

## TOWN OF EAST LYME

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

ZONING COMMISSION

MINUTES  
 EAST LYME ZONING COMMISSION  
 PUBLIC HEARING  
 THURSDAY, JULY 10, 1997  
 EAST LYME TOWN HALL

FILED IN EAST LYME TOWN

CLERK'S OFFICE

July 21, 19 97 at 4:30 <sup>AM</sup> <sub>PM</sub>

*Esther B. Wilbur*

EAST LYME TOWN CLERK

CALLED TO ORDER

Mr. Wayne Fraser called the July 10, 1997 Public Hearing of the East Lyme Zoning Commission to order at 7:30 p.m.

## ATTENDANCE

Four regular members were in attendance: Wayne L. Fraser, William Dwyer, Norman Peck and Christopher Mullaney. One alternate member was in attendance: Shawn McLaughlin.

## PUBLIC DELEGATIONS

Wayne Fraser instructed the public on the purpose of the time set aside for public delegations. Wayne Fraser also explained that any matters relative to a public hearing on the agenda should be taken up during that public hearing.

Attorney Jean Stewicki stated that she was objecting to the Public Hearing relative to the Application of Wilson Scott.

## PUBLIC HEARING

## APPLICATION OF ROBERT I. REARDON, JR.

It was noted for the record that the Application of Robert I. Reardon, Jr. for a change of Zone from RU-40 to a CA Commercial for the following properties: 435/436/441/ and 442 Boston Post Road further identified as Lots 25/131/24 and 133 on the East Lyme Tax Assessor's Map 24 had been withdrawn.

## APPLICATION OF WILSON SCOTT

The Application of Wilson Scott for a Special Permit to excavate gravel (approximately 50,000 cubic yards) from property off Stones Ranch Road, property further identified as Lot 27 on the East Lyme Tax Assessor's Map 24.

Wayne Fraser noted for the record that Norman Peck would be the acting Secretary in Athena Cone's absents.

Norman Peck read into record the following items:

1. Letter to Wayne Fraser from Jean Stewicki, P.C. Re: Application of Wilson Scott.
2. Letter to Wayne Fraser from Alice Johnson, Planning Commission, dated June 4, 1997. Re: Application of Wilson Scott.
3. Letter to Wilson Scott from Marilyn Wright, Secretary of the Conservation Commission. Re: Extension of Inland/Wetlands Permit No. 93-08 for pond at Stones Ranch Road.
4. Memo to Zoning Commission from William Mulholland, dated July 10, 1997. Re: Application of Wilson Scott.

Wayne Fraser stated that he Public Hearing had been properly posted and that the Commission had copies of the legal add.

Bill Mulholland stated that he had spoke to the Town's Attorney several times and that he did not have it writing but that the Town's Attorney does not share the same view as Mr. Scott's attorney. Bill Mulholland indicated that the Town's Attorney feels that the statute does not mandate automatic approval for a Special Permit. Bill Mulholland noted that the letter received from Attorney Stewicki referred to a site plan and that the Commission is supposed to be hearing an Application for a Special Permit. Bill Mulholland stated that the Town's Attorney's recommendation was for the Commission to go forward and do what they normally do. Bill Mulholland stated that if there was a legal question later on then the Commission would cross that bridge when they came to it.

Wayne Fraser asked once more if there was anyone representing the Applicant.

Attorney Jean Stewicki stated that they were standing on the position that the 65 day period was up and that the hearing was illegal. She indicated that she had a copy of the Statute if the Commission needed it.

Wayne Fraser indicated that the Commission already had a copy of the Statute and had already had it interpreted by the Town's Attorney.

Bill Mulholland stated for the record that the Commission was entertaining an Application for a Special Permit.

Wayne Fraser stated that he was thinking about continuing the Public Hearing until the next meeting when the Commission could get the Town's Attorney's opinion in writing.

Bill Dwyer indicated that he had been to the site and he observed that the trucks were taking the Four Mile River Road.

Norman Peck asked if there were any plans on changing the contractor and he was advised that there were no plans on doing so.

Wayne Fraser indicated that the Commission would send a letter to the State police regarding the traffic and the Commission's concern.

Chris Mullaney stated that he would like to have time to take a look at the site.

Shawn McLaughline agreed that he too would like to look at the site. He stated that he would also like to see the same conditions put on the permit.

Bill Dwyer asked if there was a crusher on site. Mr. Scott indicated that there was not.


Norman Peck suggested a shorter amount of time on the permit.

Mr. Woodrow Scott stated that as far as traffic other trucks use the route too.

Mr. Walt Proch<sup>DRENA</sup>~~...~~ stated that if there was not a crusher on site then they had an awfully noisy screener.

Wayne Fraser asked Mr. Scott if upon approval of the Special Permit he would be willing to forward a letter to the excavation company recommending the alternate route down Four Mile River Road. Mr. Scott indicated that for the record he would do so and forward a copy of the same to the Zoning Commission.

Mr. Wayne Fraser adjourned the Public Hearing at 8:53 p.m.

  
Heather S. Gaul  
Recording Secretary