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NIANTIC, CONNECTICUT 06357

EAST LYME ZONING COMMISSION

MINUTES OF JUNE 6, 1996

PUBLIC HEARING

A public hearing of the East Lyme Zoning Commission was held on Thursday, June 6, 1996. The hearing was called to order by Wayne Fraser, Chairman of the Zoning Commission, at 7:30 p.m. in the East Lyme Town Hall on Route 161 in Niantic, Connecticut.

Mr. Fraser introduced the time set aside for public delegations, no one wished to speak.

Mr. Fraser described the public hearing process. He introduced the commission members that would be sitting on the first hearing: Bill Dwyer, Wayne Fraser, Kent Presley, Norman Peck, and Chris Mullaney.

APPLICATION OF ST. AGNES CHURCH

Wayne Fraser read public hearing item number 2, the application for St. Agnes Church.

Norman Peck read into record a letter form David Coonrod dated June 4, 1996. Next a letter form Bill Mulholland dated June 6, 1996 was read into record.

Mr. Fraser noted that the application was advertised in the Day paper.

Mr. Fraser asked if anyone was present to represent St. Agnes Church.

David Coonrod 15 Brainard Road, Niantic, CT introduced himself as the land surveyor for the church. He introduced as an exhibit a site plan proposed addition prepared by David Coonrod dated May 8, 1996 and revised May 13 and June 4, 1996.

Mr. Coonrod discussed special waivers needed in order to receive the permit. The waivers would be needed for buffering, parking, and landscaping. He explained that no parking spaces would be lost, and that the health department would not be affected.

Steven Lloyd, the architecture for St. Agnes Church, from Chester displayed a board that was not an exhibit. He said the board was to give a better idea of what the structure would actually look like. Mr. Lloyd stated that the site is as small as possible and described in detail the final look of the church in the preliminary drawings.

Wayne Fraser opened the hearing to question by the commission.

Bill Dwyer asked about entrances to the new addition.

Steven Lloyd pointed out the new entrances and changes to the existing on the preliminary drawing.

Chris Mullaney asked about the overhang on the foot print.

Dave Coonrod discussed the CAM report how they would have no impact on resources.

Kent Presley asked about the 100 parking spaces.

Wayne Fraser asked about traffic flow.

Dave Coonrod said that traffic would remain the same. That they eliminate one parking space and still be within guidelines.

Mr. Fraser opened the hearing to the public.

Sal Demorrow 41 Corey Lane urges the commission to approve the application. Need more room. Currently it is not very useful. He named several groups that meet there that need meeting space.

Father Archer pastor of the church also urges to accept. The space is needed not only for church but also for community meetings. The congregation is very active and needs more space. He believes that everything has been considered carefully.

Jim Braim 7 Jeremy Road also believes the space is needed.

Wayne Fraser asked if anyone wished to speak that was against. No one wished to speak.

Wayne Fraser asked if the two facilities would be used at the same time.

David Coonrod said that they would not be used at the same time.

Chris Mullaney asked if the vegetation was not going to be affected why were three trees being cut down.

David Coonrod answered that the trees would be replaced in different areas of the land.

Bill Mulholland stated that this was acceptable and that they were all set on this one.

Bill Dwyer asked about the CAM report and what exceptions were being requested. He then read the exceptions being requested.

Wayne Fraser closed the hearing at 8:00 p.m.

APPLICATION OF FOSTER CONSTRUCTION

Wayne Fraser introduced the members of the commission that would be sitting on the public hearing of this application: Wayne Fraser, Bill Dwyer, Chris Mullaney, Paul Formica, Shawn McLaughlin, and Kent Presley.

Mr. Fraser asked Mr. Mulholland for the record if the hearing had been properly advertised in the Day paper. Mr. Mulholland replied that the hearing had been advertised properly.

Correspondence was read into record. First was a letter from Bill Mulholland dated June 6, 1996. Next a letter dated May 23, 1995 from the Planning Commission, Alice Johnson, and a follow-up letter from the same dated June 5, 1996 were read into record. A map, annual report from public utilities mentioned in the letters were admitted into record. Paul Formica read into record a letter from David Cini Chairman of the Water & Sewer Commission dated June 5, 1996.

Wayne Fraser asked for anyone representing the applicant to please speak.

Mr. Andrew Woodstock employee of Radcliffe Engineering. Mr. Woodstock put into record as an exhibit a progress print dated May 20, 1994 revised date May 20, 1996.

Andrew Woodstock then read for the record the information pertaining to each testhole on the site. He indicated that he was on the site once a month and that the last grade stacks were done on May 18, 1996.

Bill Dwyer asked how hard it would be to put in new pipe for testholes that were no longer in place. He also asked about the fuel storage on site.

Bob Foster - Foster Construction
317 Flanders

Bob Foster gave a history of the project that has been in operation for just under two years. He spoke about the needs for the permit renewal. He said that the stake located on the project had been put in for the members of the commission to stop by the site and be able to see what was going on. Mr. Foster entered into record as an exhibit pictures of the site. 17 pictures were entered as the exhibit. He pointed out two pictures; the first a picture of testhole number 3 and ; the second a picture of the fueling pad. He said that Mr. Gada did the refueling on the fuel pad 99% of the time unless a vehicle ran out of gas on the site and had to be fueled in another area of the site.

Bill Dwyer asked if the truck fueled equipment and then left.

Bob Foster answered that is correct. Mr. Foster indicated that the picture of the fuel pad with his truck on the pad was to show the comparison in size of the pad.

Wayne Fraser asked if the grade stakes were put in just for the commission members.

Bob Foster answered that that were put in in conjunction with the progress report. Mr. Foster said that over the last two years the project had been a clean operation. He indicated that Bill Mulholland visited the site approximately every 90 days. He put into record as exhibit number 3 a confirmation letter from Soil and Environment Services. He also showed copies of others contracts with the construction company including one from the State of Connecticut.

Mr. Foster said that the flags around the wetland were in place and marked on map.

Mr. Foster said that the operation has no violations, it is a clean operation. That they monitor cubic yardage daily. He said that they have a contract with the land owner. He said Radcliffe Engineering monitors and they are over and above aquifer. He referred to pictures that were entered as exhibit. He said that some areas are already graded 8 inches to 1 foot of top soil and that the north and south ends are already completed. Bob Foster said that there are 13,000 yards of unexcavated septic grade gravel. He wanted to point out the quality of the natural product. He indicated that that was the reason the project started in the first place and that the construction company has many contracts for the product. He said the project is 2/3rds finished. He said renew existing permit so the project could be completed.

Bill Dwyer asked if 56,000 was done in 2 years do you need 2 years to finish the remaining 13,000.

Bob Foster said that he never requested a specific time and asked if there was a lesser time that could be issued.

Wayne Fraser indicated that special permits could be issued.

Bob Foster said that he would like at least 1 year.

Wayne Fraser discussed amounts left indicated on the bottom of the progress print. He said that one year should be enough.

Bob Foster said he agreed if business was good.

Wayne Fraser asked about the extent of replanting done for the fall.

Bob Foster indicated area on the progress print by yellowing marking a copy of the print. Mr. Foster said that he would like to stick to the 2 years just in case.

Wayne Fraser asked Paul Formica to put a grid on the highlighted print to indicate what the yellow meant.

Paul Formica asked what the intended usage of the area was?

Bob Foster said that was up to the estate, and that Foster Construction did have a contract with the estate. He said that the property was zoned for light industrial.

Paul Formica asked about the number of stockpiles. He discussed a couple of the exhibit pictures. He asked if there had been any problems addressed by neighbors to the site.

Bill Mulholland said that about a year and a half ago a problem had come up but that it was taken care of then.

Paul Formica then discussed the letter from Mr. Carleeno.

Bob Foster pointed out area from wetland buffers. He said that no wetlands were near the north or westerly areas.

Kent Presley asked if Mr. Foster had expected the project to last for more than 2 years.

Bob Foster said that he did not know how long it would take when they started and that he just got the permit for two years. He said the project was actually going fast.

Chris Mullaney asked about stockpiles.

Shawn McLaughlin asked if the south and west wetland flags were still in place.

Bob Foster indicated that they were and that the Wetland Commission had recently visited.

Bill Mulholland asked how Mr. Foster planned on watering areas after reseeding.

Bob Foster said that mother nature would have to take care of that.

Bill Mulholland asked if Mr. Foster was prepared to reseed areas that didn't take.

Bob Foster said that he was.

Wayne Fraser asked if anyone else wished to speak in favor.

Peter Breaur - part owner of property
27 Wasahacett
Waterford, CT

Peter Breaur gave history of why he agreed to allow the project on the property in the first place.

Harry Heller - attorney for the estate
736 Rt 32
Uncasville, CT

Harry Heller discussed the fact that the property has been on the market for 10 years and that as it is now no one will purchase it. He indicated that the applicant has been doing everything that he was supposed to. He said that there had been no changes and that the commission had approved the application once there is no reason not to approve it again. Mr. Heller urged the commission to renew.

Al Chavez
38 Seacrest
Niantic, CT

Al Chavez stated that he is in favor of the application and that he believes all planning issues had been addressed.

John Jensen
3 Larkswood Lane

John Jensen said that it was very important to take advantage of our natural resources and that the gravel was a natural resource. He also said that it seemed like the aquifer was being taken care of.

John Sem

84 Holmes Road
East Lyme, CT

John Sem said that he had not heard of any violations of permit and that the gravel sold at a good price.

Jim Breams - Local Contractor

In favor of the application.

Wayne Fraser asked for anyone against the application to please speak.

Joe Kuznuski said that they were dealing with a very sensitive area that affected peoples drinking water.

Bob Foster said that they had crossed their "t's" and dotted their "i's". He said that other industrial areas were only 2,000 feet away from the town well. He said that codes and requirements allow for more than adequate safety of water. He said that East Lyme doesn't have many natural resources and that we should be happy for what we have. He indicated that no expert opinion had been given that they were harming the aquifer.

Paul Formica asked about the equipment on site.

Bob Foster said there was a list on the plan. He indicated that all the equipment is mobile, none is permanent.

Paul Formica said that the permit was requested for no more than 2 years but would less be acceptable.

Bob Foster said that he would want no less that 1 1/2 years to address the as built and for seed to germinate.

Paul Formica asked about winter months.

Bob Foster said that gravel is sold from stockpiles.

Wayne Fraser asked if Bob Foster could make the unexcavated areas a priority.

Bob Foster indicated that he could.

Wayne Fraser closed public hearing at 10:00 p.m.

Heather S. Paul
Recording Secretary