

TOWN OF EAST LYME  
ZONING COMMISSION

OCTOBER 3, 2013

REGULAR MEETING MINUTES

MEMBERS PRESENT:

MARC SALERNO, CHAIRMAN  
TERENCE DONOVAN  
NORM PECK  
MATTHEW KANE  
GEORGE MCPHERSON

MEMBERS ABSENT:

MATTHEW WALKER  
WILLIAM DWYER, ALTERNATE  
JAMES LISKA, ALTERNATE  
PETER LUKAS, ALTERNATE

ALSO PRESENT:

BILL MULHOLLAND, ZONING OFFICER  
HOLLY CHEESEMAN, EX-OFFICIO

CALL TO ORDER

Chairman Salerno called the meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

1. APPLICATION OF KEITH NEILSON, ETC FOR A COASTAL AREA MANAGEMENT SITE PLAN REVIEW TO RECONSTRUCT AND RESTORE THE COASTAL BLUFF AT CRESCENT BEACH AT PROPERTY IDENTIFIED IN THE APPLICATION AS CRESCENT BEACH FROM CRESCENT AVENUE TO SOUTH WASHINGTON, NIANTIC, CONNECTICUT.

Mr. McPherson read a memo from Mr. Mulholland.

Mr. Donovan read a portion of a letter from Brian Thompson of OLISP dated September 5, 2013, and Mr. Kane read the remaining portion of the letter.

Mr. Peck read a letter from Marcy Balint dated October 3, 2013.

FILED IN EAST LYME  
CONNECTICUT  
Oct 8, 2013 AT 9:40 AM/PM  
Bryan D. Donovan ATC  
EAST LYME TOWN CLERK

Mr. Neilson stated the bluff was severely damaged primarily in Hurricane Sandy. They are trying to protect from a similar occurrence happening again. They want to hold the soil on the bluff long enough to recharge the vegetation. The purpose is bluff restoration, path restoration, and to protect homes. They are proposing a concrete foundation on the ledge, which will provide anchorage. Some alignments for concrete may change. A section of the bluff was eroded. They want to restore the bluff so it is useful and heavily vegetated. They are also proposing 5 foot stones being exposed to the water, anything smaller than that the waves will move. They need to put soil and plantings back to restore the bluff. The beach is all rocks, and DEEP does not want them to change the character of the beach. He called DEEP today and asked for a meeting with an Engineer to discuss. Their comments were general, and he is trying to be very specific. If they don't build something strong they will have to do this again.

Mr. Neilson submitted the following exhibits:

Exhibit A: Coastal Site Plan

Exhibit B: Environmental Observation Report from the Audubon Society.

Mr. Mulholland stated he understands the path is owned by Crescent Beach Association except for one parcel.

Keith Neilson concurred, and stated they would have to have the permission of the owner of 54.

Mr. Mulholland stated they should get an Easement from the owner of 54, there is parking on the street, they are town roads, there is no parking lot but there is public access. Also people can walk from Cini Park, there is approximately 2 miles of walkway from Cini Park. He asked Mr. Neilson if the sign on his drawing showing Public Access would be posted.

Mr. Neilson stated it would be posted, and stated that 54 is owned by the President of the Association who signed the application.

Mr. Mulholland stated he would like to be careful with this, he cannot remember receiving such a concerned and detailed report from DEEP.

Mr. Neilson stated they will build their way into the site, they will place fill materials behind the first set of rocks, and have trucks on that. They will gradually make their way up the hill. They would have to pump the concrete in. To build the middle section they would have to go on the beach. There is one area that would need fill in the CT Coastal Jurisdiction Line.

Mr. McPherson asked if we should be considering this application without that Easement.

Mr. Mulholland stated they want to get a letter from Crescent Beach Association ensuring public access, and they want to get the Easement from the owner of 54. They walked this site, and he doesn't see any other methodology, it is not a dune beach, the coastal bluff had significant damage. He asked Mr. Neilson if DEEP has given any alternative solutions?

Mr. Neilson stated they have not.

Chairman Salerno stated he can go over the CAM report on the 17<sup>th</sup>.

Mr. Mulholland advised the members to walk the area, and to bring their materials to the next meeting so they do not have to make more copies.

Chairman Salerno stated this will be continued to the next meeting.

**2. APPLICATION OF KEITH NEILSON, DOCKO, INC., FOR A COASTAL AREA MANAGEMENT SITE PLAN REVIEW TO PLACE 325 +/- CUBIC YARDS OF STONE AND BOULDERS AT THE FACE OF AN EXISTING SEA WALL AT PROPERTY IDENTIFIED IN THE APPLICATION AS 287 OLD BLACK POINT ROAD, NIAN TIC, CONNECTICUT.**

Chairman Salerno read a memo from Mr. Mulholland.

Mr. Neilson stated this is on the southern tip of Black Point. It was hit extremely hard by Storm Irene. It is a stony beach. The wall was built in 1938 or 1939 by residents of Old Black Point. The average size of the stones is 3 to 4 feet. The 4 foot stones stayed in place, but the 3 foot stones moved. They are applying to put new rock on top of existing rock to protect the seawall and the property. All work will be done from land, and all stones will be brought onto the site. They would like to do this work by February.

**Motion (1) Mr. Donovan moved to approve the application of Keith B. Neilson, P.E., of Docko, Inc., for Coastal Area Management Review for shoreline protection improvements at property identified in the application as 287 Old Black Point Road, Niantic, CT.**

**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. McPherson.**

**Motion Passed 5-0.**

**This will be published on October 10<sup>th</sup>, and become effective on October 11<sup>th</sup>.**

**The next item was moved up from #1 of New Business.**

**3. APPLICATION OF KEITH NEILSON, DOCKO, INC., FOR A COASTAL AREA MANAGEMENT SITE PLAN REVIEW TO RECONSTRUCT AND REINFORCE AN EXISTING SEAWALL AT 249 OLD BLACK POINT ROAD, NIAN TIC, CONNECTICUT.**

Mr. Neilson stated this seawall was heavily damaged in Storm Irene. The area was very much altered by Irene, and now is a stand of phragmites. This is landward of the CT Coastal Jurisdiction Line; they will be using a large excavator, and 4 foot stones. They are hoping for frozen ground conditions. There are no tidal wetlands. It is in a coastal flood area.

**Motion (2)** Mr. McPherson moved to approve the application of Keith B. Neilson, P.E. of Docko, Inc., for Coastal Area Management Review for shoreline protection improvements at property identified in the application as 249 Old Black Point Road, Niantic, CT.

**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. Kane.**

**Motion Passed 5-0.**

**This will be published on October 10<sup>th</sup>, and become effective on October 11<sup>th</sup>.**

**4. APPROVAL OF MINUTES OF SEPTEMBER 5, 2013.**

Mr. Donovan stated it should say "Members Absent" above Mr. Walker's name, and Mr. Dwyer was absent also.

**Motion (3)** Mr. McPherson moved to approve the Minutes of September 5, 2013 as amended.

**Seconded by Mr. Kane.**

**Motion Passed 5-0.**

**OLD BUSINESS**

**1. SIGN SUBCOMMITTEE**

They have not met; they will meet prior to the October 17<sup>th</sup> meeting.

**2. OUTDOOR DINING BARS SUBCOMMITTEE**

They have not met.

**NEW BUSINESS**

**1. APPLICATION OF THOMAS AND TERRI YUHAS FOR A SPECIAL PERMIT FOR AGRICULTURAL/FARM USE AT 36 GIANTS NECK ROAD, NIAN TIC, CONNECTICUT.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

**2. APPLICATION OF GATEWAY DEVELOPMENT/EAST LYME LLC TO AMEND SECTION 11.A.9.2.2(3) OF THE REGULATION TO ALLOW A MAXIMUM OF 280 RESIDENTIAL UNITS.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

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

There was no business on the floor.

**4. ZONING OFFICIAL**

Mr. Mulholland stated there are quite a few construction projects going on. The Heritage building is complete. Henny Penny is moving along, and the building across from Midway Mall is also moving along.

**5. COMMENTS FROM EX-OFFICIO**

Ms. Cheeseman stated the Board of Selectmen met last night. They appointed an Attorney to check the land indices, they appointed a Title VI Agent, they adopted a Title VI policy, they approved budget transfers, they requested clarification of a proposed land acquisition, and they discussed a Veterans Services Coordinator.

**6. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION**

Mr. Peck went to the meeting, they table the Landmark review until October 8<sup>th</sup>, there was a presentation on the proposed land acquisition, there appeared to be a lot of questions, and a lack of information.

**7. CORRESPONDENCE/LANDMARK – ZONE CHANGE**

Mr. Donovan read a letter from Attorney Hollister dated October 3, 2013.

**8. COMMENTS FROM CHAIRMAN**

Chairman Salerno stated he received an email from Mr. Formica regarding the Southeastern CT Housing Alliance. They are asking for a representative from each town to meet quarterly to discuss affordable housing issues in the region.

**9. ADJOURNMENT**

**Motion (4) Mr. Donovan moved to adjourn the meeting at 9:25 p.m.**

**Seconded by Mr. McPherson.**

**Motion Passed 5-0.**

**Respectfully Submitted,**



**Karen Miller Galbo  
Recording Secretary**

