

Mar 31 20 03 at 12:20 AM PM

*Esther B. Williams*

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING  
MARCH 20, 2003  
MINUTES**

The East Lyme Zoning Commission held a PUBLIC HEARING on Thursday MARCH 20, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Robert Bulmer, Temporary Chairman, opened the Public hearing at 7:37 PM.

PRESENT: Norman Peck, David Chamberlain, Alternate Robert Bulmer, Alternate Marc Salerno, Alternate William Dwyer.

Also present: Rose Ann Hardy, ex-officio

Absent: Ed Gada and Shawn McLaughlin; William Mulholland, Zoning Official

PANEL: **Mr. Bulmer, Mr. Chamberlain, Mr. Dwyer and Mr. Salerno.  
Mr. Bulmer was unanimously elected Temporary Chairman.  
Mr. Peck recused himself.**

**PUBLIC HEARING**

**Application of John C. Demato, Jr., for a Special Permit to excavate, deposit and re-grade earth products on lots #9, 12, 16, 17, and 18 on Freedom Way and Liberty Way in Business Park West, Niantic, CT.**

Mr. Bulmer opened the Public Hearing following Public Delegations and Election of Temporary Chairman at 8:05 PM. Mr. Peck recused himself. Mr. Bulmer read the Public Notice.

Mr. Bulmer invited the applicant to make his presentation to the Commission.

Mike Bennett (Bennett & Smilas Engineering, Inc., 415 Killingworth Rd., Higganum, CT), Mr. Demato's engineer reviewed the plan with the Commission. The applicant is proposing to re-grade part of lot #9, lots 12, 16, 17 and 18 Business Park West. Currently the roads, Liberty Way and Freedom Way are constructed. The slopes are lot #16-13%-19%; lot 17-16%-22%; lot 18- up to 36%. In the

form the lots are presently, development is restricted. The applicant proposed to re-grade the lots to prepare building pads. The applicant's intention is to begin work on lot #12 and move the cut material into the lower portions of lots #16 and 17. This would give the applicant the ability to construct a separate temporary sedimentation basins and to create some swales along the slope that will collect the water and bring it into the temporary sedimentation basins. The sedimentation basins would be maintained until after all vegetation has been re-established on the lots. After the lower area is filled with the cutting from lot #12, the applicant would then go onto lot #9 where the highest point is approximately 10 feet above the road in the cul-de-sac. The material from #9 would be repositioned to the top portions of lots #16 and 17, thus cutting #9 down level to the road and filling #16 and 17 up so that the access would be from Freedom Way. No materials, therefore, would be removed from the site and no material would have to be trucked into the site. Town staff has reviewed the plan and Town Engineer Gianntassio has made a number of comments, which Mr. Bennett reviewed, and what revisions would be made to the plan in order to address those comments.

1. Top soil: will be stockpiled on-site and re-spread later. A note on the plan will indicate that the topsoil will not be removed from the site and re-imported from an off-site location.
2. Silt fences will be inspected weekly. Mr. Demato is not subcontracting and will inspect the silt fences.
3. Lot #16: revise grading to increase the snow shelf.
4. Guide rails will be placed at the steep slope area along the road and along lot #16.
5. Show a road around the cul-de-sac so that the machinery does not have to cross the road to get from one lot to another.
6. Contractor is responsible for damage to the existing road due to construction equipment moving on the road.
7. Lot #17: Fill will be inspected; by a geo-technical engineer and he will submit a report concerning the placement of the fill.
8. Contractor is responsible for clearing existing catch basins in Liberty Way and Freedom Way in the event of failure of the erosion and sedimentation control structures.
9. Contractor will monitor stormwater quality going into catch basins and will inspect weekly.

Mr. Dwyer inquired as to the anticipated time line for the completion of the work and if a rock crusher was going to be used.

Mr. Bennett indicated that the work would begin this spring and continue into the fall until the lots are seeded and stable. Work hours will be weekdays, 7am -5 PM. He added that there is a tree line and buffer between the site in question and the Health Center. He also indicated that there are no plans for the use of a rock crusher.

Mr. Salerno inquired as the amount and time line of any blasting. Mr. Chamberlain stated his concern with respect to the impact of noise resulting from blasting and machinery on the Health Center.

Mr. Bennett indicated that some blasting is anticipated on lot #9. He indicated that a permit and pre-blasting survey is required.

Mrs. Hardy inquired as to the number of blasting days that might be required. She also stated concern with respect to the effect blasting might have on medical equipment used at the Health Center. She inquired if the applicant would be willing to give the Health Center 24-hour notice before blasting. Mr. Demato indicated that blasting would not take place every day, and may be one day per week or every other week, and that it is feasible to prove the Health Center with 24-hour notice. He added there are specific guidelines the blaster must follow including the survey, permits, and notice.

Mr. Bulmer inquired if the applicant was not required to place a sign on the property indicating the Special Permit application. Mr. Bennett stated that this was not discussed with Mr. Mulholland, and believes that the sign is not required in this instance. He discussed the necessary mailing with Mr. Mulholland but any requirement for a sign was not discussed.

Mr. Bulmer read "Sign Posting" of the Zoning Regulations. Mr. Dwyer stated that the public would not be aware of the Special Permit without the sign posting and this concerned him.

Mr. Bennett stated that if the Commission wished, continue the Public Hearing and in the meantime clarify this issue. Mr. Bennett stated that it was his understanding that a Special Permit for re-grading had different notification procedure and this was discussed with Mr. Mulholland, however, the sign posting was not specifically addressed.

Mr. Bulmer also inquired as to the amount of bond, if required. Mr. Bennett stated that a bond has not been requested at this time.

Mrs. Hardy inquired if the applicant planned any additional on-site drainage. Mr. Demato stated that at the time the lot is developed, he would present to the town a required site plan that will show additional drainage, landscaping, building location and parking areas. He stated that he would be creating drainage swales to direct water to the sedimentation basins.

Mr. Salerno requested that the hours for blasting be specified. Mr. Demato indicated that generally by the time pre-blasting work is completed, the blasting would generally take place later in the day, perhaps 3:00-4:00 PM. Mr. Demato stated that blasting would be done on weekdays and he would be agreeable to hours of 10:00 AM-5:00 PM.

Mr. Chamberlain inquired if work and/or blasting would be done on Saturday. Mr. Demato stated he generally works on Saturday, but no blasting would be done and although Saturday had not been discussed with Mr. Mulholland, if he worked Saturday, he would get the job completed sooner. Mr. Salerno suggested Saturday work hours 8:00 AM – 3:30 PM.

Mr. Dwyer inquired if these lots were in an aquifer area. Mr. Bennett stated that there were restrictions in the Bridge Brook area lots, but those restrictions don't apply to these lots.

Mr. Dwyer inquired if gasoline was to be stored anywhere on this site. Mr. Demato stated no gasoline would be stored on-site. Mr. Bennett stated that generally a tanker would come in once or twice a week and fill the trucks directly from the tanker.

Mr. Bulmer requested clarification of the function of the two sedimentation basins.

Mr. Bennett stated that the swales and basins will catch stormwater runoff, collect it and allow the sediment to settle out before the water is discharged. There will probably be in each basin approximately two feet of water. During a major storm it will fill above the two foot level and then go out through an outlet and be discharged into the catch basins or riser pipe. The objective is during construction to hold the water in the basins and allow the sediment to settle out.

Mr. Bulmer summarized:

1. The site plan is to be revised to include Mr. Gianntassio's comments.
2. Notice of blasting: 24-hours.
3. Blasting hours: Monday-Friday, 10:00 AM – 5:00 PM
4. Working hours: Monday-Friday, 7:00 AM- 5:00 PM
5. Saturday work hours: 7:00 –3:30 PM with no blasting.

The Commission concurred.

Mr. Bulmer closed the Public Hearing at 8:51 PM.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary  
31 March 2003