

TOWN OF EAST LYME
ZONING COMMISSION
NOVEMBER 21, 2013
REGULAR MEETING MINUTES

Members Present:

Marc Salerno, Chairman
George McPherson
Matthew Walker
Terence Donovan
Norm Peck
Matthew Kane
Peter Lukas, Alternate
William Dwyer, Alternate (Sat for Item 2)

FILED IN EAST LYME
CONNECTICUT
Nov 27, 2013 AT 8:40 AM/PM
Bruce D. Donnell ATC
EAST LYME TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer
Holly Cheeseman, Ex-Officio

Members Absent:

James Liska, Alternate

- 1. Continuation of Application of Thomas and Terri Yuhas for a Special Permit for agricultural use to keep/house various farm animals at property identified in the application as 36 Giants Neck Road, Niantic, CT. East Lyme Assessor's Map #7.1, Lot 4.**

Mr. McPherson suggested they condition this approval that no roosters be allowed, and they use best practices for waste disposal.

Mr. Peck stated they have 37 acres.

Mr. Donovan stated it is a general understanding and the applicant has stated he will not have roosters.

Motion (1) Mr. Donovan moved to approve the Application of Terri Yuhas, Owner, for Special Permit for agricultural use to keep/house various farms animals at property identified in the application as 36 Giants Neck Road, Niantic.

Seconded by Mr. Peck.

Motion Passed 6-0.

This will be published next Wednesday, November 27th, and become effective November 28th.

- 2. Application of Attorney Theodore A. Harris to modify Section 11.A.9.2.2 C. by deleting the number 275 and replacing it with the number 280.**

****Mr. Peck recused himself for this item, and Mr. Dwyer sat for this item.**

Mr. Walker stated this is a minor modification, the footprint is not changing.

Mr. Dwyer stated this will have an effect on the town, but the footprint is not changing.

Motion (2) Mr. Walker moved to approve the application of Theodore A. Harris to modify Section 11.A.9.2.2. C by deleting the number 275 and replacing it with the number 280.

Seconded by Mr. McPherson.

Motion Passed 5-1 (Mr. Donovan voted nay)

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****Mr. Peck returned for the remainder of the meeting, and Mr. Dwyer stepped down.**

- 3. Continuation of application of Keith Neilson, Docko, Inc., Agent 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. Walker read a letter from Brian Thompson of OLISP dated September 5, 2013.

Mr. Kane read a memo from Colin Clark and Sharon Yurasevecz dated October 29, 2013.

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

Mr. Walker read a letter from Mr. Mulholland dated September 5, 2013.

Keith Neilson stated he has had several meetings with DEEP and they have reviewed drawings and site conditions in great detail. He also took a supervisor at DEEP to the site. This proposal is not based on theoretical conditions; this is based on damage from Hurricane Sandy. They want to restore the walk to a usable path, and they want the bluff preserved. Mr. Neilson reviewed the site map with the Commission. When the project is finished the stone will settle. They had discussed alternatives to this project. They have a planting plan. He has had experts review this proposal and they have agreed this is the right approach; there are no real good less invasive alternatives to this. This will continue to be used for access to the public as it has been for decades.

Mr. Mulholland asked if the general public has access.

Keith Neilson stated it does, and there is a representative of the Association here tonight. They are not just restoring the path, but restoring the bluff. DEEP mentioned that at the top of the hill where it seems there was a washout, they can change that with simple grading and flow retarders to impede the water flow. This will be consistent with applicable coastal policies. All experts agree this is a high energy site. All adverse impacts will be minimal.

Mr. Mulholland asked if there is public parking on the street, and if this is approved would they have signage that would state there is public access.

Mr. Neilson stated that is correct.

Leeann Engels of the Crescent Beach Association, 96 Columbus Avenue, Niantic stated that walkway has been in use over 100 years and the Association has never restricted public use. They have even had the Niantic Bay Triathlon use that walkway. It has never been restricted.

Keith Neilson stated the signs stating it is open to the public are a part of the plans and will be installed.

Mr. McPherson asked if they will need an easement.

Mr. Mulholland stated it is open to the public.

Mr. Peck asked if DEEP will require an Easement.

Mr. Mulholland stated they have been in discussion; they will also need a DEEP permit below the Coastal jurisdiction line.

Mr. Peck stated he trusts Mr. Neilson's team of Engineers.

Mr. Neilson submitted the following Exhibits:

Exhibit Y	Coastal Site Plan maps
Exhibit Z	CT Stated Library 1934 Photo (shows path on the bluff)

Chairman Salerno stated he doesn't see another alternative. It is definitely open to the public.

Mr. Walker agreed with Mr. Salerno.

Motion (3) Mr. Donovan moved to approve the application of Keith B. Neilson, P.E., of Docko, Inc., for Crescent Beach Association and Barbara Barrettt, for a Coastal Area Management Site Plan Review for shoreline protection improvements at property identified as Crescent Beach, 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. Peck.

Motion Passed 6-0.

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4. **Application of Keith Neilson, Docko, Inc., Agent for a Coastal Area Management Site Plan Review for shoreline protection improvements between 243 and 249 Old Black Point Road, in the Old Black Point Association Right of Way, Niantic, Connecticut.**

Mr. Neilson stated this is very narrow 40 foot area that was badly damaged in Storm Irene and Hurricane Sandy. They are planning on placing boulders and rip rap. The stones will be placed landward of the coastal jurisdiction line, so there will not be any DEEP permitting necessary on this.

Chairman Salerno asked if all work would be done from land.

Mr. Neilson stated yes it would be.

Motion (4) Mr. Walker moved to approve the application of Keith Neilson, Docko, Inc., Agent for a Coastal Area Management Site Plan Review for shoreline protection improvements between 243 and 249 Old Black Point Road in the Old Black Point Association Right of Way, Niantic, Connecticut.

REASONS:

5. **Application is consistent with all applicable goals and conditions of the CAM Act.**
6. **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 6-0.

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7. **Request of Jeffrey McNamara to waive the ownership requirement of the access way for a back lot (see Section 20.8) at 36 Smith Ave, Niantic.**

Mr. McNamara stated the owner of this property received permission to split this property in 2002, in 2011 he re-combined the property. Now he is asking to go back to the split. They are asking that they waive the requirement that the access way be the same owner. It is not a high traffic area. When he originally created these two lots they didn't need that requirement.

Mr. Mulholland stated when this was written into the regulations they envisioned this happening.

Motion (5) Mr. Peck moved to approve the request of Jeffrey McNamara to waive the ownership requirement of the access-way for a back lot at 36 Smith Avenue, Niantic.

Seconded by Mr. McPherson.

Motion Passed 6-0.

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8. Approval of Minutes of November 7, 2013.

Motion (6) Mr. McPherson moved to approve the Public Hearing and Regular Meeting Minutes of November 7, 2013.

Seconded by Mr. Kane.

Motion Passed 6-0.

Old Business

1. Sign Subcommittee

They will schedule a meeting.

2. Outdoor Dining Bars Subcommittee

This is being worked on.

3. Zoning Regulations Review

They will be meeting on December 12th.

New Business

1. Application of Rita Fokaidis for a Special Permit for Mixed Use at property identified in the application as 55 West Main Street, Niantic, Connecticut.

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

2. Application of White Knight Development, LLC for a CAM Site Plan Review to construct a single family dwelling.

There was no objection to this item being taken off the floor.

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

3. Zoning Official

Mr. Mulholland stated he has been busy. He anticipates a Gateway Commercial application coming in in January or early February, the building permit fees for the residential phase will be approximately \$90,000.

The landscape will not be going in the new building on Flanders Road at this point; they will get to it in early May. They will take a bond on that part of the project.

4. Comments from Ex-Officio

Ms. Cheeseman stated the Board of Selectmen met last night, there was a presentation from Ledge Light on tick borne illnesses. They appointed the new Director of Public Works to SCRRA. They authorized Mr. Formica to enter an agreement with Yale to use their trails. They passed the item to refurnish some town vehicles.

5. Comments from Zoning Board liaison to Planning Commission

Chairman Salerno stated they discussed what we approved today. They also discussed a POCD update with more maps.

6. Comments from Chairman

Chairman Salerno thanked everyone for their service; this has been a good Commission. He received an invitation from the SE CT Housing Alliance for their Affordable Housing Sub-Committee; he will attend, but may need help filling in now and then.

7. Adjournment

Motion (6) Mr. Donovan moved to adjourn the meeting at 9:55 p.m.

Seconded by Mr. McPherson.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**