

JUNE 27 20 02 at 12:25 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
PUBLIC HEARING
JUNE 20, 2002
MINUTES**

The East Lyme Zoning Commission held a PUBLIC HEARING on Thursday JUNE 20, 2002 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Meeting at 7:30 PM.

PRESENT: Mark Nickerson, Athena Cone, Shawn McLaughlin, Ed Gada, Norman Peck, Alternate Robert Bulmer and Alternate Marc Salerno, Alternate William Dwyer.

Absent: David Chamberlain, William Mulholland, Zoning Official

Also present: Rose Ann Hardy, Ex officio; Meg Parulis, Planning Director

Panel: Mr. Nickerson, Mr. McLaughlin, Mr. Peck, Mr. Gada, Mrs. Cone and Alternate Mr. Salerno.

PUBLIC HEARING

The application of the Town of East Lyme for a coastal site plan review to construct the Niantic Bay Overlook Walkway and Boardwalk on property along the Niantic waterfront from the eastern edge of McCook's Point approximately 5,475 feet easterly to the Amtrak Railway Bridge.

Mr. Nickerson opened the Public Hearing at 7:30 PM, read the call and noted the Legal Notice had been duly published.

Mrs. Cone read into the record:

1. Memo from Zoning Official William Mulholland to the Zoning Commission dated June 20, 2002.
2. Letter from DEP, Marcy Balint, Sr. Coastal Planner, Department of Environmental Protection, State of Connecticut dated Jun 17, 2002.

Mr. Nickerson invited Planning Director Meg Parulis to present the CAM Report.

Ms. Parulis distributed a copy of the report to the Commission. She stated that she has been involved with the boardwalk project for several years. She stated that Don Gerwick, PE was hired to prepare the CAM report, but due to unforeseen scheduling conflicts is unable to be at the meeting this evening.

Ms. Parulis described the project utilizing a number of drawings and photographs. She indicated that the least environmental impact involved a combination of stabilized granular walkway (ADA approved) and wooden boardwalk. The boardwalk, 14-ft. wide, was designed so if or when Amtrak

replaces its bridge 50-60-ft. south, there would be minimal impact on the boardwalk. If there were any impact to the boardwalk, Amtrak would replace it in kind. The wooden structure consists of modular sections that can be removed and replaced if necessary. The final design has been approved by Dept. of Transportation and Dept. of Environmental Protection. Construction access will be via Hole in the Wall or water. Funding for the project consists T21-Transportation Equity Act grant of \$2.3 million and DEP grant of \$1.5 million. Ms. Parulis indicated that the fishing pier and lighting have been deferred to Phase II with a separate CAM Application.

Ms. Parulis noted that the DEP letter from Marcy Balint, Sr. Coastal Planner touched on many of the major issues. She added that any activity 100-ft. landward of the high is an area not within the DEP jurisdiction for review. She noted that this is the prime area for mitigation. DEP did note that the beach sandwort is a species of concern and will advise the Town on how to relocate and plant so as to preserve and protect the species.

The wooden portion of the boardwalk is above the flood elevation and a plan will be in effect if there is a weather event that poses a safety issue. Visually, the boardwalk from a distance will blend into the stone embankment.

The application was referred to the Harbor Management Commission. The only concern in terms of impact on shellfish is in the area of the temporary fill and was not considered a major impact.

As a precautionary measure during construction, there will be floating erosion control in the water.

Mr. Nickerson invited the Commission to pose questions to Ms. Parulis.

1. Chain link security fence, 6-ft., black vinyl coating along the entire length. At this time an opening has not been incorporated into the fence. There are two points of access; Hole in the Wall and Cini Park.
2. Preliminarily, the boardwalk will be closed at dusk due to exclusion of lighting at this time. The Town is actively seeking funding for lighting.
3. The original budget was \$3.8 million. Construction costs are estimated at \$3 million with the balance for inspection, design and administrative.
4. Completion time 6-8 months.
5. Plans are to use existing rip rap. The jetty at Hole in the Wall will not be removed.
6. The "fill" area will extend approx. 15 feet into the water. The "fill" is all rock; modified riprap, and various sized crushed stone topped with hard packed granulation. The new slope will be 2:1 recommended by Army Corp.
7. Building Inspector, Zoning Official and Planning Director reviewed the local Flood Management Regulations.
8. In the design and design loads the boardwalk can withstand 100 year storm. Ms. Parulis was unsure as to whether this structure would be covered under FEMA.
9. Contractor bond established at level required by Dept. of Transportation.
10. Waterfront Commission will deal with gates, hours, Hole in the Wall parking, etc.

11. The distance between the high tide line and the edge of the boardwalk/walkway is +/-30-ft.
12. Additional parking will be developed at Hole in the Wall. Cini Park has potential for 150 parking spaces.
13. The boardwalk will be open to all the public, including non-residents, as Federal funds are involved.
14. The Town of East Lyme owns the beach. The property from Amtrak was conveyed to East Lyme Public Trust and they in turned conveyed it to the Town. If the boardwalk was not built, Ms. Parulis stated that she did not know if the property reverted back to Amtrak.

Mr. Peck noted that there appears in the drawings that there is a significant reduction in the size of the natural beach. At high tide, it appears the water will be up to the boardwalk for approximately several hundred feet on the east side. Thus, the public's access to sandy beach is significantly limited.

Mr. Nickerson opened the hearing for public comment.

Marvin Schutt, 29 Edgewood No., Niantic stated that he served on the design committee and was pleased with the presentation. He added that some of the questions that he came into the hearing with have been answered. He supported approval of the application.

Mr. Nickerson invited comment in favor of the application. There being none, he invited those in opposition to the application to address the hearing. There being none, he invited a motion to close the public hearing.

MOTION (1): Mrs. Cone to close the Public Hearing on the application of the Town of East Lyme for a coastal site plan review to construct the Niantic Bay Overlook Walkway and Boardwalk on property along the Niantic waterfront from the eastern edge of McCook's Point approximately 5,475 feet easterly to the Amtrak Railway Bridge.
Mr. Gada seconded the motion.

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

Respectfully submitted,



Anita M. Bennett
Recording Secretary
24 June 2002