

Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT CLERK'S OFFICE

Aug 22, 19 94 at 2:45 AM
PM

Esther B. Williams

EAST LYME TOWN CLERK

ZONING COMMISSION

SPECIAL MEETING

August 18, 1994

PRESENT:

Wayne Fraser, Chmn.; Paul Formica, Secy.; William Dwyer, Norman Peck III, Athena Cone and Sharon Baroni.

Alternate Sean McLaughlin

ABSENT:

Paul Smith and Chris Mullaney

Mr. Fraser called the meeting to order at the Town Hall at 7:30 p.m. He read the notice of the Special Meeting which was called to review the Special Permit request of the Niantic Sportsmen's Club.

Acceptance of Minutes of July 21st and August 4, 1994.

Norman Peck moved to approve the Minutes of July 21, 1994; duly seconded by Sharon Baroni, and so voted unanimously (6-0).

Mr. Mulholland explained that the transcript of the Public Hearing does not have to be included in this approval.

MOTION by Athena Cone to accept the Minutes of August 4, 1994 as presented; duly seconded by Bill Dwyer, and so voted unanimously (6-0).

3. Discussion on Application of the Niantic Sportsmen's Club, Inc. for a Special Permit to operate a Commercial Club (skeet range) on property off Plants Dam Rd., East Lyme, known as Lot #10 on Assessor's Map 65.

The record is to show that Athena Cone has reviewed the transcript and papers on the Public Hearing of July 21st, from which she was absent.

The Commission decided to consider the different aspects of the request, such as water, lead, noise and the intervenors.

LEAD:

This item was thoroughly discussed first. Because of the testimony of Dr. Sever and Dr. Luce, the Board felt that since the lead did not penetrate more than 3" into the soil, it was not getting into the aquifer. It also was stated that DEP does not require a permit, so East Lyme cannot require it.

Mr. Formica said he would like to see some experimenting with steel shot. He felt the property should be limited as to future development, and should remain the property of the club. It was pointed out that the Commission cannot be restrictive on future use of the site.

Bill Dwyer said it seems to be accepted that the lead will not migrate. He suggested that a water monitoring system should be developed to check on this, and it should be in cooperation with the Conservation Commission.

Mr. Mulholland said a plan has been implemented, but it has not been accepted yet.

NOISE:

Bill Dwyer read from the Conn. Statutes regarding noise pollution control whereby each person has a right to an environment that does not jeopardize his health, safety and welfare. Sporting activities are exempt according to the statutes. There is a section on stationary noise and one on impulse noise. It seems that 100 decibels is the standard to be used, since we do not have a noise ordinance in East Lyme.

It was agreed that probably noise is the most important problem. Restricted closing times were discussed, and the construction of sound barriers before the Fortunato's property.

Sharon Baroni spoke of concern that the old skeet range was there when people built, but the new skeet range has been built after the people were living here. She expressed concern about it affecting the value of the homes.

Norman Peck said the #9 shot is not as loud as the pistol and rifle shot that has gone on there for years. He said that now we have less decibels on the new range. They are shooting from the top of a hill instead of in a valley.

In answer to a question the Zoning Officer said they have voluntarily stopped using the new skeet range for now.

There are about 150 acres owned by the Sportsmen's Club. Mr. Formica said that 80 decibels is tops for night time noise. He suggested some sound barriers should be put up to help the situation, maybe 6-8 ft. high.

Mr. Mulholland, in reply to a question, said fences can be constructed to a property line. If it is over 6 ft. or so, it might need a special permit.

HOURS OF OPERATION:

It was agreed by the club that they would not begin skeet operations before 10 a.m. It was suggested that the hours of operation could be part of the terms of the Special Permit.

A five minute recess was declared at this time. At 9:03 p.m. the commission was called back to order.

EXCEPTIONS OR WAIVERS:

It was felt it did not make sense to order the driveway up to the range paved. There was some concern on the width of the driveway.

INTERVENORS:

Their questions were discussed at length.

In answer to a question, Mr. Mulholland said a Certificate of Occupancy was never issued for the building on the range.

MOTION:

Mr. Peck moved to approve a Special Permit for the Niantic Sportsmen's Club, Inc. to permit the operation of a skeet range, together with auxillary parking for members and guests using the range for recreational target shooting on property off Plants Dam Rd., East Lyme, Ct., further identified as Lot #10 on East Lyme Assessor's Map 65. The following amendments and conditions are to apply:

1. Water Monitoring: The applicant shall conduct annual and bi-annual environmental sampling (monitoring) on the club grounds. The program is to be established to the satisfaction of the Zoning Enforcement Officer.
2. There shall be no removal of vegetation from the area of the lead shot fall and the aquifer protection area without permission from the Zoning Officer.
3. Grant waivers for landscape and sidewalk requirements and for road width surfaces for drainage requirements as per Section 24.2, a, b, c, and e.
4. A noise reduction barrier shall be constructed so as to minimize the noise level on property presently owned by the Fortunatos. There should be a minimum of two sound barriers or sound buffers to be placed to minimize the impact on this property. The plan for the barriers shall be submitted by the Sportsmen's Club to the Zoning Enforcement Officer for his approval.
5. The hours of operation shall be from 10:00 a.m. to dusk (or 8:00 p.m.) on weekdays, and on Saturday from 10:00 a.m. to 3:00 p.m., and on Sunday from 10:00 a.m. to 6:00 p.m.
6. Use of the existing skeet range is to be discontinued within three months.
7. Only #9 lead shot or appropriate steel shot shall be used.

MOTION TO APPROVE AMENDMENTS made by Sharon Baroni; duly seconded by Bill Dwyer, and so voted unanimously (6-0). (Voting aye: Mrs. Baroni, Mrs. Cone, Messrs. Fraser, Dwyer, Peck and Formica)).

MOTION TO APPROVE ORIGINAL MOTION AS AMENDED TO become effective upon publication. (As moved by Mr. Peck and seconded by Mr. Dwyer). So Voted unanimously (6-0). (Same six members voting aye.)

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REASON FOR APPROVAL:

The application conforms with the requirements and standards of the East Lyme Zoning Regulations, based upon the testimony and evidence submitted during the Public Hearing.

4. EX-OFFICIO COMMENTS

Mr. Donn Jourdan, Selectman, said he will report to the Board of Selectmen the hours put in by the Commission on this matter, and on their deliberations regarding it.

Mr. Fraser thanked the members of the Commission for the time expended on this and the research done by them.

Sharon Baroni also complimented the chairman for conducting a very good meeting on this application.

Moved to adjourn by Athena Cone at 10:35 p.m., seconded by Bill Dwyer, and so voted unanimously (6-0).

Attest:

Elizabeth J. Taylor
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Recording Secretary