

Minutes of the East Lyme Zoning Commission February 6, 2025, Regular Meeting

Date and Time: 2/6/2025 7:30PM to 8:20PM

Present: Members: Chairman, Anne Thurlow, Secretary, Nancy Kalal, Michael Foley, Debbie Jett-Harris. Alternates: Sarah Susco (entered late), Jim Liska, Cathy Yuhas. Staff: William Mulholland. Recording Secretary: Jessica Laroco.

Absent: Members: Norman Peck, Denise Markovitz. Ex-Officio: Roseanne Hardy

Location: East Lyme Town Hall Upper Conf Room 108 Pennsylvania Avenue

1. Call to Order and Pledge

Ms. Thurlow called the Regular Meeting of the East Lyme Zoning Commission to order at 7:30PM and led the Pledge of Allegiance.

2. Attendance

Ms. Thurlow called the roll. She noted that Members Norman Peck and Denise Markovitz were absent and sat Alternates Jim Liska and Cathy Yuhas in their places. She also noted that Ex-Officio Roseanne Hardy was absent.

3. Public Hearing

3-4 Application of Jeffrey McNamara, attorney, for Jennifer and Damien Firmenich, owners, for a Special Permit for a Private Club known as Pattagansett Arts Center, per Section 25.5 of the East Lyme Zoning Regulations, on property identified as 121 Upper Pattagansett Rd, East Lyme, Assessor Map 35.0 Lot 44.

Ms. Thurlow stated that the application had been withdrawn by the applicant at this time, however, it would likely be brought before the Commission later.

4. Regular Meeting

4-a Application of Boats Incorporated for Coastal Area Management (CAM) for Site Plan Review for tear down and rebuild of proposed 4,146 sq ft building for property located at 129-1 Main St, Assessor Map 12.1 Lot 54.

-Ms. Kalal read a memo to the Zoning Commission from ZEO Mr. Mulholland (Attachment 1).

-Ms. Thurlow invited the applicant to make a presentation.

-Mr. Sergio Cherenzia, Project Engineer, of Cherenzia & Associates of 9 Mechanic St, Pawcatuck CT, made the following comments:

-Demo portion of existing structure (around 3,000 sq ft) which is dedicated to boat repair and maintenance and replacing with a new portion of building (around 4,000 sq ft).

-The site slopes down in a significant grade change.

-Site is within coastal management area and in a flood hazard area and the building will be brought up to all current flood code compliance.

-Also associated with the work will be fuel tank, propane tank, battery storage relocation (temporarily) and will be reinstalled in the same location after construction.

-There is no increase in impervious surfaces with this work, the current drainage containment system will stay in place, and they do not anticipate any adverse impacts to the coastal area.

-There is a spill prevention maintenance plan in place already and will be utilized and updated as necessary.

RECEIVED FOR RECORD
EAST LYME, CT
2025 FEB 10 7 48 AM
OWNERS

- A coastal biology company, Avizinis, assisted in the preparation of this project
- Coastal resources on site: general coastal resources, coastal hazard area, developed shorefront, shorelands; and adjacent: coastal waters, shellfish concentrations; offsite: beaches & dunes, rocky shorefront.
- The coastal uses are: general development, water dependent uses (which was missed in the application)
- No adverse impact from uses
- During construction there will be silt fences, hay bales etc. as needed to mitigate any adverse impacts before the happen.
- Between the building and the existing shorefront, there are docks and a bulkhead there is a paved area that has been there for decades.

The following are Q/A:

- Ms. Kalal: Since the building is being built into the bank, how will the bank be held back
- Mr. Cherenzia: While he is not the structural engineer, he stated there could be temporary sheeting or shoring, or excavated back in a slope where it would not slough off and fall. The Building Official, Fire Marshal, ZEO will review
- Ms. Jett-Harris: Is there an opportunity for native plantings to be put in?
- Mr. Cherenzia: The entire site is highly developed and has been for decades and there is not much green space.
- Mr. Mulholland noted that in front of the retail sales area some very nice landscaping was built a few years ago.
- Ms. Jett-Harris asked for clarification on what was being taken down.
- Mr. Cherenzia noted that a portion of the building was coming down and would be rebuilt.
- Mr. Liska asked about the types of things in the tanks to be relocated and what was to be done about them not being too stressed from the moves if they were older tanks.
- Mr. Cherenzia: There are gasoline and waste oil tanks and the tanks to be relocated will be removed first and then replaced with new tanks in the same location.

MOTION 1

Mr. Foley moved to approved Application of Boats Incorporated for Coastal Area Management (CAM) for Site Plan Review for tear down and rebuild of proposed 4,146 sq ft building for property located at 129-1 Main St, Assessor Map 12.1 Lot 54 noting the following reasons:

1. Applicant is consistent with all applicable goals and conditions of the CAM Act.
2. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.

Ms. Jett-Harris seconded the motion.

Motion passed 6-0-0.

4-b Application of Jeffrey McNamara, attorney, for Jennifer and Damien Firmenich, owners, for a Special Permit for a Private Club known as Pattagansett Arts Center, per Section 25.5 of the East Lyme Zoning Regulations; on property identified as 121 Upper Pattagansett Rd, East Lyme, Assessor Map 35.0 Lot 44.

Withdrawn, see above.

5. Disposition of Minutes

Approval of Minutes of January 23, 2025, Regular Meeting

MOTION 2

Ms. Kalal moved to approve the Minutes of the January 23, 2025, East Lyme Zoning Commission Regular Meeting as presented.

Ms. Jett-Harris seconded the motion.

Motion passed 6-0-0.

6. Old Business -There was none.

7. Subcommittee Reports

7-a Text Amendment Mixed Use CA Zone

-Mr. Mulholland noted that while the proposal was ready, Mr. Peck was absent and therefore they would wait to discuss it.

7-b RU 80/40 Redistricting

-Ms. Jett-Harris noted the following:

-previously they had referred to Well 6 but it is Well 5 which is pristine and has no contamination, it is the furthest north.

-Much of their research came from the POCD and the Conservation of Natural Resources group, Save the Rivers/Save the Hills, as well as other groups, and they all feel that protecting the clean potable drinking water is important and time sensitive.

-It will change a large portion of the north end of town

-Ms. Kalal noted the following:

-Take what is currently the RU-80 district and turn it into the RU-200 (5 acre) Zoning.

-There are multiple source they found, during many hours of research, pointing to the benefit of 5 acre zoning.

-She briefly described the general topography of the town and noted that limiting the number of impervious surfaces increases the chance of keeping the ground water safe.

-She suggested the following points of interest in the POCD: 2.4, 2.71, 6.5.1, 6.7.1, and page 45.

8. New Business

8-a Application of Edward M Cassella, attorney for Pelletier, Niantic CT, LLC. For Proposed Text Amendment, to include new Section 12B SU-EMC a floating special use district, of the East Lyme Zoning Regulations.

Ms. Thurlow asked Mr. Mulholland to schedule this for a Public Hearing.

8-b Any business on the floor, if any, by majority vote of the Commission.

-Mr. Foley asked what percentage of the proposed change zone change was owned by the State, or Stone's Ranch or The Yale Sheffield school.

-Ms. Jett-Harris read the memo from the subcommittee to the Zoning Commission (Attachment 2).

-Ms. Thurlow reminded the Commission that Attorney Bleasdale would attend the next meeting, and it would be a good time to ask him questions. She also suggested that Commissioners forward any questions to Ms. Laroco to compile and forward to Atty Bleasdale.

-Ms. Yuhas wished to revisit moving the Public Delegations to the beginning of the meeting to make it easier for Townspeople to speak to the Commission.

8-c Correspondence – There was none.

9. Public Delegations

-Christine Hallihan of 5007 Maple Tree Ln wished to speak about the Pattagansett Arts Center.
-Ms. Thurlow reminded Ms. Hallihan that Public Delegations are a time for things that are not on the agenda.

10. Zoning Official

-Mr. Mulholland noted the office is busy and steady.
-Ms. Jett-Harris asked about the Zoning Regulations for chickens and Mr. Mulholland reminded her that the Regulations are all dependent on the zoning district and that anyone was welcome to go to the Zoning Office or call with any questions.

11. Comments from Ex-Officio -There was none

12. Zoning Board Liaison to the Planning Commission

February 11, 2025-Liska
March 11, 2025- Markovitz

13. Comments from the Chairman

-Ms. Thurlow noted the last Public Hearing for Short Term Rentals will be February 10, 2025, at 7PM.

14. Adjournment

MOTION 3

Ms. Yuhas moved to adjourn the February 6, 2025, Regular Meeting of the East Lyme Zoning Commission at 8:20PM.
Ms. Kalal seconded the motion.
Motion passed 6-0-0.

Respectfully submitted,
Jessica Laroco,
Recording Secretary

Attachment 1

Town of



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

Zoning Department

MEMO TO: East Lyme Zoning Commission

FROM: William Mulholland, Zoning Official

RE: Coastal Area Management (CAM) Review
129-1 Main St, Niantic

DATE: February 6, 2025

As the Commission is aware, coastal site plan reviews are a state mandated program authorized in Chapter 444 of the Connecticut General Statutes. This statute delegates legal authority to Zoning Commissions to adopt regulations and regulate activities, not otherwise exempted, occurring above the CJL or coastal jurisdiction line as identified by the Connecticut DEEP and within the defined coastal boundary of their respective communities to protect coastal resources and ensure compliance with the CAM Act's coastal goals and policies. The Board is charged with the review of coastal site plans and may approve, modify, or deny activities proposed after evaluating the specific site, and considering the potential effects, both beneficial and adverse, of the activities on coastal resources and their consistency with applicable state coastal goals and policies. In acting on a coastal site plan, the Commission must state its findings and reasons for the decision. To approve, the Board must find that the proposed activity is consistent with all applicable coastal policies and standards and whether or not any potential adverse impacts of the proposed activity on both coastal resources and future water development are acceptable.

The Board should consider the characteristics of the site including the location and condition of on-site coastal resources, if any. The Commission must find, in an approval, that the application is consistent with all applicable goals and conditions of the act and that all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent activities.

In this application it is proposed to demolish a portion of an existing building and replace it with a new 54' x 75' structure to be used for boat repair. The property is located in the CM Commercial Marine Zoning District and houses an existing boat marina. The facility consists of a retail boats sales component, dock space, boat repair services, and winter storage. The proposal is essentially a simple building upgrade to provide updated services to boat operators. The Applicant's agent is here this evening and will give a presentation.

Upon completion of the presentation, the Commission will need to make a finding as to whether the application is consistent with all of the applicable goals and policies of the CAM Act.

Motion to Approve: Application of Boats Incorporated for Coastal Area Management (CAM) for Site Plan Review for tear down and rebuild of proposed 4,146 sq ft building for property located at 129-1 Main St, Assessor Map 12.1 lot 54.

Reasons:

1. Applicant is consistent with all-applicable goals and conditions of the CAM Act.
2. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.

Motion to Deny: Application of Boats Incorporated for Coastal Area Management (CAM) for Site Plan Review for tear down and rebuild of proposed 4,146 sq ft building for property located at 129-1 Main St, Assessor Map 12.1 lot 54.

Attachment 2

Town of

Zoning Department



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

MEMO TO: East Lyme Zoning Commission
FROM: Zoning Commissioners: Debbie Jett-Harris & Nancy Kalal, Zoning Commission Subcommittee
RE: Rezone RU-80 Zone to RU-200 Zone
DATE: February 6, 2025

We are writing to propose the following zone change and text amendment to the Commission for consideration to move the proposal to Public Hearing. The subcommittee has spent numerous hours reviewing various materials and documents and is recommending that the Zoning Board adopt this proposal and move it to Hearing.

Therefore, it is specifically proposed to rezone all the existing properties currently designated as RU-80, northerly of Boston Post Rd, and as delineated on the Town Zoning Map to a new designation of RU-200. In addition, a new zoning district text amendment is necessary to accompany the proposed zone change. Attached you will find the proposed text amendment creating the RU-200 Zoning Regulations. These regulations as proposed are essentially identical to the RU-80 regulations with the exception of lot size.

In addition, you will also find a Zoning Map identifying the zone to be changed.