

TOWN OF EAST LYME

ZONING COMMISSION

SEPTEMBER 3 2015

REGULAR MEETING MINUTES

Members Present:

Matthew Walker, Chairman

William Dwyer

George McPherson

Terence Donovan

Norm Peck

Peter Lukas, Alternate

James Liska, Alternate (Sat for Public Hearing and Regular Meeting)

Members Absent:

Matthew Kane

Shawn Singer, Alternate

Also Present:

Bill Mulholland, Zoning Officer

Holly Cheeseman, Ex-Officio

Joe Bragaw, Director of Public Works

Bill Scheer, Deputy Director of Public Works

FILED IN EAST LYME  
CONNECTICUT  
Sept 8 2015 AT 9:15 AM/PM  
Matthew Walker  
EAST LYME TOWN CLERK

1. APPLICATION OF THE TOWN OF EAST LYME FOR A SPECIAL PERMIT TO CONSTRUCT A NEW SALT SHED AND PUBLIC WORKS FUELING FACILITY AT THE CURRENT FIELD SERVICES BUILDING AT 6 & 8 CAPITOL DRIVE/11 COLTON ROAD, EAST LYME, CT

Mr. Peck stated there are already a lot of trees on this site, probably too many.

Mr. Mulholland stated the Town is open to adding more if the Zoning Commission thought it was appropriate. He will work with them on that.

**Motion (1)** Mr. McPherson moved to approve the application of the Town of East Lyme for a Special Permit to construct a new salt shed and public works fueling facility at the current Field Services building at 6 & 8 Capitol Drive/11 Colton Road, East Lyme, Connecticut.

Seconded by Mr. Liska.

Motion Passed 6-0.

2. APPLICATION OF THE TOWN OF EAST LYME FOR A SPECIAL PERMIT TO REPLACE TWO EXISTING UNDERGROUND FUEL TANKS WITH ONE ABOVE GROUND DIESEL TANK WITH CANOPY AT 8 ROXBURY ROAD, EAST LYME, CT

Mr. Mulholland stated there was a presentation last night at the Board of Selectmen meeting. The First Selectman has instituted a committee to work on the cleanup of this property. They have discussed a berm along Romagna Road, possibly topped by evergreen. They are looking at all of those things. It is nice to see the Town looking into cleaning it up.

Mr. McPherson asked if the old salt shed is coming down.

Mr. Mulholland stated they may look into re-use. They have not decided yet.

**Motion (2) Mr. Liska moved to approve the application of the Town of East Lyme for a Special Permit to replace two existing fuel tanks with one above ground diesel tank with canopy at 8 Roxbury Road, East Lyme, Connecticut.**

**Seconded by Mr. Dwyer.**

**Motion Passed 6-0.**

**3. APPLICATION OF TODD SAKOWSKI, FOR A SPECIAL PERMIT FOR A TAPROOM BREWERY AT 243 MAIN STREET, NIAN TIC, CT**

Mr. Liska stated this is an exciting venture for the town, he hopes they do well.

Chairman Walker stated he wishes them the best, it is a welcome addition.

Mr. Dwyer stated they have State Regulations to follow.

Mr. Donovan stated as long as it doesn't become a bar. There is talk all over town about it. Do they have to apply every year?

Mr. Mulholland stated no, but if they decide they want food service they would have to come back.

Mr. Donovan asked if we should put the hours in the Motion.

Mr. Mulholland stated we can give them the opportunity to grow as a business.

Mr. McPherson stated they indicated the hours could fluctuate in the summer.

Mr. Mulholland stated if they want to condition the approval they can, but they don't want to constrain the business.

Chairman Walker stated he is comfortable not putting in those parameters.

Mr. Peck stated we can address Mr. Donovan's concerns by putting in no later than 10:00 p.m. and not limiting how early they can open.

Mr. Mulholland stated he hears their concerns; there was a time for that when they adopted the text, he is reluctant to put limits on business, and they can condition the approval.

Mr. Donovan stated even if he does go later, that is the State who enforces that. He has to follow the hours of liquor stores; they can't sell growlers after 10:00 p.m.

**Motion (3) Mr. McPherson moved to approve the application of Todd Sakowski, for a Special Permit for a Taproom Brewery at 243 Main Street, Niantic, Connecticut.**

**Seconded by Mr. Dwyer.**

**Motion Passed 6-0.**

**4. APPROVAL OF MINTUES OF AUGUST 6, AUGUST 13 AND AUGUST 20, 2015.**

**Motion (4) Mr. Liska moved to approve the Minutes of August 6, 2015.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

Chairman Walker stated the August 20<sup>th</sup> Minutes need to be amended to add that "a copy of the complete resolution regarding Landmark is attached as an exhibit".

**Motion (5) Mr. Donovan moved to approve the Special Meeting Minutes of August 13, 2015 and August 20, 2015 as amended.**

**Seconded by Mr. McPherson.**

**Motion Passed 5-0-1 (Mr. Liska abstained)**

**OLD BUSINESS**

**1. SUB-COMMITTEE MIXED USE IN CB ZONE**

They have not met; they will meet in the near future.

**NEW BUSINESS**

**1. APPLICATION OF THE TOWN OF EAST LYME FOR A SPECIAL PERMIT TO PLACE A DIGITAL SIGN AT THE EAST LYME HIGH SCHOOL AT 30 CHESTERFIELD ROAD, EAST LYME, CONNECTICUT.**

This was withdrawn as it was already completed.

\*\*There was a two minute break.

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

Mr. McPherson asked if it was possible in the future to modify the Regulations so that nobody gets a Preliminary Site Plan or a Final Site Plan approved unless it is deemed complete. Recently there was much missing from a Preliminary Site Plan application.

Mr. Mulholland stated that is not in the Statutes, we could probably put something in the Regulations.

Mr. Donovan stated if the Preliminary Site Plan is incomplete it should be denied.

Mr. Mulholland stated he will discuss it with the Town Attorney.

Mr. Peck asked about the Commission requiring an archeological study.

Mr. Mulholland stated he will ask the Town Attorney about that also.

Mr. Mulholland asked that they add Crescent Beach Bluff Project to the Agenda for a brief discussion.

**Motion (6) Mr. Liska moved to add "Crescent Beach Bluff Project" to the Agenda.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

### **3. CRESCENT BEACH BLUFF PROJECT**

Mr. Mulholland stated this Commission did a CAM application on this last year. After the plan went out to an engineering firm that firm did modifications. Marcy Balint of DEEP feels that they need another CAM application. At issue were the modifications done by the engineering firm. If they are considered substantial by this Commission they can require another CAM review. The Town Engineer, Mr. Mulholland and the Chair of the Zoning Commission did not think another application was necessary. This is a housekeeping item. If they do not get the work done soon they could lose some funding. We are looking for a consensus of this Commission that they do not need another CAM application.

Chairman Walker stated he is of that opinion based on the presentation he attended with the Town Engineer, Mr. Mulholland, and Mr. Neilsen.

Keith Neilson of Docko, Inc. stated he represents the Crescent Beach Association. When this repair was first designed and presented he made clear they were trying to ensure the bluff would be protected from another storm. During Storm Sandy there were tremendous waves, when they got the Grant from FEMA they said we have to protect for a 100 year storm. That would bring the elevation to 19 feet. They only have one year to finish this project. He has worked with a coastal engineering firm in Stratford. They went through a wave study. They also found out there is ledge below the stony beach surface. This had led to a redesign. They are working almost entirely within the same footprint; the area where the walk is, is undamaged. FEMA has determined that is not eligible for funding. The difference in the two plans is in the areas where the massive stone is at the bottom. The amount of stone originally was 5200 tons; this is 5000 tons with reinforced concrete. There will be one section of reinforced concrete. All other concrete will be buried to hold the armor stone. The topsoil and plants are reduced. The path landward is all the same. There is 1/10<sup>th</sup> of an acre less of landscaping. It is an 850 foot project.

Mr. Donovan asked if he was happy with the redesign.

Mr. Neilsen stated he is.

Mr. Peck asked what happened with DEEP.

Mr. Mulholland stated a few people feel soft armor should be used. The engineering reports feel that more hard armoring should be used. There are instances where they can't soft armor. DEEP disagrees with that. Crescent Beach could lose this opportunity. They are not required to do another CAM application. It is above the coastal jurisdiction line. They toured this property with State officials, this is bluff, and it won't stay up unless it is propped up. He feels we should listen to the engineers. They were all convinced the modifications were not substantial. If this Commission is in agreement he will notice DEEP that it is not a significant change and this Commission is not performing another CAM review.

Chairman Walker stated there was a strong indication from the Engineers and the Town Engineer that the modification is not far off from what was approved.

Mr. Neilsen stated the 100 year storm requirement wasn't known until the Grant was issued.

Mr. Liska stated he doesn't feel it's a major change.

Mr. Mulholland stated they are looking for a consensus.

**It was the consensus of the Zoning Commission that Crescent Beach does not need a new CAM report and this is not a major modification.**

#### **4. ZONING OFFICIAL**

Mr. Mulholland stated at the next meeting there will be a presentation from Gateway. They will bring this Commission up to speed on phasing, the big box, and changes on the highway. It is important to hear from them. He has invited the Planning Commission to listen. It will only be informational. Norwich Orthopedic Group has broken ground, the Heenan building is ready for CO's, the deli is moving along, He received a call about a hotel, and inquiries about restaurants.

Mr. Peck asked about the proposed affordable housing on Capitol Drive.

Mr. Mulholland stated that is on appeal. He can inquire with Attorney O'Connell. He also is under the understanding that Landmark is going to appeal.

#### **5. COMMENTS FROM EX-OFFICIO**

Ms. Cheeseman stated the Board of Selectmen met last night. There were a number of appropriations that have to go to Town Meeting. They did a resolution to combine lots at Capitol Drive. There was discussion of the Samuel Smith House, they have requested \$8000.00. There was no action taken on that. They signed the Call of a Town Meeting.

#### **6. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION**

No one attended the meeting.

**7. COMMENTS FROM CHAIRMAN**

Chairman Walker had no comments.

**8. ADJOURNMENT**

**Motion (7) Mr. McPherson moved to adjourn the meeting at 9:15 p.m.**

**Seconded by Mr. Peck.**

**Motion Passed 6-0.**

**Respectfully Submitted,**

A handwritten signature in cursive script that reads "Karen Miller Galbo".

**Karen Miller Galbo  
Recording Secretary**