

EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, JANUARY 8th, 2004
MINUTES

FILED IN EAST LYME
Jan 9, 2004 AT 4:05 M

PRESENT: Mark Nickerson, Chairman, Norman Peck,
Marc Salerno, Alternate, Al Littlefield, Alternate

L. Blais
EAST LYME TOWN CLERK

ALSO PRESENT: William Mulholland, Zoning Official,
Rose Ann Hardy, Ex-Officio, Board of Selectmen
Jean-Pierre Lessard, Applicant

ABSENT: Ed Gada, Secretary, Shawn McLaughlin,
Rosanna Carabelas, Pamela Brynes, William 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.

There was no one.

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 7:08 PM.

2. Accept Minutes of December 4, 2003 – Regular Meeting.

Mr. Nickerson noted that they would table acceptance of these minutes until their next meeting on January 22, 2004 when more of the members who had sat at this meeting would be present.

3. Application of Pierre Lessard for a Coastal Area Management Site plan review to construct a garage/barn at 2 Shore Drive, Niantic, CT

Mr. Nickerson asked Mr. Salerno to read the correspondence that they had received for this application.

Mr. Salerno, Acting Secretary read into the record:

1. Memo to the East Lyme Zoning Commission from William Mulholland, Zoning Official dated January 7, 2004 – Re: Coastal Site Plan Review, Proposed Garage, 2 Shore Drive, Niantic, CT defining a CAM Review and the 28' x 44' Barn/Garage to be built

Mr. Mulholland noted that all of his guiding information cited in the above memo comes from the CT coastal Management Manual put out by the DEP. A CAM Review has to be done here because they are within 100' of the high water. He noted that the owner was here to explain his application.

Mr. Lessard, owner and applicant said that he has, over many years lost a lot of land to erosion and has over several years deposited stone to stop the erosion in conjunction with the approval of the Army Corps of Engineers. He brought a framed picture of an aerial view of the property for them to better envision the site. He said that originally they were going to demolish the garage and rebuild in that area but now they are going to leave the garage and build a barn/garage on the opposite side of the house. He presented pictures of a barn/garage that they had seen and want to construct on their property.

Mr. Nickerson asked Mr. Mulholland if this becomes a different application and presents a problem.

Mr. Mulholland said that it is not a problem as it is not significantly different and does not require a public hearing.

Mr. Peck asked Mr. Mulholland if the 'degrading of visual quality through significant alteration of natural features of vistas, view points and others' from his memo is something that he can make a decision on.

Mr. Mulholland said that it was not really weighted in the book and referred only to a 'scenic overlook or public park' and this is neither as it is private property. He also noted that he has not read any legal cases based

upon views. This is an accessory building to a garage and the aerial view presented by Mr. Lessard shows a good layout of the property. He then asked Mr. Lessard about the vegetation on the property line. Mr. Lessard said that it was a combination of grass and trees. Mr. Nickerson asked if there is going to be any commercial leasing of the building on the property. Mr. Lessard said no, this is a summer home for them and this building is for the storage of cars and their 'toys' that do not fit anywhere else. It is for personal use only. Mr. Nickerson asked about living facilities in this barn/garage and noted that living facilities are not allowed and that this should be in the record. Mr. Mulholland said that this was a good point for the record in the event that at some point the property changed hands – living facilities are not allowed in the barn/garage. Mr. Peck commented that it looks like it is about 30' to the peak of the cupola. Mr. Mulholland said that he checked the grades on this two-story building and that they seem fine. Mr. Nickerson asked Mr. Lessard if there would be a neighbor who will have a concern over losing a view. Mr. Lessard said that a neighbor might lose a small portion of a westerly view although the trees already obscure a lot of it in the summer time. Mr. Mulholland noted to Mr. Lessard that if this is approved that he would need the calculations on the lot coverage including the old building. He asked if the old garage would be moved. Mr. Lessard said that the old building would be put on a slab and not a full foundation however this would not be done until the spring. The building would not be moved. Mr. Salerno asked where the silt fence would go. Mr. Lessard and Mr. Mulholland said that it would be on the downgrade area of the activity. Mr. Lessard added that there should be no erosion as the area is pure gravel.

****MOTION (1)**

Mr. Peck moved to approve the application of Pierre Lessard for a Coastal Area Management Site Plan review to construct a barn/garage at 2 Shore Drive, Niantic, Connecticut, as the application was found to be consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

Mr. Salerno seconded the motion.

Mr. Peck said that his only concern was the view issue and that Mr. Lessard builds the barn/garage to the likeness of the picture that he has presented and that Mr. Mulholland will monitor this to see that it is done this way.

Mr. Mulholland noted that if Mr. Lessard is going to change the design from what he has presented to them tonight, then he will have to come back before him to get approval on any changes.

Vote: 4 – 0 – 0. Motion passed.

4. 314 Flanders Road - Cupola

Mr. Mulholland said that the applicant was going to come but so far is not here however, he can explain this to them. This is the Financial Center that is going in at Flanders Four Corners. It is an attractive building and they wish to put a cupola on the top however it goes above the height restriction. Section 20 of their regulations does allow for spires and cupolas that are not more than a percentage of the total and are not occupied space. This cupola is approximately 6' x 6'. The building tops out at about 30' and with the cupola this would add approximately another 7' to 8'.

Mr. Nickerson commented that he knows the area and that the new building with the cupola will sit against the backdrop of some very tall trees and look quite attractive.

Mr. Mulholland said that this would help the whole area and set a new tone for it.

****MOTION (2)**

Mr. Nickerson moved to approve the cupola for the top of the building at 314 Flanders Road, East Lyme, CT.

Mr. Peck seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. Salerno asked when construction would be starting.

Mr. Mulholland said that it should be any day. He added that what has held it up is that they have decided not to save a portion of the old building and this has pushed back the project.

OLD BUSINESS

1. Stormwater

Mr. Nickerson said that this is an on-going process.

NEW BUSINESS

1. Application of Pamela Stevens for a Special Permit to deposit fill at 31 Manwaring Road, East Lyme, CT.

Mr. Mulholland said that he would schedule this for a hearing as they are going to knock down the building and rebuild so they need a CAM and a fill permit.

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

There was none.

3. Zoning Official

Mr. Mulholland reported that they would have Attorney Harris's amendment proposal at their next meeting. They would also need to discuss their budget for the 2004-2005 year.

Mr. Salerno asked if the Saturn dealership would be at the next meeting.

Mr. Mulholland said no, they had requested to be on the February agenda.

4. Comments from Ex-Officio.

Ms. Hardy said that on Tuesday, January 13, 2004 at 7 PM that the Charter Revision Commission would meet and that they would have Town Managers speak on the advantages of a Town Manager versus a First Selectman. This is open to the public and she invited them to attend. She noted that at their last Charter Revision meeting that they had heard from a former Chair of the Stonington Planning & Zoning Commission who spoke favorably on the combination of the two Commissions. She asked him about the volume of work and noted that the EL Planning Commission has 20 applications in front of it and wondered if they could handle that volume. He indicated that they do not have that volume of business in front of them.

Mr. Mulholland asked if he had mentioned what their staffing levels were.

Ms. Hardy said that she thought that they were similar however she had not brought her minutes from that meeting and could not answer for sure. She said that it offered a different perspective from the previous meeting where the various townspeople had spoken against combining the two. It was only meant for the Commission to hear the various perspectives.

Ms. Hardy said that the Board of Selectmen also toured the 40 Industrial Park Road property again the previous evening. They are in the process of evaluating it to see if they should sell, keep or re-divide it and use it for Town needs. No vote was taken and the Board was split on what to do. The dilemma is that the appraisal price is now more than what they paid for the building when they bought it so they could make some money and there are some parties interested in the building. Her own opinion was that it is in an industrial area and that it should remain as such. She also reported on the Quonset Hut. There is a change on that. If they decide to sell 40 Industrial Park Road then they would need the Quonset Hut to store the stuff such as the extra trashcans that are in the Industrial Park building now. So there is no definitive answer however she did suggest as a courtesy that they bring their plans before this Commission when they do decide what they are going to do. Wherever it does go, plantings will go in the corner to clean up the area.

Mr. Mulholland asked if there was any long range planning on the Town Garage as it is in a residential zone and really could use some work as it is not particularly attractive and he hears comments from the public about that quite often.

Ms. Hardy said that she thinks that some sizeable plantings being put there would be addressed in the spring to try to help fix that problem. She said that it is being looked at and they hope to make some physical and visual improvements.

Mr. Littlefield asked if the Quonset Hut would be on the next Board of Selectmen agenda.

Ms. Hardy said no as they are looking into a number of different things and have been given a good 30 days to look into this variety of things.

Mr. Nickerson asked if they should draft a letter as part of this 30-day information process regarding how the Zoning Commission feels about the Quonset Hut and the residential zone of the area.

Mr. Littlefield asked how the Quonset Hut could go in the residential zone.

Mr. Mulholland explained that there is a section in the zoning code that says that essentially the Town can do what it wants. Unfortunately, this makes other things more difficult.

Mr. Nickerson suggested that this letter be sent before it is too late and they miss the window of opportunity. He asked that Ms. Hardy keep them informed on this process.

Ms. Hardy suggested that he draft a brief letter with two to three points that they wish to make and present it to the Board of Selectmen.

5. Comments from Zoning Board Liaison to Planning Commission

Mr. Mulholland said that the new list of whom goes to what meeting would be done soon.

6. Comments from Chairman

Mr. Nickerson said that he had nothing further to report.

7. Adjournment

****MOTION (3)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:32 PM.

Mr. Littlefield seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary