

TOWN OF EAST LYME

ZONING COMMISSION

JUNE 20, 2013

PUBLIC HEARING MINUTES

Members Present:

Marc Salerno, Chairman
Matthew Walker
Terence Donovan
George McPherson
Norm Peck
Peter Lukas, Alternate (Sat for Public Hearing)
James Liska, Alternate (Sat for Item 2)
William Dwyer, Alternate (Did not Sit)

FILED IN EAST LYME
CONNECTICUT
June 20, 2013 AT 8:30 AM/PM
Marc Salerno, At
EAST LYME TOWN CLERK

Members Absent:

Matthew Kane

Also Present:

Bill Mulholland, Zoning Officer
Holly Cheeseman, Ex-Officio (Entered at 8:30 p.m.)

CALL TO ORDER

Chairman Salerno called the Public Hearing to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

He asked Peter Lukas to sit as a Regular Member in place of Mr. Kane

PUBLIC DELEGATIONS

There were no public delegations.

1. APPLICATION OF THE COMMON LOON RESTAURANT, FOR A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 135 BOSTON POST ROAD, EAST LYME, CONNECTICUT.

Mr. Mulholland confirmed the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

James Oliver representing the applicant stated it will be a patio in the front of the restaurant. It will be enclosed with a 30 inch wrought iron fence. They would like to serve alcohol.

Mr. Oliver presented Exhibit 1 – Picture Packet.

There will be approximately 8 tables with 2 seats at each table.

Mr. Salerno confirmed that Mr. Oliver was aware he will have to come before the Zoning Commission every year.

Mr. Oliver was aware, he stated there would be no entertainment, and the low level speakers will be shut off at the close of the patio. Service will stop on the patio at 10:00 p.m. on weekends, and 9:00 during the week. There is always a supervisor on duty.

Mr. McPherson asked about additional lighting.

Mr. Oliver stated they will utilize lights that are already there.

There were no public comments.

Motion (1) Mr. Donovan moved to close the Public Hearing.

Seconded by Mr. McPherson.

Motion Passed 6-0.

2. APPLICATION OF JUSTIN KROL, FOR A SPECIAL PERMIT TO OPERATE A FAST FOOD RESTAURANT AT PROPERTY IDENTIFIED IN THE APPLICATION AS 323 FLANDERS ROAD, EAST LYME, CONNECTICUT.

Mr. Mulholland confirmed the legal advertisement had run on this item.

****Mr. Peck recused himself for Item 2, and Mr. Liska sat as a Regular Member for Item 2.**

Mr. Walker read a memo from Mr. Mulholland.

Justin Krol and Nicole Krol would like to open a self-serve frozen yogurt establishment. They will have 15 flavors and the patrons will serve themselves.

Mr. Krol corrected the Agenda, as it should state 325 Flanders Road.

Mr. Salerno stated the parking is adequate.

Mr. Krol stated they will clean up the unit very nice, and it will not be a drive thru. There will be seating for 20.

Mr. Liska asked if there would be outside seating.

Mr. Mulholland stated that is yet to be determined.

There was no public comment.

Motion (2) Mr. McPherson moved to close the Public Hearing.

Seconded by Mr. Donovan.

Motion Passed 6-0.

****Mr. Peck returned for the remainder of the Public Hearing and Mr. Liska stepped down.**

- 3. EAST LYME ZONING COMMISSION PROPOSAL TO AMEND THE EAST LYME ZONING REGULATIONS BY DELETING SECTION 13 AQUIFER AND PRIMARY RECHARGE DISTRICT AND SECONDARY RECHARGE DISTRICT, AND SECTION 30, AQUIFER PROTECTION DISTRICTS FROM THE EAST LYME ZONING REGULATIONS, AND TO AMEND THE ZONING MAP BY REMOVING THE AQUIFER PROTECTION ZONES. JURISDICTION AND RESPONSIBILITY HAS BEEN TRANSFERRED TO THE TOWN'S AQUIFER PROTECTION AGENCY.**

Mr. Mulholland confirmed the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

Mr. Walker read a letter from the East Lyme Planning Commission.

Mr. Walker read a letter from James Rabbitt of SCCOG.

Mr. Walker read a memo from Marcy Balint of DEEP.

Mr. Salerno stated in the past year the state has requested towns to appoint an Aquifer Protection Agency, the Zoning Commission serves in that capacity. The Town was required to perform A1 surveys to determine the boundaries of the aquifers.

Mr. Mulholland stated those were established through drilling and modeling.

Mr. Salerno stated they determined those areas that could damage the aquifers, since they don't have a reservoir in this town. Aquifer protection regulations are in the zoning regulations. The State suggests they have one set of regulations. They had held off on this. The Town's Water Engineer explained how they got the maps in the 70's and they are based on topography and are not very scientific. They now have two maps, and one is a little less restrictive. Any business within the aquifer would have to apply for a permit.

Mr. Mulholland stated if a use is considered to possibly have adverse impacts they must register with him. They must have a best management plan.

Mr. Salerno stated the State carefully designed the regulations to balance with economic development.

Mr. Peck asked where the Planning Commission was coming from in their determination that this was Inconsistent with the POCD.

Mr. Donovan stated he was at that meeting and they didn't have all of the information that was presented to us. The information that was explained to us was not explained to them.

Mr. Peck asked if any engineer or professional staff was consulted.

Mr. Donovan stated not in that meeting.

Mr. Donovan stated they were concerned with future drilling of wells.

Mr. Mulholland stated the State would have to give a permit for new wells and they would need new maps for that.

There were no public comments.

Motion (3) Mr. Donovan moved to close the Public Hearing.

Seconded by Mr. Walker.

Motion Passed 6-0.

Respectfully Submitted,

**Karen Miller Galbo
Recording Secretary**