

TOWN OF EAST LYME

ZONING COMMISSION

JULY 13, 2017

PUBLIC HEARING MINUTES

Members Present:

Matthew Walker, Chairman
Terence Donovan
William Dwyer
John Manning
Norm Peck (Recused himself for Item 1)
George McPherson
James Liska, Alternate (Sat for Item 1)

FILED

July 18 2017 AT 8:15 AM/PM
Kenny Galby CLK
EAST LYME TOWN CLERK

Members Absent:

Peter Lukas, Alternate
David McIlhenney, Alternate

Also Present:

Bill Mulholland, Zoning Officer
Rita Franco-Palazzo, Planning Representative

CALL TO ORDER

Chairman Walker called the Public Hearing to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

1. APPLICATION OF THEODORE A. HARRIS, ESQ., FOR 283 BPR, LLC FOR A SPECIAL PERMIT FOR MIXED USE IN A CA ZONING DISTRICT FOR A COMMERCIAL SPACE WITH RESIDENTIAL APARTMENTS, AT 283 BOSTON POST ROAD, PATTAGANSETT DRIVE, AND 281 BOSTON POST ROAD (PARKING), EAST LYME, CONNECTICUT.

Mr. Peck recused himself for this Item; Mr. Liska sat in his place.

Chairman Walker confirmed the legal advertisement ran on this Item.

Mr. McPherson read a memo from Mr. Mulholland.

Attorney Harris presented the following Exhibits:

- Exhibit A - Record Plan dated June 13th
- Exhibit B - Sign Notice
- Exhibit C - Wetlands Permit

Attorney Harris stated this is an application for a mixed-use building. The parcel is 283 Boston Post Road, Pattagansett Drive, and a portion of 281 Boston Post Road. If this is approved they will make that all into one parcel. The proposed building would have 12 one bedroom apartments. There will be two buildings. They are proposing on-site septic, although sewer is available. The property is also in the Aquifer Protection District, but this is not a regulated activity. They are requesting an exemption from sidewalks, but if the Zoning Commission thinks they are necessary they would not object to them.

Bob Pfanner, of J. Robert Pfanner & Associates stated there are two separate buildings proposed. The drainage is a complex system with an infiltration system, and underground storage. They also have a particle separator prior to the infiltration system. Any backflow would go out an outlet into Lake Pattagansett.

Mr. Mulholland stated the system has been reviewed and endorsed by the Town Engineer.

Mr. Pfanner stated there are catch basins which will keep trash from going into the infiltration system, the drainage to the Lake would only be high level overflow, so during the majority of storms there will not be anything going into the Lake. The septic system is located in the parking lot on Pattagansett Drive, it can be driven over. There are pump chambers for both buildings and they will use town water. The septic will have to be reviewed by Ledge Light. They did test holes, it is a sandy soil. There will be a walk along both parking lots and into both buildings and between both buildings. The front has porches where the commercial space will be. There will be a dumpster pad west of the parking lot. They are proposing vinyl fence around the dumpster and chain link along the front. There will be a small retaining wall along the back with black chain link fence, with a guardrail in front of that made of cedar. Along the top of the retaining wall there will be appropriate buffer plantings.

Peter Springsteel, Architect stated the building design is a New England Style. There will be front porches, gable roofs, second floor apartments will be entered from the side of the buildings. The garden apartments will be 588-733 square feet, and the second floor apartments will be 616 to 768 square feet. They are all one bedroom. There are central stairs between the two buildings. There is existing hedge along the property and they will maintain that. There will be arborvitaes along the side and front shrubs and perennials. They will also keep the existing trees along the street.

Chairman Walker asked if there are sidewalks in front of the dental office.

Mr. Mulholland stated that there are.

Mr. Pfanner stated the lighting will be low intensity .1 or .0, all LEDs, and the lights in front under the porches will be recessed LEDs.

PUBLIC COMMENT

Greg Landers, 251 Boston Post Road stated he owns property in the area as well. This is a very nice project; he is in favor of this project.

Harry Ogden, 6 Pattagansett Drive presented a letter (Exhibit D – Attached)

Jen Argyle, 12 Pattagansett Drive said this project seems ambitious for .52 acres, are there lot dimensional requirements? The septic plans don't seem adequate.

Mr. Mulholland stated septic is not the Zoning Commission's purview. Ledge Light are the only ones qualified to address septic issues. They can't get the building permit until the applicant has gone to Ledge Light.

Jen Argyle stated she is concerned about the water runoff, the residents of Pattagansett Lake maintain the lake, they help support and maintain the Lake, and they have an association and have had the Lake hydro-raked. Also, if the new water lines break it will be property owner's responsibility to fix them. She is concerned about traffic during construction, and asked if the road is sufficient for emergency vehicles to get through. Have they done a traffic assessment?

Attorney Harris stated the water line will be new and they don't expect problems. As far as garbage pickup the Town has picked up on private roads before and they could inquire with the Town about that. If the applicant disturbs the water lines during construction it will be the applicant's responsibility to fix it. The drainage outlet was approved by the Inland Wetlands Agency. Ledge Light will take the septic into consideration. They are only one bedroom apartments; they don't anticipate too much traffic. The lot area is adequate.

Mr. Donovan asked if they would be willing to relocate the neighbor's propane tank.

Mr. Pfanner stated they would. They can try to tighten up the density on the arborvitaes and we may be able to get the neighbor's mailbox in our mailbox bank.

Mr. Mulholland asked what the proposed start date is.

Attorney Harris stated they hope to start in the fall and be done by spring.

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

Seconded by Mr. McPherson.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**

Exhibit D

EAST LYME ZONING COMMISSION SPECIAL MEETING PUBLIC HEARING

We, Harry and Sharon Ogden who reside at 6 Pattagansett Drive, East Lyme, CT., do request you deny the mixed use Special Permit for apartments at 283 Boston Post Road, Pattagansett Drive, and 281 Boston Post Road, East Lyme, Connecticut.

We feel this will be a drastic and unsafe change to the neighborhood and our privacy. Also a major change to our daily lives. We have lived here for approximately 25 years and always respected our quiet neighbors. Allowing that much mixed use will definitely be a huge change.

Here are some of the items to consider in making your decisions.

1. Not to allow any parking on the 281 side of the road other than the driveway.
2. Not allowing that much parking on the 283 side of the road.
3. Put parking in front on the Post road side of the buildings.
4. The 44 vehicles and neighbors vehicles entering Boston Post Road traffic will cause an unsafe condition, needless to consider when there is trouble on I-95. Also on the right of way will be dangerous backing out and cause congestion.
5. We have to bring our refuse and re-cycle containers up the right of way to Boston Post Road and retrieve our U.S Postal Mail at the same spot.
6. Are construction vehicles or equipment being allowed to be parked or stored there?
7. This is a quiet neighborhood now, consider that many vehicles with the radios blasting and the amount of polluted air we will have to deal with.
8. The amount of lighting that may be installed will glare on and into our home, screen house and patio.
9. They want to change our water line from Boston Post Road to down the right of way to Islanda Court. The change in distance is very, very large. If something breaks along the way, we will have to pay for the repairs. This could be a large amount of money. Is this fair to us?
10. If you do allow this permit we request the distance between the evergreens be reduced to 7 feet and a minimum of 6 feet tall.
11. If again you allow this permit, that a barrier be constructed on the parking lot side along where our propane tank is to prevent a vehicle from hitting it and causing an explosion.
12. A reminder that our deed has a clause in it stating : Together with a right of way, for all purposes, over and on a street designated as "Pattagansett Drive" on said plan.
13. If you do allow the permit : Does it mean because you allowed the 6 parking spaces and tied the property of 281 and 283 some how together that another apartment house will be allowed to be built in the future?
14. We are worried about the amount of septic and water runoff with the debris affecting our property and Lake Pattagansett.

We thank you for your time and considering our concerns. Any questions contact us at 860-739-3341, or hhogden@aol.com , Harry and Sharon Ogden