

EAST LYME ZONING COMMISSION
REGULAR HEARING
Thursday, October 5, 2006

Mr. Nickerson Meeting back to order (at 8:50pm). Start the regular meeting. Move # 3 up since #2 was withdrawn. We come to #3 which is the CAM application.

Application of Three Belles LLC for a Coastal Area Management Site Plan Review to construct an accessory structure at property identified in the application as 119 Oswegatchie Hills Road, Niantic, Connecticut. East Lyme Assessor's map 22.3, Lot 27.

We have a zoning official memo to be read into record by Madame Secretary Ms. Carabelos.

Ms. Carabelos reads memo into record.

Mr. Nickerson gives Ms. Carabelos a separate memo to read from town engineer, Bill Scheir.

Toby Russ 3 Stony Brook Westport Ct.

Mr. Russ introduces himself, his wife Libbey, surveyor, Fred Finn and Rick Hawkins, builder.

We are new to this area and coming up from Westport which is 70 miles. We fell in love with this area. This is a family run business and is named after their 3 girls. We bought the business from the Petrini's. Fell in love with Smith Cove for it's beauty and potential. It is a 6 acre site and underutilized.

150 wet slips, 28 permanent spots, 23 dry land trailers. Park their boat on a trailer and launch on the boat ramp.

There is a boat ramp with a \$5 usage fee.

201 boats can be serviced total with the rack storage. Trying to attract a different client who wants their boat stored under cover. Certain amount of notice is needed to take out and put in boats in the storage.

Seasonal hours storage in the winter. Lot more active in the summer. Hours reflect seasonality. 7:30am - 8:00pm Less hours in the winter. 72 boat rack storage building which brings the total to 273. Approximately a 35% increase.

The revenue will go back into the building updates. Reinvestment into improving access to the water. Reinvest into the infrastructure. Refurbish water dependent uses.

Fred Finn, Land Surveyor, 26 Sea Spray Niantic, CT

Mr. Finn Set of plans corrects some typos

Mr. Nickerson marking it Exhibit 1. It is Zoning Location of Survey of Land of Three Belles dated 10/04/06 Revisions.

Mr. Finn location is on Smith Cove, use is covered under section 10 of the zoning regulations, water dependent use. Formerly Bay Ruthers Boat Yard. It is a CM district it was formerly a CA district. Changed about 1990.

Mr. Mulholland it was looked up if anyone needs to see that the zone change map.

Mr. Nickerson we're not looking at the buildings changed, just the rack storage, stay on the CAM. Specifically stay on the CAM.

Mr. Finn there are calculations to hand out.

Mr. Nickerson don't mean to rush you. Just need to keep myself focused.

Mr. Finn calculations demonstrate the building coverage and parking to handle existing traffic and the proposed.

Mr. Nickerson Exhibit 2 Three Belles Marina Coverage Calculations Handout

Do we have parking regulations in the CM zone Mr. Mulholland.

Mr. Mulholland yes we do and I believe Mr. Finn will go over then and they are in zoning code section 22.

Mr. Nickerson Exhibit 3 is the Three Belles Parking Calculations handout.

Mr. Finn in reviewing the zoning regulations, the proposal is for a 72 unit rack storage unit with 120 x 134 1680 square foot allowed under section 10 and section 24 because of its size. The dimensional lot must be 10,000 sq ft and this is 259,000 sq ft. 80 ft needed for frontage and 83 ft western and 29 ft North is existing. Setbacks required 20 ft from street line and 10 ft from property line. Commission can permit a reduction to the setback can be zero the building and structures necessary to the water rack storage will be located on the east side of property is 16.77 ft off its easterly boundary and 16 feet off its boundary just to the north of that.

Coverage calculations show property with the rack storage facility totals 12.1% 50% is allowed by regulations.

This building will be under 30 feet height. 1 space for 1 ½ slips there is 178 divided by 1.5 equals 119 spaces, Office and retail use needs 1 space for 250 sq ft. Industrial building which builds rockets 1 space for 1 employee and 1 space for business vehicle equals 2

spots, 1 ½ spaces for each bedroom for the residential space there is 2 bedrooms which is 3 spaces. The deli needs 1 space for every 25 ft public area which is 21 spaces. The proposed rack storage 1 space for 48 spaces. Total 198 spaces required. 296 spaces available.

Mr. Nickerson are they lined?

Mr. Finn they are not lined parking spaces, stone and gravel surfaces. Which allows for boat storage in the winter and in the summer they are painted on to show people where they park. Crushed stone and gravel surface.

Mr. Nickerson are they 9 foot spaces.

Mr. Finn yes they are they are required by zoning.

Mr. Nickerson I went out the other day and they were 8 foot.

Mr. Finn reads from Cam Report. 24 foot paved driveway.

Mr. Nickerson where the proposed rack is now what is there?

Mr. Finn part of the gravel surface.

Mr. Nickerson will there be disruption on the flow? Stay on the CAM. Our direction to make sure there is no spill into the Niantic River.

Mr. Finn there are 2 aspects there is an elevation 10 so we are out of the flood hazard. Front of the structure is 8. There will need to be a silt fence during construction. There will be a gravel surface and a concrete paved surface into the water. There is water that exits over the bulkhead now. After construction the perimeter of the building will be lined with crushed stone.

Mr. Mulholland in your CAM report there are coastal resources on or adjacent to the site.

Mr. Finn the coastal resources are the general coastal resources, flood hazard and developed shore front. There are bluffs adjacent to the property, no impact on the coastal flood area. Smith Cove western entrance no impact there. Reads from memo.

Dr. Byrnes requesting a waiver for the sidewalk and an exception for the buffer issue. Buffer focus letter dated 10/05/06

Mr. Finn we are requesting a waiver and an exception on the buffer issue.

Mr. Nickerson do not go into the sidewalk issue it isn't necessary there in my opinion.

Mr. Finn here is a letter dated today requesting an exception request for the buffer of the north end of the structure.

Mr. Nickerson do you want me to read it into record Bill?

Mr. Mulholland yes.

Mr. Nickerson reads memo from land surveyor to Bill Mulholland dated 10/05/06. Photos are shown of the ballfield, trees screen, items described in the memo.

Mr. Nickerson is it private land?

Mr. Finn there is private land and it is Glen Dennings property with a barn and a pool. Large open lot. Heading into Saunder Point.

Mr. Finn (showing photos) West entrance you can see evergreens

Mr. Nickerson landowners need to be aware?

Mr. Mulholland there is not a requirement to notify the landowner.

Mr. Finn its an exception under the regs. The reason I took the photos you can see the building will be below the trees. You can see how high the trees are above this boat.

Mr. Salerno how will the boats be loaded?

Mr. Finn the doors of the structure will be here, the forklift will pick them up and deposit them here.

Mr. Russ if we can't get the exception to the buffer it would encroach on the other structures it could be rotated and would limit the storage. To make the most effective use of the building we need the 16 feet to turn.

Mr. Finn do you have any additional questions?

Mr. Nickerson would it be a hardship could you notify the homeowner? And help me make a decision.

Mr. Mulholland it is not required.

Mr. Salerno what would the 9 feet give us?

Mr. Nickerson I appreciate the pictures. Someone's rights are being affected.

Mr. Russ we would lose storage in the winter. We use this already for storage up to the property line.

Dr. Byrnes Given that its not a requirement it would put a hardship on the applicant.

Mr. Salerno this is a road here?

Mr. Finn this is a right of way on Round Rock but nothing there. It's treed.

Mr. Nickerson any other comments.. it's your application

Mr. Russ that space right now contains boats up to the tree line. We currently store boats right up against the trees.

Mr. Nickerson do you know the budding land owner.

Mr. Russ no.

Mr. Nickerson any questions I think we have the information we need. We can close this and make a decision.

Dr. Byrnes motioned that the application be approved found to be consistent with all the coastal policies and grant the sidewalk waiver and nine foot buffer exception.

Ms. Carabelos seconds it.

Mr. Nickerson Dr. Byrnes motioned, seconded by Ms. Carabelos.

Mr. Salerno does this need to be advertised in the paper?

Mr. Mulholland it is not a public hearing and it is not a special permit it is a CAM review by the committee.

Mr. Nickerson I would love to see waiver upon handshake from neighbor.

Dr. Byrnes I understand but I an concerned about that precedent. We have allowed buffer exceptions all over the place. Done for all types of place. It's our decision to make and it would bring into a process and set a precedent and I don't feel that the land that's there and the tree.

Mr. Nickerson I understand it's just the people don't get their buffer.

Any other comments out there?

Mr. Salerno the draining off the building?

Mr. Finn it will be gravel.

Mr. Salerno Okay

Mr. Nickerson all in favor of the motion. All in favor? Any opposed? Any abstain. I'm tickled to death it's just principal. Vote is 5-1-0. Congratulations. I opposed I have a right to say that and why, I think the neighbors should be notified.

Mr. Finn Thank you very much.

Mr. Nickerson when will this be built?

Mr. Russ trying to get foundation in before snow.

Mr. Nickerson I am going back to the beginning of the first regular meeting. First item of our regular meeting was Theodore A. Harris 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.

Are we prepared to vote?

Ms. Carabelas I am after discussion.

Mr. Nickerson I would love to see the entrance on King Arthur drive you can't park in the first spot, you can't park to the third spot.

Dr. Byrnes can we do that?

Mr. Nickerson see triangulation and a sharper turn there and they lose a space and we make an exception.

Ms. Carabelas if they require some changes and discuss it and the applicant doesn't have a chance, public hearing is closed and then

Mr. Mulholland the applicant did testify he can't change it any more.

Dr. Byrnes he did say that.

Ms. Carabelas we could put upon the changes or tweaking of King Arthur entrance make those conditions.

Mr. Nickerson the fence and the sign. I can't get in.

Dr. Byrnes do you want to chat or motion

Mr. Salerno you can still address your concern. You can't get into that tight spot and suggest waiver of spot.

Mr. Nickerson come in with a triangle. I know that it is flawed. Make it with a sharp turn or granite curb so it's tough to go in.

Dr. Byrnes other people from the other way can park there.

Mr. Salerno you're both right there. Sacrifice parking spots for safety reasons?

Mr. Mulholland you can't waive parking. Parking requirement on based on public flooring. They have met that they would have to shrink down the building. You'd have to change the interior.

Mr. Nickerson I am not asking them to change the building just the parking. Are we all in agreement with the ATM?

Mr. Bulmer talking about a subcommittee you can't talk. Let me talk to Dr. Mr. Bulmer could chair the subcommittee. ATM creates 2 extra spaces.

Mr. Mulholland you did create a subcommittee.

Mr. Nickerson that was the drive thru subcommittee, it's a let's do it subcommittee.

Dr. Byrnes I'm supporting it. It's crowded it's getting busy this will be developed within our regulations. Given the nature of the property there is some fail safe. I'd like the ATM out of there, I hope the traffic modifications take care of that. They've done the best they can.

Mr. Peck I have a real problem with it. The traffic it's a great piece of engineering. Development proposal should be on existing circulation. Most residents will tell you we have a traffic problem. In our current zoning regulations in the purpose sections Item 2 reads one of our goals is prevention or lessening on public highways. Some years ago we had a regulation that you can't build another fast food restaurant 1000 feet from each with Flanders Road in mind. To control the exit and entering who depend on high volume and low dollar. Keeping in mind the applicant has received a variance for a drive-thru ask ourselves if this will not intensify our problems, 1 car every 24 seconds, no matter where, where the road averages 25,000 cars a day will intensify our problem. This site should not be for this type of use. It should be a site for low volume use. If we planned this town we would plan this site something that would not intensify the traffic and we will have upset citizens.

Mr. Nickerson well said. Hearing that you have my head spinning. I would love to put this off and I was a definite no going into tonight. I was trying to encourage alternate plans because plan A didn't cut it. I'm very thankful there was a plan B on the table. I'm very concerned that the left will not be not left. Also the travel lane, I've been to 2 fast food restaurants this week and one had a wide lane and you could see and it was busy but I didn't feel uncomfortable about how to get around this curb and we're setting up here. Plan C would be channel all the traffic in and make an out only on Flanders. Make them stack up in their own parking lot. I was in a line today with 16 cars at Dunkin Donuts. We may not be the busy Milford Route 1 or Manchester. We have all the residents that live over there and go and it's the busiest spot on the road. Maybe Flanders Road? I'd love to sit on this.

Ms. Carabelas when you are talking about the intensity of traffic do you think more traffic will be added to the spot or I can't see people coming out of that way to go to Starbucks. I'd rather take the scenic route. I'm just saying questioning what you mean by will there be an increase of traffic in the morning because they want to go to Starbucks?

Mr. Nickerson there will be more people that's why they want it on a highway.

Mr. Peck there will be a small increase in traffic not significant, it's inappropriate because stop and go entering and exiting. With the type of business, high volume, stop, go, entering and exiting if this was an insurance office one car every 9 or 10 minutes maybe.

Mr. Nickerson take the same use that is was and are we intensifying the use of the land.

Dr. Byrnes it's been sitting empty for 15 years no professional office people knocking down our doors and along 161 at that end every professional building has closed and moved into the plaza.

Mr. Peck it is not our job to get involved in the economics nor is it to make decisions on something that was vacant for a period of time we must make decisions on public safety and everything else we know about not economics.

Dr. Byrnes I understand your concerns, I'm concerned myself but they've created a manageable environment.

Mr. Salerno I'm with you Mark take some more time to think this through I was going to vote no coming in with original drawings. Another thought this $\frac{3}{4}$ acre spot with only a half an acre used because the rest is slope. So we're really talking about $\frac{1}{2}$ acre

Dr. Byrnes I think it's a good use for this piece of property.

Mr. Salerno this is a very intense use for the lot and I wish it was down the road more

Ms. Carabelas but it isn't

Mr. Nickerson it's definitely time for a gut check walk the property go out take a look. And go back to, we have to see our book the way we see it

Ms. Carabelas is there a motion on the floor?

Mr. Nickerson There isn't a motion on the floor.

Mr. Salerno do we have permission to go on the property? Legally?

Mr. Mulholland we have application we can go on the property I see head nodding from the applicant and there isn't much pavement there.

Mr. Nickerson I would like to see from staff what would be done anyway, final plans, I want details on the island on Flanders I want to see it. In my opinion, Stop and Shop was done right.

Mr. Mulholland if you are asking as staff to bring in final site plans based on representation tonight but can't discuss with the applicant

Mr. Nickerson the details will be fine.

Dr. Byrnes 2 support 1 against 3 that are think it over

Mr. Nickerson is everyone okay

Dr. Gada Happy with plan B very happy to see revision of plan A As alluded to would like to look at final plans on paper. Not just this will get moved 5 feet this way..

Ms. Carabelas I trust our town engineer on that, can't lose a parking space can't make it wider, can't lose a parking space so that won't happen.

Mr. Nickerson They will do revisions anyway, at this point you don't want me to vote. I want to go through again. Much more important then Stop and Shop. Stop and Shop was about destroy our villages had nothing to do with intensify, 1/2 acre.

Ms. Carabelas how can anything we see in front of us 2 weeks or 4 weeks make you feel any different about the intensity about the cars going into the parking lot.

Mr. Nickerson a lot of information is done and thrown in front of us and we rush into decisions. No need to rush.

Mr. Salerno just need more, intensity of property

Mr. Peck this is the best they can do. The type of traffic behavior at this location at this very spot. If this was down in a 13,000 car a day stretch where not so many coming in every direction. Totally different story. This is how they do traffic that's why the want this spot with heavy heavy volume. They added another land which they couldn't do may solve the problem like Stop and Shop. Entrance exit, stopping.

Ms. Carabelas what if every car entered and exited on King Arthur

Mr. Peck still the same number of stop and go's on 161

Ms. Carabelas you're not going to happy with this even if we delay it. Why are we delaying this?

Mr. Nickerson because of me, not because of him.

Dr. Byrnes 2 yeses 3 we want to think about its

Mr. Nickerson I can counter, it's an approved use, but

Mr. Peck but

Mr. Nickerson because traffic won't allow it, maybe it should be a 2 acre spot

Ms. Carabelas Let's take a vote of who's ready to vote

Dr. Byrnes You said you wanted to wait, you said you wanted to wait

Mr. Nickerson if you took a vote and there's abstains

Mr. Nickerson Next agenda 10/19

Dr, Byrnes we have minutes

Ms. Carabelas I was reading it

Dr. Byrnes we need to do August 17th

Ms. Carabelas I have June 1st in my packet

Mr. Nickerson we have June 1st already approved

Mr. Mulholland we were missing public hearing #1

Mr. Nickerson we had public hearing which was Landmark

Special Meeting August 17th Mr. Peck motioned 1st

Dr. Byrnes 2nd motion

Mr. Nickerson any discussion

Dr. Byrnes and Ms. Carabelas abstained from vote. Vote is 4-0-2

September 7th Mr. Peck motions 1st

Dr. Byrnes 2nd motion. Vote is 6-0-0

September 7th II Mr. Peck motions 1st

Dr. Byrnes 2nd motion. Vote is 6-0-0

Regular Meeting September 7th

Pg 5 and pg 6 motion 3

Mr. Peck fill in the blank Moskaway Rd.

Mr. Nickerson do you want to make any changes?

Mr. Peck does it make any sense.

Mr. Peck makes a motion to approve.

5-0-1 Dr. Byrnes abstained

September 21 Public Hearing

Dr. Byrnes motioned 1st

Note the misspelling of names

Mr. Salerno 2nds the motion

Vote 6-0-0

Regular Meeting September 21st

Dr. Byrnes motioned 1st

Note the spelling of names

Mr. Salerno 2nds the motion

Vote 6-0-0

Mr. Mulholland notes that Emily's position has been filled there is will training in the assessor's office on 10/30 and that Jessica has been on board for 6 months.

Meeting adjourned at 10:19pm