

TOWN OF EAST LYME
ZONING COMMISSION
OCTOBER 1, 2015
PUBLIC HEARING MINUTES

Members Present:

Matthew Walker, Chairman
William Dwyer
Terence Donovan
George McPherson
Norm Peck (Recused himself for Public Hearing and Regular Meeting)
James Liska, Alternate (Sat for Public Hearing and Regular Meeting)
Shawn Singer, Alternate (Sat for Public Hearing and Regular Meeting)

FILED IN EAST LYME
CONNECTICUT
Oct 6 2015 AT 9:05 AM/PM
[Signature]
EAST LYME TOWN CLERK

Members Absent:

Matthew Kane
Peter Lukas, Alternate

Also Present:

Bill Mulholland, Zoning Officer
Mark Nickerson, First Selectman
Rita Franco-Palazzo, Planning Representative

CALL TO ORDER

Chairman Walker called the Public Hearing to order at 7:34 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

Chairman Walker sat Mr. Singer and Mr. Liska as Regular Members for the Public Hearing and the Regular Meeting immediately after.

Chairman Walker extended his and the Commission's prayers to the families in Oregon.

PUBLIC DELEGATIONS

There were no public delegations.

1. CONTINUED APPLICATION OF THEODORE A. HARRIS FOR A PROPOSED REGULATION CHANGE FOR A PROPOSED BREW PUB REGULATION (LI ZONE)

Chairman Walker stated all correspondence was read into the record at the last Public Hearing. This was continued for Attorney Harris to modify his proposal.

Attorney Harris stated he represents the applicant; the changes he made were more restrictive. He stated he reduced what can be served to beer and wine only. He also changed this to now be considered a special permit use. The public service and sales area could not exceed 40% of the building. They may establish hours of operation for service of beverages, but the manufacturing can be longer. Non-premises produced beverages cannot exceed 40% of sales. This applies only to the LI Zone.

Mr. Mulholland suggested the numbering was off on his proposal. 11.2.10 is already taken, so it should be 11.2.11. Also 22.1.6 is already taken, so that should be 22.1.7. For the Definitions it should be 1.9 instead of 1.6.

Mr. Donovan stated number three should state "beer and/or wine".

There was no public comment.

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

Seconded by Mr. Donovan.

Motion Passed 6-0.

2. APPLICATION OF THEODORE A. HARRIS FOR GDEL RESIDENTIAL B, LLC FOR A TEXT AMENDMENT TO THE EAST LYME ZONING REGULATIONS SECTION 11.A.9.2.2 © TO INCREASE THE NUMBER OF UNITS FROM 280 TO 400.

Chairman Walker reminded everyone that this application is for a text amendment, it is not a site plan application.

Chairman Walker confirmed the legal advertisement ran on this item.

Mr. McPherson read a memo from the Planning Commission.

Mr. McPherson read a letter from James Rabbitt of SECCOG Regional Planning Commission.

Attorney Harris stated this is a request for a change of the Regulation for an additional 120 units to the Gateway Development Regulation. He reviewed the history of the Gateway District. They have currently built 10 buildings and 7 of them have their CO. There are approximately 150 units leased at this time. They have built a good product; a major commercial tenant has signed a lease. A major issue is traffic mitigation, Exit 74 is one of the few exits off of 95 that enter directly into a major road and there is no traffic light.

Attorney Harris entered the following exhibit:

Exhibit A – Master Plan

Attorney Harris stated they have done extensive infrastructure work on East Society Road, added water and sewer, built two pump stations, moving electric lines. They have met with the DOT on the ramp changes, they have hired a lobbyist. The Governor's office believes this development is very positive for

this area. The DOT has decided to replace the entire bridge over Flanders Road at this time. The DOT has written this Commission.

Attorney Harris entered the following exhibits:

- Exhibit B - Letter from DOT Engineer**
- Exhibit C - Aerial Photograph of area to be developed**
- Exhibit D - Application to DOT with traffic study by BL companies for ramps**

Attorney Harris read the letter from the DOT (Exhibit B) indicating their willingness to work with this project. He stated the DOT wants the originally proposed entrance used. This will be a private/public partnership coordinated with the State. Things are really starting to move along. They expect to apply for the wetlands permit for the retailer site very soon. Each piece of the process is critical. They are here this evening to add some additional residential units, to change the maximum number from 280 to 400. A condition of this would be that they complete the road from East Society Road to Flanders Road or they fully bond that work with the Town.

There was a two minute break.

Attorney Harris entered the following exhibit:

- Exhibit E - Aerial photo of site with buildings and clubhouse**

The demand is there for the apartment units. It is a compacted design as they are trying to avoid the wetlands. They will be in close proximity to the existing residential buildings if the Zoning Commission were to grant them. At this time there have been 5 new children added to the East Lyme School System from this development with half of the units leased.

Attorney Harris entered the following exhibit:

- Exhibit F - Gateway School Impact Study Results**

He stated that is information from the leasing agent. Some of the children living there now were already in the East Lyme School System. That is a vastly different number than the studies that were done prior to the development. There are 146 units leased. The school system has had a reduction in enrollment, the population has increased, but the number of school children has decreased. Each building generates approximately \$50,000 a year in taxes for the town. They would like to get those units done before the big box comes in.

Mr. Donovan asked if the public had anything to do with the number of units being reduced in 2008.

Attorney Harris stated he doesn't remember, he believes the number of units were not the focus of the neighbors but it was more the proximity of the buildings to their neighborhoods.

Mr. Mulholland stated there was a large contingent from Bittersweet at first, as time went on their attendance dwindled. As time went on many became comfortable with it.

Mr. Donovan asked about smaller stores.

Attorney Harris stated there is not a lot of demand for smaller stores until the larger store comes in.

Mr. Mulholland stated we anticipate the village phase subsequent to the large anchor store coming in.

Mr. Donovan stated they were originally approved for 275 units, then 5 extra. When did they decide to go to 400, they advertise online that they have 400 units for rent.

Attorney Harris stated no one was aware of that who is here tonight.

Mr. Dwyer asked if it would be 4 more buildings.

Attorney Harris stated that is correct.

Chairman Walker stated the developer would have to construct East Society Road to Flanders Road, that will reinforce their commitment.

Mr. Liska stated if the big box falls through the buildings would still be there.

Attorney Harris stated if these buildings are approved then they will get the road as a condition. The residential is served by the Commercial, and the Commercial is fed by the residential.

Mr. McPherson stated there is a fear in town that we won't get the Commercial aspect of this development.

Mr. Mulholland stated he has been working with the big box developer, working with the DOT, and the architect has been in to seeing him. They believe the big box is coming.

Attorney Harris stated to the best of his knowledge it is coming.

A representative of KGI Properties stated they have a confirmation agreement with the tenant, they have signed a contract for over a million dollars for permitting of the road work for the big box, they wouldn't do that if they didn't think the big box was coming. The bridge over Flanders Road is being widened because of this project. There is more than enough room to accommodate the extra units. The DOT won't do the work without this project. The money from the units is needed for the work to be done, they are asking for a little latitude to continue this project. The Zoning Officer has met with the big box representatives.

Chairman Walker stated there are many positive indicators.

Newton Brainard of Simon Konover stated they have delivered every time on the best product. They want to bring the big box, they can't force the big box to come, they can't guarantee the Town's commissions will approve it.

Attorney Harris stated he has been working with this group for the last ten years. They spend more money to do things right. Their engineers are the best in the State. The additional residential units are key.

Mr. Donovan asked if this is passed do they plan on coming back for more.

Mr. Mulholland stated we should focus on the text amendment.

Public Comment

Mark Nickerson, East Lyme First Selectman thanked the members of this Commission. He stated the apartment stock in East Lyme is below average, we have 16%. There is a need for apartments. There is a premium price on those rentals. There are 35 less children in our school system than last May. In the last three years the amount of children has been reduced by 100. There is a projected 27% reduction in school aged kids. Families aren't staying in Connecticut. The 65 plus population has increased. He sat in two meetings with the lessee and they are spending money on engineering and architecture. The State believes in this project. SECCOG is about to commit 3 million dollars to this project to widen Flanders Road. It is not in the Zoning Commission's purview to consider tax revenue.

Mr. Liska stated he trusts what he sees and he trusts the leadership of this town.

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

Seconded by Mr. Dwyer.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**