

EAST LYME ZONING COMMISSION

PUBLIC HEARING

FEBRUARY 3, 2000

MINUTES

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Feb 14 2000 at 12:10
AM PM
Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on February 3, 2000 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Chairman William Weber called the meeting to order at 7:30 PM.

PRESENT: Chairman William Weber, Athena Cone, Norman Peck, Shawn McLaughlin, Ed Gada, Alternates Mark Nickerson and Donna Orefice.

Also Present: William Mulholland, Zoning Official; Rose Ann Hardy, ex-officio; Fred Thumm, Director of Public Works

Absent: David Chamberlain, Robert Bulmer

PUBLIC HEARING

CONTINUATION OF THE PUBLIC HEARING OF THE ZONING COMMISSION PROPOSAL TO AMEND SECTION 20.25 OF THE ZONING CODE TO EXTEND THE WATER MORATORIUM TO DECEMBER 1, 2000

Mr. Weber noted that the correspondence was read into the record at the Public Hearing, January 6, 2000.

Mr. Mulholland indicated that Mr. Fred Thumm, Director of Public Works was present at the request of the Commission to discuss the reasons for the water moratorium and extension request and respond to questions of the Commissioners.

Mr. Weber opened the meeting to Mr. Thumm.

Mr. Thumm, Director of Public Works indicated that First Selectman Fraser, Chairman of the Water & Sewer Commission, was not able to attend this evening due to a scheduling conflict.

Mr. Thumm explained that there are two wells in East Lyme for which the Town is applying to the Department of Environmental Protection (DEP) for Diversion Permits that allow the Town to continue to operate those wells. (Wells #3A Bridebrook Rd. and #5 Upper Pattagansett Rd.) While the renewal diversion permit applications are pending, the Town is operating the wells under an Interim Operating Plan negotiated with the DEP prior to the summer of 1998. Part of the Operating Plan is that the Water & Sewer Commission would request the

Planning Commission and the Zoning Commission place a moratorium on new approvals on residential subdivisions of ten lots or more and multifamily projects. In the summer of 1998, the Planning Commission approved a one-year moratorium and that was renewed by an additional year in 1999 to run through July 1, 2000. In the fall of 1998, the Zoning Commission adopted a one-year moratorium from December 1, 1998 to December 1, 1999. At the October 1999 meeting of the Water & Sewer Commission, a resolution was adopted asking the Zoning Commission to extend the existing moratorium to July 1, 2000, which would then be consistent with the expiration date of the Planning Commission moratorium. Mr. Thumm stated that the moratorium could be lifted with the approval of the Diversion Permits should that happen sooner than July 1, 2000.

Mr. Peck inquired when it is anticipated the DEP would approve the permits.

Mr. Thumm stated that the Diversion Permit Applications were submitted to the DEP in March 1999. First Selectman Fraser is anxious to have approval prior to the summer of 2000. He has been in contact with the DEP. About one month ago, Mr. Fraser received information from DEP that they hadn't really had a chance to look at the applications. Mr. Fraser is actively involved with the DEP to ensure approval as soon as possible. Mr. Thumm added that the approval timing is beyond the control of the Town staff as it is in the hands of the DEP.

Mr. Peck inquired why the Zoning Commission is only being asked to place the moratorium on multifamily development and excluding cluster subdivisions and elderly housing.

Mr. Thumm stated that although the language of the moratorium was not stipulated by the DEP, it came out of conversations with the DEP during several negotiating sessions with Water & Sewer Staff and the DEP. DEP recommended multifamily projects under the Zoning Commission and 10+ subdivision under the Planning Commission.

Mr. Gada requested clarification of Diversion Permit.

Mr. Thumm stated that the Diversion Permit is approval from the DEP of the State of Connecticut to draw water from the ground or diverting the natural subsurface flow of water. He added that the permit applications cost the Town over \$100,000 for each well permit.

Mr. Gada inquired as to the total number of wells.

Mr. Thumm stated that the wells were located

Well #1	Industrial Park Road area
#2	Bride Brook
#3	Bride Brook
#3A	Bride Brook
#4	Dodge Pond area
#5	Upper Pattagansett Rd.
#6	New well located at the east side of the school on Society Rd.

Mr. Peck inquired as the average daily consumption in East Lyme.

Mr. Thumm stated that average daily consumption is approximately 1.5 million GPD. The demand the Town must meet is peak day in the summer when there is the greatest need for water and that is approximately 3 million GPD and therefore must plan, design and meet that peak demand. He added that there is a "safe yield" for each well. The "safe yield" with unpermitted Wells 3A and 5 is 3.85 million GPD. Mr. Thumm stated that the limited use of Wells #3A and #5 approved by the DEP relates to the impact of the diversion on stream flow. The stream flow is monitored and when the stream flow falls below a certain level, the Town is not able to utilize those two wells unless an emergency is declared. Mr. Thumm also stated that even permitted, these two wells would not be able to be used in the summer when the stream flow is low. But, in the summer, the other wells can be used and rotate during wet periods.

Mr. Peck inquired if these two wells (3A and 5) were not permitted, could the Town meet the 3 million GPD requirement.

Mr. Thumm stated that the Town would not then be able to meet demand. He stated that even with the new Well 6, staff is exploring the feasibility of another well, Well 8, in the Plants Dam area.

Mrs. Hardy, ex-officio, stated that at the Board of Selectmen's Meeting of February 2, 2000, an item was on the agenda for extension of water main to a proposed SU-E housing of 38 units on Dean Rd. The extension was approved because as the moratorium is presently worded, elderly housing is not included.

Mr. Weber opened the hearing to those wishing to speak in favor of the proposed amendment.

George McPherson, 419 Boston Post Road, East Lyme stated that he is in favor of this proposed amendment. He added that if elderly housing and assisted living were to be included, it should have been included from the outset and not change course at this point. He suggested that the Zoning Commission align the moratorium with Planning, i.e. July 1, 2000. He added that in his opinion, the reason DEP is slow to approve the permits is because the Town approved a 160-unit subdivision even though it will not be connected to municipal water.

Walt Prochonera, 420 Boston Post Road stated that if the wells next to the inland waterways draw down the stream flows, the Town would have to stop pumping water. Even if the permits applications for Wells 3A and 5 are approved the stream flow problem remains. He questioned why the Town would want to permit another well at another stream and repeat the same situation.

Mr. Thumm stated that the advantage to exploring Plants Dam is that it would be a well in a different aquifer that has not been tapped for municipal water. He added that at this time, Plants Dam is only in the exploratory drilling phase.

Mr. Weber opened the hearing to those wishing to speak in opposition to the proposed amendment. There were no further speakers either opposed, in favor, or commenting.

Mr. Weber closed the Public Hearing at 8:02 PM.

Respectfully submitted,



Anita M. Bennett
Recording Secretary