they don't have the permission to build on the Black Point Beach Club property. Mr. Manning said they could choose to encroach on some of their own property.

Mr. Donovan said they're attempting to make the lawn more flat and currently water can drain off; if you make the lawn more flat it won't be able to; If you don't alter the lawn nothing will be displaced and you're not disrupting anything.

Mr. Neilson said if we rip out the wall we will be disrupting the Black Point Beach Club property. Mr. Donovan pointed out by removing the stairs they're already disrupting the area.

Mr. Neilson said this is unnecessary and unavoidable whether you build it now or in the future. He said they're not stopping the flooding, just some of the waves.

Mr. Donovan said the steps also encroach on the neighbor's property and their beach access would be eliminated if they are moved. Mr. Neilson said that if that's an issue it can be altered.

Ms. Kalajainen said having the wall shorter than the FEMA recommendation is counter intuitive; everyone loves views but if you're really interested in protecting the home you would follow the recommendation. She added it's a compelling case until you hear they're not following FEMA's recommendation.

Mr. Manning observed this doesn't look like Mr. Neilson's usual design and Mr. Neilson conceded this is a compromise.

Mr. Neilson said FEMA raised the base flood zone twice in the last ten years and thinks they will continue to do so; part of the reason the residents live here is for the view and they're trying to maximize that with some protection.

Mr. Donovan said to him, this is all cosmetic and Mr. Dwyer agreed. Mr. Donovan said going down the side of their property is not protecting it and he can't justify this; this is beautification.

Mr. Donovan said he would be more inclined to agree if they were embracing FEMA's standards.

Mr. Neilson said this design was not his first suggestion and they came up with this compromise after many hours of discussion. Mr. Manning offered that this is a forced compromise and said he thinks we're doing everyone involved a favor if we say no.

Mr. Walker said we have to be convinced that at least one of the necessary criteria is met. He said he understands the concerns of the homeowner but doesn't know if it meets the level of burden required to grant such a request. He said he is not in favor of this.

Mr. Walker, Mr. Donovan, and Mr. Manning all emphasized how impressed they've been by his previous designs and said how never did they think they would be inclined to say no.

Mr. Peck asked if the Black Point Beach Club has denied access and Mr. Neilson said they don't want any structure encroaching on their property.

Mr. Neilson said in view of their comments and given the similarities of both requests he is presenting, he would like to withdraw both applications. He will consult both families as well as the Black Point Beach Club and will hopefully have something more in line with their thoughts sometime in the future.

2. Request of Keith B. Neilson, P.E., for a Coastal Area Management Review for shoreline protection improvements at property of Steven Beauchene at 20 East Shore Drive, Niantic, CT.

This application has been withdrawn.

4. Approval of Public and Regular Meeting Minutes of August 2nd, 2018.

Mr. Walker called for any corrections.

Mr. Donovan said on page 4 of the Regular Meeting Minutes it reads "the schedule of materials is the same" and this is not true. He said lower on that same page it reads that he said "he doesn't want to be a pawn," - he actually said "we don't want to be a pawn."

MOTION (1)

Mr. Peck moved to approve the Public and Regular Meeting Minutes of August 2nd, 2018 as amended.

Mr. Donovan seconded the motion.

Motion passed, 4-0-2.

Mr. Manning and Ms. Kalajainen abstained from the vote due to their absence from the meeting.

Old Business-

1. Subcommittee-Mixed Use in CB Zone
2. Subcommittee-Site Plan Requirements/Architectural Regulations
3. Subcommittee- Alternative Care Dispensaries

Mr. Mulholland said that now that summer is over they can proceed with Subcommittee business.

I. New Business

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

Mr. Dwyer said we need to start discussing election signs.

The Commission had an in-depth conversation about the Commission being bipartisan.

4. Zoning Official

Mr. Mulholland asked that the Commission appoint Gary Goeschel, Town Planner, as temporary Zoning enforcement official to handle a Chapman Farms complaint; given that Mr. Mulholland lives there, he feels that it would be a conflict for him to address this.

MOTION (2)

Mr. Donovan moved to appoint Gary Goeschel as temporary Zoning Enforcement Officer for the sole purpose of addressing the Chapman Farms complaints; the duration of this appointment will expire upon completion of the case.

Mr. Peck seconded the motion.

Motion passed, 6-0-0.

5. Comments from Ex-Officio

Ms. Hardy was not in attendance.

6. Comments from Zoning Board Liaison to Planning Commission

Mr. Walker was unable to attend the Planning Commission meeting.

6. Comments from Chairman

There were none.

Adjournment

MOTION (3)

Mr. Donovan moved to adjourn the Zoning Commission Meeting at 10:11 p.m.

Ms. Thurlow seconded the motion.

Motion passed, 6-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary

in existence in some form, he would really be in favor of this. He said he's worried about it morphing into a permanent unattractive neighborhood.

Mr. Mulholland brought up Aces High as a similar site which needs to be policed; time constraints will require more Town Staff for policing purposes.

Mr. Donovan said there are ways to get around a thirty day occupancy restriction. He said he associates tourist cabins as a seasonal use and has no issue with a seasonal special permit. Mr. Harris replied that tourism is not strictly a summer occurrence. Mr. Donovan said the operation is hard to police if not seasonal.

Mr. Walker asked for a historical perspective of why this use was eliminated in '96. Mr. Mulholland explained the Commission at that time wanted to pull some of the commercial out of the residential. Mr. Peck added that it was actually one of the original regulations from the 1950s.

Mr. Walker said there are only two areas he can envision for this type of operation- the Golden Spur area and West Main Street. He said he's not enthralled with this concept; the Town has moved in a different direction and this use might be a thing of the past.

Mr. Harris suggested coming back at a later date with some modifications that might address and satisfy the concerns of the Commission.

Mr. Walker asked the Commission how they felt about this request. Mr. Dwyer said he is opposed and doesn't believe in the concept. Mr. Donovan said it's not a bad concept if it's a seasonal operation and he's not against Mr. Harris revising and coming back.

Mr. Peck said he doesn't think they have anything to lose by allowing him to come back again and Mr. Donovan said they deserve the chance to present. Mr. Walker said he is comfortable extending that courtesy to hear more in the future.

Mr. Walker called for Public Comment and there was none.

MOTION (1)

Mr. Donovan moved to continue the Public Hearing.

Mr. Peck seconded the motion.

Motion passed, 4-2-0.

Mr. Manning and Mr. Dwyer voted against the motion.

The Public Hearing ended at 8:20 p.m.

Respectfully Submitted,

Brooke Stevens
Recording Secretary

