

June 9 2003 at 12:40 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
REGULAR MEETING
JUNE 5, 2003
MINUTES**

The East Lyme Zoning Commission held a REGULAR MEETING on Thursday JUNE 5, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Regular meeting, at 7:35 PM

PRESENT: Mark Nickerson, Norman Peck, Shawn McLaughlin, and Robert Bulmer,
Alternates Marc Salerno, Andrew Manter and William Dwyer.

Absent: Mr. Gada, Mr. Chamberlain

Also present: William Mulholland, Zoning Official

PANEL: Mr. Nickerson, Mr. Peck, Mr. McLaughlin, Mr. Bulmer, Alternates Mr.
Dwyer and Mr. Salerno.

PLEDGE OF ALLEGIANCE

PUBLIC DELEGATIONS

REGULAR MEETING

- 1. Call to Order: Mr. Nickerson called the meeting to order at 9:50 PM following the Public Hearings.**
- 2. Approval of Minutes**

MOTION (4): Mr. Bulmer moved to approve the Minutes of May 15, 2003 as amended.
Pg. 2/7, "bathed" not bathes-4th para; Pg. 3/7 last para delete "his"; Pg. 4/7
para 7, "noted this application"; Pg. 5/7 "own" not won para 2;Pg. 5/7 add
"traveled adjacent" para 6
Mr. McLaughlin seconded the motion.
Vote in favor: (4-0-2), Mr. Salerno and Mr. Dwyer abstained.

MOTION (5): Mr. Bulmer moved to approve the minutes of May 19, 2003,
Mr. McLaughlin seconded the motion.
Vote in favor: (4-0-2) Mr. Salerno and Mr. Dwyer abstained.

3. Application of Ada Amaro for a Coastal Site Plan Review to demolish an existing dwelling and rebuild on property identified as 40 East Shore Rd., Niantic, CT. The silt fence shall be extended on both sides as agreed.

Mr. Bulmer read into the record:

1. Memorandum to the Zoning Commission from William Mulholland, Zoning Official regarding Coastal Site Plan Review, demolition and proposed new construction, single-family dwelling, 40 East Shore Rd., Niantic, dated 6/5/03.

Mr. Mulholland stated that the only coastal resources that are noted under the CAM Act are the rocky shorefront and that there is an existing retaining wall.

Glen Elliot, Design Group, reviewed the site plan, submitted a set of photographs and reviewed the Office of Long Island Sound Programs Application Form, Municipal Coastal Site Plan Review for Projects Located Fully or Partially within the Coastal Boundary.

Mr. Bulmer questioned why the silt fences were not also proposed along the adjacent property lines. Mr. Elliot indicated that the slope of the land was toward the water not the adjacent property, however, the applicant would, if requested, extend silt fences along the adjacent property lines.

MOTION (6): Mr. Bulmer moved to approve the application of Ada Amaro for a Coastal Site Plan Review to demolish an existing dwelling and rebuild on property identified as 40 East Shore Rd., Niantic, CT. The silt fence shall be extended on both sides as agreed.
Mr. Salerno seconded the motion.
Vote in favor: (6-0), Unanimous

Reason: The application is consistent with all applicable coastal policies and includes all measures to mitigate adverse impact.

4. Application of Niantic Dockominium Association for a Coastal Area Management Site Plan Review to temporarily store 140 cy of maintenance dredging material and resurface the existing 30,000 sf parking lot at 25 Smith Ave., Niantic, CT.

Mr. Bulmer read into the record:

1. Memorandum to the Zoning Commission from William Mulholland, Zoning Official dated 6/5/03 Coastal Site Plan Review, Niantic Dockominium Association.

Gary Smith, President of Niantic Dockominium addressed the Commission and reviewed the Office of Long Island Sound Programs Application Form, Municipal Coastal Site Plan Review for Projects Located Fully or Partially within the Coastal Boundary. The boat ramp area to be dredged and repaired has had situation and sedimentation from surface drainage off the adjacent property, the adjacent gravel parking lot and Smith Ave. Current flows and storm waves from N'Easters have undermined the south side of the ramp. He indicated a floating silt barrier will be placed between the bulkheads across the fairway to the ramp. Dredge material will be stockpiled onsite with a haybale erosion check surrounding the base to dry out. Once dried out, the material will be mixed with crush stone and used to fill and grade the existing parking lot.

Mr. Bulmer inquired how long the dredged material would be drying out. Mr. Smith stated he anticipated two weeks and that there will be no kelp in the material.

MOTION (7): Mr. Salerno moved to approve the application of Niantic Dockominium Association for a Coastal Area Management site plan review to temporarily store 140 cy of maintenance dredging material and resurface the existing 30,000 sf parking lot at 25 Smith Ave., Niantic, CT.
Mr. Bulmer seconded the motion.
Vote in favor: (6-0), Unanimous

Reason: The application is consistent with all applicable coastal policies and includes all measures to mitigate adverse impact.

5. Request of L&L Real Estate Holdings, LLC to modify the recently approved site plan for a retail shopping center at 236, 244 and 2248 Flanders Rd., Niantic, CT.

Mr. Bulmer read into the record:

1. Letter dated May 28, 2003 to William Mulholland, Zoning Official from Mario DiLoreto, Esq., Real Estate Asset Development Company.
2. Memorandum to the Zoning Commission from William Mulholland, Zoning Official, dated June 5, 2003.
3. Letter to William Mulholland, Zoning Official, from Michael Giannattasio, Town Engineer,.
4. Letter to Zoning Commission from Conservation Commission, dated June 5, 2003

Mr. Mulholland stated that the applicant is requesting a modification of the previously approved site plan with respect to the drainage system.

Tom Cody, Robinson & Cole, 286 Trumbull St., Hartford, CT agent for the applicant, L&L Real Estate Holdings, LLC, addressed the Commission. He stated that the request to modify the site plan is to conform with the changes the Conservation Commission approved and which arose out of the appeal that was taken of the Wetland Permit. All parties have agreed to these changes. The Court has to have a hearing to approve the settlement. The Zoning Commission, in its jurisdiction over the site plan, is being asked to agree to these changes. He stated the one of the changes was to move trash compactor facilities and the other is to change part of the manner in which the storm water is conveyed. He also requested that the Commission make its approval, should it chose to do so, conditional on the Courts approving the settlement and if the Court does not approve the settlement, the applicant will return to the design as originally approved.

Mr. Dwyer stated that he could not legally approve the request conditioned on the action of another agency.

Bill Fries, B&L Company, discussed the proposed changes. The first change is taking out the trash compactors and the dumpster enclosure out of the upland area. The dock is moved slightly forward to accommodate for that which results in the loss of approximately 7 parking spaces in that area. As a result, an adjustment has been made to the wall between the restaurant space and the retail space to meet the parking space requirement. The second change – all stormwater will run into a wetland basin which will be vegetative. The parking lot will drain into an underground, oversized pipe, then through a vortecnique system and into two stormwater wetland basins. The roof draining will also go through an underground pipe to a pond and discharge roughly the same area where it was discharging on the previous application.

Mr. Fries stated that the appeal involved the question of the stormwater being discharged into underground galleries and then being infiltrated into the ground.

Mr. Bulmer inquired if the plans before the Commission this evening are the original plans and if there is any change to the length of the building.

Mr. Cody stated that no request for change of the building has been made or is being made, and what is before the Commission is what was originally approved.

Mr. Mulholland stated that the Commission is being asked to approve a modification of the original and approved site plan with respect to moving the trash compactor location and the stormwater handling.

Mr. Mulholland requested screening of the trash compactor. Mr. Fries indicated that possibly a decorative fence could be installed along that area.

Mr. Salerno requested information on the maintenance schedule. Mr. Cody indicated the Supplemental Site Engineering Report was updated to reference the changes. Mr. Fries stated that the system would be cleaned every six months, check manholes and catch basins and flush the system. Debris and sediment would also be removed every six months. The soil at the bottom of the wetlands basins will be aerated as needed.

Mr. Salerno recommended that the maintenance schedule be made part of the permit.

Mr. Peck recommended that if any change is made to the originally approved building design, the applicant will seek approval from the Zoning Commission.

Mr. McLaughlin stated he was not comfortable approving the modification conditioned on the Courts approval of the settlement.

MOTION (8): Mr. Bulmer moved to approve the request of L&L Real Estate Holdings LLC to modify the recently approved site plan for a retail shopping center at 235, 244 and 248 Flanders Road, Niantic, CT with the condition that if the Court does not approve the currently proposed drainage system, then the drainage system reverts to the previously approved design. Also the following: that the original building design be built or the applicant must return to the Zoning Commission for approval; that the design engineer be present and responsible for inspecting and certifying to the construction of the stormwater system; the maintenance schedule be made part of this permit.

Mr. McLaughlin seconded the motion.

Vote in favor: (4-0-2) Mr. Dwyer and Mr. McLaughlin abstained

6. East Lyme Zoning Commission proposal to amend the Zoning Regulations by adding new Sections 24.5.2-C and 25.4.1.1 to provide for Architectural Design Review.

MOTION (9): Mr. Peck moved to approve the East Lyme Zoning Commission proposal to amend the Zoning Regulations by adding new Sections 24.5.2-C and 25.4.1.1 to provide for Architectural Design Review.

Mr. Dwyer seconded the motion.

Vote in favor: (6-0), Unanimous

7. East Lyme Zoning Commission proposal to amend Section 12A, Special Use Elderly Housing (SU-E) District Regulations.

Mr. Mulholland stated that there may be property where a 150 foot setback from the street line and/or 100-foot from the property line may not be appropriate due to the configuration of the parcel. He indicated that with providing the opportunity to waive the setbacks, designs of the developments could be more appropriate.

MOTION (10): Mr. Peck moved to amend the East Lyme Zoning Commission proposal to amend Section 12A, Special Use Elderly (SU-E) District regulation with the following Section 12A.2.3 to read: Setbacks: No new building or structure shall be placed less than 150 feet from the street line or 100 feet from any other property line. The Zoning Commission may waive the 100 foot from any property line and/or the 150 feet from the street line. A 50 foot buffer is required along all SU-E District zone lines

Mr. Bulmer seconded the motion.

Vote in favor: (6-0), Unanimous

MOTION (11) Mr. Peck moved to amend Section 12A.3.1 of the proposed amendment to Section 12A, Special Use Elderly as follows: The Zoning Commission shall consider for designation as a Special Use Elderly District, only parcels of 10 acres or larger.

Mr. Salerno seconded the motion

Vote in favor: (6-0), Unanimous

MOTION (12) Mr. Bulmer moved to approve the East Lyme Zoning Commission proposal to amend Section 12A, Special Use Elderly (SU-E) District regulations with Motion (10) changes to Section 12A.2.3 and Motion (11) changes to Section 12A.3.1.

Mr. Salerno seconded the motion.

Vote in favor: (6-0), Unanimous

8. East Lyme Zoning Commission proposal to amend Section 11A Gateway Planned Development District Regulations.

MOTION (13): Mr. Nickerson moved to continue to the next meeting the East Lyme Zoning Commission proposal to amend Section 11A Gateway Planned Development District Regulations.

Mr. Salerno seconded the motion.

Vote in favor: (6-0), Unanimous

OLD BUSINESS

MOTION (14): Mr. Bulmer moved to add to the agenda

1. Application of Mr. Biolawans, Hillcrest, permit for gravel pit operation.

2. Request for a Special Permit.

Mr. Nickerson seconded the motion.

Vote in favor: (6-0), Unanimous

Mr. Nickerson requested that Mr. Mulholland schedule public hearings for (1) Mr. Biolawans request for gravel pit permit and (2) request for Special Permit

MOTION (13): Mr. Bulmer moved to adjourn the meeting at 11:45 PM

Mr. Salerno seconded the motion.

Vote in favor: (6-0), Unanimous

Respectfully submitted,

Anita M. Bennett
Recording Secretary
9 June 2003