

**East Lyme Zoning Commission**  
**Public Hearing**  
**July 9, 1998**  
**Minutes**

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

July 16, 19 98 at 2:35 <sup>AM</sup> <sub>PM</sub>

*Esther B. Williams*

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held its regular meeting on July 9, 1998 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut. Paul Formica chaired the meeting.

PRESENT: Paul Formica, Christopher Mullaney, Norman Peck, Shawn McLaughlin, Daniel Price. Alternates William Weber and William Dwyer.

ABSENT: Athena Cone, Secretary, Robert Bulmer, Rose Ann Hardy, ex-officio.

Paul Formica called the meeting to order at 7:32 PM. Daniel Price served as Secretary.

**I. Public Delegations**

None.

**II. Public Hearing**

**A. Application of Orvedal Builders for a Special Permit to "stockpile products" at property off Flanders Road, East Lyme, Connecticut, property further identified as Lot 3 on East Lyme Assessor Map 26.**

Legal ad was duly posted in The Day. Mr. Peck, who has indicated a conflict on this matter, will sit out. Mr. Dwyer and Mr. Weber will sit for hearing. The Commission clarified the location of the property so Mr. Weber could determine his eligibility to sit on the Commission panel. On review of the zoning map, Mr. Weber indicated he had no conflict. Therefore, the Commission will sit six members for this hearing.

Mr. Robert Tobin, representing Mr. Orvedal of Orvedal Builders, indicated that the application was to stockpile material from a location at Chapman Farms on property on Rte. 161, Flanders Rd.

Matt White from Angus McDonald/Gary Sharpe Associates, Inc. of Old Saybrook, Connecticut, presented the plan. The property location is on the east side of Flanders Rd. accessible via the access road to the Best Western Motel. The property totals about 30 acres (Parcel A – 10 acres, Parcel B – 20 acres). There is a proposal to put in a 50' wide gravel drive, which would come up from the motel access road to the eastern part of the property where the fill pile would be deposited. About 10,000 cu. yds. of topsoil and gravel will be removed from Chapman Farms and transported by trucks along Rte 161. The applicant has received a permit from the Wetlands Commission to cross the wetlands along the access road shown on the plan. (northern part of site). Where the fill pile is there is an area that slopes away, a sediment basin will be installed.

Mr. Tobin noted on the plan, Section 24 of the regulation,s which has been reviewed with Mr. Mulholland. No rock crushing will be performed; there is no residence located within at least 400 feet of the stockpile. The truck's loads will be covered to protect against flying gravel and debris. The material will consist of topsoil and gravel only, no stumps or construction debris. Prior to the placement of the stockpile, existing topsoil will be removed and stored and, upon completion of the authorized work, any disturbed area will be covered with such topsoil, seeded and stabilized in accordance with Section 17.4.10. The applicant proposed a bond in the amount of \$2,000 in accordance with Section 17.5 of the regulations.

Mr. Mulholland clarify the narrative should read Section 17 not Section 24 on the plan, marked as Exhibit #1.

Mr. Dwyer requested Mr. White indicate on the plan the location of the nearest residence. Mr. White indicated the property line on the plan. The resident of the neighboring property indicated the location was approximately 50-75' from the property line to the south.

Mr. Ben Orvedal indicated that the plan was to clear the area for the driveway and the area of the stockpile, no other area on the property.

Mr. Dwyer inquired how many trucks would be using Rte 161 from Chapman Farms to the Best Western access Rd. Mr. Orvedal indicated that each truckload consisted of 15 cu. yds. Mr. Price indicated that would be approximately 40 truckloads per day for 20 days.

Mr. Mulholland inquired as to whether the owners of the property had authorized Orvedal Builders to apply for this Special Permit. Mr. Tobin stated that the owners of the Property had authorized this action and that Mr. Orvedal would have an option on the property.

Mr. Price inquired as to how long a period of time would it take to fill the stockpile area. Mr. Orvedal indicated an estimate of 30 days from start. He indicated that preparation time would be about 2-3 months before the material was moved. Mr. Mulholland asked if this work would begin right away. Mr.Orvedal indicated it would.

Mr. Formica, citing Section 17.3.3, inquired as to the type of vehicles and equipment that would be used on-site, rather than from one site to another on Rte 161. Mr. Orvedal indicated that there would be a bulldozer or two on-site.

Mr. Dwyer stated his concern regarding the traffic problem and public's concern regarding Rte. 161.

Mr. Mulholland inquired as to whether the access driveway is shared and if it is owned and maintained by each parcel owner that abuts it. Mr. Tobin indicated that was correct and Orvedal Builders can use that property to access the stockpile property.

Mr. Formica inquired as to members of the public who wished to speak in favor of the application. There were none.

Mr. Fromica then inquired if any member of the public wished to speak against the application.

Mr. Nathan Silvestri stated that he had several questions that needed clarification. Mr. Formica clarified that this was not a variance, but a special permit application and would not set a precedent for future variances on the property. According to regulations, if one moves fill from one location to another, a special permit is required and such is this case.

Another of his concerns was vehicle storage on the property and what environment protections would be taken so as not to contaminate the soil and water supply in the area. Mr. Orvedal responded that no trucks carrying loads would be housed at this location. A bulldozer will remain on the property, however.

Mr. Formica noted that the bulldozer would be fueled on site and what the proximity of that would be to neighboring properties. Mr. Orvedal indicated that the fueling would take place on the gravel roadside of the property, not on the backside of the property near the property line.

Mr. Orvedal specified that the stockpile materials would be coming from Chapman Farms. That the material was the result of topsoil stripping at the beginning of construction of the houses. He added that it was excess, clean topsoil and gravel, no asphalt or hazardous materials, and no construction debris.

Mr. Mulholland inquired of Mr. White as to why no silk veils were on site. Mr. White indicated that he thought the sedimentation basin would be a better idea. On the southeastern corner, closest to the property line, would be placed hay bales and sedimentation basin. Mr. White stated that the height of the stockpile would be 20'. The pile, for the most part, would be below treetop level.

Joe Kwasniesky inquired what liability, if any, the Town of East Lyme would have, for granting a special permit, with regard to the traffic on Rte. 161, Flanders Road. He noted that the citizen's of East Lyme, particularly those in the Damon Heights and Laurel Hill areas were very concerned about the traffic on Flanders Road. He also inquired what actual materials or "earth products" would be piled on the property, other than topsoil and gravel.

Mr. Formica noted that Flanders Rd. is a State road and the Zoning Commission has not jurisdiction. He stated that within the realm of the Section applied under Mr. Orvedal have asked only to stockpile topsoil and gravel. One of the requirements of the special permit will be to maintain side yard buffers, also. No rock would be moved from one area to another.

Mr. Formica closed the public hearing at 8:01 pm.

Respectfully submitted,

Anita M. Bennett  
Commission Clerk.