

**EAST LYME ZONING COMMISSION
SPECIAL MEETING
Thursday, DECEMBER 15th, 2005
MINUTES**

PRESENT: Marc Salerno, Acting Chairman, William Dwyer, Acting Secretary & Alternate, Norm Peck, Bob Bulmer, Alternate, Joe Barry, Alternate

ALSO PRESENT: David Coonrod, LS, Representing the Applicants
William Mulholland, Zoning Official

ABSENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary
Pamela Byrnes, Ed Gada

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Dec 19 20 05 at 3:45 AM
PM

Bob Bulmer
EAST LYME TOWN CLERK

1. Call to Order

Acting Chairman Salerno called this Special Meeting of the Zoning Commission to order at 7:40 PM after the previously scheduled Public Hearing.

Public Delegations

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

There was no one.

2. Application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations, Section 32, Affordable Housing District.

Mr. Salerno noted that this application has been withdrawn.

3. Application of David Coonrod for a Coastal Area Management Site Plan Review to demolish and construct a single family dwelling at property identified in the Application as 11 Cherry Street, Niantic, Connecticut. The property is further identified in the Application as East Lyme Assessor's Map 17.7; Lot 18.

Mr. Salerno called upon Mr. Coonrod to make his presentation.

Mr. Coonrod explained that the purpose is to tear down an existing house and to construct a new one. The new one will be a two-story frame house. This activity is far enough away from the CAM area and nothing is being done in the area of the seawall. The house that is currently on this property is a 70-80 year old cottage.

Mr. Mulholland noted to the Commission that the applicant has withdrawn the second part of this application that would have involved the seawall. He said that they had an email letter from Marcy Balint, DEP Sr. Coastal Planner in their packets.

Mr. Coonrod said that they are dealing strictly with the house area now and no work with relation to the seawall. There will be no impact on coastal resources and a silt fence will be installed at the site. There is a large flat area near where they will be working that is before the area where the downward grade starts. He presented pictures of the present house and area and said that they could have them for the file.

Mr. Salerno asked if their regulations allow them to change the footprint of a non-conforming house. Mr. Mulholland recalled that they had changed their regulations so that unsafe portions of buildings would not have to be left standing just to be able to replace a non-conforming structure. If they meet the setback requirements, then essentially they can build.

Mr. Coonrod said that in the end with respect to this property that the replacement house will actually be a bit smaller than what is there now.

Mr. Mulholland suggested that they read into the record the email letter from Ms. Balint.

Mr. Dwyer read the letter from Marcy Balint, Sr. Coastal Planner DEP OSLIP, dated November 30, 2005 to Mr. Mulholland and Commissioners regarding 11 Cherry Street Coastal Site Plan Review comments into the record. (Attached at end of Minutes) This letter noted that OSLIP has no record of the existing seawall.

Mr. Dwyer asked where in the application the work on the seawall was being rescinded.

Mr. Mulholland said that the applicant has stated in the record that he has withdrawn this part of the application regarding the seawall and he is working outside of the Federal guideline area. He noted that the motion would delineate this also.

Mr. Coonrod said that on Page 5 of the CAM application that he had crossed out work that would be near the seawall and had initialed it and noted that the activities would have no impact on the coastal resources. (Page 5 Attached at end of Minutes) He said that the seawall that they are referencing is 70 to 80 years old also, and most likely predates the DEP.

Mr. Salerno asked if they are going to put a basement in the new house.

Mr. Coonrod said yes. He added that they are not in any flood plain.

Mr. Salerno asked if there would be any blasting to get the basement in.

Mr. Mulholland said that is not under their purview but rather it falls under the purview of the Fire Marshall.

Mr. Coonrod noted that public sewers would be going into this area in the near future (Pine Grove) and that he would make sure that this house would be able to hook into them.

Mr. Barry asked how the septic would be temporarily re-located if it is found to be underneath the cottage that is there now.

Mr. Coonrod and Mr. Mulholland said that it would not be available at all and that the applicant knows that he cannot use any of the facilities in the new house until the sewers are in and the house is hooked up to them. The applicant will be able to visit his house and sit on his porch or be in his yard but he knows that there will be no facilities until the sewers are in and he cannot stay there until that time.

****MOTION (1)**

Mr. Peck moved to approve the Application of David Coonrod for a Coastal Area Management Site Plan Review to demolish and construct a single family dwelling at property identified in the Application as 11 Cherry Street, Niantic, Connecticut with the finding that there will be no adverse impacts on any coastal resources. The property is further identified in the Application as East Lyme Assessor's Map 17.7, Lot 18.

Mr. Dwyer seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Bulmer said that he wanted to add an Amendment to the motion:

Approval is for the house only per the revised site plan dated 12/12/05 done by Dave Coonrod per the CAM report.

Mr. Peck agreed to accept the amendment to his motion.

Mr. Dwyer agreed to second the amendment to the motion.

Vote on amendment: 5 – 0 – 0. Amendment to Motion passed.

4. Application of David Coonrod, agent for Leon and Anne Calanquin, for a Coastal Area Management Site Plan Review to construct a new foundation under the existing single family

dwelling at property identified in the Application as 299 Giants Neck Road, Niantic, Connecticut. The property is further identified in the Application as East Lyme Assessor's Map 04.11, Lot 3. Mr. Mulholland said that this property is in Giants Neck Beach and that the Commission has no jurisdiction here except solely for the CAM.

Mr. Salerno asked Mr. Dwyer to read an email letter from Marcy Balint, DEP OSLIP Sr. Coastal Planner into the record regarding this application.

Mr. Dwyer read an email letter from Marcy Balint, Sr. Coastal Planner DEP OSLIP, dated November 30, 2005 to Mr. Mulholland and Commissioners regarding the property at 299 Giants Neck Road and giving Coastal Site Plan Review comments, into the record. (Attached at end of Minutes) This letter noted that OSLIP has no record of the existing seawall and stairs.

Mr. Mulholland said that the CAM is the only thing under the jurisdiction of the Commission and noted that Mr. Coonrod would address the seawall that is mentioned.

Mr. Coonrod said that Ms. Balint brings up a seawall and stairs and they do not own the seawall or the stairs as it is not a part of this property and they are not touching it. The seawall falls under the jurisdiction of the Giants Neck Beach Association and they will not be working in that area as it is not a part of the subject property. He then explained that they would be raising up the house that is there now and moving it to the side temporarily onto Association property. They would construct a foundation where the house was located and then move the house back onto the new foundation. They have the permission of the Association to move the house onto the Association property and then back onto the new foundation.

Mr. Salerno asked about blasting and if it would have to be done to make a basement and new foundation. Mr. Coonrod said that he did not think so, as the area around them does not appear to have ledge. If they do find some he said that he would expect that they would split it rather than blast.

Mr. Mulholland explained that falls under the purview of the Fire Marshall and not them.

Mr. Salerno asked if they shouldn't be concerned for OSLIP and be looking for these type of potential things. Mr. Mulholland said that in the 20 years time that he has been doing these reviews that he has not seen that issue raised by OSLIP so he would have to say that it is not the purview of this Commission. He added that both of these CAM reviews could have been handled at the Staff level.

Mr. Dwyer asked about the foundation area being dug out and said that his concern would be where they would put the material that was being dug out.

Mr. Coonrod said that it would not be piled or stored on site. There will be trucks waiting at the site to move the material off site immediately.

****MOTION (2)**

Mr. Dwyer moved to approve the Application of David Coonrod, agent for Leon and Anne Calanquin, for a Coastal Area Management Site Plan Review to construct a new foundation under the existing single family dwelling at property identified in the Application as 299 Giants Neck Road, Niantic, Connecticut with the finding that there will be no adverse impacts on any coastal resources. The property is further identified in the Application as East Lyme Assessor's Map 04.11, Lot 3.

Mr. Bulmer seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

5. Approval of Minutes – Regular Meeting Minutes of December 1, 2005.

Mr. Mulholland suggested that they table this item until they have a quorum of people who were at this meeting present to vote on them.

Old Business

1. Stormwater

This is a work in progress.

2. Aquifer Protection

This is a work in progress.

3. Subcommittee – Niantic Village – CB Zones (Mark Nickerson & Marc Salerno)

This is being worked on.

New Business

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

There was none.

2. Zoning Official

Mr. Mulholland reported that the latest decision on the Mike's Famous Harley Application has not been appealed so the decision of this Commission stands. They are now free to go forward although he said that he has not heard anything from them yet. He also reported that Landmark has called and said that they will file another application.

Mr. Dwyer asked Mr. Mulholland about the rocks in front of Stop & Shop and if any progress had been made with CT DOT.

Mr. Mulholland said that he has met with the Stop & Shop developer and that he has voluntarily offered to try to hydro-seed this area with a new method to see if it can be improved. Legally, there is no jurisdiction here and this is totally voluntary. The State is trying to be open-minded about this technique and is willing to allow it to be tried. There is no legal leverage here as they have been trying to get something done for some time and it is and remains State property.

3. Comments from Ex-Officio

Ms. Hardy was not present to report.

4. Comments from Chairman

Mr. Salerno, Acting Chairman said that he did not have any comments.

5. Adjournment

****MOTION (3)**

Mr. Dwyer moved to adjourn this Special Meeting of the East Lyme Zoning Commission at 8:30 PM.

Mr. Bulmer seconded the motion.

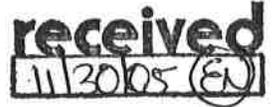
Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary (Pro-Tem)

Emelie Napolitano

From: Marcy Balint [marcia.balint@po.state.ct.us]
Sent: Wednesday, November 30, 2005 2:05 PM
To: BillM@eltonhall.com; enapolitano@eltonhall.com
Subject: 11 Cherry Street Coastal Site Plan Review comments



jurisdiction fs.doc

To: East Lyme Zoning Commission
CC: Bill Mulholland ZEA and Emily Napolitano
From: Marcy Balint, Sr Coastal Planner, CT DEP, Office of Long Island Sound Programs
Date: November 30, 2005
Subject: Coastal Site Plan Review response on 11 Cherry Street Coastal Site Plan Review comments

Dear Commissioners:

Thank you for forwarding the above noted application to the Office of Long Island Sound Programs (OLISP) for our review and comment which was received on November 18, 2005. OLISP has reviewed the application for consistency with the goals and policies of the Connecticut Coastal Management Act and offers the following comments. The proposed project is to remove the existing single family and construct a new single family home in the same location. An existing seawall along the river is to be repaired during construction and an additional retaining wall is to be constructed. Further, an existing deck is located to the east of the existing seawall.

The site plans submitted to do not include the high tide line, the state and federal jurisdiction elevations (see jurisdiction fact sheet attached). This information should be supplied as part of a complete coastal site plan application and to ensure work does not occur in state/federal areas without the proper Structures and Dredging and/or Tidal Wetland permits.

Based on a preliminary review of the application, and in the absence of any high tide line information to the contrary, we recommend the applicant contact the permit section our office (at 860-424-3034) to set up a pre-application meeting to discuss the need for permits and apply for a certificate of permission to retain and repair the wall and deck. OLISP has no record for authorization of the existing seawall and deck at this address.

We recommend the above missing information be provided and evaluated prior to rendering a decision. We hope these comments prove useful to the Commission. Please do not hesitate to contact me at 424-3034 or marcia.balint@po.state.ct.us with any questions you may have.

Thank you.

Marcy L. Balint
Sr. Coastal Planner
Office of Long Island Sound Programs
CT DEP
79 Elm St.
Hartford, CT 06106
860-424-3034

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Zoning Commission

Lead into Record — 1

12/15/05

Part IV: Consistency with Applicable Coastal Resource Policies and Standards

Describe the location and condition of the coastal resources identified in Part III above and explain how the proposed project or activity is consistent with all of the applicable coastal resource policies and standards; also see adverse impacts assessment in Part VII.A below (attach additional pages if necessary):

~~BLUFFS AND ESCARPMENTS ABUTTING THE PROPERTY TO THE EAST. AN EXISTING SEAWALL IS LOCATED AT THE TOE OF PROPERTY AND IS TO BE REPAIRED DURING DUNE 12/14/05 CONSTRUCTION OF HOUSE (SEE SITE PLAN). AN ADDITIONAL RETAINING WALL WILL BE CONSTRUCTED AT BETWEEN THE HOUSE & SEAWALL, CONNECTING TO THE EXISTING WALL ON THE DUNE. PROPOSED ACTIVITIES WILL HAVE NO IMPACT OF THE COASTAL RESOURCES~~

Part V: Identification of Applicable Coastal Use and Activity Policies and Standards

Identify all coastal policies and standards in or referenced by CGS Section 22a-92 applicable to the proposed project or activity:

- General Development* - CGS Sections 22a-92(a)(1), 22a-92(a)(2), and 22a-92(a)(9)
- Water-Dependent Uses** - CGS Sections 22a-92(a)(3) and 22a-92(b)(1)(A);
Definition CGS Section 22a-93(16)
- Ports and Harbors - CGS Section 22a-92(b)(1)(C)
- Coastal Structures and Filling - CGS Section 22a-92(b)(1)(D)
- Dredging and Navigation - CGS Sections 22a-92(c)(1)(C) and 22a-92(c)(1)(D)
- Boating - CGS Section 22a-92(b)(1)(G)
- Fisheries - CGS Section 22a-92(c)(1)(I)
- Coastal Recreation and Access - CGS Sections 22a-92(a)(6), 22a-92(c)(1)(j) and 22a-92(c)(1)(K)
- Sewer and Water Lines - CGS Section 22a-92(b)(1)(B)
- Fuel, Chemicals and Hazardous Materials - CGS Sections 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
- Transportation - CGS Sections 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
- Solid Waste - CGS Section 22a-92(a)(2)
- Dams, Dikes and Reservoirs - CGS Section 22a-92(a)(2)
- Cultural Resources - CGS Section 22a-92(b)(1)(J)
- Open Space and Agricultural Lands - CGS Section 22a-92(a)(2)

* General Development policies are applicable to all proposed activities

** Water-dependent Use policies are applicable to all activities proposed at waterfront sites, including those with tidal wetlands frontage.

Cam 11 Cherry Street property

Attachment Zoning 12/15/05 #3



SITE
 11
Cherry Street

Town of East Lyme

Parcel Number 17718
 Street Address 11 CHERRY ST



This map is for assessment purposes only.
 It is not to be used for conveyance or as a lot survey.



1:1201

Date Printed November 8, 2005

Emelie Napolitano

From: Marcy Balint [marcia.balint@po.state.ct.us]
Sent: Wednesday, November 30, 2005 2:08 PM
To: BillM@eltownhall.com; enapolitano@eltownhall.com
Subject: Final ? slight edit included— 299 Giants Neck Road East Lyme

received
11/30/05 (1)



jurisdiction fs.doc

To: East Lyme Zoning Commission
CC: Bill Mulholland ZEA and Emily Napolitano
From: Marcy Balint, Sr Coastal Planner, CT DEP, Office of Long Island Sound Programs
Date: November 30, 2005
Subject: Coastal Site Plan Review response on 299 Giants Neck Road Coastal Site Plan Review comments

Dear Commissioners:

Thank you for forwarding the above noted application to the Office of Long Island Sound Programs (OLISP) for our review and comment which was received on November 18, 2005. OLISP has reviewed the application for consistency with the goals and policies of the Connecticut Coastal Management Act and offers the following comments.

The proposed project is to move the existing house westerly on to property of Giants NEck Beach Assoc, construct a new foundation and replace house onto the new foundation. The final grade will be the same with no increase in impervious cover. There is an existing seawall and stairs on the site.

The site plans submitted to do not include the high tide line, the state and federal jurisdiction elevation (see jurisdiction fact sheet attached). While the site plans show the base of the seawall is elevation 6, it is unclear as to whether this is in reference to NGVD datum or Mean Low datum. This information should be supplied as part of a complete coastal site plan application and to ensure work does not occur in state/federal areas waterward of the high tide line without the proper Structures and Dredging and/or Tidal Wetland permits(see Jurisdiction Fact Sheet attached).

Based on a preliminary review of the application, and in the absence of high tide line information, we recommend the applicant contact the permit section our office (at 860-424-3034) to set up a pre-application meeting to discuss the possible need for permits and apply for a certificate of permission to retain the wall and stairs as may be required. OLISP has no record for authorization of the existing seawall and stairs at this address.

It is unclear as to where the extent of the coastal food hazard zones extend to on the property in relation to the house moving/foundation/addition project. Confirmation should be provided that no improvements are within these zones. If any portion is located within coastal hazard zones, and the project is considered a "substantial improvement" it must meet the Federal Emergency Management Agency's Flood Insurance Program's requirements for construction including the proper elevating of the structure.

Generally, with the exception of the above, the house foundation

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Attachment - Zoning Commission 12/15/05

replacement appears consistent with the goals and policies of the Connecticut Coastal Management Act. However, we recommend the above missing information be provided and evaluated prior to rendering a decision.

We hope these comments prove useful to the Commission. Please do not hesitate to contact me at 424-3034 or marcia.balint@po.state.ct.us with any questions you may have.

Thank you.

cc: OLISP Permit Section

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