

Aug 23 20 06 at 2:10 PM

EAST LYME ZONING COMMISSION
SPECIAL MEETING
Thursday, August 17, 2006
MINUTESEsther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Terry Mitchell, agent for AHEPA 250 Inc. for a Special Permit and Site Plan to construct "non-profit, subsidized, elderly housing" in SU Zones at property identified in the application as 267 Roxbury Road, Niantic, Connecticut. East Lyme Assessor's Map 10, Lot 3.

PRESENT: Mark Nickerson, Chairman, Marc Salerno, Pamela Byrnes, Ed Gada, Norm Peck, William Dwyer, Alternate, Joe Barry, Alternate

ALSO PRESENT: Bob Bulmer, Alternate
William Mulholland, Zoning Official

ABSENT: Rosanna Carabelas

PANEL: Marc Salerno, William Dwyer, Alternate, Bob Bulmer, Alternate, Joe Barry, Alternate

Pledge of Allegiance

The Pledge was observed.

Mr. Nickerson introduced the meeting as the Special Meeting of the East Lyme Zoning Commission, August 17th. He continued that there was no Recording Secretary and asked that everyone speak clearly into the microphone for recording.

Public Delegations

Mr. Nickerson stated that they begin each Zoning Commission Meeting with a Public Delegation and asked if anyone would like to speak to the Commission on items that are not on tonight's agenda, nor on any pending application.

Bob Gadbois, 358 Boston Post Road, said that it had been quite a while since he's heard anything about the rocks across from Stop & Shop. He stated that he received a letter from Mr. Mulholland on May 4th that it was supposed to be looked into and he really doesn't see anything being done. He sees weeds growing up in there and the rocks are coming down. The letter from Mr. Mulholland stated that he was going to do something within a couple of weeks. Mr. Gadbois doesn't see anything being done and he would like to know if there is anything being done.

Mr. Nickerson asked if anyone else would like to speak to the Commission from the Public Delegation. No one responded.

Public Hearing I

1. Application of Terry Mitchell, agent for AHEPA 250, Inc. for a Special Permit and Site Plan to construct "non-profit, subsidized, elderly housing" in SU

Zones at property identified in application as 267 Roxbury Road, Niantic, Connecticut. East Lyme Assessor's Map 10, Lot 3.

**** MOTION (1)**

Mr. Nickerson stated that the application of Terry Mitchell, agent for AHEPA 250, Inc. for a Special Permit and Site Plan to construct "non-profit, subsidized, elderly housing" in SU Zones at property identified in application as 267 Roxbury Road, Niantic, Connecticut. East Lyme Assessor's Map 10, Lot 3. has been requested for a continuance. The application had previously been opened on the 3rd and is being continued. Ms. Byrnes moved to continue. Motion was seconded.

Vote: 6-0-0, Motion passed.

Regular Meeting

1. Application of Justin Olshan for a Special Permit to operate an auto sales agency at property identified in the application as 252 Flanders Road, Niantic, Connecticut.

Mr. Nickerson stated that regular members can sit for applications as long as they familiarize themselves with the record. Mr. Nickerson wanted to discuss who needs to be sitting on this decision. Mr. Nickerson stated that this is a Special Permit and reminded everyone that there are standards in Section 25 in our Regulations. Mr. Nickerson stated that all can deliberate and/or discuss the subject.

Ms. Byrnes wanted to be refreshed on the parking spaces. She thought she remembered that it was confirmed that there were going to be 12 parking spaces total and 4 would be for car sales.

It was clarified that 2 of those 12 were for Handicapped parking.

Ms. Byrnes stated that 2 of them that were indicated on the diagram she has have very clear signs that say "For Stop & Shop Customers Only". She said the one in front of the Sales Office for the Stop & Shop gas station and the one right in front, when you come in where the telephone is, there is a big sign that also states "For Stop & Shop Customers Only". She also said there is a sign in the back, next to the dumpster, but that she did not see a parking space there. She said she counted 8 spaces total available, unless they are going to make more spaces in front of the bays or somewhere. She stated she can't see where they would be able to make spaces. She has a question over the actual parking spaces that are for you that are available for the auto shop. She also stated she went back and counted again; trying to figure it all out.

Mr. Dwyer stated that he feels that there should be certain restrictions put on this Special Permit, such as no new cars, a maximum of 4 cars, and only those cars that the owner can legally auction off - to eliminate used cars coming up from, say, New Haven. So he feels the vehicles should be limited to vehicles whose owners are indebted to Tires, Inc or abandoned.

Mr. Peck said he has a note that says they are waiting on some new information on the limit on the number of cars for sale.

Mr. Salerno said that his recollection is that the limit is 4. He told Mr. Peck that inside his packet he would find a reproduction of the packet he received at the Public Hearing. He stated that the letter describes what they want to do and what they believe they can have with regard to the number of parking spaces.

Mr. Nickerson said that if he remembers correctly, they were somewhat flexible. They were like of like "Hey, if there can be 3, great. If there could be 4, super."

_____ said he doesn't know this for certain, but he suspects that Stop & Shop has leased the gas station portion and he is going to make the assumption that if the sign is just for Stop & Shop, then they are dedicated. That is probably a part of what their agreement is because otherwise he didn't think they could do that.

A question was asked, "Is there enough parking for both operations?"

Mr. Salerno said that, technically, you can make the argument as presented in this letter; it would be under different usage, but I think you need to look at it practically speaking as well.

Ms. Byrnes stated again that she only saw 8 parking spaces to the Tire Shop total. She double checked to make sure she counted correctly and could not find more than 8 spaces available to them.

Mr. Nickerson stated that he is going to decline the application; stating that there is not enough parking for yet another business. It really is *yet* another business. There's another reason for people to pull into that small parking lot, to either get their tires changed or gas and now maybe to go browse used cars. He stated that he did some homework and he had inquired whether this fellow can get a used car license from DMV to be able to buy and sell these cars easier. But the license is dependent upon a location. They need to be able to say this is where the cars will be and this is where I am selling them from. He can't be a broker, buy them and shoot them up to auction. That, Mr. Nickerson said, he would be okay with. Cars are being sold there now and we don't prohibit it, although he isn't keen on it. He stated it's a tire store, he didn't know they could also store cars for a length of time in spots. It's a disaster right now. Thankfully, Stop & Shop isn't as cheap with gas anymore; they are not giving 20 cent coupons and cars aren't being backed up all the way to the on-ramp. It's grandfathered in. They allowed the gas station. If we approved it today, we would not rubber stamp that gas station the way it is. We would definitely look for more room. If this fellow could buy these cars and sell them elsewhere, that would be great. But, currently, there is enough going on there.

Mr. Salerno said he agreed with Mr. Nickerson's assessment. He stated that they have already have had numerous complaints in that area. He also stated that it's a very confusing and congested area. The gas station is grandfathered in and the way the

layout is at this place, he agrees with Pam with regard to the number of parking spaces. He does not see this working without becoming a nightmare. Mr. Salerno said he cannot support this request the way it is.

_____ has stated that he goes there frequently and has observed the station first thing in the morning. He stated that the applicant said their deliveries take place between 7:30 – 8:15 a.m. He expounded that the deliveries have occurred during those times and that pick up trucks were backed up to the office area, loading and unloading. Additionally, he came up with 9 parking places, but he was counting in front of the bays as parking places; removing those, he would have a total of 7. He concluded that he was 'on the fence'.

_____ discussed that the owner mentioned that he was having problems getting rid of the cars he acquires. The owner has been storing cars wherever he can find room. This is designed to help him move vehicles quicker; practically speaking, perhaps it would be a better situation [for the owner].

Mr. Nickerson countered that the 'pro' of cars moving quicker would get them out of there quicker would be counterbalanced by the 'con' of customers coming in to buy the cars, there might be more inventory waiting to be sold, plus the employees that would have to have parking. Additionally the parking space in front of the gas station is unusable because it cuts across the queue for the gas station.

Mr. Peck stated that he sees this being self controlled: that after Stop & Shop spent all this money on building this gas station, that if the tire shop breached the parking agreement, Stop & Shop would come down on him, being a tenant.

Ms. Byrnes stated that, from a business perspective, she'd like to see the owner be able to do this. She said she understands the logic of it. She feels that the place is a nightmare right now, traffic-wise. She doesn't see the parking spaces and is concerned about the aquifer.

Mr. Salerno said that if the site doesn't work, then the site doesn't work. You can't force something in there just to help someone out. The whole issue that he can't move cars and stuff like that; that to him sounds like an issue that is not Zoning, but perhaps a State issue. To change this just because there is a bad regulation on the State level doesn't seem to flow well for him.

Mr. Nickerson said that we can go ahead and vote or we could keep talking.

Another question was asked, "Is this all going to be moot in 2 years because of the new aquifer?"

Mr. Nickerson stated that it is his intention, within 30 days, to have that go to a Public Hearing and start putting this stuff on our Aquifer Protection List immediately, but it will be State mandated that it will be not allowed when the State mandates come in. The

mapping is due in another 18 months – 2 years and then it finally gets approved. It's a long process; the State is involved, you know.

A follow up question was asked, "If this was approved by the Board, would it be negated by the Aquifer law?"

Mr. Nickerson and Ms. Byrnes both stated that it would be grandfathered in, as would every gas station on Flanders Road. Every property on that street would have to make improvements to make sure they follow the new rules, but they would be grandfathered in.

Again, Mr. Nickerson asked if anyone wanted to make a motion.

**** MOTION (2)**

Mr. Salerno moved to deny the application of Justin Olshan for a Special Permit to operate an auto sales agency identified in the application as 252 Flanders Road, Niantic, Connecticut.

Mr. Nickerson stated that the motion to deny is on the table.

Mr. Dwyer seconded the motion.

Vote: 4 - 1 - 1. Motion passed.

(Brief recess taken)

3. Application of Theodore A. Harris for a Special Permit and Site Plan for a Regional Shopping Center at property identified in the application as 15 Industrial Park Road, Niantic, Connecticut. East Lyme Assessor's Map 26.1, Lot 2.

...Mr. Nickerson: What the building isn't is a gateway. What we requested from Mike, he delivered and pleased everyone. But this is a furniture store, and is no longer going to be 'the welcome mat' necessarily. It just isn't going to be vacant anymore.

Ms. Byrnes stated that she felt it was a great business to bring in, and will be an asset business-wise, economics-wise. She is assuming that Bob's is a good employer and will provide health insurance and other benefits for the locals; providing an asset to the community. She is electing the least of three evils when choosing the architecture. She does not have a problem waiving the sidewalks if that works.

Mr. Salerno echoed that this is a good use of the area, considering it is sitting on the aquifer. He has investigated other Bob's Stores and noted that there is a low level of traffic. He noted that the industrial parks are shrinking; allocated only to commercial uses and this would be a good use. He would prefer more in the way of architecture.

Mr. Nickerson noted that it could be a showpiece for Bob's, but preferred a bigger, more subtle presence. He clarified this as a bigger presence look, a flagship store look.

(very soft spoken gentleman) _____ stated that he asked questions of the applicant at the last meeting and he felt a flagship presence was suggested.

Mr. Dwyer had a question re: the hazardous materials for the ancillary store; he questioned whether a paint store would be allowed. He stated that he would *not* want to see a paint store in that area and would like to specify that it would not be allowed. Expounded that he recalled a paint store fire years ago in the Mystic area and felt it would be fiercely detrimental to the aquifer.

Ms. Byrnes provided a point of information that she did not see paint stores listed on the prohibited stores for the aquifer site.

Mr. Mulholland clarified that those are things that would be reviewed at staff level. If the staff felt they were issues, they would bring them to the Board's attention. He stated that they take steps to safeguard against spills for all types of businesses.

Mr. Salerno questioned if the Board specified that a home accessory or furniture store had to be installed, who would make the final decision as to what would be allowed?

Mr. Mulholland stated that the Board could have the final say if they so conditioned.

Mr. Salerno stated that he felt that would grant a better sort of control.

Mr. Dwyer reiterated he felt it was a great addition to the town and was a suitable business for over the aquifer.

Mr. Salerno commented that there were some impervious surfaces in the back; and there was discussion on whether they would like to have that paved.

Mr. Nickerson, Ms. Byrnes and Mr. Salerno all agreed they would prefer to have it paved and curbed. Run-off would be directed to the run-off basins and separator and then to a filter. Mr. Nickerson stated that would be preferred.

Mr. Nickerson read from the 2004 State of Connecticut Storm Water Quality Manual that 'permeable pavement should not be used in public drinking water aquifer recharge areas or where there is significant concern for ground water contamination. Exceptions could be certain clean residential applications (like the lawn, driveway).' He continued that these weren't even the new regulations, but rather what they had to operate under at present. There could be something additional in the future.

The question was asked was this for any commercial use?

Mr. Nickerson repeated that permeable pavement should not be used in public drinking water aquifer recharge areas.

Ms. Byrnes stated that this was best practices and inquired if the town engineer agreed with this?

Mr. Mulholland responded that he had a report from the engineer on permeable surfaces: (reading) ...from a stone one perspective, the engineering department supports the use of said surfaces for parking...'

Mr. Nickerson stated there was another issue, a sidewalk issue.

Mr. Peck stated that he would like to see this project happen. He stated that Bob's was going to be a regional shopping center, would become a regional draw; especially with the other storefronts. He stated he did not mind waiving the sidewalk requirements. He clarified that he thought the Board had a condition that they improve the intersection.

_____ stated there was testimony that they were going to reconstruct Industrial Drive as per the plan that was submitted as an exhibit.

Mr. Peck continued that he thought the Board should stipulate that any other tenants come before the Board for approval as a condition of any approval.

Mr. Nickerson asked if the other tenants would have to make a full Special permit application. He asked if there was a way to expedite the process.

_____ stated that he believed that the expedited process had already been put into place and should the Board vote positively and approve what has been presented, then the tenants would return later at a regular meeting. The future tenants would present what they were planning on installing at that location and ask for the Board's endorsement.

Mr. Nickerson asked if that would need to occur in a public hearing or no.

_____ replied that it would not necessarily have to be a public hearing since the Board was approving the Regional Shopping Center concept, which would include the space under discussion. He believed that at a regular meeting it could simply be an item, with a small presentation. All the other work would have already been done and at that stage, the use would be under discussion.

Ms. Byrnes inquired if they did not like the kind of store suggested, could they request a different one?

_____ responded that the Board would have to be very careful in that situation. The Board is approving the Regional Shopping Center and putting a condition on the Special permit, essentially saying that the condition of the permit is that it must be related to/an accessory to the furniture store. The Board could probably request the applicant come back in and present the use.

Mr. Peck stated his only issue was with the design; that this was a gateway not only to East Lyme, but also to Eastern Connecticut. If this was selected, he would ask the Board

to require some (4 or 5) mature evergreen trees (min 10 – 12 ft) to be placed in the front of the building. The purpose would be to enhance the building, not to block the signage. He stated that the ideal spot could be worked out as the project commenced.

Mr. Nickerson agreed that some tall plantings would help the appearance as it is very industrial looking.

****MOTION (3)**

Mr. Peck moved to approve the application of Theodore A. Harris for a Special Permit and Site Plan for a Regional Shopping Center at property identified in the application as 15 Industrial Park Road, Niantic, Connecticut Assessor's Map 26.1, Lot 2.

With the following conditions and provisions:

That the sidewalk requirements will be waived, per the applicant's request;

That the intersection of Industrial Drive and the applicant's driveway be improved per the existing plan from Mike's Famous(?);

That the gravel parking area, as described in the site plan, be paved, according to the town engineer's recommendations;

A further condition that any other tenants shall be an accessory to the home furnishing-type business and shall be approved by this Board at a regular meeting;

That we accept the plan A3, Russell Sergeant, architect; with the exception that a minimum of 6, Norway spruce trees, a minimum height of 10 feet, shall be planted at locations to be agreed upon between Zoning officials and the applicant.

Ms. Byrne seconded the motion.

Vote: 6 - 0 - 0. Motion passed.

(Brief recess taken)

5. Application of Theodore A. Harris, agent for Plaza Ford, Inc., for modification of the Special Permit for an Automobile Sales agency and Site Plan to allow motor vehicle storage on the northerly lot at property identified in the application as 218-222 Flanders Road, Niantic, Connecticut. East Lyme Assessor's Map 26.1, Lot 23 & 24.

Mr. Nickerson invited discussion and a report from Mr. Mulholland.

Mr. Nickerson read from a letter addressed to Mr. Mulholland from Bill Shear, PE, Town Engineer, Town of East Lyme. Dated August 17th.

Plaza Ford Center, plan review.

All previous engineering comments for this application have been addressed on the above referenced plan and letter. From storm water perspective, the engineering department supports the use of permeous surfaces for parking. The proposed gravel lot achieves this goal. The grass between the parking area and the detention area will provide storm water filtration and infiltration.

Next letter:

Dated August 15th. To Bill Shear, from Donald Gerwick. Re: Plaza Ford.

Dear Bill, This letter is to confirm our recent conversation regarding the above referenced subject matter. I have reviewed our files and confirmed my premise that both the detention basin and the CDS water quality unit were both sized for the

northern parcel and its built out condition, i.e. the permeous condition if it had a structured flow paved parking lot. In regards to grade, our most recent as built information for the northern parcel shows the existing grade exceeding 5% so there would be some grading required to meet your concern of the parking area, not to exceed 5%. Will prepare schematic, etc.

Mr. Salerno stated that he was still concerned that there would still be used cars on this lot; that was the testimony. He stated that he believed they had to engineer for the worst possible scenario. He asked the engineer, who stated that for new cars or used cars that are in good condition, this would be suitable. However, over time this could be an area that deteriorates or the cars that are stored there are no longer of the same quality. He asked the engineer if older cars were stored there, what would be the approach. He was told that it should be curbed and brought into the system. Mr. Salerno continued that there is a system on the site is graded for the northerly lot. He would like this site to be curved, paved and brought into the drainage system that is currently there.

Mr. Nickerson stated that Mr. Gerwick's comments confirm that the storm water system was built to have that second side paved. It was the intention that at some point that would be needed. He stated his opinion that, from a common sense point of view, eventually crushed stone generates enough sediment to clog the water flow. Eventually the water would not run down, but flow into the grass. A couple of year's from now that might work for a filter system, but for right now, this stone driveway is supposed to let the water through. That is not what we should be doing in a parking lot. He does not believe the Board should be allowing crushed stone parking lots in the aquifer. He stated he believed it should be 'the right way'. He would entertain a temporary situation under certain circumstances.

The applicant stated that this was a new car dealership and would deal only in new cars. As such, they would hold themselves to the highest standards.

****MOTION Initiated (4)**

_____ moved to approve the application of Theodore A. Harris, agent for Plaza Ford, Inc., for modification of the Special Permit for an Automobile Sales agency and Site Plan to allow motor vehicle storage on the northerly lot at property identified in the application as 218-222 Flanders Road, Niantic, Connecticut. East Lyme Assessor's Map 26.1, Lot 23 & 24 as presented.

Ms. Byrne seconded it for the sake of discussion.

Ms. Byrne commented that the Board just made Bob's Stores, a low volume lot, pave because he was sitting on the aquifer. By contrast, a car dealership that will be storing long term vehicles on it, will not have to pave. She stated that she saw the two positions as inconsistent.

The applicant stated that in the Bob's case, that the applicant had no objections to paving. The car dealership applicant had a strong feeling that they needed to go to gravel. Additionally, the car dealership case, the car dealership will be controlling the

cars that will be on his lot. By contrast, Bob's Stores would have no control over what cars came onto their lot.

Ms. Byrnes continued that, for consistency sake, as much as the town would like to see the car dealership there for a long period of time, it is not guaranteed. In the event of change of ownership, it would be prudent to protect against a change in standards. The Bob's decision was made based on the protection of the aquifer, not to whether it was a hardship or no to pave the lot.

The applicant contended that, regardless of ownership, a new car dealership will have greater control over the cars on its lot, compared to a delivery area.

Mr. Nickerson stated that he respectfully disagreed with the applicant: that the Board had the control over what was being allowed on the land and had to make decisions based on best management practices and the good of the Town. He further expounded that common sense dictates that, boiled down, this area was a parking lot and should be addressed as such, prepared for a worst case scenario.

Mr. Salerno concurred that a worst case scenario approach should be pursued.

Ms. Byrnes inquired what the issue was with paving the parking lot.

Mr. Nickerson responded that it was not clear, that this is how the application was submitted. He stated that it could be approved with modifications.

_____ amended the motion with the condition that the parking area be paved, curbed.

Ms. Byrne accepted the amendment.

_____ stated that if the Board accepted the amendment with modifications, they would have to allow for some period of time for the paving to occur.

_____ **withdrew the whole motion, including the amendment.**

Ms. Byrne withdrew her second.

Mr. Salerno asked for a discussion for a time frame for the paving to occur. He stated that the Board should be cautious voiding the agreement if a hypothetical time elapses and the lot is still not paved. Mr. Salerno suggested the applicant could run into problems acquiring a contractor. He suggested that if the applicant be allowed to park cars for the temporary time period and if that time expired without paving, the applicant would have to remove those cars.

Mr. Nickerson suggested a 90 day temporary parking allowance in the grassy area only.

**** MOTION (4)**

Mr. Salerno moved to approve the application of Theodore A. Harris, agent for Plaza Ford, Inc., for modification of the Special Permit for an Automobile Sales Agency and

Site Plan to allow motor vehicle storage on the northerly lot at property identified in the application as 218-222 Flanders Road, Niantic, Connecticut. East Lyme Assessor's Map 26.1, Lot 23 & 24.

With the following conditions: that the parking lot be paved, curbed and brought into the current drainage system and with a 90 day temporary allowance of waiver to allow him park on the northerly lot, effective 25 August 2006.

Ms. Byrne seconded the motion.

Vote: 6 -0-0. Motion passed.

_____ clarified that the last vote would be published August 24th, 2006 and effective August 25th, 2006.

****MOTION (5)**

_____ moved to approve the minutes of the Public Hearing I, May 18th, 2006

The motion was seconded.

Vote: 5 - 0 - 1. Motion passed.

****MOTION (6)**

_____ moved to approve the minutes of the Public Hearing II, May 18th, 2006

Mr. Dwyer seconded the motion.

Vote: 5 - 0 - 1. Motion passed.

****MOTION (7)**

_____ moved to approve the minutes of the Public Hearing III, May 18th, 2006

Mr. Dwyer seconded the motion.

Vote: 5 - 0 - 1. Motion passed.

****MOTION (8)**

_____ moved to approve the minutes of the Regular Meeting, May 18th, 2006

The motion was seconded.

Mr. Barry stated that the adjournment of the Public Hearing III kept it open as opposed to using the phrase closed. Mr. Nickerson concurred that the minutes were incorrect, stating the Public Hearing adjourned as opposed to closed. He stated that Mr. Barry should have spoken earlier, before the Motions were voted on.

Mr. Barry stated that he was not allowed to speak to minutes that did not bear his name.

Vote: 5 - 0 - 1. Motion passed.

A lengthy discussion regarding seating according to Roberts Rules ensued.

Mr. Nickerson called Mr. Barry out of order and asked to move on to Public Hearing June 1, 2006 minutes. It became clear there were significant typographical errors in the minutes, listing attendees.

Ms. Byrnes stated that the minutes were a mess and couldn't be voted on.

****MOTION (9)**

Ms. Byrnes moved to approve the minutes of the Regular Meeting, June 1st, 2006, as amended.

The motion was seconded.

Mr. Bulmer commented that number 39638 in the minutes should be 39698. Additionally, he wanted it to go on record that he stated "...the cost to East Lyme tax payers, per year, to send 38 Hope Street kids to school will be \$713,334.00" This sentence should be inserted into the June 1st, 2006 minutes.

Ms. Byrnes amended her motion to accept the minutes to accept the changes to the minutes offered by Mr. Bulmer.

The amendment was seconded.

Amendment Vote: 5 - 0 - 1

Motion Vote: 5 - 0 - 1

****MOTION (10)**

_____ moved to approve the minutes of the Public Hearing I, III, IV, June 15th, 2006

The motion was seconded.

Vote: 6 - 0 - 0. Motion passed.

Mr. Barry is sitting on the panel, Mr. Dwyer is not

****MOTION (11)**

Ms. Byrne moved to approve the minutes of the Public Hearing II, VI, June 15th, 2006

The motion was seconded.

Vote: 5 - 0 - 1. Motion passed.

****MOTION (12)**

Mr. Salerno moved to approve the minutes of the Public Hearing V, June 15th, 2006

The motion was seconded.

Vote: 6 - 0 - 0. Motion passed.

****MOTION (13)**

Mr. Salerno moved to approve the minutes of the Regular Meeting, June 15th, 2006

The motion was seconded.

Vote: 6 - 0 - 0. Motion passed.

****MOTION (14)**

Mr. Dwyer moved to approve the minutes of the Public Hearing I, July 13th, 2006

The motion was seconded.

Vote: 5 - 0 - 1. Motion passed.

****MOTION (15)**

Ms. Byrne moved to approve the minutes of the Public Hearing II, III, July 13th, 2006

The motion was seconded.

Vote: 4 - 0 - 2. Motion passed.

****MOTION (16)**

Ms. Byrne moved to approve the minutes of the Regular Meeting, July 13th, 2006
The motion was seconded.
Vote: 4 - 0 - 0. Motion passed.

Mr. Nickerson reviewed the agenda for the next Zoning Board meeting. The Aquifer Protection subcommittee and the Bylaw subcommittee should be ready for presentation.

Ms. Byrne requested clarification on past motions that were passed, but seemed not to be moving forward.

_____ presented a progress run down to the Board:

38 Oak Street is waiting for a final letter from the Department of Public Health for the water and sewer guys.

George Mitchell has submitted his plans to the building department; the architect is working diligently to create a pre-fab, sectioned building.

He also met with Herb Chambers.

Irish Restaurant was appealed by Mr. Mitchell in Superior Court and filed a restraining order/injunction against the speaker and the Zoning Board. Anticipate a court decision sometime in March.

Landmark has not been heard from.

Advised of some upcoming events

Moosehopper has been paved differently.

Speaking with architect, Rusty Sergeant re: a new façade on buildings surrounding the new Brooks building. Additionally, new façade on old CVS building.

Mr. Salerno initiated a discussion re: the scale of parking submissions and how to improve the accuracy.

****MOTION (17)**

Ms. Byrnes motioned to close the meeting.

Motion was seconded.

Vote: 6 - 0 - 0. Motion passed.