

EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, October 19, 2006
MINUTES

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L. A. Blais, ATC
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on October 19, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT

PRESENT: Mark Nickerson, Chairman, Edward Gada, Rosanna Carabelas, Marc Salerno, Norman Peck, Bill Dwyer, Alternate, Joe Barry, Alternate

ALSO PRESENT: Rose Ann Harty, ex-officio

ABSENT: Pamela Byrnes

PANEL: Mark Nickerson, Chairman, Edward Gada, Rosanna Carabelas, Marc Salerno, Norman Peck, Bill Dwyer, Alternate

Pledge of Allegiance

The Pledge was observed.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

Mr. Ronald Capozza, 19 Holmes Rd., East Lyme: As of 4:00 today the agenda and meeting minutes for 9/21/06 are not on the website. I'm just mentioning it. At the 9/21 meeting the East Lyme Zoning Commission gave a one year extension to Walnut Hill Country Club. I have some questions in regard to that. Has anyone from this Board walked the property since then? If the land gets sold do the permits go with the land?

Mr. Nickerson replied that he believes the permits stay with the land.

Mr. Capozza indicated that as part of the extension there's a letter from Attorney Harris in that basically it said that no work would be continued for the fall and winter. That's the first time I've ever heard of a construction project that closes down for the fall and winter. Normally, you try to get something out to keep the guys working. I'm very concerned about the project. It looks like nothing's been done.

Mark Butterfield, 6 Upper Walnut Hill Rd., East Lyme: In July of this year I forwarded a letter to the Commission in the Zoning Office regarding the same project, the Walnut Hill Country Club expressing my concern on the lack of activity and asked the Commission to review the applicability of the current permits. I happened to be out of town when that took place last week. I did read the minutes of the last meeting and understand the extension of the permit. I want to

take a couple of minutes to answer a couple of questions that raise the question "What's the hurry in the development of this property? In fact, there is no hurry but the requirements of the permits are pretty clear in the zoning regulations in that work must commence within one year. And there are some affidavits that imply that work has commenced. We live in the area. We see what's going on and no work is taking place. The history in this town has shown what happens to a golf course. I'm not opposed to a golf course endorsed by all of you and all of us. I'm opposed to the continuation of permits because where I feel this project is going is into a housing development. I'll stand behind a golf course. I own a farm up in this area. It fits in our area. There's a second permit that's unique. The purpose of these permits was intended to, coincidence they're the FDU permits to the golf course. They are, in fact, separate permits and the only thing that binds the two together is the sewer system that the golf course has provided for both properties. I wanted to take this time to explain to you what my concern is and what some of my neighbors' concerns are. It's not a golf course. It's the fact that we feel that this was done for marketability of the property and that's not the intention of the FDU _____. It's intended to provide these permits to somebody who's going to develop it into the picture that they presented to you and to us. I realize that the decision has been made to extend it for another year. I'd ask that when we come back here a year from now, and I expect that we will, that you take that into consideration that the permits are intended to be for the building of the project outlined and not to increase the marketability of the property. Furthermore, the FDU permit should that happen to be separated and made a _____ of that project in an area where the average lot size within a half mile of its property is greater than 10 acres I do not think that the FDU project with 50 units on 20 acres sits very well. It's a separate entity by itself. It's a pimple on essentially our beautiful streets and our beautiful area. I wanted a golf course that's separate. Thank you for listening.

Terry Casey, 55 Holmes Rd., East Lyme: I'm interested in knowing what has to be done to get the agenda up on the web by close of business Monday. I'm a little disappointed that that's not happening. I spoke to the Zoning enforcement official and while there are people in his office, he said he didn't have anyone to put it up. Seems like a real small thing.

Mr. Nickerson: I don't know if that's that function of the town clerk. Our agenda was filed on the 13th of October and so noted by the town clerk. That's the agenda I have in front of me. It was filed properly. I don't know if we post our minutes on the internet until they're actually approved. I'll look into it. I appreciate you bringing that up.

Terry Casey (cont'd) I have another question or comment about housing. The permit requires that the golf course be built first.

Mr. Nickerson breaks in: Let me correct that. There are two homes in perc up there. There's one up by the road - 40-60 units. The one that's spread throughout the course cannot be occupied, no CO, until the first golf ball goes down the fairway. The grass has got to be growing and it's got to be mowed.

Mr. Peck: Any changes to this permit must come before us for approval

Patricia Butterfield, 6 Upper Walnut Hill Rd., East Lyme: There was a piece of property that the Zoning Commission _____

Regular Meeting

1. Application of Theodore A. Harris for a Special Permit for a fast food restaurant identified in the application as 267 Flanders Road, Niantic, Connecticut. The property is further identified as East Lyme Assessor's Map 31.3, Lot 24.

Rosanna Carabelas read into the record a memo From William Mulholland, Zoning Official, to East Lyme Zoning Commission dtd 10/19/06, Subj: Site Plan modification/Starbucks Special Permit and Site Plan application 267 Flanders Road.

After a general discussion among the board members reviewing the design changes and traffic flow, a motion was made by Ms. Carabelas.

****MOTION (1)**

Ms. Carabelas moved to approve the application of Theodore A. Harris for a special permit for a fast food restaurant at property identified in the application as 267 Flanders Road, Niantic, Connecticut. The property is further identified as East Lyme Assessor's Map 31.3, Lot 24, with revisions according to what is presented in the memo from the Zoning Official, dated October 19 and in addition to that and because it wasn't in the memo also that the ATM building not be included on the site.

Mr. Dwyer seconded the motion

****MOTION (1) AMENDED**

Ms. Carabelas amended her motion to include that it should follow the criteria of the site plan (Exhibit 3A – Site Plan Revisions) that was presented tonight, October 19.

Mr. Dwyer seconded the amended motion

Mr. Nickerson opened it for discussion.

Ms. Carabelas: I am in favor of this application even more so obviously than the first night they came before us and I understand the concerns of the traffic. I sincerely feel that there isn't going to be an influx of new traffic added to this site or Rt. 161. I feel that it is well maintained with the traffic lights there and especially now that they are exiting onto King Arthur Dr. I think it's a good use for the spot. I can't imagine anything else really going in there. It's been an eye sore I think for a long time, and I think it would be a good addition to the town.

Mr. Gada: I am in agreement, in favor also. I think the Starbucks people have answered our questions and have responded properly with the changes I see before me tonight. I'm in favor.

Mr. Dwyer: We were very concerned about the traffic when we had Dunkin Donuts. Now this is the worse situation, I don't want to compare but at the time we were very concerned about the Dunkin Donuts traffic factor and the bottom line, there's no problem there now. I think that right now this is the worse condition and I agree with you, it will not increase traffic. The traffic is

there. The only thing is that it might slow it down. It would have to slow it down. This whole operation is really based upon the light. The light moves, traffic moves. The light doesn't move, that's it everyone stops. I'm in favor of it. I think we have to do something with that piece of property even though an economic problem isn't ours. I would vote in favor of it.

Mr. Salerno: I like the changes. I'm glad that no traffic will be able to leave onto Rt. 161 because of the proximity to the stop light. The only concern I have left is the drive-thru. The site is limited. Does anyone else have a concern with the drive-thru? The traffic has to go all the way through the property to get there. I'm talking about the internal traffic.

Ms. Carabelas: It's such a small piece of property and when you say they have to go through the whole property we're not talking about...

Mr. Salerno: Well, they have to go through the whole parking lot, the whole length of it. It seems a little small for a site with a drive-thru.

Ms. Carabelas: You mean if they come through King Arthur Dr. to get to the drive-thru?

Mr. Salerno: Yes. That's my concern. I don't know if anyone else shares my concern. It's a little unsettling to me.

Mr. Nickerson: I share that concern. I've been watching traffic for the last six weeks. There's a Starbucks in _____. Very similar in size to what we're building. All the traffic loops were in the parking lot. If it were to back up into the road, it would be about the 20th car. I have not been convinced that the drive-thru is the proper thing to do here. I am very impressed with the applicant's listening skills. The impression he leaves me with is that the applicant wants to be a neighbor and is not coming in here and turning it into a rest stop and cause havoc with our traffic pattern. The inability of people to turn left in there was resolved to our satisfaction.

Mr. Nickerson then went to a map and discussed the position of the current building vs. the new building and how it opens up the property. He also discussed the position of the retaining wall.

Mr. Nickerson: I'm not convinced that there's going to be a 50% slope there. I think it's going to be a very steep slope and I think alterations will be done. I know the Zoning Official will be on top of that. They've testified to that and if they can't make that happen when they build it they'll have to have some extra measures to handle the runoff and we end up with a possible landslide. We're going to make sure we're tuned into that should this fall through. I'm out there on the drive-thru, but I've looked at it, I've heard the economic development arguments – I know that we're not that but at the same token is it a benefit to the town? I think it is at this point. I'm going to vote for the approval of this. They've earned themselves a reputation of being a neighbor and listening. We have a better looking building because of our suggestion. We have better traffic flow.

Mr. Dwyer: I have a point of order question. If this goes to court and they take the public hearing is this going to be a part of the public hearing? If not, I don't think we can accept or talk

about it. I understand you said we were going to change this, but will this be a part of the public hearing if we go to litigation?

Mr. Nickerson: No, it's part of the application. We didn't get new information. We got adjusted information thru staff. It's a fine line but they already said what they were going to do within the context that we talked about building design, we talked about wider lanes and we talked about no left turn. That was all a part of it. Right now we're getting to visualize what's happening. Good question. I'm comfortable about making my decision based upon what they discussed at the Public Hearing.

Mr. Peck: I would love to approve this and I think there are only two witnesses in this room that will attest to the fact that over the 17 years that I've been sitting here I've been very pro-business trying to find ways to approve with proper controls. I do have a problem with this one. I don't think, although these traffic/driveway changes are an improvement, it's not going to change the number of cars entering and exiting through Rt. 161. At our last meeting, I reminded this Commission of one of the issues in our regulations that charge us with preventing or lessening congestion on public roads. To that end this Commission must have foresight to recognize not only existing problems, but worsening problems and then regulate accordingly as we did when adopting the regulation that disallows the construction of a food service drive-thru within a 1,000 feet of another. To be consistent with that thinking and when presented with an application contrary to that thinking, that deals with a site with the highest traffic count in town and rarely matched in the region, we must be concerned. Towns are shaped and problems are solved one decision at a time with consistency and often with intestinal fortitude. We must be consistent and persevere and then we can have a significant effect on that traffic problem that so many townspeople have complained about for years. Zoning to put various types of controlled uses in the most appropriate locations. This is a big part of what we do. Part of the applicant's proposal included a traffic study. With all due respect to the engineer, and I mean that sincerely, we must realize that he is working for the applicant. I do not disagree with what he presented but I'd like to comment that his conclusions and opinions are based on national standards. Unfortunately, we do not have the advantage of a report from our own traffic engineer. What I would NOT like to see is this Commission's total acceptance of this one side. Why should we approve an application because it appears to fall within national standards and tolerate a traffic situation that would be acceptable in parts of the country from which people are leaving and moving to East Lyme because of our quality of life and lower traffic congestion? Why not do our best to preserve what we have? We have the ability tonight to make a decision that will maintain the fight to lessen congestion. We have this primary responsibility to the Town of East Lyme. Another item that was not included in the traffic report was that in 2003 the traffic count at this site was under 22,000 per day. The traffic engineer reported this year's count at 25,000 per day. What will it be in 2010 with almost \$1 billion being spent on Foxwoods' expansion, a possible Utopia, etc.? We should be concerned. We cannot simply make decisions for today and put our fires out tomorrow. We need prevention through foresight. That is what the 1,000 foot rule was all about. The book that we all try to abide by entitled "What is Legally Required", says "The impact of a proposed development on traffic congestion and street safety is deemed to be well within the range of experience of lay Commission members." My fellow Commissioners, I ask you to raise the bar. We do not have to accept lower standards. This very nice project should be built at another site. This stretch of road is not capable of sufficiently supporting the high

volume, stop and go, entering and exiting of cars associated with the operation of this fast food business. I, therefore, recommend the Commission NOT approve the application on the grounds that: (1) The project is contrary to the planned development as I stated on October 5th which and I quote says “development proposals should be evaluated for their impact on towns’ existing circulation systems, and such proposals should be approved so as not to intensify existing traffic problems” (2) If this were built, it would result in a significant increase in traffic congestion, and therefore, it is in direct contrast to the zoning regulation. Thank you.

Ms. Carabelas: I’m not sure this is what Norm [Peck] was talking about but first of all if I see there’s a long line of traffic, I’m going to drive on by or I’m going to pull into one of the parking spots and go inside and not necessarily wait in line to go through the drive-thru. And as far as the traffic report goes, I know, unfortunately, we don’t have a traffic authority in this town. We do have to rely on the credentials and the honor of the people who present the traffic report. I don’t think they just go by national standards. I believe he brought up different Starbucks like the one in Manchester. I happen to know that spot. I drove by it last weekend because my daughter lives very close by there. I have to admit it was around 5:00 pm. When I drove by there wasn’t enough lines of cars. There were cars there and that’s a very heavily traveled road, more so in my opinion than Rt. 161 is. If any of you are familiar with Silver Lane or Spencer Street in Manchester. The 1,000 foot rule, I agree, that was there for a reason but it went before the Zoning Board of Appeals and we have a Zoning Board of Appeals for a reason. We can’t keep relying back on the 1,000 foot rule when they’ve given them a special permit to have the drive-thru. We’re beyond that now I think for us. We can’t consider that 1,000 foot rule. That’s all. I appreciate Norm’s passion in this. I think the traffic is going to be maintained by the stoplights. I feel that if people see that there is a lot of traffic, they’re not going to want to stop if it’s too much.

Mr. Salerno: I have a question for Norm. :You mentioned the ZBA. The ZBA from my understanding removed the requirement of the 1,000 foot buffer or distances between drive-thrus on that particular piece of property. However, it does NOT REQUIRE us to approve the drive-thru. It just removes that rule. That rule doesn’t apply. We’ve had applications before where we’ve disapproved drive-thrus. My question for Norm is, “Is he concerned just about the drive-thru?”

Mr. Peck: No, my concern is high volume which is necessary for this kind of business. The reason I bring up the 1,000 foot regulation is because it’s an example of the thinking that was going on 5 or 6 years ago when we knew there was a problem on this stretch of road. We were thinking about this stretch of road although it does apply to the whole town. Consistency is what I’m trying to get at - consistency of thought.

Mr. Salerno: Here’s my concern. Is our consistency with our applications, they’re not regulations, they don’t have two restaurants but there are a lot of areas where we allow it. We’ve a lot of grass on the same stretch of road.

Mr. Peck: Since we allow them we didn’t want to ban drive-thrus like Old Lyme does. We want to take the middle road; let’s control it. Let them come, but place them – spread them out.

Mr. Salerno: Let's just say they didn't have a drive-thru. Fast food restaurants are allowed to go anywhere down that road. Look at Stop & Shop – there's a lot more traffic than that.

Mr. Peck: I think it's not applicable in this particular case. I don't think that they could build this without a drive-thru. I believe they had to have more parking which I don't think they have room for. But let's say they did have more parking – I would have to think about it but the representative from Starbucks says it would not make any difference in the line if there was not a drive-thru. That being the case, I would have the same problem with the site.

Mr. Nickerson: That struck a nerve with me. Why bother to put a drive-thru in then if you're going to get the same volume, the same cash register count; why not have a cozy restaurant?

They wouldn't have enough parking.

Mr. Nickerson: Technically, they do. They'd have to put the same building up and we require 31 spaces. Yes, they could build this today without the drive-thru. My opinion is it would open up the possibilities to get a bigger building in and stretch the lot more. I guess my question is if I and my wife were putting a coffee shop in there, same size building, no drive-thru, and same number of spaces... And I'm not trying to challenge you here. I very much respect your opinion so much so that we put off the vote last week.

Mr. Peck: Please do, I would love to be swayed.

Mr. Nickerson: No, we're not trying to sway you either. We allowed fast food and we classify coffee shops as fast food. We almost have to approve it. We do have a little bit of power with traffic but it's a corporation out of Seattle and thinking of it as a coffee shop, you would have to approve it. I don't know that it would end up here. It might need a counter approval downstairs.

Mr. Peck: We would do it most likely. The way you describe it, it doesn't sound like it's going to be real high volume, but when a big national buys you out, they're going to change the place and they'd have to come before this Board again and we'd have to make another decision. That's probably what would take place.

Ms. Carabelas: Is your main concern traffic volume? Is that what I'm hearing? That you're concerned that Starbucks comes in and all of a sudden there's going to be an increase in the amount of traffic, not just going to Starbucks. Is that what your concern is?

Mr. Peck: No.

Ms. Carabelas: So then I'm confused.

Mr. Peck: I'm talking about the behavior of the traffic. The stop and go.

Ms. Carabelas: Which traffic lights will slow that down, to control it. I don't think people are going to back up and wait in line. They've got good coffee but I don't think people are going to wait down the street to get in there.

Mr. Peck: When you talk about a car coming in or out every 24 seconds at that site, that's a lot of tie-up. Not an increase in traffic, but a clogging of the existing number of cars.

Mr. Dwyer: But isn't it governed by the light?

Ms. Carabelas: Yes, I think it would be.

Mr. Nickerson: Your argument was the volume and that this particular type of property requires a lot of it and we have Flanders Road to protect.

Mr. Peck: It's like hardening of the arteries. Same number of cars, going slower; stopping, going, entering, exiting – just clogging things up. That's the problem with the high volume.

Mr. Gada: It becomes self-limiting though. Between the lights and between ..., there's no more room to turn if it should get to that point – it's self-limiting, the amount of cars in there and go back to what Roseanna [Ms. Carabelas] is saying here. She's going to turn around and just keep driving by. I, for one, would do the same thing if I saw a big clog there.

Mr. Nickerson: We have 3% commercial industrial in this town. This isn't a commercial area. Flanders Road is not out of control; it's not as bad as Rt. 12 where my shop is where there is an accident a day coming out of Dunkin Donuts. It's horrible – probably because of a lack of business lights. Long Hill Road is a disaster with all the fast food joints. However, we have development happening in the town. Taking out those boarded up buildings we took out and putting in a Ford dealership intensified the use of the property in that more cars are going in and out. Certainly, Stop and Shop brought more people. I think it increased traffic on the road. You mentioned 22,000 to 25,000 now on the traffic count. It's going to build more. We have a Gateway development area that this year or 10 years from now is going to be built and traffic is going to come. Traffic is going to be there.

Mr. Peck: I'm just trying to help.

Mr. Nickerson: I know you are and I respect that but it's only a coffee shop. I think it's going to be busy. I think just like they were at Krispy Kreme, this whole hubbub will die down at some. I totally respect what you're saying. I would entertain a motion or amendment to consider removing the drive-thru.

Ms. Carabelas: Maybe we can do a happy medium. Why don't we revisit this in a year or two from now and if we have seen (and somehow put that in the motion) that there's a problem with the drive-thru then they have to remove it. Can that be done?

Mr. Nickerson: No. If we did that to you, you'd kill us. You go through the expense...I understand what you're saying.

Ms. Carabelas: I don't think people are going to back up into the road. I think if they see that there's a line there they're either going to go in and park and go inside or they're going to drive by.

Mr. Gada: I'd like to follow your direction that you were going with – Plaza Ford and then you went down to Stop and Shop and the amount of traffic, etc., etc. Go a little further down underneath the overpass and you've got Wendy's. Now they've got an in and an out that goes right for south. North has to cross two lanes of traffic. To the best of my knowledge, there's been two accidents there and that was back when they were first open. They have the drive-thru. It doesn't seem to be a major traffic generator at this point in time. They're crossing across the street from not only Dad's but also across the street from Cash Lumber and they're coming up out of a gulley.

Mr. Peck: Traffic there is significantly less.

Mr. Gada: But traffic is still coming out from both directions.

Mr. Peck: The traffic count there may be half. It's significantly less.

Mr. Nickerson: Bottom line is this isn't going to help traffic. Nothing we approve, ever, is going to help traffic. Stop and Shop – I think we did a service to the town there. There's been testimony that someone was killed there, and I don't mean this in a crass way, I mean it respectfully, people before that were killed. It's a dangerous road. Highway deaths are the number one killer of Americans. It happened. Is there anything else on this?

Mr. Salerno: Not to belabor the point but you talked about if they didn't have a drive-thru then they wouldn't have enough parking spaces? Do you know where that is in the regulations?

Mr. Nickerson: Parking regulations are in our . . .

Mr. Salerno: If that's the case then say if we entertained no drive-thru, what would the parking requirements have to be?

Ms. Carabelas: I would have to be convinced that having a drive-thru is that much of a detriment to the application that we would have to...

Mr. Peck broke in: I would rather see this approved then to not let them have a drive-thru. A drive-thru is actually going to be moving traffic quick through that site – more efficiently.

Ms. Carabelas made a motion to accept MOTION (1) AS AMENDED:

Mr. Dwyer seconded the amended motion

Vote: 5 In Favor – 1 Opposed – 0 Abstained

Mr. Nickerson: I'm going to take an application from the floor as we do. It was actually submitted but it didn't make the agenda. It's not a Public Hearing. It's a waiver request. If anyone is uncomfortable with this, please let me know. We can add it to the agenda next time.

Maybe we can hear some information on it first and if we don't feel comfortable making a decision tonight because it was on then I'm sorry we wasted the last hour and a half.

Mr. Dwyer: Are you changing the agenda?

Mr. Nickerson: I am changing the agenda. We'll take a vote to change the agenda to add a waiver request off the floor. All in favor? Could I see your hands please?

VOTE 6 – 0 to add this waiver request to the agenda

Mr. Nickerson: Again, I would encourage the Commission that if you're not comfortable after you hear the testimony, if it's a little too much, I would rather have added it so the public knows depending on the situation. We can certainly do that.

Robert D. Pfanner - Pfanner Associates, representing Burke Manufacturing, 14 Capital Dr., I have a drawing I'd like to put up here.

Mr. Nickerson: It's not a Public Hearing but I'm going to take this as Exhibit 1. This is a site plan prepared for Burke Manufacturing dated 3/21/06.

Mr. Pfanner: This is a site plan that was approved through Mr. Mulholland and didn't require Commission approval. We actually added on to the existing building. There was one building that was existing and we attached another building, similar size, coming off of it. We have two requests. The letter stated one thing, I'm probably going to change it just a little bit. The first and simplest request is we're asking for a waiver for the sidewalks. Currently, the entire development is occupied other than one block which burned down I believe. There are no sidewalks anywhere on this site.

Ms. Carabelas: Can you give me a visual. I'm sorry I'm not familiar with where Capital Avenue is or where the Emissions is.

Mr. Pfanner: Rocky Neck connector actually butts up behind it.

Mr. Nickerson: It's Colton Road in the Industrial Park. It's the one way up. You're in the Industrial Park.

Mr. Pfanner: The Racquet Club is up there. We're the branch that comes off the main road that comes in.

Ms. Carabelas: Yes, I know where it is.

Mr. Pfanner: We want the waiver for the sidewalk. There are no sidewalks anywhere up there. It is an industrial park. We don't feel it's really a necessary requirement to have sidewalks up there.

Mr. Nickerson: Are there other sidewalks up there?

Mr. Pfanner: No, there are no other sidewalks up there.

Mr. Nickerson: It would not connect to any other sidewalk? Not even beside your property.

Mr. Pfanner: We're actually at the end of the cul de sac.

Mr. Nickerson: I want to be crystal clear on that.

Mr. Pfanner: No, no other sidewalks up there.

Mr. Nickerson: Okay. Thank you.

Mr. Pfanner: The other waiver – and I don't even know if you can do this or not – it doesn't say its waivable, there's a buffer requirement between adjacent properties. I had requested before that we would like to change the buffer to a different type of tree. Actually, looking through it and going through it, I think we would like to keep the art of the green type trees there. The other question that I have is if we could minimize the amount that we have.

Mr. Pfanner moved over to the sketch to explain further. He showed where the cul de sac was and where the old Emissions was next door. The remaining property that's out there, there's one vacant lot that has a small right of way that opens up into the remainder of the land and it actually goes all the way back through to West Main St. It's all wooded behind here (points to sketch). We've got a small patch of woods left on our site. I have a photograph here of the site about a week ago looking into the parking lot. This is the other lot I was speaking of that's vacant; wetlands are to the East (continues to point out landmarks). It just seems kind of silly to put a bumper along heavy, heavy tree line. Some of that tree line is on our property; some of it's on the adjacent property. They would have the same requirement that we have on ours for bumpers. It would be to their advantage as well as our advantage _____.

The other question is – when they developed this property, the property line for this piece divides right about here (points to sketch) before it opens up. If we could eliminate the bumper from here down to the street, we would be buffering the driveway. This is their only access in to the lot from this side. It's only about 30 feet wide. The point of the buffer from what I've read is to shield from headlights and noise from the parking lot. We'd be shielding from the driveway. This area, however, I believe we should put the buffer in. There's no vegetation left here. The previous owner cleared the property at one point and dumped a bunch of fill in there. There's no vegetation anywhere there. I would still like to continue the buffer in that area and stop it short of what would be _____ Dr.

Mr. Peck: What's the reason for that short distance where you don't want a buffer.

Mr. Pfanner: I just don't see a need for it.

Mr. Peck: I believe there's a possibility that someday that driveway will become possibly a town road if that land in the back is subdivided.

Mr. Nickerson. If that's the case actually the buffer would be required. Are you encroaching into the buffer?

Mr. Pfanner: No, no.

Mr. Nickerson: You're just planting as required.

Mr. Pfanner: Uses the sketch to clarify what he proposes.

Mr. Gada: Can you tell from that picture where the State of Connecticut building was?

Mr. Pfanner: No, it's not going to show the building.

Mr. Nickerson: Who owns the property now?

Mr. Pfanner: Mr. Kronick. I don't know his first name off hand.

Mr. Pfanner: The buffer falls under section 24.6(E)(3)

Mr. Nickerson: I don't have a problem with the trees or the tree line. We're trying to keep the natural look. The ones on the side could someday be developed.

Mr. Peck: We don't have any words that gives us the right to waive buffer zones although I'd certainly be in favor of that line of trees there counting as buffer. I'm thinking its nice to make industrial parks nice.

****MOTION (2)**

Mr. Peck moved to waive the request of Mr. Pfanner for Burke Manufacturing, located at 14 Capital Drive, East Lyme. We waive the sidewalk requirement, waive the rear lot buffer requirement as long as the existing trees remain.

_____ seconded the motion
VOTE UNANIMOUS 6-0

****MOTION (3)**

Mr. Gada moved to accept the Minutes of the Public Hearing for Thursday, October 5, 2006.

Mr. Peck seconded.

Mr. Nickerson: There's a lot missing. It was done in shorthand. If you were there you know what was going on.

Ms. Carabelas: I would like my name spelled one way. I don't care if it's wrong.

****MOTION (3) AMENDED**

Mr. Gada amended his motion to correct the spelling errors, have Ms. Carabelas name spelled correctly throughout and change Rt. 185 to Rt 85.

Mr. Peck seconded.

VOTE 5-0-1 Abstain (Mr. Dwyer)

Mr. Nickerson: On the Motion to accept the minutes of Public Hearing in the Regular Meeting. All in favor say Aye.

VOTE 5-0-1 Abstain (Mr. Dwyer)

Old Business

We want to create a Niantic Village district committee. I think there are things we could do in our regulations – take out things we just don’t want and then get into a design regulations later. Maybe you could all get your thoughts together. We want downtown to look like we have a village to protect.

Mr. Gada: Personal monies have been given for benches, lampposts. CL&P is going to do 5 at a time. If they do do that a high percentage of electricity will be paid by them.

Mr. Nickerson: They are an important group.

Mr. Nickerson: By-Laws Subcommittee – Would anyone mind if I put that off?

Mr. Peck: I haven’t looked at them yet.

Mr. Nickerson: - Industrial Zone Subcommittee – Mr. Peck call me next week.

New Business

Adjourned

Mr. Peck so moved.

Ms. Carabelas second

Meeting adjourned at 9:30