

# Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

FILED IN EAST LYME TOWN

CLERK'S OFFICE

July 20 1995 at 12:15 (AM/PM)

*Esther B. Willaw*

EAST LYME TOWN CLERK

## MINUTES OF PUBLIC HEARING July 13, 1995

### ZONING COMMISSION

#### PRESENT:

Wayne Fraser, chmn.; Paul Formica, secy.; Athena Cone, Bill Dwyer,

Alternates: Shawn McLaughlin and Kent Presley.

#### ABSENT:

Norman Peck III and Alternate Chris Mullaney

The meeting was called to order at the Town Hall at 7:30 p.m. by Wayne Fraser, chairman.

#### PUBLIC DELEGATIONS:

Joe Kwasniewski, 67 Walnut Hill Rd. complained that there were five animal cages on town property for 35 days (on the road). He asked Zoning to look into it.

Mr. Mulholland said this matter might be under the jurisdiction of public works.

#### PUBLIC HEARING:

1. Application of Robert J. Jakubiel for a Special Permit to operate an antique shop at 13 Plants Dam Rd., East Lyme, Tax Assessor's Map 19, Lot 79.

Mr. Bob Jakubiel was present and said he is building a barn and would like to sell antiques out of it, probably by appointment only. He said the barn sits 200 ft. off the road. There will be paved parking for 5-6 cars. He stated it will be a very low key operation.

A plot plan was in the member's folders. He owns 3+ acres. There are no setback or side yard problems.

Mr. Mulholland said this is a permitted use by Special Permit, and no A-2 Map is needed. A waiver is needed on sidewalks.

Mr. Presley asked about signs, and Mr. Jakubiel said he may not want a sign.

Speaking in favor: Mr. Kwasniewski favored the permit and said it is good for the town.

Woodrow Scott also spoke in favor of the Permit.

This portion of the public hearing was closed at 7:53 p.m.

2. Application of Wilson Scott for a renewal of a Special Permit to excavate gravel at property off Stones Ranch Rd., East Lyme, Tax Map 24, Lot 27.

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A letter was received from East Lyme Planning Commission in which they raised questions about the aquifer area and the depth of the excavation. They asked that the application be continued to a later date.

The Zoning Officer said this is essentially a renewal of the permit issued two years ago. He said there have been some problems from time to time on this, and he recommended the permit only run for 2-3 weeks until the violations are cleaned up. Over all they have done a nice job, he said. Conservation has issued them a permit.

Mr. Mulholland said he thinks Planning does not understand that they are only applying to the pond excavation area. This is for a renewal of the pond permit to excavate gravel.

Mr. Wilson Scott stated that it is basically a renewal, and was approved by the Wetlands Committee two years ago and by Zoning. He said they need two more years to finish. There is a \$12,500 bond on it.

Mr. Mulholland said there should not be stockpiling in certain areas.

Mr. Wilson Scott said he is working on Phase III of the map that was presented, "Proposed Pond on the Property of Wilson Scott and dated 9/24/92 and done by McKay Engineering.

Mr. Mulholland asked that the report on the original request for the Special Permit be read into the record, which was done. He was approved for hours of operation from 8 a.m. to 4:30 p.m. on Sept. 2, '92.

A screener will be located on the property at the south edge of the pond (north side of the road).

Bill Dwyer commented that the original permit was for a fish pond. He asked if the gravel is being sold. Mr. Scott replied in the affirmative.

Mr. Scott has requested operating hours from 7 a.m. to 5 p.m. on this special permit.

Mr. Fraser asked Mr. Scott how he plans to address the concerns about stockpiling.

Mr. Scott said he plans to seed the area he just leveled.

Mr. Woodrow Scott, 32 Scott Rd. stated this is just being finished off for a fish pond. He is only half way through, and it is a very clean operation.

Mr. Jakubiel said he lives less than one mile from this operation and has seen no dust or any other problems.

Mr. Joseph Kwasniewski spoke in favor of this application also.

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Mr. Clayton Palmer, 25 Stones Ranch Rd., asked to see where the equipment and stockpiling will be.

Mr. Scott designated an area 200 x 200 ft. on the southerly side of the pond for stockpiling purposes.

EXHIBIT A - "Proposed Pond on the Property of Wilson and Clara Scott", dated 9/24/92 by McKay Engineering.

Mr. Clayton Palmer read a letter to the Commission, dated 7/13/95, re: excavation of gravel, and the two permits.  
EXHIBIT B- The letter by Clayton Palmer as read to the Commission.

Mr. Palmer asked that no crushing be allowed, and that the hours be limited as approved before to 8 a.m.-4:30 p.m.

Mr. Formica asked Mr. Palmer about the area northeast of Palmer's property.  
Mr. Scott said he would be willing to waive the right for a crusher, which he had been allowed for 90 days.

Mr. Palmer stated that the farther away the Commission can put this excavating and stockpiling - the better.

Mr. Woodrow Scott said it has been seeded twice. He did it once, and Wilson did it a second time.

Mr. Fraser said we are considering for approval the stockpiling, the mining of the gravel and the cleaning up of the area.

The Public Hearing was closed at 8:47 p.m. (to adjourn to the regular meeting).

Attest:

*Elizabeth J. Taylor*  
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Recording Secretary