

TOWN OF EAST LYME

ZONING COMMISSION

APRIL 18, 2013

REGULAR MEETING MINUTES

Members Present:

Matthew Walker
Terence Donovan
Matthew Kane
George McPherson
Norm Peck
James Liska, Alternate (Sat for Meeting)
William Dwyer, Alternate

FILED IN EAST LYME
CONNECTICUT

April 23, 2013 SAT. 9:00 AM/PM
Bradford J. Thorne ATC
EAST LYME TOWN CLERK

Members Absent:

Marc Salerno, Chairman
Peter Lukas, Alternate

Also Present:

Bill Mulholland, Zoning Officer
Holly Cheeseman, Ex-Officio

CALL TO ORDER

Mr. Walker called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Mr. Walker led the assembly in the Pledge of Allegiance.

Mr. Liska was seated as a Regular Member for the Meeting.

PUBLIC DELEGATIONS

1. **APPLICATION OF FRANK NATALE, FOR A COASTAL AREA MANAGEMENT REVIEW FOR A RETAINING WALL AT PROPERTY IDENTIFIED IN THE APPLICATION AS 23 N. EDGEWOOD ROAD, NIANTIC**

Don Gerwick, 17 Industrial Drive, Waterford presented the application. There have been major renovations on the property. His company designed the septic system for the property. Mr. Natale applied to put a dock on his property. DEEP came out to the property. Mr. Natale had constructed a small retaining wall about 3 feet high, unfortunately DEEP stated the retaining wall encroached into their jurisdiction and it has to be moved. They are proposing to move it back just enough to get it out of the DEEP area.

Mr. McPherson read a letter from DEEP.

Mr. Gerwick stated that in order to get it out of the DEEP jurisdiction they are proposing moving the south end back four feet. There was extra fill required by Ledge Light from the septic system. This wall was not intended to protect the house from erosion. The wall is made of cement blocks.

Mr. Mulholland stated the wall was built without permits. DEEP thinks it is too close to the cove.

Mr. Natale stated he is reluctant to move the entire wall back five feet, he was mandated by Ledge Light to put in the extra fill. They just want to move the section on the south end back so they are out of the DEEP jurisdiction.

Mr. Mulholland asked if Mr. Gerwick would be willing to provide an as built drawing to the Zoning Commission.

Mr. Gerwick stated he would do that as they want to make sure they are clearly out of DEEP jurisdiction.

Mr. Gerwick presented the following exhibits:

- Exhibit 1 - Site Plan with Proposed Wall**
- Exhibit 2 - Site Plan dated July 14, 2010**

Mr. Walker stated it makes sense to move the wall minimally, and it certainly seems like a retaining wall and not a seawall.

Mr. Liska stated he is concerned with the cost to the homeowner if the whole wall got moved.

Mr. Donovan stated the cost to move that portion of the wall will be far less of a burden on the homeowner.

Mr. Mulholland asked what the method would be to move the wall. Would it be done by hand?

Mr. Gerwick stated they would use light equipment, and the blocks would be placed by hand.

Mr. Mulholland asked how they would get the equipment in there, would they use a backhoe from upland and would they use a silt fence below the wall.

Mr. Gerwick stated they would use all equipment upland and they would use a silt fence below the wall.

Motion (1) Mr. Donovan moved to approve the application of Frank Natale, for a Coastal Area Management Review for a retaining wall at property identified in the application as 23 N. Edgewood Road, Niantic.

Reasons:

- 1. Application 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.**

3. The applicant shall provide an "as built drawing" upon completion of the project.

Seconded by Mr. Liska.

Motion Passed 6-0.

This will be published on Thursday, April 25, 2013 and will become effective on Friday, April 26, 2013.

**Mr. Dwyer left the meeting.

2. APPLICATION OF KEITH B. NEILSON, PE FOR DOCKO, INC., FOR A COASTAL AREA MANAGEMENT REVIEW FOR SHORELINE PROTECTION IMPROVEMENTS AS 21 WEST LANE, NIANTIC.

Mr. Donovan read a Memo from Mr. Mulholland.

Bill Connor from Docko, Inc., presented the application. This project is for shorefront protection and restoration. They will be adding large armor stone along the shore and clean backfill topped with topsoil, they will also be planting behind the stone. This is well landward of DEEP jurisdiction. All work will be done from land with excavators. The fill will be contained with geo-textile fabric, the backfill will go up to the eroded bank.

Motion (2) Mr. McPherson moved to approve the application of Keith B. Neilson, P.E. for Docko, Inc., for a Coastal Area Management Review for shoreline protection improvements at property identified as 21 West Lane, Niantic.

Reasons:

1. Application 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.

Seconded by Mr. Liska.

Motion Passed 6-0.

This will be published on Thursday, April 25, 2013 and will become effective on Friday, April 26, 2013.

3. APPLICATION OF THEODORE A. HARRIS, FOR ANNETTE STAVOLA-LEISURE FOR A COASTAL AREA MANAGEMENT REVIEW FOR REPAIR OF STORM RELATED DAMAGE AND ADDITION TO AN EXISTING SINGLE FAMILY HOME, AT PROPERTY IDENTIFIED IN THE APPLICATION AS 34 SHORE ROAD, NIANTIC.

This item was withdrawn.

4. APPROVAL OF MINUTES OF APRIL 4, 2013

Motion (3) Mr. Donovan moved to approve the Public Hearing and Regular Meeting Minutes of April 4, 2013.

Seconded by Mr. McPherson.

Motion Passed 4-0-2 (Mr. Liska and Mr. Peck abstained)

OLD BUSINESS

1. PARKING SUBCOMMITTEE

Mr. Salerno will report on this at the next meeting.

2. SIGN SUBCOMMITTEE

Mr. Walker stated they met tonight. They discussed the agricultural signs. Mr. Mulholland is going to put together the proposed language. They discussed uniformity in those signs.

3. OUTDOOR DINING BARS SUBCOMMITTEE

Mr. Donovan handed out a hard copy of the proposal.

Mr. Mulholland will email a clean copy, and that will give them the opportunity to discuss this at the next meeting.

4. POULTRY SUBCOMMITTEE

This will be discussed at the next meeting.

NEW BUSINESS

1. APPLICATION OF THEODORE A. HARRIS, FOR BENCHMARK SENIOR LIVING, LLC FOR A SPECIAL PERMIT FOR AN ADDITION TO EXISTING ASSISTED LIVING FACILITY PURSUANT TO SECTION 9.2.7 AND 25.5, AT PROPERTY IDENTIFIED IN THE APPLICATION AS 417 MAIN STREET, NIANTIC.

Mr. Mulholland will schedule this for a Public Hearing.

2. ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION

Mr. McPherson stated that he would like Mr. Salerno to write a letter to the Board of Finance asking them to re-think their position on cutting Mr. Mulholland's hours. It doesn't make sense to cut those hours, Mr. Mulholland is responsible for the quality of the buildings that this Commission gets.

Mr. Donovan stated he would like him to sit down with the Chairman.

Mr. Liska stated they should all sign the letter.

Mr. McPherson stated he thinks they should instruct Mr. Salerno to write the letter.

Mr. Donovan stated they should designate Mr. Salerno to represent the Commission as a whole, and they should plan on going to the Board of Finance Public Hearing.

Mr. Walker stated he plans on going and he asked that they do their best to be present. He has been on the Zoning Commission for a few years. His perspective on Mr. Mulholland in terms of his experience, thoroughness, helpfulness, is that he is invaluable in his opinion. He is certainly an asset to the Town. The Zoning Officer position has been full time for well over 20 years, and the timing is peculiar. He has the sense that what happened is not in the Town's best interest.

Motion (4) Mr. Peck moved to have Chairman Salerno write a letter to the Board of Finance asking them to reconsider their position.

Seconded by Mr. McPherson.

Motion Passed 6-0.

3. ZONING OFFICIAL

Mr. Donovan asked about the sidewalk on West Main Street.

Mr. Mulholland stated he will write them a letter. He reported that his office continues to be busy. Gateway anticipates filing in approximately 2 weeks. They are asking to start with approximately 275 residential units. Commercial shouldn't be too far behind. He asked that they read their section in the Regulations on Gateway.

Mr. Walker asked if the lattice has been done by Mr. Carpenteri.

Mr. Mulholland stated it has not.

Mr. Donovan stated he was concerned that Commercial was supposed to be the onset of the Gateway project.

Mr. Mulholland will look at the Minutes.

4. COMMENTS FROM EX-OFFICIO

Ms. Cheeseman was not at the meeting.

5. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

Mr. McPherson attended the Planning meeting. They approved a 3 lot subdivision on Upper Pattagansett, and they did a referral to Zoning.

Mr. Peck attended the prior meeting. Mr. Goeschel applied for a Grant for trails and parking at Darrow Pond. The Conservation Commission is making progress with their goal of connecting Darrow Pond and the Yale property and the Girl Scout camp, and then onto East Haddam and Marlborough. Yale has given their permission.

6. COMMENTS FROM CHAIRMAN

Mr. Walker had no comments.

7. ADJOURNMENT

Motion (5) Mr. McPherson moved to adjourn the meeting at 9:00 p.m.

Seconded by Mr. Donovan.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**