

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II
Thursday, JUNE 21st, 2007
MINUTES**

FILED IN EAST LYME P
JUN 25, 2007 AT 3:35 M
LaBlais atc
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on its' own Proposal to amend the Zoning Regulations by adding numerous additional prohibited uses in Section 13.3 of Section 13 AqP Aquifer and Primary Recharge District and AqS Secondary Recharge District, on June 21, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 9:37 PM after a previously scheduled Public Hearing.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada,
Norm Peck, Marc Salerno, Bob Bulmer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
William Dwyer, Alternate
Attorney Theodore Harris

ABSENT: Pamela Byrnes, Joe Barry, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed
Gada, Norm Peck, Marc Salerno, Bob Bulmer, Alternate

Public Hearing II

- ◆ **Application of The East Lyme Zoning Commission – Proposal to amend the Zoning Regulations by adding numerous additional prohibited uses in Section 13.3 of Section 13 AqP Aquifer and Primary Recharge District and AqS Secondary Recharge District.**

Mr. Nickerson said that they had continued this public hearing and asked Ms. Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 3/14/07 to Mark Nickerson, Chairman, EL Zoning Commission from Francine Schwartz, Secretary, EL Planning Commission - Re: Proposed Amendment to Section 13.3 - finding the proposal **CONSISTENT** with the Plan of Conservation and Development goals 'to manage East Lyme's natural resources wisely and to protect aquifers and their recharge areas from contamination by chemical and biological pollutants.'
- ◆ Letter dated 3/14/07 to Rosanna Carabelas, Secretary EL Zoning Commission from SECCOG Regional Planning Commission Re: Proposed Amendment to Section 13.3 Aquifer – finding that the proposed text amendments would not have any adverse inter-municipal impact.

Mr. Nickerson read the following correspondence into the record:

- ◆ Letter dated 3/29/07 to Bill Mulholland, from Marcy Balint, Sr. Coastal Planner, CT DEP Office of Long Island Sound Programs – Re: Proposed Amendment to Section 13.3 Aquifer – stating that she has referred the text amendment to DEP's Aquifer Protection Program for their review and attaching the recommendations of Rob Hust of the DEP.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 3/27/07 to Marcy Balint, OSLIP, from Rob Hust, DEP Bureau of Water Protection & Land Use Planning & Standards Division – Re: Proposed Amendment to Section 13.3 Aquifer – stating that it is their understanding that the Town of East Lyme is amending their zoning regulations as an interim protection measure. The Town, upon DEP approval of Level A (final) mapping, will have to adopt new

Aquifer Protection Area Regulations consistent with State regulations. A clarified table of the 'Prohibited Uses' was attached for interim use.

Mr. Nickerson entered the list of Prohibited Uses from Rob Hust of the DEP, dated 3/27/07 into the record as Exhibit I. (Copy attached at end of minutes)

Mr. Nickerson noted that the legal ad had run in the New London Day on 3/30/07 and 4/9/07.

Mr. Nickerson said that they will have an updated level of mapping that will probably be completed sometime late this year. From what has been discussed, the aquifer protection zone areas will be shrinking. He said that his thought was that they could do this on the Interim basis with the understanding that the mapping will be completed in the near future.

Mr. Mulholland said that their Section 13.3 prohibits the storage of gas products and salt in the aquifer protection areas currently.

Mr. Nickerson noted that they had first submitted a much longer list however with the help of Mr. Hust from the DEP the list has been refined. He called for discussion.

Mr. Peck asked for a definition of regulated and if it means prohibited.
Mr. Nickerson said that it does mean prohibited.

Mr. Salerno said that his concern is that he is in favor of protecting the aquifer zones and that he knows that the final mapping is coming very soon. While he would not be against adding some of these regulated activities he said that some of them are being done in these areas now and the businesses would be affected and they are not likely to fall within the aquifer zone once the mapping is completed. He said that he did not want to send the wrong message out as it is already difficult to attract businesses to Town.

Attorney Harris asked to be recognized in this public hearing.
Mr. Nickerson recognized Attorney Harris for public comment.

Attorney Harris, 351 Main St., Niantic suggested that they could put a clause in their motion that states 'that any business that exists at the time of this regulation change (as of 6/29/07) and is prohibited by these regulations shall never the less be deemed a conforming use.' This would allow them to adopt these uses in the interim but not penalize the existing businesses.

Mr. Peck reviewed the list of prohibited uses and said that he could not agree with letters L and T as they are probably some of the cleanest operating businesses that one could find and he would not like to prohibit their use in the interim especially when considering that the remapping will probably not include the entire area that they are regulating now. He also reminded the Commission that this is a public hearing.

Mr. Nickerson called for anyone from the public who wished to comment on this application.

Bob Gadbois, 358 Boston Post Road said that he is a member of the Water & Sewer Commission however he is not speaking as a member of that Commission but as a citizen. He said that he is concerned with the water and the need to protect it and also with what Mr. Salerno has said about the remapping and not punishing existing businesses.

Mr. Nickerson asked Mr. Gadbois if he was aware of a date when the remapping would be done.
Mr. Gadbois said that he was not although he knew that it was being worked on.

Mr. Bulmer asked if these regulations apply to everyone or just businesses.
Mr. Mulholland said that his understanding as it reads now is that they are for everyone as they do have home business occupations. He suggested that they put in a line regarding residential.

Mr. Nickerson called for any other comments from the public or questions from the Commission on this application –
Hearing none –
Mr. Nickerson called for a motion to close this Public Hearing.

****MOTION (1)**

Mr. Gada moved that this Public Hearing be closed.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 10:10 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

DEP's comments on East Lyme Zoning Commission's proposed zoning regulation text
ammendment 3/27/07

| Controlled Activity Prohibited Uses | |
|---|----|
| Underground storage or transmission of oil or petroleum | A |
| Oil or petroleum dispensing for the purpose of retail, wholesale or fleet use | B |
| On-site storage of hazardous materials (wholesale) | C |
| Repair or maintenance of vehicles or internal combustion engines of vehicles | D |
| Salvage operations of metal or vehicle parts | E |
| Wastewater discharges to ground water other than domestic sewage and stormwater unless have a DEP discharge permit for: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, or (v) swimming pools | F |
| Production or refining of chemicals | H |
| Clothes or cloth cleaning service (dry cleaner) | I |
| Generation of electrical power by means of fossil fuels (power plants) | K |
| Production of electronic boards, electronic components, or other electrical equipment | L |
| Furniture stripping operations | N |
| Storage, treatment or disposal of hazardous waste under a RCRA permit (hazardous waste storage, treatment or disposal facility) | P |
| Pest control service | R |
| Production or fabrication of metal products | T |
| Printing, plate making, lithography, photoengraving, or gravure | U |
| Accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries under a state General Permit | V |
| Production of rubber, resin cements, elastomers or plastic | W |
| Storage of de-icing chemicals (salt storage facility, fleet, state or municipal garage) | X |
| Accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste under a state permit (solid waste facility, landfill, transfer station, composting facility, processing center) | Y |
| Dyeing, coating or printing of textiles, or tanning or finishing of leather | Z |
| Production of wood veneer, plywood, reconstituted wood or pressure-treated wood | AA |
| Pulp production processes | BB |

Exhibit 1
Zoning 6/21/07 PH +
Reg. mts.