

**East Lyme Zoning Commission
Regular Meeting
September 24, 1998
Minutes**

FILED IN EAST LYME TOWN

CLERK'S OFFICE

Sept 29, 19 98 at 11:20 (AM/PM)

Esther B. Willaw

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held its regular meeting on September 24, 1998 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Paul Formica chaired the meeting.

PRESENT: Paul Formica, Chairman, Athena Cone, Secretary, Christopher Mullaney, Norman Peck. Alternates William Dwyer and Robert Bulmer. Also present Rose Ann Hardy, ex-officio.

ABSENT: Daniel Price, Shawn McLaughlin and Alternate William Weber.

Mr. Formica called the meeting to order at 7:32 PM. Mr. Dwyer and Mr. Bulmer will sit as voting members of the Commission.

I. Public Delegation

Bob Simpson, 30 Sleepy Hollow Rd, expressed his concern and disappointment regarding SU Zoning and the lack of debate and concern by the Commission. He compared the selling prices of homes abutting Chapman Farms with homes not abutting Chapman Farms. He quoted recent selling prices and indicated that those homes abutting Chapman Farms have seen a loss of property value. He added that to fight SU Zoning is tremendously costly and it is difficult to find an attorney to take on the case.

Robert Gadbois, 358 Boston Post Road inquired if any member of the Commission had watch John Devine a few weeks ago. It will be rerun, Monday 9/28 at 8PM. Allen Taylor is the scheduled speaker.

II. Approval of Minutes

Motion (1): Mr. Peck moved to accept the minutes to the July 9, 1998 and September 10, 1998 as presented.

Mr. Mullaney seconded the motion.

Vote in favor: Unanimous (6-0)

III. Application of Phil Biondo, Agent for JY Sailboats, Inc., for Site Plan approval to construct a 29,500 square foot building at 8 Capitol Drive, East Lyme, Connecticut, property further identified as East Lyme Assessor's Map 9.0, Lot 17.

Mrs. Cone, Secretary, read a letter from Phil Biondo, Biondo & Assoc., LLC, dated September 12, 1998 into the record. She then read into the record a Memo to the East Lyme Zoning Commission from William Mulholland, Zoning Official, dated September 22, 1998 regarding JY Sailboats, Inc. Site Plan Review indicating that in his opinion, the site plan, "subject to granting of waivers, conforms to all requirements of zoning code".

Mr. Phil Biondo, 81 Stone Heights Dr., Waterford, Agent for JY Sailboats, Inc. made the presentation to the Zoning Commission. The proposed building will be located on Lot 5A, Capitol Drive and will be a pre-engineered metal building with split-face masonry façade and storefront entrance. The building will be used as additional warehouse/industrial space for JY Sailboats, Inc.

The applicant is requesting the following waivers:

1. A waiver of Regulation 24.6E(3), which requires a 6-foot buffer between adjoining lots in an industrial zone. The north boundary line does not allow for a 6 foot buffer strip. In lieu of the buffer the applicant would propose a 6 foot high wooden stockade fence be placed along the boundary line adjacent to the proposed driveway. The applicant is also requesting to place a buffer strip of lawn along the easterly border.
2. A waiver of Regulation 24.6C, which requires sidewalks along the street frontage. As foot traffic is not prevalent and considering the proposed building location, the applicant proposes that the construction of street frontage sidewalks be waived in this instance.

JY Sailboats, Inc. constructs/manufactures plastic composite sailboats in the East Lyme Industrial Park. JY Sailboats has seen recent growth and has the need to expand its facility. The applicant would like to stay in East Lyme, remain at its current facility, and add 29,520 square foot warehouse/distribution space directly across the street. The building will have two overhead doors and will come in at grade from the street so a trailer can be brought directly into the building from the front and to load it inside the building. The building will have a sprinkler system per code. There are no floor drains in the building.

The Site Plan was presented to the Wetlands Commission, which approved it at its August meeting.

The applicant has met with Town Sanitarian who is requesting that JY Sailboats, Inc stipulate in writing that it will agree to tie into municipal water and sewer system, which will be started per the Board of Selectmen, early 1999. Mr. Mulholland added that the Town Sanitarian would not sign off on the building plan if he were not satisfied with the septic issues. The Town Sanitarian has agreed to allow JY to use the facilities across the street until such time as the water and sewer system is available and then there will be mandatory tie-in.

Mr. Dwyer inquired if emergency vehicles, particularly fire trucks would be able to make the corner from the road onto the drive on the north side of the building. Mr. Mulholland indicated that the Fire Marshal has viewed this plan and that there must be access on three sides of the building.

Mr. Formica noted that the Commission had a copy of a letter from the Environmental Planner regarding the approval of the Wetland Application.

Mr. Bulmer inquired if there were any sidewalks on the contiguous property. Mr. Mulholland indicated that to his knowledge there were none. Mr. Bulmer also inquired as to why the building could not be moved over to allow for the 6-foot buffer. Mr. Biondi responded that the wetland's prohibited moving the building location.

Mr. Bulmer inquired what was located on the property to the north of the proposed building. Mr. Biondo stated that there was a 5,000 square foot industrial facility along the street frontage.

Mrs. Hardy, ex-officio, asked if there was a street crosswalk planned on Capital Drive. Mr. Biondi stated that it had not been a consideration. He added that foot traffic between the two buildings would be minimal. Mr. Mulholland stated that since it is a town road, a crosswalk would probably have to be acted on by the Board of Selectmen.

Mr. Peck expressed concern regarding increasing road traffic and JY Sailboats moving boats from one side of the road to the other. Mr. Biondo noted that the boats would be brought

over either on a small truck or forklift. It is not anticipated that the trucks would obstruct the roadway and the trucks would be driven directly into the building for loading/unloading.

Mr. Formica asked for additional comments or questions from the Commission members.

There being no further discussion,

Motion (2): Mrs. Cone moved to approve the application of Phil Biondo, Agent for JY Sailboats, Inc., for Site Plan approval to construct a 29,500' building at 8 Capitol Drive, East Lyme, Connecticut, property further identified as East Lyme Assessor's Map 9.0, Lot 17 with the following exceptions:

1. Exception to 24.6E(3) – 6 foot buffer requirement and plantings along northerly and easterly property lines. Install 6 foot wooden stockade fence in lieu of plantings. Easterly buffer shall have grass plantings.
2. Exception to 24.6C – eliminate sidewalk along street frontage.

Mr. Bulmer seconded the motion.

Following discussion,

Motion: (3): Mrs. Cone moved to amend Motion (2) such that: 1. Exception to 24.6E(3) will read – **6 foot buffer requirement and plantings along northerly property line only**. Install 6-foot wooden stockade fence in lieu of plantings. Easterly buffer shall have grass plantings.

Mr. Dwyer seconded the motion.

Vote in favor of Motion (3): Unanimous (6-0)

There being no further discussion on Motion (2),

Vote in favor of Motion (2) as amended: Unanimous (6-0)

IV. Old Business

Zone Change Recommendations: Mr. Mulholland stated that more information and support data was being gathered. This will be deferred to a later date.

V. New Business

1. **East Lyme Zoning Commission proposal to amend Section 18.1.10 of the zoning regulations to permit “Community Bulletin Boards”.** Upon review and discussion of the proposed amended regulation, the Commission agreed to delete the last line from paragraph 1: **“Any qualifying group shall obtain a permit from the Zoning Department prior to use of the bulletin board.”** A Public Hearing will be scheduled at earliest available date.

2. **East Lyme Zoning Commission proposal to amend Section 11 (Light Industrial Districts) of the zoning regulations to allow “Motor Vehicle Repair Stations” as a Special Permit Use.** The Commission had requested Mr. Mulholland to obtain definition of “Repairer Station”. Mr. Mulholland provided the Commission with the definition directly out of State Motor Vehicle Statute Section 14 to be added Section 1-21-1

“Repairer Station” includes any qualified person, having a suitable place of business and having adequate equipment, engaged in repairing, overhauling, adjusting, assembling or disassembling any motor vehicle, but shall exclude a person engaged in making repairs to tires, upholstery, glazing, general blacksmithing, welding and machine work on motor vehicle parts, when parts involving such work are disassembled or reassembled by a licenses repairer.

Amend Section 11 – Light Industrial Districts – By adding a new Section 11.2.8 – Motor Vehicle Repairer Station, as a use.

Add Section 20.19.1.1 – It is hereby expressly provided that a Motor Vehicle Repairer Station in a Light Industrial (LI) Zone shall be exempt from spatial separation distances found in Section 20.19.1 above.

Following discussion, the Commission agreed to amend the language for the new Section 1.21.1 to be:

“Repairer Station” includes any qualified person, having a suitable place of business and having adequate equipment, engaged in repairing, overhauling, adjusting, assembling or disassembling any motor vehicle, but shall exclude a person **primarily** engaged in making repairs to tires, upholstery, glazing, general blacksmithing, welding and machine work on motor vehicle parts, when parts involving such work are disassembled or reassembled by a licenses repairer.

The Commission concurred and a Public Hearing will be scheduled for the first available date.

3. Correspondence

Mrs. Cone read into the record two letters signed by Robert Gadbois, 358 Boston Post Road and Walter Prochorena, 420 Boston Post Road requesting an environmental review of the proposed subdivisions at 423 Boston Post Road and Orchard Wood Associates.

Mr. Mulholland noted that subdivisions are the purview of the Planning Commission and suggested Mr. Gadbois submit the letters to the Planning Commission and Sanitarian's Office.

4. Zoning Official

Mr. Mulholland informed the Commission that there was a planned 15,000 square foot retail/office complex proposed for Boston Post Road in Flanders.

Motion (4): Mrs. Cone moved to adjourn the Regular Meeting of the Zoning Commission at 9:00 PM.

Mr. Bulmer seconded the motion

Vote in favor: Unanimous (6-0)

Respectfully submitted,



Anita M. Bennett
Recording Secretary