

Sept 21 2022 AT 12:05 AM/PM
 Karen Mulholland
 EAST LYME TOWN CLERK

EAST LYME ZONING COMMISSION

Regular Meeting, September 15, 2022. 7:31 PM

East Lyme Town Hall, main room

Members Present: Chairman Terence Donovan, Anne Thurlow, Norm Peck, Bill Dwyer, Debbie Jett-Harris, Terry Granatek, Denise Markovitz, Alt., Dave Schmitt, Alt.,

Members Absent: Jay Ginsberg, Alt.,

Also Present: William Mulholland, Zoning Official, Sue Spang, Recording Secretary

Call to Order: Chairman Donovan called the meeting to order at 7:30

I. PLEDGE OF ALLEGIANCE- recited

II. PUBLIC DELEGATION:

Nick Menapace, 38 Hope Street, expressed his concerns about a proposed gas station being built over an aquifer and close to a wetland. He was invited to come to town hall and look at the proposed plans which show there is not a gas station planned.

III. PUBLIC HEARINGS:

1. Application of Theodore A. Harris, Esq., for a Special Permit for a landscape service company per Section 8.2.17* and Section 25.5 at 23 Black Point Road, East Lyme Assessors map 11.4 Lots 172-1 173 (partial)

(*there was a typo on the agenda; Special Permit Section, it is corrected from, Section 8.2.1 to 8.2.17)

A. Thurlow read the memo from B. Mulholland dated September 15, 2022.

B. Mulholland confirmed the legal notice was published

T. Harris, attorney for the applicant, informed the Commission that the proposed building would be used for storage and office space as well as minor repairs. He said the equipment stored would be on a seasonal basis and that all the operations of the business are out of a remote location. There will be a lot line revision of a 1:1 swap that will square off the lots.

The office space will occupy approximately 20% of the proposed building and the parking will be limited to cars and pickup trucks, no large construction equipment. There will be 10 parking spaces.

T. Harris stated that although there is a sidewalk requirement, the driveway takes up most of the frontage where a sidewalk would normally be required and it does not make sense to build a 2-foot-long sidewalk.

Robert Pfanner, J. Robert Pfanner Assoc. submitted pictures (Exhibit 1) of the frontage for the waiver of the sidewalk requirement. He stated the applicants house was in the front of the lot and the proposed business building would share the driveway with the residence. The parking will be on the side and back of the proposed building.

The site is fairly flat, and runoff will drain to a swale at the front of the building and then to a dry well. A rain garden will be installed, in the back of the proposed building to take care of additional drainage from the rest of the property.

There will be a 6' fence along the driveway and arborvitae buffer planted along the rest of the perimeter of the proposed building.

The site will be serviced by town water and sewer.

Gooseneck lighting will be placed above all entrances on three sides of the building.

The proposed building is designed to look like a barn and includes two cupolas, the total height of the building will be 21'7" to the peak. He stated there will be no outdoor storage of equipment or materials.

The driveway will be paved, and parking will utilize millings, but at some point, they would like to pave the parking.

There will be no fuel or salt stored on site. Fertilizer may be stored inside the building. The floors will be concrete with no internal drains.

The workers report to the remote site in Old Black Point and will not depart from the proposed site.

Public Comment

James McClure, 5 Faulkner Dr. stated although he is on good terms with the applicant, he opposes the application. He believes the application is in direct conflict with the zoning regulations mission and specific conditions. J. McClure stated there will be decline in property value and the proposed structure is 3 times the size of any structure on Faulkner Dr. The Special Use Permit is designed to be a safeguard to protect the surrounding properties. The proposed building is not in harmony with the surrounding homes.

He is concerned about noise, light pollution, and hours of operation. He stated the lights from the building and vehicles exiting the garage will shine directly into his bedroom.

He pointed out there is no definition of, "landscaping business" in the regulations.

J. McClure said he would be happy to discuss options for more privacy along the driveway and his property line and asked for the Commission to extend the public hearing.

Brenna McClure, 5 Faulkner Dr. stated her concern about the lights and vehicle headlights shining into the two bedrooms on the side of the house facing the proposed building. She wanted to know the hours of operation and was concerned that during a snow event, vehicles would be going out during the night.

Amanda Smith, 7 Faulkner Dr. is opposed to the application. She and her family will see the operation from her back porch and be significantly impacted.

Chris Manwaring, 23 & 25 Black Point Rd., property owner, clarified that the proposed building is approximately 2800 sq. ft which is not triple the size of his house or some of the commercial buildings near the proposed building. The building across the street is also large. He stated that the property is zoned commercially, and many types of business could go there.

The building will be used mainly for storage for seasonal turnover of equipment.

His landscaping business consist of landscaping and homecare. There will be lawnmowers, front loader and skid steer, and low level maintenance vehicles stored at the site. There will be no large sign advertising the business. C. Manwaring stated he would consider planting along the south side of the driveway to give more privacy to the neighbors. He will submit revised site plans showing additional plantings.

James McClure, 5 Faulkner Dr. said his main concern is privacy and noise.

Amanda Smith, 7 Faulkner Dr. asked how many people would be working in the office and building and what are the hours of operation.

C. Manwaring stated the hours of operation will be 8-4:30. There would be 2 people in the office and approximately 5-10 people in and out a day with no weekend activity.

MOTION: (Thurlow/Jett-Harris) to close the Public Hearing. Vote: APPROVED unanimously. 8:44.

IV. REGULAR MEETING

1. Application of Theodore A. Harris, Esq., for a Special Permit for a landscape service company per Section 8.2.17* and Section 25.5 at 23 Black Point Road, East Lyme Assessors map 11.4 Lots 172-1 173 (partial)

The Commission discussed the size of the proposed building and the larger structures in the neighborhood. They confirmed the zone is commercial and that the applicant is coming to the Commission for the approval and doing it the right way.

MOTION: (Peck/Dwyer) to approve the Application of Theodore A. Harris, Esq., for a Special Permit for a landscape service company per Section 8.2.17 and Section 25.5 at 25 Black Point Road, East Lyme Assessors map 11.4 Lots 172-1 173 (partial), waive the sidewalk requirement extend the arborvitae to the end of the driveway radius and all landscaping materials and machinery will be stored indoors and outdoor parking is limited to passenger cars and pickup trucks. Vote: APPROVED. In favor-Donovan, Thurlow, Peck, Dwyer, Granatek. Opposed-Jett-Harris. Abstaining-none.

B. Mulholland informed the members that the notice to the paper will be published in Thursday edition and the application will be effective on Friday.

2. Approval of Minutes of August 4, 2022:

a. Approval of Minutes of August 4, 2022.

MOTION: (Thurlow/Jett-Harris) approve the minutes of August 4, 2022, Regular Meeting minutes as amended.

Page 2-Add-The applicant informed the members they discussed adding electric car charging stations but could not see a way to allocate the expense to the renters. They will reconsider them in the future.

Vote: APPROVED unanimously

IV. OLD BUSINESS-none

V. NEW BUSINESS

1. Any business on the floor, if any by the majority vote of the Commission

N. Peck would like the Commission to form a sub-committee to address the downtown area to better reflect the POCD recommendations. D. Jett-Harris, A. Thurlow and N. Peck volunteered.

2. Zoning Official-the office is busy

3. Comments from Ex-Officio-no report

4. Comments from Zoning Commission liaison to Planning Commission

The Planning Commission meeting was cancelled.

5. Comments from Chairman

The American Legion is honoring B. Dwyer on October 6, 2022.

VII. ADJOURNMENT

MOTION: (Thurlow/Jett-Harris) to adjourn at 9:21. Vote: APPROVED unanimously

Respectfully Submitted
Sue Spang,
Recording Secretary

2022 Liaison Schedule:

10/11/2022-Donovan, 11/15/2022-Dwyer, 12/13/2022-Ginsberg