

EAST LYME ZONING COMMISSION
PUBLIC HEARING III
Thursday, July 10th, 2003
MINUTES

July 14 20 03 at 3:35 AM
PM

Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Bialowans Construction Public Hearing to excavate gravel from 80 Quailcrest Road, East Lyme on July 10, 2003 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

Chairman Nickerson opened the Public Hearing and called it to order at 7:53 PM.

PRESENT: Mark Nickerson, Chairman, Norman Peck, Shawn McLaughlin, David Chamberlain, Marc Salerno, Alternate and William Dwyer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official

ABSENT: Robert Bulmer, Ed Gada and Andrew Manter, Alternate

PANEL: Mark Nickerson, Chairman, Norman Peck, Shawn McLaughlin, David Chamberlain, Marc Salerno, Alternate and William Dwyer, Alternate

Public Hearing III

- 1. Application of Bialowans Construction to excavate gravel from 80 Quailcrest Road, East Lyme, CT, property further identified as Lot 1, East Lyme Tax Assessor Map.**

Mr. Mulholland said that Mr. Bialowans is ill and could not attend this evening. He suggested that they continue it until he can attend so he can speak or he can withdraw and re-apply when he can be here or they can go forward with this application as it is the same application as the one that this Commission granted him six months ago.

Mr. Nickerson polled the Commission on what they would like to do. The consensus of the Commission was to move forward tonight on this application.

Mr. Nickerson noted for the record that the Legal Ad had run on June 27, 2003 and July 7, 2003 in the Day.

Mr. Salerno read into the record:

1. Memorandum dated July 10, 2003 from William Mulholland, Zoning Official to the Zoning Commission – Re: Special Permit Application Bialowans Construction / Gravel Removal – 80 Quailcrest Road

Mr. Mulholland suggested using the same conditions as those listed for the January 21, 2003 Special Permit.

Mr. Nickerson read these conditions into the record from the Special Permit Approval letter of January 21, 2003 from William Mulholland – Zoning Official to John Bialowans.

Mr. Mulholland noted that Mr. Bialowans excavates the gravel from the area by himself and that prior issues that existed have been resolved. With the wet spring this year, he was not able to get too far with this project. Further, there were no problems with these conditions and there were no complaints from people. Mr. Bialowans has requested that this permit start in September 2003 due to his current illness.

Mr. Salerno noted that as they were under the assumption that this would be completed in six months – and it has not been – he asked if they knew how long this project would actually take to complete.

Mr. Mulholland said that it was an exceptionally wet spring and he knows that Mr. Bialowans would like to complete this as soon as possible but it is contingent upon the weather and so far he has only taken seven truckloads from the area.

Mr. Nickerson opened the hearing for public comments.

Mr. Peck asked about the limitation on the hours of 9 AM – 3 PM for the excavation activities.

Mr. Mulholland said that there were no problems with any of the conditions. The time limitation came about because the Commission was concerned with traffic, noise, buses and children. While there were issues several years ago, there are none at present. This is a very small one-truck operation.

Mr. Nickerson asked if there were any other comments – hearing none –

****MOTION (1)**

Mr. Salemo moved to close Public Hearing III – the Application of Bialowans Construction to excavate gravel from 80 Quailcrest Road, East Lyme, CT, property further identified as Lot 1, East Lyme Tax Assessor Map at 8:00 PM.

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary, pro-tem