

**REGULAR MEETING Thursday, APRIL 16th, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, April 16, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Marc Salerno, Ed Gada, Norm Peck, Steve Carpenteri

ALSO PRESENT: William Dwyer, Alternate
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio Board of Selectmen

ABSENT: Bob Bulmer, Alternate, Gregory Massad, Alternate

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 8:23 PM after the previously scheduled Public Hearings.

Pledge of Allegiance

The Pledge was previously observed.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were no delegations.

Regular Meeting

1. Application of Sunny Chok for a Special Permit for Outdoor Dining at property identified in the Application as 344-348 Main Street, Niantic, CT.

Mr. Nickerson called for a motion.

****MOTION (1)**

Mr. Salerno moved to approve the Application of Sunny Chok for a Special Permit for Outdoor Dining at property identified in the Application as 344-348 Main Street, Niantic, CT.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this would publish on April 22, 2009 and become effective on April 23, 2009.

2. Application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations Section 4.1.3 "Nursery or Greenhouse provided they are not less than 100 feet from any lot line."

Mr. Nickerson said that they had just closed this Public Hearing and called for discussion.

Ms. Carabelas said that if they are just looking at what was presented that they could vote to deny it without prejudice.

Mr. Salerno said that he is not in favor of allowing something to be less restrictive than what we have in place now.

Mr. Mulholland noted that the height is 30 feet and that in some of their regulations that as things come closer to the road, the height diminishes.

Mr. Salerno said that he does live near greenhouses and that they can be made of different materials such as plastic rather than glass and that they also can be heated in a variety of ways. Plastic flapping in the wind and smoke from wood burning can be annoying in a residential zone next to houses.

Mr. Peck said that they would have to define nursery/greenhouse and that he would move to deny this as it has been presented.

Mr. Nickerson said that he lives in one-acre zoning with the cookie cutter houses and that he would not like to have a greenhouse erected on the property next to him. Depending on how it looked and if it was maintained, it could also greatly decrease property values. He said that he would agree that this could not be passed as presented.

****MOTION (2)**

Mr. Peck moved to deny without prejudice, the Application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations Section 4.1.3 "Nursery or Greenhouse provided they are not less than 100 feet from any lot line."

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Mulholland noted that this decision would publish on April 22, 2009.

3. Application of Webster Bank for an Extension of a Special Permit of September 7, 2006 for Darrow Pond. (Previously extended on June 21, 2007 for a period of two years)

Mr. Peck recused himself from this discussion and sat in the audience.

Mr. Nickerson seated Mr. Dwyer, Alternate at the table and asked Ms. Carabelas to read the letter from Webster Bank.

Ms. Carabelas read the following correspondence into the record:

- Letter dated received 3/20/09 to Mark Nickerson, ELZC Chairman from Scott Silvay, VP Webster Bank Special Assets – Re: Application for Extension of Special Permit – 16 Mostoway Road (Darrow Pond) SU-E – outlining the events and history of the permit and requesting a 2-year extension to allow them to work with the Dept. of Public Health on the permitting process for the well water supply system, septic system and related site infrastructure.

Mr. Nickerson asked what the property is zoned as and said that his question is what if they wanted to put a regular subdivision here instead.

Mr. Mulholland said that it is currently SU-E and that it would have to be re-zoned in order to put a subdivision there or to SU for a condo-type development. He added that at this point the bank would like to protect its permit and they are working with the DEP on their water permitting process.

****MOTION (3)**

Mr. Salerno moved to approve the Application of Webster Bank for a two-year extension of a Special Permit for Darrow Pond from June 21, 2009 to June 21, 2011.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Dwyer, Alternate returned to the audience.

Mr. Peck was re-seated at the table.

4. Application of Three Belles, LLC for a Coastal Area Management Plan Review for property located at 119 Oswegatchie Hills Road, Niantic for a wash down pad.

Mr. Nickerson asked Ms. Carabelas to read the correspondence from the Zoning Official into the record.

Ms. Carabelas read the following correspondence into the record:

- Letter dated 4/16/2009 to ELZC from William Mulholland, Zoning Official – Re: Coastal Site Plan Application for Three Belles, LLC – noting that the review is required by General Statute and that the Commission should consider the characteristics of the site, potential effects and if any adverse impacts have been adequately minimized.

Mr. Nickerson asked if there was a presentation.

Ellen Sutt, of Sailor Environmental said that she was representing Three Belles LLC. They are looking to install a concrete wash down pad for boat washing as in 2007 wastewater management revised their rules stating that water could no longer be put into the ground and that they could do one of three things: pre-treat and sewer it, recycle it by machine or collect it in a tank and have it hauled off-site for proper disposal. The deadline they gave to have this done by is December of 2009. All of the marinas that are involved in the washing of boats have to follow this. She said that at Three Belles that the water will drain to a 2000 gallon holding tank when the boats are being washed; otherwise regular stormwater will go through a crushed stone layer, into the ground. This represents an environmental improvement and Three Belles is the only DEP certified marina in the Town.

Mr. Nickerson asked if this is checked and if there is a regulatory body that monitors it.

Ms. Sutt said that they have a DEP issued stormwater permit and that it will be monitored weekly. Silt fencing will also be erected.

Mr. Mulholland said that the applicant/marina is taking all measures such as the silt fence to mitigate any problems.

Ms. Carabelas asked how they would divert the water from the boat power washing to stormwater.

Edward Sailor, president of Sailor Environmental explained that when they are done washing boats that a plug goes in so that regular water goes to the stormwater function.

****MOTION (4)**

Mr. Salerno moved to approve the Application of Three Belles, LLC for a Coastal Area Management Plan Review for property located at 119 Oswegatchie Hills Road, Niantic for a wash down pad.

Ms. Carabelas seconded the motion.

Mr. Salerno said that the reasons for approval are: the application is consistent with all applicable goals and conditions of the CAM Act and the applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.

Vote: 6 – 0 – 0. Motion passed.

(Note: A brief break was taken here and Mr. Nickerson, Mr. Dwyer and Ms. Hardy left the meeting. Ms. Carabelas was Acting Chair for the remainder of the meeting.)

5. Approval of Minutes – Public Hearings I, II & III and Regular Meeting Minutes – April 2, 2009

Ms. Carabelas called for discussion on, or corrections to the Commission's Public Hearing and Regular Meeting Minutes of April 2, 2009.

****MOTION (5)**

Mr. Carpenter moved to approve the April 2, 2009 Public Hearing I, Public Hearing II, Public Hearing III and Regular Meeting Minutes of the Commission as presented.

Mr. Salerno seconded the motion.

Vote: 3 – 0 – 2. Motion passed.

Abstained: Ms. Carabelas, Mr. Peck

Old Business

1. Stormwater

There was no discussion.

2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Gregory Massad)

Mr. Salerno said that they are setting up a meeting.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

Mr. Mulholland passed out copies of information most recently supplied by Town Counsel on this, noting that they had been asked to review it from the last meeting.

Ms. Carabelas asked if it was the definitions of what they were proposing.

Mr. Mulholland said yes.

Ms. Carabelas asked if it would be in addition to the latest regulations that they had proposed.
Mr. Mulholland said yes, he would incorporate both.

Mr. Salerno asked that they change Item #6 on the Revision IV dated 3/19/09 so that highway reads 'interstate highway or connector'.

Ms. Carabelas asked that they have Attorney O'Connell attend the public hearing on this.

Mr. Mulholland said that he would speak with Attorney O'Connell and schedule this for Public Hearing at their mutual convenience.

4. Subcommittee – Conservation Development by Design (Marc Salerno, Norm Peck & Rosanna Carabelas)

Mr. Peck reported that they will be holding a meeting next week on April 23, 2009.

New Business

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

There was none.

2. Zoning Official

Mr. Mulholland reported that they continue to be busy with a lot of the smaller applications and that he also gets requests on other potential projects.

3. Comments from Ex-Officio

There was no report.

4. Comments from Zoning Commission liaison to Planning Commission

There was no report.

5. Comments from Chairman

Ms. Carabelas said that he did not have any further comments.

6. Adjournment

Ms. Carabelas called for a motion to adjourn.

****MOTION (6)**

Mr. Carpenteri moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:32 PM.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary