

**TOWN OF EAST LYME  
ZONING COMMISSION  
October 18th, 2018  
REGULAR MEETING MINUTES**

**Members Present:**

**Matthew Walker, Chairman  
George McPherson, Secretary  
Norm Peck  
Terence Donovan  
Anne Thurlow, Alternate (\*Sat as a Regular Member)  
James Liska, Alternate (\*Sat as a Regular Member)**

**Also Present:**

**Bill Mulholland, Zoning Officer  
Rose Ann Hardy, Ex-Officio  
Thomas Fitting, Planning Representative**

FILED IN EAST LYME  
CONNECTICUT  
0424 2018 AT 8:19 AM PM  
*Brenda Hansen ATC*  
EAST LYME TOWN CLERK

**Absent:**

**Kimberly Kalajainen  
John Manning  
William Dwyer, Alternate**

Chairman Walker called the Zoning Commission meeting to order at 7:30 p.m.

The Commission sat Ms. Thurlow and Mr. Liska as Regular Members for the evening.

**Pledge of Allegiance**

Mr. Walker led the Pledge.

**Public Hearing**

There were no public hearings.

**Regular Meeting-**

- 1. Request of J. Robert Pfanner P.E., for JBH, LLC, for an exception of 24.7 for Sidewalks 24.6c at 26 Industrial Park Road, East Lyme.**

Mr. Donovan read Mr. Mulholland's memorandum dated October 18th, 2018 into the record.

Bob Pfanner of 37 Grand Street came forward representing the owner and said they're requesting an exception for sidewalks; the owner is planning construction of a warehouse for storage in the rear of the property. He explained there are no sidewalks on Industrial Park Road and sidewalks don't appear until you reach the school and no one walks through the industrial park. Mr. Pfanner added that he can't see any need for sidewalks here and appreciates anything that can be done tonight.

Mr. Liska said it would be odd to put a sidewalk here and doesn't think we would be missing an opportunity if we don't require it.

Ms. Thurlow said people don't walk from building to building, they pull up in their car.

Mr. Pfanner said requiring a sidewalk would result in having a sidewalk that is not connected due to the wetlands.

Mr. McPherson said he remembers when they approved the medical building they waived the sidewalks because of the width of the bridge.

Mr. Donovan noted there is a sidewalk on that bridge and said if we continue to waive sidewalks, where do we draw the line; it's a gateway so to speak from Roxbury Road and the Community Center so there is traffic there.

Mr. Walker asked if it qualifies as a sidewalk if it's not 3 ft.

Mr. Donovan said it's easier to put a sidewalk in initially rather than later.

Mr. McPherson said locale is what necessitates sidewalks.

Mr. Walker said he doesn't see sidewalks here as practical given the condition of the area and lack of existing sidewalks.

Mr. Liska said there is some traffic here and he doesn't disagree with Mr. Donovan's point, but doesn't think it will add anything of value.

Mr. Donovan asked when we stop granting waivers.

Mr. Peck said after Bob's Discount Furniture went in that zone was eliminated- there is no more shopping centre in the industrial area and that in and of itself will reduce traffic. He said he doesn't see too many kids that walk to school anymore and thinks it's a reasonable request.

#### **MOTION (1)**

**Mr. Liska moved to approve the Request of J. Robert Pfanner P.E., for JBH, LLC, for an exception of 24.7 for Sidewalks 24.6c at 26 Industrial Park Road, East Lyme.**

**Mr. McPherson seconded the motion.**

**Motion carried, 5-1-0.**

**Nay: Mr. Donovan**

#### **2. Request of James Bernardo, L.S., Agent for Brice and Kim Craven, Owner, for a Coastal Area Management Review for demolition of an existing residence and Construction of a new residence at 46 East Shore Drive, East Lyme.**

Mr. Donovan read Mr. Mulholland's memorandum dated October 18th, 2018 into the record.

Jim Bernardo of 102A Spithead Road Waterford, CT came forward representing the Applicant and made the following comments about their CAM application:

- Our plan is to remove the existing home and rebuild; previously there was a 1,600 sq ft home adjacent to beaches and dunes.
- The property line is a concrete retaining area and in a coastal hazard area.
- This is a reuse of a residential lot and is compliant with Black Point Beach zoning codes.

- The only CAM features of this request are the FEMA building requirements; FEMA encourages 1 ft above the flood zone.
- We've incorporated concepts from the 2004 Stormwater Manual in our designs.
- A silt barrier will be utilized to keep erosion and/or sedimentation from reaching the water.
- Hay bales will be used for the silt fence.
- The application has no potential adverse impacts on the site and is consistent with coastal policies.
- All construction will be in compliance with the new FEMA regulations.

Mr. McPherson asked about the average grade of the property and Mr. Bernardo said it's 10 or 11.

The architect, Christopher D. DeFiore said construction will begin next month.

Mr. Liska said all they're concerned with is anything that might blow into the water and that it looks like they have a good plan for everything.

Mr. Walker observed it's the same use but enhanced.

#### **MOTION (2)**

**Mr. Donovan moved to approve the Request of James Bernardo, L.S., Agent for Brice and Kim Craven, Owner, for a Coastal Area Management Review for demolition of an existing residence and construction of a new residence at 46 East Shore Drive, Niantic, Connecticut for the following 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.**

**Mr. Liska seconded the motion.**

**Motion passed, 6-0-0.**

**3. Request of Edward H. Wenke III, L.S., Agent for Regina M. Hitchery, Owner, for a Coastal Area Management Review for demolition of an existing residence and construction of a new residence at 27 Saunders Drive, East Lyme.**

Mr. Donovan read Mr. Mulholland's memorandum dated October 18th, 2018 into the record.

Edward H. Wenke of 118 Tom Wheeler Road, North Stonington came forward representing the Applicant. He said Mr. Bernardo did an excellent job on his presentation and this mirrors that request with some slight differences. Mr. Wenke made the following comments about their CAM application:

- The existing footprint is 900 sq ft.
- The river frontage is the seawall.
- A new septic system will be installed and municipal water service will be reconnected.
- The leaching field will be 90 ft from the water and in the front yard.
- The coastal resources are the Niantic River Estuary and the grass sloping down to the seawall.
- The seawall will not be disturbed.

- Hay bales will be used for the silt fence barrier.
- Their primary concern is stormwater mitigation and the directive they received from the Town Engineer; 300+ additional sq ft of impervious roof surface.
- The roof is a flat rooftop.
- There will be a rain garden with overflow and the living space will be 9 ft above the elevation.
- The lower grade level will be a concrete slab and will be utilized as a free-flooding garage area with break-away walls and doors.

Mr. Walker asked if there will be construction near the seawall or water and Mr. Wenke said no.

Mr. Liska said he is happy to hear the septic system is being addressed and of the addition of the rain garden with roof runoff.

Mr. Donovan asked about the pump chamber and Mr. Wenke said it will have to be anchored down and they're still determining from the manufacturer the best way to do it.

**MOTION (3)**

**Mr. Donovan moved to approve the Request of Edward H. Wenke III, L.S., Agent for Regina M. Hitchery, Owner, for a Coastal Area Management Review for demolition of an existing residence and construction of a new residence at 27 Saunders Drive, East Lyme, Connecticut for the following 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.

**Mr. Liska seconded the motion.**

**Motion passed, 6-0-0.**

**4. Approval of Minutes of September 20th, 2018.**

**MOTION (3)**

**Mr. McPherson moved to approve the Meeting Minutes of September 20th, 2018 as presented.**

**Mr. Peck seconded the motion.**

**Motion carried, 4-0-2.**

**Mr. Walker and Mr. McPherson abstained from the vote.**

**Old Business-**

1. Subcommittee-Mixed Use in CB Zone

The Commission tabled this until the next meeting.

2. Subcommittee-Site Plan Requirements/Architectural Regulations

The Commission tabled this until the next meeting.

3. Subcommittee- Alternative Care Dispensaries

Mr. Peck read a statement from their October 1st, 2018 subcommittee meeting detailing the proposal to allow this use in the CA Zone by special permit; there will be selling but no growing will be permitted- the applicant would have to request a text amendment for that.

Mr. Walker said he approves of the work the subcommittee has done so far on this item and agrees it should go to public hearing so the public can weigh in. He said the questions he has is if this will be an economic benefit, how it will affect the surrounding businesses, and how it will impact the Town.

Mr. Donovan said there are other places in Connecticut where business has doubled, so it's a no brainer.

Mr. Peck discussed the restrictions of dispensaries such as banks not allowing tenants to have a mortgage because they follow federal law, even though it's not enforced.

The Commission discussed the numerous barriers applicants have.

Mr. Peck said other Towns treat this like we would, as a pharmacy.

Mr. Liska detailed how a pharmacist can't have a federal and state license at the same time which is why they don't sell marijuana.

Mr. Peck said he intends to have someone at the public hearing who has gone through this process.

The Commission agreed to move this item to public hearing.

I. **New Business**

a. **Application of Mostowy Towers LLC for a Special Permit Application, Site Plan Review and Storm Water Review for the construction and operation of a communications tower facility at property identified in the application as 16 Mostowy Road, East Lyme.**

Mr. Walker said he will ask Mr. Mulholland to schedule this item.

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

Mr. Liska recommended moving the Ex-Officio report to earlier on the agenda so they don't have to remain when meetings run long.

Mr. Donovan said they usually don't have late nights unless it's something major and Mr. Walker runs the meetings well.

Mr. Peck said he feels worse for someone paying their attorney \$300/hr to be at the meeting.

Ms. Hardy thanked Mr. Liska for his consideration and said if the Ex-Officio needs to leave early they can always request that at the beginning of the meeting.

4. Zoning Official

Mr. Mulholland was not in attendance.

5. Comments from Ex-Officio

Ms. Hardy detailed the updated purchasing policy the Board of Selectmen voted to adopt. She explained the three bid submittal and difficulty associated with a sealed bid process.

It was approved to have a 2019 Ford Escape be used by the Town Building Inspector. Mr. Donovan asked why Zoning and Planning don't get to use it and Ms. Hardy said she is not positive that this is not possible. Ms. Hardy discussed the mileage reimbursement utilized by some employees. She said all of this raises the question of who gets a vehicle and who doesn't. Mr. Peck suggested the idea of an employee being given a car, signing a contract, and having the employee insure it and pay for it themselves.

6. Comments from Zoning Board Liaison to Planning Commission

Mr. Donovan said the meeting was cancelled. Mr. Liska filled in for Ms. Kalajainen and attended the October 2nd meeting which he briefly outlined for the Commission; the meeting consisted of the public hearing for the Twin Valley Subdivision.

7. Comments from Chairman

There were none.

**Adjournment**

**MOTION (4)**

**Mr. Donovan moved to adjourn the Zoning Commission Meeting at 8:45 p.m.**

**Mr. Liska seconded the motion.**

**Motion passed, 6-0-0.**

Respectfully Submitted,

Brooke Stevens  
Recording Secretary