

East Lyme Zoning Commission
Public Hearings
December 3, 1998
Minutes

FILED IN EAST LYME TOWN

CLERK'S OFFICE

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Esther B. Willaw

EAST LYME TOWN CLERK

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.

Respectfully submitted,



Anita M. Bennett
Recording Secretary