

EAST LYME ZONING COMMISSION

REGULAR MEETING

June 7, 2001

MINUTES

The East Lyme Zoning Commission held a Regular Meeting on Thursday, June 7, 2001 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Bulmer called the meeting to order at 7:32 PM.

PRESENT: Robert Bulmer, Ed Gada, Shawn McLaughlin, Norman Peck, Alternates Mark Nickerson, and William Dwyer.

Absent: Athena Cone, David Chamberlain, and Alternate Donna Orefice.

Also present: William Mulholland, Zoning Officer.

- I. PLEDGE OF ALLEGIANCE
- II. PUBLIC DELEGATION - none
- III. PUBLIC HEARING - none
- IV. REGULAR MEETING

FILED IN EAST LYME TOWN
CLERK'S OFFICE
June 18 20 01 at 12:05 AM
PM
Ethan B Williams
EAST LYME TOWN CLERK

- A. Call to Order: Mr. Bulmer called the meeting to order at 7:32 PM.
- B. Acceptance of the Minutes of March 1, 2001 and May 3, 2001.

Acceptance of the Minutes of May 3, 2001 will be postponed until the next meeting since there was not a quorum to accept.

MOTION (1): Mr. Gada moved to approve the Minutes of the March 1, 2001 Meeting as amended. Discussion: Mr. Bulmer noted the need to correct on page 3 of 5, Section 11A.6.7, "gamble" should be corrected to "gambrel"
Mr. Dwyer seconded the motion.
Vote in favor: (5-0), Unanimous, Mr. Nickerson abstained.

C. Application of Robert Pfanner, agent for Rick and Lorraine Whitmyre, for a coastal site plan review to construct a single family dwelling at 23 Ridgewood Road, Niantic, CT.

Mr. Mulholland read into the record a letter to the Zoning Commission from William Mulholland, Zoning Official date June 7, 2001. Mr. Bulmer noted for the record that a typographical error, "Giants Neck Bach Association" should be "Giants Neck Beach Association".

Mr. Pfanner distributed Plot Plan prepared for Rick and Lorraine Whitmyre, dated 2/23/01, revised 5/24/01, and Elevation Drawings (3 pages) dated 3/7/01, revised 3/23/01 and 4/24/01, to the Commissioners.

Mr. Mulholland stated that a single family dwelling is typically exempt from Coastal Site Plan Review if it is more than 100-feet from any of the tidal resources. In this application, the structure is 52-60-feet from tidal resources.

Mr. Pfanner, J. Pfanner & Associates Engineering and Land Surveying, stated that the applicant is proposing a single family dwelling with a 1586sf footprint, with the total size of the house of 2300sf living area on a 0.128 Ac. parcel. The house is located at Giants Neck Beach Residential Zone and will be serviced by both municipal water and sewers. The area is densely populated as it formerly was a summer community and most cottages were converted to year-round.

Mr. Pfanner pointed out and discussed the Application for Coastal Site Plan Review, Town of East Lyme. Section IIA provides a description of the entire project. The proposed house is located outside the A8 flood zone. No work is proposed within 40-feet of the tidal wetlands. In response to Mr. Mulholland's inquiry, Mr. Pfanner indicated that footing drain outlet are just below the last retaining wall. Section IIB provides a description of construction methods, which are installation of silt fence on downhill side, removal of trees and stumps, strip construction area of topsoil and stockpile, excavate for foundation and utilities, install concrete foundation and utility trenches, grade site per site plan, spread topsoil and seed all disturbed areas and remove silt fence when disturbed areas have been stabilized. Total disturbed area approximately 4120sf. Construction time approximately 6-12 months. Mr. Pfanner stated that silt fences would be maintained in a proper fashion at all times by the contractor.

Mr. Mulholland stated that the chart on page 3 of the Application is from a State manual – CAM Planning Report 30, which is used by both Engineering and Zoning. The applicant indicates if the item listed is on-site or adjacent to property and if it is affected by the activity. He added that there is a Coastal Resource Map put out by the DEP of the State of CT that is used to decide what is on or adjacent to the site.

Mr. Pfanner then reviewed Section IIIB, Coastal Use Policies through Section IVC. The purpose and structure of the dwelling is consistent with the General Development Policies IIA. There are no adverse effects for this proposed development. Effects of the fill on the existing flood plane are negligible due to the small amount of the flood area is being filled in in relation to the entire flood plane. This house is located beyond the mouth of the Pattagansett River. The area to be filled is 335sf. Mr. Pfanner pointed out on the site plan the location of the flood and fill areas.

MOTION (2): Mr. Dwyer moved to approve the application of Robert Pfanner, agent for Rick and Lorraine Whitmyre, for a coastal site plan review to construct a single family dwelling at 23 Ridgewood Road, Niantic, CT.

Mr. Nickerson seconded the motion.

Vote in favor: (6-0), Unanimous.

Reason: The application is found to be consistent with all applicable codes and policies and includes all reasonable measures to mitigate adverse impact.

D. Telecommunications Facilities

Mr. Mulholland briefly discussed the development of the Proposed Telecommunications Facilities Regulation. The purpose of the Proposed Regulation is to “provide for the location of wireless telecommunication towers and antennae, reduce adverse effect through careful design, siting, and vegetation screening, and to minimize the number of towers to encourage shared use or joint use where practical.”

Mr. Peck expressed concern regarding the Town’s lack of enforcement power. Mr. Mulholland stated that the Town would have enforcement power within its jurisdiction. The Connecticut Siting Council has jurisdiction, but if the court rules otherwise, then the Town would have specific Regulations in place.

The Commission reviewed the Proposed Regulation. Mr. Bulmer noted that he noticed three issues not addressed in the Proposed Regulation, i.e. maximum radiation, electromagnetic interference and lightning protection. He also inquired if the Town could legally require a third party study (Section 31.2.1) “at the expense of both the permit holder and the applicant.” Mr. Mulholland stated that it is his understanding the Town can require this and it is a protection for the Town.

Mr. Bulmer noted Section 31.3 Siting Preference should read “Antennae Siting Preference”. In addition, Mr. Mulholland noted the “Structure” as used in Section 31.4.3(a) is currently defined in the Zoning Regulations. Typo correction Section 1.61A “noticeably different than...”.

There being no other comments, Mr. Bulmer requested Mr. Mulholland schedule a public hearing at the first available time.

OLD BUSINESS

1. Subcommittee
 - A. Backlots Awaiting Planning Commission members. Mr. Nickerson and Mr. Dwyer will represent the Zoning Commission.

NEW BUSINESS

1. Correspondence – none
2. Zoning Board Liaison to Planning Commission – 5/15 meeting cancelled. Mr. Gada suggested the Liaison’s be mentioned on each agenda.
3. Any business on the floor by the majority vote of the Commission.
Add to the agenda: Timothy Yuhas, 2 application for Special Permit.
The Commission unanimously voted to add these items to the agenda.

Mr. Bulmer requested Mr. Mulholland schedule these two applications for public hearing at the next convenient date.

4. Zoning Official – Mr. Mulholland indicated that the Morton House has been sold and that there is an application for Wendy's Restaurant in process at this time.
5. Chairman's Report – Mr. Bulmer indicated two lawsuits with Landmark have been adjudicated in favor of the Zoning Commission.

Mr. Bulmer also read a letter from Rev. Joan Cianci, wife of Zoning Official William Mulholland, providing an update and expressing their appreciation for the support and understanding the Commission members have given during their long and continuing struggle with Rev. Cianci's illness.

MOTION (3): Mr. Nickerson moved to close the Meeting at 8:47 PM.
Mr. Gada seconded the motion.
Vote in favor: (6-0), Unanimous

Respectfully submitted,



Anita M. Bennett
Recording Secretary
18 June 2001