

May 12, 19 97 AT 9:00 PM
Lesley A. Blais
East Lyme Town Clerk

TOWN OF EAST LYME

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

ZONING COMMISSION

MINUTES
EAST LYME ZONING COMMISSION
PUBLIC HEARING
THURSDAY, MAY 1, 1997
EAST LYME TOWN HALL

CALLED TO ORDER

Wayne Fraser called the Public Hearing of the East Lyme Zoning Commission to order at 7:30 p.m. on April 3, 1997 at the East Lyme Town Hall in Niantic, Connecticut.

ATTENDANCE

Six regular members were in attendance: Wayne Fraser, Athena Cone, Norman Peck, Chris Mullaney, Paul Formica and Bill Dwyer.

PUBLIC DELEGATION

No one wished to speak.

PUBLIC HEARING #1

The Application of Theodore Harris to Amend the Signage Section of the East Lyme Zoning Regulations. Specifically; the Applicant proposes to amend Sections 18.13 Definitions and Section 18.1.10, exemptions to permit on site directional signs.

Wayne Fraser noted that the Applicant is on vacation and has asked that the Application be continued. Mr. Fraser indicated that the Public Hearing would be continued to the next regularly scheduled meeting.

PUBLIC HEARING #2

The Application of J. Robert Pfanner & Associates, P.C. for a Special Permit to construct and operate a recreational vehicle (RV) Park at 301 Chesterfield Road, East Lyme, Connecticut, property further identified as Lot 123 on East Lyme Tax Assessor's Map.

Athena Cone noted that the Public Hearing had been properly advertised and that she had copies of the ad.

Athena Cone read into record the following correspondence:

1. Memo from William Mulholland to East Lyme Zoning Commission dated May 1, 1997.
2. Memo from George P. Calkins, R.S. (Town Sanitarian) to Wayne Fraser and William Mulholland dated May 1, 1997 Re: Sewage Disposal System, Aces High R.V. Park, Chesterfield Road.
3. Letter from Corinne J. Kreklau, Conservation Enforcement Officer to Wayne Fraser dated May 1, 1997 RE: Inland Wetlands Permit #97-03 - Aces High Campground, Chesterfield Road, Assessor's Map 48, Lot 123.
4. Letter from Alice Johnson, Chairman of the Planning Commission, to Wayne Fraser dated April 16, 1997 Re: Referral from Zoning Commission - Application of J. Robert Pfanner & Associates, P.C. for a Special Permit to Construct and Operate a Recreational (R.V.) in an Aquifer Protection Area at 301 Chesterfield Road (Assessor's Map 48, Lot 123).

Wayne Fraser noted that six Commissioners were sitting and that no conflict had been noted and then he opened the floor for anyone representing the Applicant to speak.

Robert Pfanner said that he was the Applicant and he represented the owner of the property, Pat Quinn. He introduced Exhibit 1 Plan of Aces High R.V. Park Rev. 5-1-97 8 Sheets.

Mr. Pfanner presented the following:

The site would allow 43 seasonal motorized recreational vehicles to park. The site would also have a store/home to service the park. The store/home would be the only structure on the site year round. The store/home would be a log cabin type structure.

Each recreation vehicle would be limited to 60 days on a site. The R.V. Park would be operated April 1st to October 30th of each year.

This site would be serviced by public water and sewer. The sewer is basically a septic system, the sites would be pumped up to the septic system that is on the other side of Latimer's Brook.

The State Health Department has already given approval on this site. Mr. Pfanner indicated that he was just waiting for the Town Sanitarians comments and he anticipates that without any problems the plan would be passed. He noted that the same septic system had been approved by the State Health

Department, George Calkins and the DEP when condos had been planned for this same site.

Every campsite will have water, sewer hookup, power, cable t.v. Basically everything you have at home. In addition there will be a dumping station which is required by the Health Code even though they have individual septic systems. In addition as a requirement of the Health Codes the site will have bathrooms that have to be within 300 feet of any campsites. There are bathrooms located in the store and also bathrooms located in a building on the other side of the project.

Bill Dwyer asked if each site would have its own bathroom. Mr. Pfanner described the hookup at each site and the sewer system that each recreational vehicle has.

Mr. Pfanner said that the site used to be a gravel pit. He noted that they were actually renovating a couple of ponds that have been silted up. He noted that that part of the project was being done by a permit that they were granted by the Inland Wetlands Commission. He also stated that in addition they were adding a couple of ponds. Mr. Pfanner indicated that the water was good for birds, not good for fish and not good for birds that rely on fish. He indicated that the Wetlands Commission said that this project was a great improvement in the availability of wetlands and the improvement of wetlands.

Mr. Pfanner stated that the site was in an aquifer protection zone. He said that by the protection zone the site is allowed to use 625 gallons per acre per day. The site at present is a 5,000 gallon a day site, which is approximately 93 acres of which there might be ten acres of wetlands, which gives us a use of about 65 gallons per day. That means that we are using about 1/10th of what is allowed by rights in flow terms. Mr. Pfanner said that the site is not anywhere near having any kind of problems with nitrates or any kind of septic problems with the amount of flow in the site.

Chris Mullaney asked if the water in the ponds is running water. Mr. Pfanner said yes and no. He stated that the two existing ponds are actually from over spill from Canterbury. In addition to that this is a wetland within Norwood Subdivision feeds through the pipe through the church property and goes into a ditch. He indicated that both ponds are connected.

Bill Dwyer asked if the church was responsible for keeping the pipe clear in order for the site to have running water. Mr. Pfanner said that the ground water alone would keep the ponds feed.

Mr. Pfanner stated that there is no fuel oil intended to be stored on the site, except for the fuel oil stored to heat the house, such as any home would have. There will be no concrete fuel pad.

Mr. Pfanner noted that the Planning Commission was concerned with the Flood Plain. He noted that the map indicated where the Flood Plain is located. He said that the Plain was a long way from where the septic system is located, approximately 200 feet away.

Mr. Pfanner discussed the 100 year flood. He noted the area that they are putting in box culverts, 6 foot by 6 foot, which he said would provide 5 times as much volume for the smaller storms. He said this was to keep the storms from eroding.

Mr. Mulholland asked if they were designing for a five year storm. Mr. Pfanner said that no they were designing to handle up to a 100 year storm except that it will not go through the culvert it will go around the culvert which is what it does now, and it will not erode. The box culvert will get full. Mr. Pfanner stated that he though it was a very good plan to keep it as it is without having any erosion in the future. Mr. Mulholland asked if Mr. Pfanner had any projection as to how often it would flood on a yearly basis. Mr. Pfanner said that it doesn't matter. He said that he hasn't changed anything other than he had increased the size of the restriction of the pipe, so what would flood every year or twice a year now won't flood, (go out of the box culvert) but maybe every five years. When it does go by the box culvert we have controlled it with this like overflow spillway of riprap (large stone up to 15-16 inches).

Norman Peck asked about the sewer line. Mr. Pfanner stated that it ran way underneath the Brook. Mr. Pfanner stated that the water, sewer and electric lines underneath the Brook.

Chris Mullaney asked about FEMAR regulations and the construction of the bridge.

Bill Mulholland stated that Mr. Pfanner and himself are under discussions with the Town Engineer regarding the FEMAR regulations as they are applied to this particular project. They are running a computer run. Mr. Mulholland said that our regulations prohibit certain encroachments under Section 15 and specifically they prohibit any encroachments including new fill etc. that may increase the flood level within the community during an occurrence of a base flood discharge but you are allowed to do some things subject to the 1 foot increase in flood rate and you are allowed to build up to that and we are currently reviewing that and the Town Engineer is heavily involved in that.

Mr. Pfanner noted that Sheet 3 of Exhibit 1 shows the box culverts more clearly. He described what would happen during a flood.

Mr. Pfanner indicated that they had a traffic study done. He noted that its findings were that the traffic generated by this camp is insignificant in the increase of traffic. Mr. Pfanner indicated that the traffic study was done by VN Engineers, Inc. out of New Haven.

Chris Mullaney asked about tent sites on the site. Mr. Pfanner said that no they should have been taken off of the plan. Mr. Mulholland asked Mr. Pfanner if he was stating for the record that the tent sites should be removed from the plan. Mr. Pfanner said that that was correct.

Athena Cone asked about the lighting on the site. Mr. Pfanner said that the campsite would not have much lighting. The only lighting would be on the existing building and bathrooms. He said that there is no street lights planned.

Paul Formica stated the he would like the street address of 301 Chesterfield Road noted on the plan. He asked about the home/store planned. Mr. Pfanner said that it would be a family run campground and Mr. Quinn's daughter-in-law would be running it and living there. He indicated that the store would sell items relative to camping - bread, milk, groceries a convenience store.

Patrick Quinn, 38 Ed Williams Road, East Haddam, Connecticut, - the owner of the property, noted other items that would be available at the store.

Paul Formica asked if they would be selling R.V. or Trailers. Mr. Quinn said no - small convenience store items. Mr. Formica asked how the trailers after becoming immobile would be refueled. Mr. Quinn said that he thought that they were getting mobile homes mixed up with recreational vehicles. The R.V.'s are self driven units. He stated that if they need gas they will go down to the Shell Station or where ever to get gas. Mr. Formica said so they won't be calling Guy's Oil to come down with there truck, so there will not be a need for bituminous fuelling pads.

Bill Mulholland asked Bob if he was testifying at this point that there will be no trailers there will only be self-propelled motorized vehicles. Mr. Quinn said that there will be campers that are towed by other vehicles, but they are all on wheels and they are all recreational vehicles. Mr. Pfanners said that there will not be any mobile homes.

Paul Formica asked if the septic system was designed for the site specifically, and if it has been approved by Connecticut Department of Health and further reviewed by the Town

Sanitarian for his final say. Mr. Pfanner stated that that was correct.

Paul Formica indicated that the Commission had addressed all 7 of the items that Planning was concerned with. Mr. Fraser stated that he thought that they had.

Norman Peck asked if the store would be closed at the end of the season. Mr. Pfanner stated that it would be closed.

Athena Cone asked about parking for visitors. Mr. Pfanner stated that there would be 15 parking spaces on site.

Bill Dwyer asked if the store would be open from April 1st to October 30th. Mr. Pfanner stated that was correct. Mr. Quinn stated that the store would be there all year round but that there wouldn't be anything for sale. Mr. Quinn said that the store would be closed during the off season.

Mr. Fraser asked if anyone would like to speak.

Lou Mustaway 42 Mustaway Road, stated that he was against the project because about 10 years ago the site was proposed for cluster housing and started with 76 units and ended up with 73 and there was going to be 50 acres of open space. This project is not allowing any open space. He said that it could turn out to be tent city up there. He said that in the 1982 flood the water was everywhere. He said that traffic would be a problem, he said that pulling out of the site was taking your life in your own hands let alone pulling a trailer. He noted that the waters on the site are migratory waters, brown trout come from the sea. He said that an Environmental Impact Study should be done. He noted that he is a Trustee of the church. He stated that the church is not looking highly towards the project. He said that the church probably would not have designed their big church project if they had known there was going to be a campground. He noted the kind of things that were going on in the last campground.

Joe Kusnuwski, 57 Walnut Hill Road, stated that members on the Board should know that Route 161 is nothing but leaps and bounds with traffic. The traffic is going to be much more with the development of Flanders. He said that the property used to be all Wetlands. He said that the property that was described today is not the property that he knows. He stated that the project was not a good one for the community.

Ms. Katz, 51 Walnut Hill Road, she stated that she was concerned about the wild life and the fish. She stated that she has talked to 43 people are ready to sign a petition not to have this go through, because it is just going to kill our natural resources. She wanted to know who was going to pick up their garbage. She said that it isn't fair and it is not good for our community.

Roe Granger, 306 Chesterfield Road. He stated that he lives across the street from the site, has for 27 years. He said that he was there when it was a campground and that in 27 years he had never had a camper come across the street and bother him. He said he had no problem with it. He said that there was no trash being thrown around. He stated that for the most part the campers were retired people from Florida using it as a summer base to go out and scout around. He stated that as a police officer he never had a problem over there.

Steve Skvisky, Oakdale, Connecticut representing his mother. He stated that his mother's property abuts the site and that over the last 25 years he had seen campgrounds come and go and they have had people having sexual intercourse on the property, they chopped up a hay wagon for fire wood, total trespassing and cutting trees down. This site will just bring in more problems. He discussed the problem with pollution. He stated that he was against the project.

Mark Municci, 49 Walnut Hill Road. Discussed the extra sewage flow with people doing their laundry. He discussed the flood control. He stated that he did not see any benefits to this project. He said that more needed to be looked into.

John Bialowans, Jr., 15 Walnut Hill Road. He stated that he is against the project. He stated that he remembers the last camp site. He said that he is amazed that they are working on the site without approval from Zoning. He stated that he was concerned with what was going to happen to the rest of the site.

Bob Katz, 51 Walnut Hill Road. He questioned the Board if this is really where they want the town to go. He wanted to know if they really wanted all these transients in their town.

Eric Olsen, 298 Chesterfield Road. He said that he had his own horror stories of what went on at the Ponderosa. He said that he is concerned about the aquifer and Latimars Brook. He asked to be shown the box culverts. He said that he is against the project.

Joe Kusnuwski spoke again about the wetlands.

Lou Mustaway spoke again about the need for an Environmental Impact Study.

Dave Almaed, Kings James Drive. He said he could see no benefits to the town. He said the traffic would be a problem.

Mark Municci spoke about the name of the campground and the fact that it was geared toward gambling folks.

Wilson Scott, 47 Starr Road, stated that he was in favor of the project and that if it was already approved by Wetlands they should be okay.

Wayne Fraser closed the Public Hearing at 9:31 p.m. for a short recess. The Public Hearing was called to order at 9:37 p.m.

Mr. Pfanner discussed the wetlands. Mr. Pfanner spoke about the sewer system. Stating that it had been approved by DEP once before. He stated that they had gotten permits from Wetlands to do the work they are currently doing on the site. He stated that a camp ground had already existed and requesting an Environmental Impact Study was beating a dead horse.

Norman Peck asked about the site line distance. Bill Mulholland stated that a site line permit would have to come from DOT.

Paul Formica asked if each site would have electric hookups. Mr. Pfanner indicated that each site would have its own electricity. Paul Formica asked if liquor would be sold on the premises. According to the Regulations they can not sell liquor on the site.

Norman Peck asked about security. Mr. Pfanner described the gate that could only be opened by a card that each camper would be given. He noted that the campground would not be patrolled.

Athena Cone asked about the lighting. Mr. Quinn stated that the campers usually have lighting of their own. He stated that if needs be he could get a lighting unit for each site.

Eric Olsen, 298 Chesterfield Road. He asked stated that he was concerned about the possibility of the Lou Lou's sing thing again. He was told by the Commission that they were very aware.

Steve Skvisky asked if the leech field would be draining on his mother's property. Bill Mulholland said that the Town Sanitarian could give him additional information and address such an item.

Lou Mustaway discussed the gate security. He said that he visited a couple of campgrounds that had the same gate but that they were open so what was the use.

Bob Katz asked about trash dumpster. Mr. Quinn agreed to add additional enclosed dumpsters to the site. He stated that if people make a mess of their site they are ejected. He said that 99% of these campers are very clean and environmentally conscious.

Joe Kusnuwski spoke about lighting. He said that it would be a dark place and someone could rob the church.

Ms. Katz asked if the Application was passed the petition stage. Mr. Fraser indicated that it was. Ms. Katz stated that she didn't have enough notice of the Public Hearing. Wayne Fraser stated that once the Public Hearing was closed the only information that could be presented is information that the Commission had asked Staff to research. Ms. Katz asked how they could appeal.

Paul Formica suggested continuing the Hearing because of the late hour. He said that he wanted to clarify if the Pastor had the opinions that were presented by the Parish Trustee.

Athena Cone stated that the Public Hearing had been properly posted in The Day. She said it was run on April 21 and again on April 28.

Bill Mulholland stated that the Hearing could be continued. He stated that the Commission would have to note the specifics of why the Hearing was being continued.

Wayne Fraser stated that it was up to the Commission on how they wanted to proceed with this. He indicated that he was going to poll the Commissioners on whether or not they had received enough information on this.

Bill Dwyer stated that he sympathized with Ms. Katz that she didn't have ample time, but we can't keep Public Hearings open because someone hasn't read the papers. Two legal notices had been publicized. He said that even a petition with 21 names he didn't know if that would influence the Board members concerning the facts of the case.

Athena Cone said that she had concerns regarding the sewers but that it out of our realm.

Norman Peck said that he would look further and get another look at the site line, he said he is not quite satisfied.

Chris Mullaney stated that he had enough information.

Paul Formica said that he didn't think the Public Hearing needed to be kept open to just to receive correspondence. But if Norm wants specific site line information the Hearing should be kept open.

Wayne Fraser indicated that he was continuing the Public Hearing for clarification of the following information:

1. Bill Mulholland to review the traffic report and comment on it.


2. To entertain a petition as long as it is given to Mr. Mulholland for his review prior to the next meeting.
3. Clarification of the site line by Mr. Pfanner.

Wayne Fraser asked that as far as the petition is concerned he thinks that the petitioners should get a fair look at the print of the site. Ms. Katz will be given a print to show.

Paul Formica wanted to clarify that as far as the Environmental Impact Study was concerned that issue is for the Conservation Commission.

Wayne Fraser noted that this Public Hearing would be continued and heard first at the next meeting but that there were three other Public Hearings to be heard at the next meeting and discussion from the Commission would not take place until after the other Hearings are heard.

Wayne Fraser closed the Public Hearing at 10:29 p.m.


Heather S. Paul, Recording Secretary