

TOWN OF EAST LYME

ZONING COMMISSION

JULY 10, 2014

REGULAR MEETING MINUTES

Members Present:

Marc Salerno, Chairman
Matthew Kane
Matthew Walker
George McPherson
Norm Peck
William Dwyer, Alternate (Sat for Item 4)
Peter Lukas, Alternate
James Liska, Alternate (Sat for Regular Meeting)

FILED IN EAST LYME
CONNECTICUT
July 16, 2014 AT 11:30 AM PM
Marc Salerno, Chairman
EAST LYME TOWN CLERK

Members Absent:

Terence Donovan

Also Present:

Bill Mulholland, Zoning Officer
Holly Cheeseman, Ex-Officio
Rita Palazzo, Planning Representative

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

Mr. Liska sat as a regular member in Mr. Donovan's absence.

PUBLIC DELEGATIONS

Chairman Salerno stated there is a sub-committee that works on signs in town, but it is not a specific item on the Agenda. Anyone wishing to address the Commission on signs can do so.

Joe Mingo, Boston Post Road stated he has picked up 300 illegal signs in town. The laws are very specific, signs on town property require a permit from the Tree Warden. Flanders Road is loaded with illegal signs. Mr. Mulholland does a wonderful job having people landscape their property and then they stick illegal signs on them. The sign regulations need to be enforced. There is a \$50.00 fine for signs on telephone poles. Either the sign regulations should be taken off the books, or they need to get the signs off the road.

1. APPLICATION OF J. ROBERT PFANNER, AGENT, FOR BRIAN CLEARY, OWNER, FOR A COASTAL AREA MANAGEMENT REVIEW FOR CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE AND NECESSARY ACTIVITIES, AT PROPERTY IDENTIFIED IN THE APPLICATION AS 18 SHORE DRIVE, NIAN TIC, CONNECTICUT

Mr. Walker read a memo from Mr. Mulholland.

Mr. Pfanner stated this property is right down the road from the Yacht Club. There will be no adverse effects. They will be three and a half feet above FEMA's new flood elevation. There will be no foundation, it will be on stilts. It will be a small house, with a deck on the left side.

Mr. Mulholland stated the approval for the home will be in his office, but this is a CAM application.

Mr. Pfanner stated they will be driving the poles into the ground, and he would not object to using a silt fence during construction. There will be a little digging needed for the stairway, which will be a 10x10 area. That area will have a foundation. They will need a small machine for that excavating. There is no beach grass on the property. The mean average of the roof is 29.5 feet.

Mr. Peck asked what the surface will be between the building and the street.

Mr. Pfanner stated they may put stone in for the driveway, but there will be no concrete.

Chairman Salerno asked about the burying of the propane tank.

Mr. Pfanner stated it will be done per FEMA regulations.

They will use a pile driver, a crane and a small excavator. All construction will be done roadside.

Motion (1) Mr. McPherson moved to approve the application of J. Robert Pfanner, Agent for Brian Cleary, Owner, for a Coastal Area Management Review for construction of a new single family residence and necessary activities, at property identified in the application as 18 Shore Drive, Niantic, Connecticut.

Reasons:

- 1) Application if 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.**

With the following conditions:

- 1) A Silt Fence to be used on the final site plan on the easterly property line.**

Seconded by Mr. Kane.

Motion Passed 6-0.

This will be published on July 17th and become effective on July 18th.

2. APPLICATION OF KEITH B. NEILSON, PE, AGENT FOR ANGELA THOMPSON, OWNER, FOR A COASTAL AREA MANAGEMENT REVIEW FOR CONSTRUCTION OF A SEAWALL LANDWARD OF THE EXISTING SEAWALL TO MATCH THE HEIGHT OF THE EXISTING WALL TO THE SOUTH PROPERTY, AT PROPERTY IDENTIFIED IN THE APPLICATION AS 257 OLD BLACK POINT ROAD, NIAN TIC

Mr. Walker read a memo from Mr. Mulholland.

Keith Neilson stated this is a modification to the existing seawall that was built in the Spring of 1939. Structurally the wall is intact and well maintained, but it is a 70 year old structure. It is time for something to protect the property. They are proposing to put the new wall behind the old wall. They will rely on armor stone to protect the wall. They are also proposing to raise the grade of the property. The road drain along the right of way on the west side of the property will remain. All work will be done on the land side. The armor stone will be placed a month after the seawall is finished. If this is approved they would start in the Fall. If they have good conditions this Winter they will be done when the ground is frozen. Then they will pour the concrete when the conditions are good for curing. They will be bringing in the fill to raise the grade from off site. There is no DEEP permit required, they have requested DEEP to allow them to retain the stones that were there prior.

Mr. Walker asked why the armor stones will be placed a month after the wall is finished.

Mr. Neilson stated it gives the wall a month to cure.

Chairman Salerno asked how big the armor stones will be.

Mr. Neilson stated they will be 4 to 5 feet wide. They will be building into the return on the south end of the property. At the north end of the property they will probably have the return 5 feet south of the property line. It will be at grade with the neighbor. They will still maintain the right of way for the drainage pipe. They are no tidal wetlands on site and there is nothing growing on the beach. There will be no fill stored on site, and they will use erosion protection.

Motion (2) Mr. Kane moved to approve the application of Keith B. Neilson, PE, of Docko, Inc., for Coastal Area Management Review for shoreline protection improvements at property identified in the application as 257 Old Black Point Road, Niantic CT.

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. McPherson.

Motion Passed 6-0.

This will be published on July 17th and become effective on July 18th.

3. REQUEST OF GATEWAY DEVELOPMENT/EAST LYME, LLC FOR A PRE-APPLICATION REVIEW WITH RESPECT TO THE FIRST PHASE OF THE COMMERCIAL DEVELOPMENT FOR THE PROJECT KNOWN AS THE GATEWAY COMMONS/GATEWAY DISTRICT AS PER SECTION 7-159B OF THE CONNECTICUT GENERAL STATUTES, ALLOWING A NON-BINDING DISCUSSION BETWEEN THE ZONING COMMISSION AND A FUTURE APPLICANT

Mr. Walker read a letter from Attorney Ted Harris.

Chairman Salerno stated we have done pre-application reviews in the past, based on State Statute. It is not open to public comment.

**The Commission took a 5 minute recess.

They meeting re-convened at 8:15 p.m.

Mr. Mulholland stated this is non-binding on either party, this is for the applicant and the Commission to ask questions and explore the next step.

Attorney Harris stated this is non-binding. It is very helpful to resolve issues, and the Statutes allow this. The purpose is to update the Commission on where they are and give them an idea of what we are considering. This began in 2006 when KGI and Konover got together and brought to the Town a Master Development Plan. That Plan is standards for development. It took over two years to get that approved, which it was in 2008. There were three public hearings. With the financial meltdown in the Fall of 2008 development interest stopped. The applicants still bought all of the property, and that laid fallow until recently. The Residential apartments should be completed in about 18 months. The Master Development Plan allows a variety of commercial uses. A large format store becomes the generator for the development. Without that large store there is not a lot of interest, and that needs to be there. The large format store needs to be the first store there. The Master Development Plan is for the development to happen in phases in terms of uses and infrastructure. It makes more sense to develop the infrastructure as needed. They are working with the DOT. The DOT is contemplating major changes to the overpass at exit 74. It is a strong likelihood they will rebuild it and increase the flow on Flanders Road. That is in the planning process. The lease for the large store could be signed in the near future. In order to move forward they are proposing a minor shift in the entrance to the development next to CL&P. It would move less than 300 feet down the road south of CL&P. The rest of the plan is staying identical. It may be a temporary move. The boulevard design will be maintained. It will accomplish the same thing as the other entrance.

Chairman Salerno asked how this will affect Pools, Etc.

Attorney Harris stated a new entrance will be provided to Pools, Etc. They have been unable to reach an agreement with the property owners to the North.

John Mancini of BL Companies stated all of the land on the approved Master Development Plan is on the plan. They haven't added any land, but they don't own all of it. There is about 40 acres they don't own.

Attorney Harris stated that 40 acres is still subject to the Master Development Plan, even if they don't own it. The original Master Development Plan was approved by that parcel owner.

Mr. Mulholland stated if that was developed they would need to build the style of buildings that are called for in the Master Development Plan. If they choose not to develop that land that is their choice.

Mr. Peck asked about the village setting for the stores.

Attorney Harris stated once the large format store is developed the demand for the smaller stores will come.

Mr. Mancini stated this land is heavily impacted by the DOT's plans.

Mr. Peck stated in the plan they were told there will not be a big hardware store in this project because of True Value.

Attorney Harris stated they are talking to Costco.

Mr. Mancini stated that is not a hardware store. They have checked the traffic flow. They will prepare a memo related to that traffic study.

Chairman Salerno asked if they have a letter of intent from the State.

Mr. Mancini stated 14 or 16 months ago Mr. Formica received a letter from the State regarding the bridge deck replacement. Then six months ago he received a letter stating it could be a potential complete super structure replacement. This DOT Commissioner is receptive to public and private projects. The State does plan to do the exit 73 overpass first.

Fred Greenberg of BL Companies stated the traffic count in 2013 was not higher than the count in 2006.

Mr. Mancini stated it would cost 40 million dollars to have CL&P move their substation. The access road will be designed up to State criteria.

Attorney Harris stated it could be several years on this project. They will bring the site plan for the road work to the Zoning Commission first. Then the overall Site Plan for the large format retailer.

**The Commission took a 5 minute recess.

4. APPROVAL OF MINUTES OF JUNE 19, 2014

****Mr. Liska recused himself for Item 4, and Mr. Dwyer sat as a regular member.**

Motion (3) Mr. McPherson moved to approve the Public Hearing and Regular Meeting Minutes of June 19, 2014.

Seconded by Mr. Dwyer.

Motion Passed 5-0-1 (Mr. Walker abstained)

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

OLD BUSINESS

1. SIGN SUB-COMMITTEE

Mr. Mulholland stated that they had decided at their last meeting to allow 1 sign by Special Permit, and he had the Town Attorney re-draft the Regulation upon that advice. He presented that draft to the Commission.

Mr. Peck stated he feels they will take some criticism here, why are they only having it at the High School? Only 70% of the Town goes by there. It is not logical.

Chairman Salerno stated they talked about having one at the Town Hall as well.

Mr. Mulholland stated the group concluded that it should be one sign allowed at that location.

Mr. Peck stated he is having second thoughts. He suggested 2, one at the High School and one by Special Permit including a design review.

Mr. McPherson stated they can modify this.

The suggested language by the Commission was “a total of 2 community bulletin boards located on the Town’s High School Property and at another location on Town Property.”

Under restrictions it should state “non-political” prior to Civic.

The last line “one bulletin board on High School property” should be stricken.

2. ZONING REGULATIONS REVIEW

They will meet on July 17th pending confirmation by the members.

NEW BUSINESS

1. ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION

There was no objection to Chairman Salerno bringing Cluster Subdivision to the floor.

Chairman Salerno stated they decided they didn’t need Cluster Subdivision in the Regulations and now anyone who is in a Cluster is non-conforming. That was not our intention, he recommends it go to a Public Hearing and they add it back in.

There was no objection to moving that to a Public Hearing.

2. ZONING OFFICIAL

The Yankee Clipper was torn down. The Smith building will probably be beginning in September. 38 Hope Street is beginning construction on the main building.

Mr. Liska asked about the farm stand on Upper Pattagansett.

Mr. Mulholland stated what is there now is not what was approved.

3. COMMENTS FROM EX-OFFICIO

Ms. Cheeseman stated the Board of Selectmen met on July 2nd. They instituted water conservation measures to cover the Town if they have a dry spell until the interconnection is completed. They discussed the possible purchase of the Bayreuther property. They approved an appropriation for the Fire Department to replace Scott Air Packs. They approved a Non-Union COLA. They scheduled a Special Town Meeting.

4. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

Mr. Dwyer stated the Planning Commission discussed an easement on an abandoned road at Darrow Pond and also discussed marshes.

5. COMMENTS FROM CHAIRMAN

There were no comments.

6. ADJOURNMENT

Motion (4) Mr. McPherson moved to adjourn the meeting at 10:15 p.m.

Seconded by Mr. Kane.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**