

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, MAY 6th, 2004
MINUTES**

FILED IN EAST LYME TOWN
CLERK'S OFFICE

PRESENT: Mark Nickerson, Chairman, Ed Gada, Secretary,
Norm Peck, Shawn McLaughlin, Pamela Byrnes,

May 10 20 04 at 4:20 ^{AM} _{PM}

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

Esther B. Williams
EAST LYME TOWN CLERK

ABSENT: Rosanna Carabelas, William Dwyer, Alternate, Marc
Salerno, Alternate, William Henderson, Alternate

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 8:13 PM immediately following the previously scheduled Public Hearing.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

Howard Tisler, 152 Old Black Point Road, Niantic said that he had two things to say. First, he wished to thank them for doing their job, as it is a tough job and a hard job. The Town depends upon them to use good judgment to bring us forward and into the future. Second, he has to chastise them as they are elected officials to the Zoning Commission and the Board of Selectmen appoints the EDC members. However, they take their assigned work very seriously and they feel that for this proposal an 8-3a should have been brought to their attention because it has a direct relationship to their Commission and it directly affects them. Just to update them on what the EDC has been doing – in the last two years they have set up an EDC website for the Town and they have inventoried all the businesses in the Town. They have financed the Main Street Program and also brought along the D'Amato Co. who developed the Bride Brook Industrial Park. They would appreciate being considered with regard to this amendment.

Mr. Nickerson said that he would do a review with staff and the Selectman regarding this and note the comments he receives.

Joe Kwasniewski, 67 Walnut Hill Road, said that he again asks the Zoning Commission to stop making these so-called lots. He attended a Planning meeting and there are close to 400-500 lots coming from Planning and even considering only two people per house there will be another 1000 people moving in and his taxes keep going up and up. So, please slow it down. He said that he is not against development but he would like it slowed way down.

Mr. Nickerson said that while he appreciates Mr. Kwasniewski's comments, what he is asking is out of their control as Zoning is not a part of those 400-500 homes. He suggested that he speak to Planning regarding his concerns with that.

2. Accept Minutes of April 1, 2004 – Public Hearings & Regular Meeting

Mr. Nickerson called for any changes or corrections to the Public Hearing I Minutes of April 1, 2004.

****MOTION (1)**

Mr. Peck moved to accept the Zoning Commission Public Hearing I Minutes of April 1, 2004 as presented.

Ms. Byrnes seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Nickerson called for any changes or corrections to the Public Hearing II Minutes of April 1, 2004.

****MOTION (2)**

Ms. Byrnes moved to accept the Zoning Commission Public Hearing II Minutes of April 1, 2004 as presented.

Mr. Gada seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Nickerson called for any changes or corrections to the Regular Meeting Minutes of April 1, 2004.

Mr. Peck asked that on Page 3, in the sixth line of Paragraph 3 that reads: 'He sat down with someone recently who said that every piece of land will eventually be paved.' *Change* be paved to be built upon.

****MOTION (3)**

Mr. Gada moved to accept the Zoning Commission Regular Meeting Minutes of April 1, 2004 as amended.

Ms. Byrnes seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

3. Application of The Herb Chambers Companies, LLC for a Special Permit to construct and operate an Auto Sales agency at 51 Boston Post Road, East Lyme, CT. Property further identified as Lot 61, East Lyme Tax Assessor Map 36.0.

Mr. Mulholland recalled that they were waiting for the drainage on this site plan. They have received it and the Town Engineer has reviewed it. He said that there were **two notations** that he would like included in the motion and that he would read them for the record.

- ◆ **Provide a third party inspection and certification of the installation of the Water Quality Units and Infiltration Beds along with the required as-builts.**
- ◆ **Manufactured sections (Water Quality Units and Infiltration Beds) to be installed by experienced contractors in the installation of Stormtech Products.**

With this, the drainage is done and has been cleared by the Town Engineer and they are satisfied with it.

Mr. Nickerson noted that this site plan is a 1000% improvement of the property and a good use for this property. It is a destination point. He said that they have other car dealers in Town and they are all located near the highway. He thinks that it is fabulous that they are coming to this Town. He called for other comments on the site plan.

Mr. Peck said that he thinks that the site plan is fine. His only question is regarding the existing large pine trees along I-95 and what is going to happen to them.

Mr. Mulholland replied that they are on State property and that we have no jurisdiction there. They could write a letter to the State if they wished however, they cannot make keeping them a condition of the approval as the property is owned by the State. There are about 10 there and it is up to the State what is to be done with them. He offered to send a letter.

Mr. Nickerson said that the view is strictly from I-95. It would have been more appropriate to ask them this during the public hearing process as then it would have been on the record.

Mr. Mulholland said that he would see what he could do with this.

****MOTION (4)**

Mr. McLaughlin moved to approve the Application of Herb Chambers Companies, LLC for a Special Permit to construct and operate an Automobile Dealership at 51 Boston Post Road, East Lyme, CT, East Lyme Tax Assessor's Map No 36.0, Lot No. 61, with the following waivers:

A. Section 24.6C Sidewalks

B. Section 24.6 E(2) Front Landscaping along route 1 and I-95

C. Section 24.6 E(3) Buffer at Property line – Waiver requested at southeasterly property line: There is an existing wooded slope averaging approximately 30' in width in this area, which serves the buffer purpose; in addition, the Applicant proposes additional landscaping at the limits of clearing this area.

Ms. Byrnes seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. McLaughlin cited that the application conforms to the requirements of Section 25, Special Permits and Section 24, Site Plan Review as the reasons for approval.

4. Application of Herb Chambers Companies, LLC for a Coastal Area Management site plan review to construct an automobile dealership at 51 Boston Post Road, East Lyme, CT. Property further identified as Lot 61, East Lyme Tax Assessor Map 36.0.

Mr. Nickerson said that this seems to be pretty clear cut. They have good ideas on drainage and conform to the technical aspects of the Coastal site plan regulations.

****MOTION (5)**

Mr. McLaughlin moved to approve the Application of The Herb Chamber Companies, LLC for a Coastal Area Management site plan review to construct an automobile dealership at 51 Boston Post Road, East Lyme, CT. Property further identified as Lot 61, East Lyme Tax Assessor Map 36.0.

Mr. Peck seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. McLaughlin cited that the application is consistent with all of the applicable goals and policies of the CAM Act and it incorporates all reasonable measures, which would mitigate any adverse impacts of the proposed activity on Coastal Resources, as the reason for approval.

5. Application of The Herb Chambers Companies, LLC for a Special Permit to erect a second freestanding sign, in accordance with Section 18.1.8.5 of the Zoning Regulations at 51 Boston Post Road, East Lyme, CT. Property further identified as Lot 61, East Lyme Tax Assessor Map 36.0

Mr. Nickerson said that he thinks that the applicant bought the property based on the sign. The use of this sign for some off-site advertising is permitted and he really sees no problem with it. He also thinks that they should have the second sign as Saturn mandates it for their dealerships. He said that he has traveled the highway back and forth trying to see the larger sign and that it is not visible from one direction and that it is the street level sign that will catch the attention of the people going by. Hopefully once they have stopped at the Saturn dealership, they will stay and dine in Town.

Mr. Gada asked if the first sign would have only Saturn advertised on it and if they are approving a second free standing sign.

Mr. Mulholland said that the regulations were changed on 12/14/01 regarding that billboard sign and that they can rent space for off-site advertising if they chose to do this. He said that he does not think that this sign is up for grabs. Further, the applicant is here for the second sign.

Mr. Nickerson said that he stands with his view on the second sign and that it is needed to identify the dealership.

Mr. Mulholland read into the record the regulation change of 12/14/01: *'Section 18.1.5.2 Notwithstanding any provision in Section 18 to the contrary, because of their unique characteristics, any legal pre-existing nonconforming free standing sign which is in excess of 50 feet in height and within 50 feet on Connecticut Interstate 95 may be used as a billboard sign as defined in these regulations provided the sign conforms to all other applicable regulations of Section 18.'*

****MOTION (6)**

Mr. Peck moved to approve the Application of The Herb Chambers Companies, LLC for a Special Permit to erect a second free standing sign, in accordance with Section 18.1.8.5 of the Zoning Regulations.

Ms. Byrnes seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Peck cited that the dealership would not be able to locate here without this sign. The reason is due to a hardship. Other reasons cited were that the applicant has demonstrated that this site presents a hardship topographically.

6. East Lyme Zoning Commission proposal to amend Section 11 of the Zoning Regulations by deleting Section 11.2.2 – Regional Shopping Centers.

Mr. Nickerson asked if there were any further comments.

There was no report.

9. Comments from Chairman

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

10. Adjournment

****MOTION (8)**

Mr. Gada moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:59 PM.

Ms. Bymes seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary