

TOWN OF EAST LYME
ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 22, 2011

Members Present:

Marc Salerno, Chairman
Steven Carpenteri
Mathew Walker
Norm Peck
William Dwyer, Alternate
Bob Bulmer, Alternate
James Liska, Alternate

Also Present:

Bill Mulholland, Zoning Officer

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Sept 29 20 11 at 10:00 AM
Esther B Williams
EAST LYME TOWN CLERK

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.

Chairman Salerno sat Mr. Liska and Mr. Bulmer as regular voting members for the meeting.

PUBLIC DELEGATIONS

There were no public delegations.

PUBLIC HEARING

There was no Public Hearing.

REGULAR MEETING

1. Application of John F. Eberle, Agent, for Barbara Williams, Owner, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall which was damaged due to Tropical Storm Irene at property identified in the application as 12 Atlantic Street, Niantic, Assessor's Map 11.4, lot 176.

Mr. Eberle stated they would like to proceed and replace the seawall for 12 Atlantic Street and for 14 Atlantic Street. There was tremendous damage from the storm. They are trying to replace the wall in kind per DEEP. It has to be exactly as it was. This is their first stop in the permit process. The Contractor hopes to get them done by early November. All construction will be from the lawn. There will be no storage or vehicles on the beach.

Mr. Mulholland stated he called DEEP and they came down the day after the storm. Under the CAM Act they did authorize some temporary repairs. This permit is for a permanent solution. This is a routine type application. There is easy access from the land, and there will be no adverse impacts on coastal resources.

Mr. Liska asked if one of the houses has stairs and the other doesn't.

Mr. Eberle stated they both have stairs and they will be put back exactly as they were.

Mr. Mulholland stated DEEP doesn't want anything new.

Motion (1) Mr. Carpenteri moved to approve the Application of John F. Eberle, Agent, for Emily B. Haines, Owner, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall, which was damaged due to Tropical Storm Irene at property identified in the application as 14 Atlantic Street, Niantic, Assessor's Map 11.4, lot 177.

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 on the proposed activity on both coastal resources and future water dependent uses.**

Seconded by Mr. Walker.

Motion Passed 6-0.

- 2. Application of John F. Eberle, Agent, for Emily B. Haines, Owner, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall which was damaged due to Tropical Storm Irene at property identified in the application as 14 Atlantic Street, Niantic, Assessor's Map 11.4, lot 177.**

Motion (2) Mr. Walker moved to approve the Application of John F. Eberle, Agent, for Emily B. Haines, Owner, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall, which was damaged due to Tropical

Storm Irene at property identified in the application as 14 Atlantic Street, Niantic, Assessor's Map 11.4, lot 177.

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 on the proposed activity on both coastal resources and future water dependent uses.

Seconded by Mr. Carpenteri.

Motion Passed 6-0.

3. Request of the Tire Store, 127 Boston Post Road, to substitute a 6' Architectural fence in lieu of a 6' planted buffer strip along the westerly, northerly and a portion of the easterly property line as provided for in section 24.7.

Mr. Mulholland stated this is an application for an addition on this building. He can give administrative approval in his office. The lot is narrow and they are looking for a waiver of the buffer.

George M. Leone, 127 Boston Post Road was there for the applicant.

Chairman Salerno asked if the fence would be vinyl or wood.

Mr. Mulholland stated he has discussed it with the applicant and they would like to get one to match the bank's vinyl one.

Chairman Salerno stated it may be more appropriate to have rail fence on the westerly side.

Mr. Leone agreed that it would be better to have that fence more open on that side.

Mr. Bulmer asked if there is room for planting in the front.

Motion (3) Mr. Bulmer moved to approve the Request of the Tire Store, 127 Boston Post Road, to substitute a 6' Architectural fence in lieu of a 6' planted buffer strip along the westerly, northerly and a portion of the easterly property line as provided for in section 24.7, and add shrubbery in the front, which will be worked out with the Zoning Officer.

Seconded by Mr. Carpenteri.

Motion Passed 6-0.

****Mr. Mulholland asked that they add two items to New Business under Item 2.**

4. Approval of Minutes of May 19, 2011.

****Chairman Salerno allowed Mr. Dwyer to vote on the approval of the minutes.**

Motion (4) Mr. Carpenteri moved to approve the May 19, 2011 Public Hearing and Regular Meeting Minutes.

Seconded by Mr. Dwyer.

Motion Passed 4-0-3 (Mr. Bulmer, Mr. Walker, Mr. Liska abstained)

5. Approval of Minutes of July 26, 2011.

Chairman Salerno stated these do not need to be approved by this Commission. Only two members of this Commission were there.

6. Approval of Minutes of August 4, 2011.

Motion (5) Mr. Carpenteri moved to approve the August 4, 2011 Public Hearing and Regular Meeting Minutes.

Seconded by Mr. Dwyer.

Motion Passed 7-0-0.

OLD BUSINESS

1. Parking Subcommittee

This is focused on downtown, and they will have some information for the Commission in the near future.

2. Sign Subcommittee

They may meet next week; Chairman Salerno would like to bring this forward soon.

NEW BUSINESS

1. Application of Jason Pazzaglia, to amend the East Lyme Zoning Regulations Section 6.3.1 to reduce the amount of square feet required for a multi family residence from 18000 square feet to 15000 square feet in the R-12 Zone.

Chairman Salerno asked Mr. Mulholland to schedule this for a public hearing.

2. **Application of Donald Gerwick, for James R. Kern, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall which was damaged due to Tropical Storm Irene at property identified in the application as 28 Atlantic Street, Niantic, Assessor's Map 11.4 Lot 183**

Mr. Gerwick stated this is similar to Mr. Eberle's application. There was a failure of the walls. The wall in front of 26 Atlantic Street was a catastrophic failure and the front of the property eroded away. They did get emergency authorization from DEEP to repair it.

Chairman Salerno asked if all of the work will be from land.

Mr. Gerwick stated there is a small possibility because of the limited access that they would like to have the flexibility to put sheeting in from the waterside. However, it is unlikely the DEEP will allow work on the beach. The work will take a couple of weeks. They are aware this needs to be done in the fall.

Motion (6) Mr. Carpenteri moved to approve the application of Donald Gerwick, for James R. Kern, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall which was damaged due to Tropical Storm Irene at property identified in the application as 28 Atlantic Street, Niantic, Assessor's Map 11.4 Lot 183.

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 on the proposed activity on both coastal resources and future water dependent uses.**

Seconded by Mr. Bulmer.

Motion Passed 6-0.

3. **Application of Donald Gerwick, for White Knight Development LLC, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall which was damaged due to Tropical Storm Irene at property identified in the application as 26 Atlantic Street, Niantic, Assessor's Map 11.4 Lot 182.**

Motion (7) Mr. Carpenteri moved to approve the Application of Donald Gerwick, for White Knight Development LLC, for a Coastal Area Management (CAM) Site Plan Review to replace an existing seawall which was damaged due

to Tropical Storm Irene at property identified in the application as 26 Atlantic Street, Niantic, Assessor's Map 11.4 Lot 182.

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 on the proposed activity on both coastal resources and future water dependent uses.

Seconded by Mr. Bulmer.

Motion Passed 6-0.

4. Zoning Official.

There were Uhauls for rent at the Mobil downtown, there were no approvals for that business, and it has been eliminated. He received a telephone call from a tattoo artist who wants to open on Main Street, there is a question of what kind of business that is. He is not sure if that falls under personal service.

Mr. Peck stated he believes that falls under personal service.

5. Comments from Ex-Officio.

There was no ex-officio.

6. Comments from zoning board liaison to Planning Commission

Chairman Salerno asked that staff put in the agenda who is the person who went to the meeting and who is the next person who has to attend.

Mr. Dwyer stated they discussed the architectural regulations or guidelines.

7. Comments from Chairman

Chairman Salerno welcomed George McPherson, who is running for the Zoning Commission at the election in November.

He has received a letter from Dr. Gada resigning his position. There is an opening for the next two months. He thanked Dr. Gada for his service.

8. Adjournment

Motion (8) Mr. Carpenteri moved to adjourn the meeting at 8:30 p.m.

Seconded by Mr. Walker.

Motion Passed 6-0.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Karen Miller Galbo". The signature is written in black ink and is positioned above the printed name.

Karen Miller Galbo
Recording Secretary