

Dec 9, 19 98 at 12:02 AM  
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East Lyme Zoning Commission  
Public Hearings and Regular Meeting  
November 19, 1998  
Minutes

*Esther B. Willaw*

EAST LYME TOWN CLERK

*These are actually  
minutes of  
the  
Dec 3rd meeting*

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on December 3, 1998 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Chairman Formica called the Meeting to order at 7:32 PM.

PRESENT: Paul Formica, Chairman, Athena Cone, Secretary, Norman Peck, Daniel Price, Shawn McLaughlin, and Alternates William Weber, Robert Bulmer, William Dwyer,  
Also Present: William Mulholland, Zoning Officer. Rose Ann Hardy, ex-officio.

Absent: Christopher Mullaney

**I. Public Delegation**

None

**II. Public Hearing I**

**Application of W. C. Smith, DBA Hidden Acres, for a Special Permit to excavate gravel from property off Chesterfield Road, East Lyme – Lots 44 & 45 on East Lyme Assessor's Maps 19 & 1.**

Mr. Formica polled the panel for conflicts regarding this application. There were none.  
Mr. Weber will be sitting for Mr. Mullaney.

Mrs. Cone noted the Legal Ad and read the correspondence for the record:

1. Letter to the Commission from Mr. Mulholland, Zoning Official. Mr. Mulholland's conclusion was that the application conforms to the requirements of the zoning code, however recommended that the Commission consider the hours of operation and types of equipment.
2. Letter to Mr. Mulholland, Zoning Enforcement, from Melanie Osterhout, Environmental Planner, date 11/30/98, regarding Hidden Acres Gravel Operation. The East Lyme Conservation Commission granted permit 98-38 on August 31, 1998.

Donald Gerwick, Licensed Professional Engineer, 17 Avery Lane, Waterford, Connecticut represented the applicants. This property is on the east side of Rte. 161 roughly opposite Mostoway Road, with a small construction access bridge. The site in question is approximately 1200' back from Rte. 161 and is formerly known as Locarno Gravel Pit. There is a front portion of 100 acres and a 127-acre rear parcel. Five acres of the rear parcel are being proposed this evening. Mr. Gerwick presented to the Commission copies of the Erosion and Sediment Narrative. The property has been in operation as a

gravel operation for a number of years. In response to a question posed by Mrs. Cone, Mr. Gerwick noted that the closest residence is approximately 1500 feet away. The area along Rte. 161 has heavy natural vegetation and the site is not visible from surrounding properties.

The applicants are requesting a one-year permit with a total of 26,000 cubic feet of earth and rock material to be removed. Mr. Lombardi, a principal of Hidden Acres, proposes that a \$30,000 restoration bond be posted for the restoration of the area, \$5,000 cash and \$25,000 surety bond. Hours of operation are proposed to be Monday – Friday 7:30 AM-4:30 PM; Saturday, 7:30 AM-1:00 PM.

Responding to Mr. Peck's question, Mr. Gerwick indicated that there is no real water seepage at the site, but one would have to get to the lower flat area for about 800 feet to reach wetland areas or Latimer Brook. There is an existing one-lane construction bridge consisting of oak timbers and steel girders. The only site line problem exiting onto Rte. 161 is some minor brush.

There being no further speakers in favor of the application, Mr. Formica opened the floor to those opposed to the application.

Mr. Robert Gadbois, 358 Boston Post Road, stated that gravel operations have been going on in the Boston Post Road area and he expressed concern regarding the trucks speed and the danger to school buses. He requested the Commission deny the permit.

Mr. Norm LaFleur, 10 Latimer Drive, also stated his concern regarding the speed of the trucks and increased traffic.

Ms. Cheryl Olson, 345 Boston Post Road, stated her concern for the safety of the school buses and students going into and out of the High School in the morning hours.

Mr. Joe Kwasniewski, 67 Walnut Hill Rd., inquired if there was any known effect to residents living down stream?

Mr. Gerwick stated that the site is outside the 500 year flood plane and will not have an impact on landowners downstream.

There being no further speakers, Mr. Formica closed the Public Hearing at 7:55 PM.

### III. Public Hearing II

#### Request of the East Lyme Water and Sewer Commission to amend Section 20 of the zoning code to prohibit issuance of special permits for Multi-family dwellings filed under Section 9.2.5 and 12.1.4, which use municipal water.

Mr. Formica polled the panel for conflicts. Mr. Peck stepped down and Mr. Bulmer will serve as a sitting member in his place.

Mrs. Cone noted the Legal Ad had been posted.

Mrs. Cone read a letter from Wayne Fraser, Chairman, Water & Sewer Commission dated October 20, 1998 to Mr. Formica, Chairman, Zoning Commission regarding Interim Water Supply Plan. The suggestion for a moratorium came from a March meeting with the Department of Environmental Protection. The Water & Sewer Commission passed a Resolution for a water moratorium request of the Zoning Commission regarding multiple family residential projects. The multi-family dwellings appear to have substantial impact on the Town's depleted water supply.

Mrs. Cone read a letter to Mr. Formica, Chairman, Zoning Commission from Mario Locarno, Secretary, Acting Chairman. Planning Commission dated October 23, 1998 stating that the Planning Commission voted unanimously at its November 17, 1998 to approve the proposed amendment to the Zoning Regulation regarding a water moratorium on all new applications on multiple family dwellings.

Mr. Mulholland stated for the record that Section 9.2.4 refers to the CB zones and multi-family use and 12.1.4 refers to SU zones and multi-family use.

Fred Thumm, Director of Public Works spoke on behalf of the East Lyme Water & Sewer Commission and Chairman Fraser. He noted that the Town has six wells and only three are in actual active production. Two of them have permits that have expired and the Town is in the process of renewing the permits and one is in the state of being redeveloped (Dodge Pond Well). If everything goes well with the three wells currently, the Town can barely meet peak demand. DEP has asked the Town to come up with an interim plan and to take action to restrict demand until the wells are re-permitted or a new source developed. Planning Commission has adopted the moratorium under subdivisions requiring municipal water.

Mr. Bulmer inquired as to the ending date of the moratorium. Mr. Thumm indicated that the period of the moratorium will be for one year or until the water supply be re-established, whichever happens first. He added that Well #4 should be available within two to three months. Well #4 alone is not sufficient for the Water and Sewer Commission to lift the moratorium, one of the other two wells will be needed.

Well #6 is being tested currently and is going well.

Norm LaFleur, 10 Latimer Drive stated that it is imperative to protect the water supply. Robert Gadbois, 358 Boston Post Road supported the amendment.

Ben Orvedahl, Holmes Road also stated his support for the amendment adding that the Town cannot allow development to get ahead of the supply of water.

There being no further speakers in favor, or opposed, Mr. Formica closed the Public Hearing at 8:15 PM.

#### IV. Public Hearing III

##### East Lyme Zoning Commission proposal to amend Section 18.1.10 of the sign code to permit "Community Bulletin Boards".

Mr. Peck returned to the panel for this Public Hearing. Mr. Bulmer is not sitting on the panel.

Mrs. Cone noted the Public Hearing was properly advertised.

Mrs. Cone read a letter dated December 2, 1998 from the East Lyme Planning Commission stating that the Planning Commission had unanimously approved the proposed amendment. The Planning Commission recommended that the Zoning Commission consider permitting more than three bulletin boards.

Mr. Formica stated that the Commission chose the three locations with Exit 72, Exit 74 and Niantic Center area in mind. He added that consideration could be given to considering more boards, but as this Public Hearing was advertised as 3 Boards, the Commission will go forward with 3 Boards and if it works out, action can be taken to add more as needed.

The Board, as a structure, will be reviewed and approved by the Zoning Commission. The management of the Boards will fall to the Shoreline Chamber of Commerce. Mr. Formica spoke with the Chamber of Commerce which indicated they would like to work with other Town organizations such as the Lions and Rotary, to manage the Boards.

Mr. Formica opened the floor to those wishing to speak in favor of the Community Bulletin Board proposed amendment.

Bob Simpson, 30 Sleepy Hollow Rd. stated his support. He stated that he had served on the sign committee in the past.

Bill Mountzoures, 88 Smith Street stated his support and added he will be glad to see the sandwich boards go.

Robert Gadbois, 358 Boston Post Road, stated his support for the amendment.

Richard Waterman, Planning Commission Liaison, wished to speak on this issue. Mr. Formica, although valuing Mr. Waterman's comments, did not feel that it was appropriate for him to speak in the Public Hearing. Mr. Formica stated that as members of the Zoning or Planning Commission, they are

precluded from speaking in a public forum of either of those Commissions. The agenda allows for the Planning Commission Liaison to speak later in the regular meeting.

Joe Kwasniewski, 67 Walnut Hill Road, stated his support of Community Bulletin Boards, but added he was concerned about the locations and traffic problems that may arise. He stressed the Commission should consider the locations with safety in mind.

Mr. Mulholland stated that there will be no permitting process through the Zoning Department. The designated management group (Shoreline Chamber of Commerce) will oversee and manage the signs placed on the Boards.

Ben Orvedahl mentioned that the Boards will need to be monitored and kept up to date. He added that before the Boards are put up the Chamber or other organization should be officially named to maintain the Boards and guidelines for maintenance and management established.

There being no other speakers in favor or opposed, Mr. Formica closed the Public Hearing at 8:30 PM.

#### V. Public Hearing IV

##### East Lyme Zoning Commission proposal to amend Section 11 of the zoning code to permit Motor Vehicle Repairers Stations as a use in Light Industrial Zones.

Mr. Formica polled the panel for conflicts. There were none.

Mrs. Cone noted the Public Hearing was duly advertised.

Mrs. Cone read a letter dated December 1, 1998 from the Walter Cullen, Chairman, Planning Commission indicating that the Planning Commission on December 1, 1998 voted unanimously to approve this proposed amendment to the zoning code.

Mrs. Cone read the Proposed Amendment.

Mr. Mulholland noted that this amendment does not apply to Liberty Way where there are deed restrictions.

Mr. Formica indicated that the Stations would be subject to Site Plan Review and Special Permit Applications.

Mr. Formica opened the floor to those wishing to speak in favor of the amendment.

Robert Gadbois, 358 Boston Post Road, supported the amendment.

Joe Kwasniewski, 67 Walnut Hill Road inquired as to the location of Light Industrial Districts. He stated he did support the amendment.

Mr. Mulholland noted that Special Permit Applications are referred to the Conservation Commission if the activity involved is within 100 feet or near 100 feet of water resource so the Commission would have time to review and approve or deny.

There being no further speakers in favor or opposed to the proposed amendment, Mr. Formica closed the Public Hearing at 8:37 PM.

## VI. Regular Meeting of the East Lyme Zoning Commission

Mr. Formica called the meeting to order at 8:37 PM.

### A. Acceptance of the Minutes of November 19, 1998

**Motion (1):** Mr. Price made a motion to accept the Minutes of the November 19, 1998 Regular Meeting. Mr. Peck seconded the motion.

Vote in favor: (4-0), Mrs. Cone and Mr. Weber abstained.

### B. Application of Robert D. Tobin to amend Section 12.1.3 and Section 25.5 of the East Lyme Zoning Regulations to modify the Elderly Housing age minimum from 62 years of age to 55 years of age.

Mr. Peck and Mrs. Cone excused themselves from the panel Mr. Bulmer will sit for this Hearing. Mr. Dwyer was previously excused due to illness.

Mr. Formica stated that he needed time to obtain a response from the Town Attorney regarding the impact of one of the options, i.e. all residents must be 62 years of age to live in an Elderly Community.

Mr. Bulmer stated that he also would like more time to review the material presented.

Mr. McLaughlin stated he would prefer to postpone to the next meeting.

Mr. Formica indicated that the Commission had 65 days from the Public Hearing to make its decision.

This item will be continued at the next Regular Meeting, January 7, 1999.

### C. Application of W. C. Smith, DBA Hidden Acres, for a Special Permit to excavate gravel from property off Chesterfield Road, East Lyme, Lots 44 and 45 on East Lyme Assessor's Map 19 and 1.

Mr. Peck and Mrs. Cone will sit on the panel. Mr. Bulmer is sitting out.

Mrs. Cone noted that the hours of operation should be discussed. She indicated that the issue of the trucks and school buses traveling Rte. 161 at the same time was one concern and recommended 8:00 AM as a possible start time.

Mr. Mulholland requested that the Commission clarify if the start time of the hours of operation: is it the time operators can start equipment and work on the property or can the operators enter the property and start up equipment prior to the start time. Mr. Formica indicated that the hours of operation would be the start time and end time of work on the property.

Discussion ensued regarding additional traffic created by the trucks on Saturdays.

**Motion (2):**

Mr. Weber made a motion to approve the application of W.C. Smith, DBA/Hidden Acres, for a Special Permit to excavate up to 28,000 cubic yards of gravel from property off Chesterfield Road, East Lyme – Lots 44 & 45 on East Lyme Assessor's Maps 19 & 1 for a period of one year under the following conditions:

- (1) Hours of operation 8 AM-4:30 PM Monday through Friday and 8 AM–2 PM on Saturday,
- (2) Bond to be \$5,000 Cash, and \$25,000 surety bond for a total of \$30,000.

Mrs. Cone seconded the motion.

Vote in favor: (6-0), Unanimous

Effective upon publication. Reason: Complies and is consistent with zoning regulations.

D. Request of Doane-Collins Engineering for Aly Group Limited Partnership for an exception to the requirements of Section 24.6E(3) (Landscaping & Buffers) to permit construction of a 4,200 square foot new building and 1,800 square foot addition to the plaza at 56-82 Pennsylvania Avenue, Niantic, CT

Mr. Peck and Mrs. Cone are not sitting on the panel. Mr. Bulmer will sit on this application.

Mr. Price read into the record a letter from Doane-Collins Engineering Co, Civil Engineering dated November 24, 1998 to Mr. Formica, Chairman, East Lyme Zoning Commission. The applicant is requesting an exception as permitted in Section 24.7 of Section 24.6E (3) Landscaping and Buffer Strip. A 6 foot buffer area is required along the lot boundaries in the commercial district. An exception is requested for the western and southern boundaries. The western boundary lies behind the existing building and currently does not meet the 6 foot required buffer for the entire length of the property line. Increasing the buffer for this area would limit delivery and emergency truck access and therefore no changes are proposed. The 6 foot buffer area requirement is also not met along the entire length of the southern boundary. No changes are proposed to increase the buffer since the proposed site development must accommodate existing curb cuts and parking.

Darcy R. Collins, PE made a presentation to the Commission regarding the proposed plans for the plaza including landscaping.

**Motion (3):** Mr. Price made a motion to approve the request of Doane-Collins Engineering for Aly Group Limited Partnership for an exception to the requirements of Section 24.6E(3) (Landscaping & Buffers) to eliminate the 6 foot landscape buffer strip along the southerly and westerly boundaries to permit zoning site plan compliance for plaza expansion at 56-82 Pennsylvania Avenue, East Lyme, Connecticut. and to allow an architectural fence along the northerly and westerly property line as noted on the Site Plan.  
Mr. Bulmer seconded the motion.

Discussion: Mr. Bulmer requested that as part of the motion, the Site Plans be included. Mr. Formica noted that the Site Plans will automatically be included.

Vote in favor: (5-0), Unanimous.

E. Request of the East Lyme Water and Sewer Commission to amend Section 20 of the zoning code to prohibit issuance of special permits for Multi-family dwellings filed under Sections 9.2.5 and 12.1.4

Mr. Peck is not sitting on the panel for this request.

**Motion (4):** Mrs. Cone made a motion to approve the request of the East Lyme Water & Sewer Commission to amend Section 20 of the zoning code to prohibit issuance of special permits for Multi-family dwellings filed under Section 9.2.5 and 2.1.4 for a period of one year ending on December 1, 1999.  
Mr. Bulmer seconded the motion.

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

F. East Lyme Zoning Commission proposal to amend Section 18.1.10 of the sign code to permit "Community Bulletin Boards".

Mr. Waterman requested an opportunity to speak on this issue. Mr. Formica stated that he is precluded from allowing a Planning Commission member to speak to prevent him/her from influencing the vote. He noted that the Zoning Commission received a letter from the Planning Commission indicating that Commission's vote to approve the proposed amendment. He added that the Legal Advertisement indicated that three Boards were proposed and he cannot at this time change that number.

**Motion (5):** Mr. Price made a motion to approve the amendment to Section 18.1.10 of the sign code to permit "Community Bulletin Boards".  
Mrs. Cone seconded the motion.

Vote in favor: (6-0), Unanimous



G. East Lyme Zoning Commission proposal to amend Section 11 of the zoning code to permit Motor Vehicle Repairers Stations as a use in Light Industrial zones.

**Motion (6):** Mr. Price made a motion to approve to amendment to Section 11 of the zoning code to permit Motor Vehicle Repairers Stations as a use in Light Industrial Zones.  
Mr. Weber seconded the motion.

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

VII. Zoning Commission Schedule of Meetings for 1999

**Motion (7):** Mr. Price made a motion to approve the Zoning Schedule of meetings for 1999.  
Mrs. Cone seconded the motion.

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

VIII. Correspondence

- A. Letter from Mr. Bob Simpson regarding Elderly Housing. Mr. Formica stated that since the Public Hearing is closed on this item, he will not read the letter into the record.
- B. Letter from Mary and Robert Gadbois, 358 Boston Post Road inquiring if Mr. Formica has visited Devonwook in Farmington, Connecticut

IX. Business on the Floor

Election of Officer Special Meeting is scheduled for Thursday, December 10, 1998 at 6:00 PM at East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, Connecticut

X. Planning Commission Liaison

Richard Waterman, Planning Commission Liaison addressed the Zoning Commission regarding the Community Bulletin Boards.

1. The number of boards and the locations. He indicated that he spoke with Marvin Schutt of the Shoreline Chamber of Commerce regarding this matter and others.
2. Size of the signs on the Board. He indicated that 1 x 6 foot boards should also be considered in addition to 2 x 3 foot signs.
3. Mr. Waterman recommended that the Zoning Commission decide and approve the locations.
4. Guidelines for the use of the Boards and the role of the Shoreline Chamber of Commerce should be put in writing.
5. Regulations on the use of sandwich boards remain in effect and be enforced.

**Motion (8):** Mrs. Cone made a motion to adjourn the meeting at 10:00 PM.  
Mr. McLaughlin seconded the motion.

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

Respectfully submitted,



Anita M. Bennett  
Recording Secretary