

**East Lyme Zoning Commission  
February 4th, 2021  
Regular and Public Hearing Meeting Minutes**

**Members Present:**

Norm Peck  
Terence Donovan, Secretary  
Bill Dwyer  
Kimberly Kalajainen  
Anne Thurlow  
George McPherson, Alternate (Sat as a Regular Member)  
Denise Markovitz

**Also Present:**

Bill Mulholland, Zoning Official  
Jennifer Lindo, Zoom Moderator  
Rose Ann Hardy, Ex-Officio

FILED

Feb 11, 20 21 AT 8 AM/PM  
*Brooke Hewitt ATC*  
EAST LYME TOWN CLERK

**Absent:**

Matthew Walker, Chairman  
James Liska, Alternate

**Present for Applications:**

Bill Scheer, Deputy Director of Public Works

The Regular Meeting of the East Lyme Zoning Commission was held on Thursday, February 4th, 2021, at 7:30 p.m., via Zoom; this teleconference was recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to be held over teleconference.

**I. Roll Call and Call to Order**

Acting Chairman Donovan called the Regular Meeting of the Zoning Commission to order at 7:31 p.m. and took roll call.

**II. Public Delegations**

Time set aside for the public to address the Commission on subject matters not on the Agenda.

Cate Hewitt was the only member of the Public in attendance, and said she is from the Connecticut Examiner and merely listening in.

The Commission sat Mr. McPherson as a regular member for the duration of the meeting.

### III. Public Hearings

1. **Application of Theodore A. Harris, Esq., Agent for 159 Boston Post Road, LLC, Owner, for a special permit for Mixed Use (CA) pursuant to Section 8.2.2. and Section 25 at property located at 159 Boston Post Road, East Lyme Assessor's Map 31.1 Lot 32.**

Mr. Mulholland explained that the Applicant has requested this item be continued until February 18th, 2021; they encountered drainage issues with their plans which they're working to rectify prior to being heard.

### IV. Regular Meeting

1. **Application of Theodore A. Harris, Esq., Agent for 159 Boston Post Road, LLC, Owner, for a special permit for Mixed Use (CA) pursuant to Section 8.2.2. and Section 25 at property located at L59 Boston Post Road, East Lyme Assessor's Map 31.1 Lot 32.**

This item has been continued until the February 18th, 2021 Zoning meeting.

2. **Request of the Town of East Lyme, Bill Scheer, Director of Public Works, Agent for Coastal Area Management Review for property located at the end of Laurel Street, for Erosion Mitigation and Stabilization of an Embankment.**

Mr. Scheer showed the Commission a rendering of erosion mitigation at the end of Laurel Street and shared the following:

- They installed sewers in Pine Grove and redid the roads at the same time.
- A new sewer pump station was installed at the end of South Pine Street and Laurel Street at which time they inadvertently concentrated some stormwater into the area marked as the project site (on the erosion mitigation rendering.)
- Previously all the stormwater would sheet flow down a hill, over the grass, and into the water with no erosion.
- With the construction a point discharge was created at the end of Temple Street where the pavement ends.
- This created an erosion channel and the Ladies Aid Society has asked them to rectify the problem.
- They plan to install some concrete blocks at the bottom and put large riprap over the top of the blocks so you don't see them, and fill the soil in with riprap to mitigate all the erosion.
- If approved they will complete the project in the Spring.

Mr. Scheer noted there is not much to this and Mr. Mulholland confirmed that Mr. Scheer will be installing a silt fence as well as hay bales during construction to prevent any further erosion. Mr. Mulholland observed this is not a significant disturbance and it was a judgement call as to

whether a CAM review was even needed but felt it was important that the Town lead by example.

Ms. Thurlow asked how long the project will last and Mr. Scheer said three days.

Mr. Donovan read Mr. Mullohand's memorandum dated February 4th, 2021 into the record.

Mr. Peck asked if addressing this will result in the problem being relocated somewhere else and Mr. Scheer explained how they took sheet flow and concentrated it into a point source which created this ditch; they're essentially going to armor the ditch that goes down the slope so the water will stay in the same place, and after the embankment is armored it will no longer be able to erode, resulting in a stable channel.

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

**Mr. Peck moved to approve the Request of the Town of East Lyme, Bill Scheer, Agent, for a Coastal Area Management Review for erosion mitigation and stabilization of an embankment at the end of Laurel Street, 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. Dwyer seconded the motion.**

**Motion carried, 6-0-0.**

#### **3. Approval of Minutes**

##### **a. January 21st, 2021**

Mr. Donovan said he had one correction on page 3- "*Mr. Donovan said he would be more comfortable discussing this item when Mr. Walker is also in attendance and the Commission tabled this item until the next meeting*" is a sentence carried over from the January 7th, 2021 meeting minutes and should be omitted.

Ms. Stevens said she also had a correction; she inadvertently left out the motion that occurred under item 3. **FY 2021/2022 Budget:**

***"Mr. Donovan moved to approve the FY 2021/2022 Budget as presented.***

***Mr. Dwyer seconded the motion.***

***Motion carried, 6-0-0. "***

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

**Mr. Dwyer moved to approve the meeting minutes of January 21st, 2021 as amended.**

**Mr. McPherson seconded the motion.**

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

**Mr. Peck abstained from the vote due to his absence from the January 21st, 2021 meeting.**

## **V. Old Business**

There was none.

## **VI. New Business**

### **1. Zoning Official**

Mr. Mulholland said things are quiet right now but a few items will be coming forward in the near future. He shared that the 120 additional Gateway units are nearing completion and Mr. Donovan asked if the billboard will be taken down. Mr. Mulholland said he spoke with their attorney Ted Harris today and he said it will come down and make sure they're compliant.

Mr. McPherson asked if the flagpole at Burger King will be replaced and Mr. Mulholland said he didn't know, but will ask.

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

Mr. Peck said he wanted to thank everyone for the card they sent in regards to the passing of his mother, and noted it was very much appreciated.

### **3. Ex-Officio**

Ms. Hardy shared some of the following:

- The Board of Selectmen met last night and approved \$25,000, which is their share of the Route 161 corridor study.
- The funding agency will cover the remainder of the expense and the Southeastern Council of Governments will administer the project.
- Budget meetings begin on Monday.
- The State has passed several mandates such as the Police Accountability Act which will make the police budget challenging.
- Utilizing volunteers, the Senior Center has delivered meals to 35 homes and are undertaking an ambitious remote program for Spring given Covid.
- She wants to acknowledge Lillian's Restaurant for providing 500 meals free of charge as well as delivering them to those unable to retrieve them curbside during the holidays.

### **4. Comments from Zoning board liaison to Planning Commission**

#### **a. Dwyer – January 12, 2021**

Mr. Dwyer gave his report at the previous zoning meeting.

#### **b. Donovan**

Mr. Donovan is scheduled to attend the February 9th, 2021 Planning Commission meeting.

#### **c. Kalajainen**

Ms. Kalajainen is scheduled to attend the March 9th, 2021 Planning Commission meeting.

**5. Comments from Chairman**

Mr. Donovan had nothing to report and said he hopes everyone stays happy and healthy.

**Adjournment**

**MOTION (3)**

**Ms. Kalajainen moved to adjourn the February 4th, 2021 Zoning Commission meeting at 8:02 p.m.**

**Mr. Mcpherson seconded the motion.**

**Motion carried, 6-0-0.**

Respectfully Submitted,

Brooke Stevens, Recording Secretary

