

TOWN OF EAST LYME

ZONING COMMISSION

AUGUST 4, 2011

REGULAR MEETING MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ED GADA

ALSO PRESENT:

Bill Mulholland, Zoning Officer
Rose Ann Hardy

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Aug 8 2011 at 8:45 AM PM
Keith B. Williams
EAST LYME TOWN CLERK

Mr. Bulmer was sat by Chairman Salerno as a regular member for the Regular Meeting.

1. Application of Keith B. Neilson, PE of Docko, Inc., for John & Lisa Lazine, owners for a Special Permit to construct a dock in a Tidal Marsh Zone at property identified in the application as 90 Old Black Point Road, Niantic, Assessor's Map 08.3, Lot 5.

Ms. Carabelas stated she would like to see the dates that the Town was supposed to be notified prior to construction.

Chairman Salerno agreed, however it can come before this Commission before or after construction. Our application is not contingent upon that, we are just dealing with the land use side of it.

Mr. Bulmer asked Mr. Mulholland if this Commission only has jurisdiction over the land, and if they have anything to do with what is stored on the land.

Mr. Mulholland stated yes they can give conditions if the Special Permit is approved.

Chairman Salerno stated they could state that the boat is not to be stored south of the road and the dock.

Mr. Carpenteri stated if the DEP approved it and it was built according to their standards he doesn't see a problem with it.

Mr. Walker stated the concern for this Commission is where it attaches to the land and the use of the dock in the upland area.

Ms. Carabelas asked if this went forward would there be other things for DEP to approve before they actually finish construction.

Mr. Mulholland stated if they expand it will be a DEP issue.

Ms. Carabelas stated the Department of the Army letter also says the work is authorized and gave their approval.

Motion (1) Mr. Carpenteri moved to approve the application of Keith B. Neilson, PE of Docko Inc., for John & Lisa Lazine, Owners for a Special Permit to construct a dock in a Tidal Marsh Zone at property identified in the application as 90 Old Black Point Road, Niantic, Assessor's Map 08.3, Lot 5, with the condition that upon removal of the ramp and the float the permittee shall not store such structures in the upland area up to Old Black Point Road for the entire width of the lot.

Seconded by Mr. Walker.

Motion (2) Mr. Bulmer moved to amend Mr. Carpenteri's motion to also include that boats are not to be stored in the upland area up to Old Black Point Road for the entire width of the lot.

Seconded by Ms. Carabelas.

Amended Motion (2) passed 6-0.

Motion (1) passed 6-0.

Mr. Mulholland stated this will be published next Thursday, August 11, 2011, and will be effective August 12, 2011.

- 2. Application of Gary D. Smith, PhD, PE for Carmine Marone, Bayview Landing Marina, for a Coastal Area Management (CAM) Site Plan Review to re-develop Bayview Landing Marina including upgrading and expanding marine dockage, dredging of basin area and upgrading site and facilities at property identified in the application as 111 Main Street, Niantic, Assessor's Map 12.1 Lots 56.**

Mr. Carpenteri read a memo from Mr. Mulholland.

Gary Smith, 369 Main Street, Niantic stated this is for a CAM review for 2 parcels. 109 Main Street, Assessor's Map 12.2 Lot 1, and 111 Main Street, Assessor's Map 12.1 Lot 56. This site is the last property before the causeway going to Waterford, He gave a brief history of the parcel.

Mr. Carpenteri read a letter from Marcy Balint of the DEP.

Mr. Smith stated they have 6.5 acres water ward of the high tide line. The DEP has to permit everything, they do have to take this through the Town for approval first. Soil analysis has been done, along with SAV analysis and a marine survey. Due to the SAV analysis there will be a 25 foot buffer for the eel grass. This has been presented to Harbor Management and Waterford East Lyme Shellfish Commission (WELSCO) and they have all determined this will have no significant impact.

Ms. Carabelas asked for copies of the permit from DEP or from WELSCO.

Mr. Smith said he can provide them with copies.

Ms. Carabelas stated he should make sure Mr. Mulholland gets them.

Mr. Smith stated they will be developing the shore front, the travel lift will be rebuilt, the east side has to be regraded, the parking will be per town requirements, they will have 96 for the boat slips, 4 for the retail shop, and 2 for employees. The parking lot will be crushed gravel. There will be a wash down basin area. A picnic area at the east end of the property for tenants. There also will be an area for the public in the southeast corner. They are planning to upgrade the bath and shower facilities, the site will be cleared of derelict boats and debris. They will have a construction entrance, they will have a silt fence running along the water line, and turbidity curtains.

Mr. Carpenteri asked about soil contamination.

Mr. Smith stated at periodic times they have had it tested and there was no contamination.

Mr. Mulholland asked about lighting.

Mr. Smith stated in the southeast corner there is now a light that lights up the whole sight.

Mr. Mulholland stated there is potential to address lighting in another fashion.

Chairman Salerno suggested some low impact lighting.

Mr. Smith stated they can address that in the site plan.

Chairman Salerno stated part of the CAM review is the derelict boats.

Mr. Smith stated they will be hauled off to a different location then taken apart.

Chairman Salerno asked about the wash basin.

Mr. Smith stated they will be use a holding tank.

Chairman Salerno asked about dockage.

Mr. Smith stated approximately 10 to 15% of the docks will be transient. Plus a dinghy dock will be open to transient boats.

Ms. Carabelas asked if they will be presenting a site plan after this.

Mr. Mulholland stated it is just the CAM for now.

Chairman Salerno asked if seasonal storage means no boats are stored there in the summer.

Mr. Mulholland stated it does not say no.

Mr. Bulmer asked about Marcy Balint's letter. She suggested the public area be landscaped with picnic tables and two parking spaces.

Mr. Mulholland stated those are her recommendations and not requirements. They can ask the applicant if they would be amenable to that.

Mr. Smith stated he is not sure that they would want to provide parking. They don't really have the property for that. It will be a nice area to sit and it offers a different perspective to the river.

Mr. Mulholland stated right now there is no public access, it would be nice to have that property in the corner. He also respectfully disagrees with Marcy Balint's suggestion of arborvitaes.

Mr. Bulmer asked if there is any public access to the public area.

Chairman Salerno stated from the sidewalk.

Mr. Smith stated there will be a semi private fence.

Mr. Dwyer left the meeting at 9:08.

Mr. Smith stated they do not have land to give away, they just offered that section for public use due to the proximity to Cini Park and to the Boardwalk. The state holds land owners harmless when they offer property for public use.

Chairman Salerno asked who will maintain the public area.

Mr. Smith stated the marina will maintain it.

Chairman Salerno asked how we will guarantee there will be a portion open to the public.

Mr. Mulholland stated it is part of the approval. There will be no easements, but it will be part of the record.

Chairman Salerno stated he wants to make sure it is part of the record.

Mr. Peck asked if the owner would object to the minimum amount of transient slips. He stated 10 – 15%.

Mr. Smith stated the funding from the state is based on the amount of docks set aside for transients.

Mr. Peck asked if they would be dredging the whole area of the dockage.

Mr. Smith stated yes.

Mr. Smith stated they are talking to Amtrak about pumping the dredge right over to the Amtrak beach.

Mr. Peck asked if the property is mostly fill.

Mr. Smith stated yes it was filled back in the 50's.

Mr. Peck stated on occasion a dredging project is stock piled and in the piles are Native American artifacts.

Mr. Smith stated they do not have an area to stock pile.

Mr. Carpenteri asked if this is approved when the work would start and how long will it take.

Mr. Smith stated if it is approved they then would have to apply to DEP. They hope to have the approval for dredging in October of November. They could start cleaning in the fall. Hopefully it will be ready by the spring. It all depends on the DEP.

Motion (3) Mr. Bulmer moved to approve the application of Gary D. Smith PhD, PE for Carmine Marone, Bayview Landing Marina, for a Coastal Area

Management (CAM) Site Plan Review to re-develop Bayview Landing Marina including upgrading and expanding marine dockage, dredging of basin area and upgrading site and facilities at property identified in the application as 111 Main Street and 109 Main Street, Niantic, Assessor's Map 12.1 Lot 56 and Map 12.2 Lot 1.

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. Carpenteri.

Mr. Mulholland stated in order for them to get their CO they would have to oblige by the CAM report. They will have to make the improvements to the upland.

Motion (4) Mr. Peck moved to amend Motion (3) to add that a minimum of 10% of the slips be transient.

Seconded by Ms. Carabelas.

Mr. Mulholland stated his testimony was that 10-15% of the slips will be transient.

Amended Motion (4) passed 6-0.

Motion (3) passed 6-0.

- 3. Request of Harbor Hill Marina, 60 Grand Street, and the Captain Clark House Bed and Breakfast, 15 Smith Avenue, Niantic, for a waiver of Section 24.6 C Sidewalks.**

Mr. Carpenteri read a memo from Mr. Mulholland.

Dave Labrie, 60 Grand Street, represented the applicant. He submitted recent pictures of Smith Avenue. There are sidewalks the entire opposite side of the road, there are no sidewalks on the side of the Marina.

Mr. Mulholland added that the applicant was requested to put in a sidewalk, as it got near the end of the project they could either do the sidewalk or seek a waiver. There is approximately 80 feet of frontage.

Ms. Carabelas stated the opposite side has sidewalks the entire way.

Mr. Walker stated it would be sidewalk to nowhere.

Mr. Bulmer stated it looks good without a sidewalk.

Motion (5) Ms. Carabelas moved to the request of Harbor Hill Marina, 60 Grand Street, and the Captain Clark House Bed and Breakfast, 15 Smith Avenue, Niantic, for a waiver of Section 24.6 C Sidewalks.

Seconded by Mr. Bulmer.

Motion Passed 6-0.

****Mr. Bulmer left the meeting at 9:35.**

****Chairman Salerno sat Mr. Liska as regular member in place of Mr. Gada.**

4. Approval of Minutes of May 19, 2011

The approval of these minutes was tabled to the next meeting.

5. Approval of Minutes of July 7, 2011.

Motion (6) Mr. Carpenteri moved to approve the minutes of the July 7, 2011 Regular Meeting and Public Hearing.

Seconded by Mr. Walker.

Motion Passed 4-0-2 (Ms. Carabelas & Chairman Salerno abstained)

OLD BUSINESS

1. Parking Subcommittee

Chairman Salerno stated they will have a meeting at the beginning of September. They have some issues to consider such as whether on street parking counts, and if a business is a certain number of feet from the public parking lots.

2. Sign Subcommittee

Chairman Salerno stated he would like to discuss the draft at the next regular meeting.

NEW BUSINESS

1. Any business on the floor, if any by the majority vote of the Commission

Mr. Peck stated they need to rewrite the Residential Regulations to conform with the CDD Regulations.

Chairman Salerno asked Mr. Mulholland to have that ready for the September meeting.

Mr. Mulholland stated he will sit down and go through that.

2. Zoning Official

There was no report.

3. Comments from Ex-Officio

Rose Ann Hardy stated the Board of Selectmen has approved the purchase of the Darrow Pond property. There will be a Public Hearing next Wednesday at 6:30 prior to the Board of Finance meeting. There have been some objections from some people in neighboring Darrows Ridge who are concerned with the water tower and the public access to the lake. Mr. Formica met with those residents to discuss their concerns. The Town is very interested in acquiring that property. The Board of Selectmen could use the Zoning Commission's support as a land use agency at the public hearing

4. Comments from zoning board liaison to Planning Commission

Chairman Salerno asked if the reminder had gone out.

Mr. Mulholland stated the list has gone out.

Chairman Salerno stated he wants a reminder to be sent out a week before the meeting to the individual who is responsible for attending.

5. Comments from Chairman

Chairman Salerno stated he went to the site walk at the Darrow Pond property. Everything Mrs. Hardy mentioned is accurate and he will speak at the Public Hearing on behalf of this Commission in favor of the purchase.

6. Adjournment

Motion (7) Ms. Carabelas moved to adjourn the meeting at 9:45 p.m.

Seconded by Mr. Walker.

Motion passed 6-0.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Karen Miller Galbo". The signature is written in a cursive, flowing style.

Karen Miller Galbo
Recording Secretary