

**TOWN OF EAST LYME
ZONING COMMISSION
January 3rd, 2019
PUBLIC HEARING & REGULAR MEETING MINUTES**

Members Present:

Matthew Walker, Chairman
Norm Peck
Terence Donovan
George McPherson, Secretary
John Manning
Anne Thurlow, Alternate
William Dwyer, Alternate
James Liska, Alternate (*Sat as a Regular Member)

Also Present:

Bill Mulholland, Zoning Officer
Rose Ann Hardy, Ex-Officio

FILED IN EAST LYME
CONNECTICUT
Jan 9, 2019 AT 1:42 AM/PM
Brooke Harlan HC
EAST LYME TOWN CLERK

Absent:

Kimberly Kalajainen

Chairman Walker called the Zoning Commission meeting to order at 7:30 p.m.

The Commission sat Mr. Liska as a Regular Members for the evening.

Pledge of Allegiance

Mr. Walker led the Pledge.

Public Delegations

Joe Mingo of 397 Boston Post Road came forward to speak. He said he wanted to touch on a subject not in the purview of Zoning but that he thinks is relevant since the Commission reviews building plans; his concern is with ADA federal government laws and the location of handicapped parking.

Mr. Mingo said there are five new buildings in Town which don't comply with federal law and he thinks the Commission should make this item part of their regulations. He said he knows he can currently only address this federally which he intends to do. Mr. Mulholland commented that this item is the purview of another department and not zoning.

Public Hearing-

- 1. Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a zone change from existing RU-40 to CA of a portion of the property at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

Mr. Walker noted this item is being continued without discussion at the request of the Applicant.

2. Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a Special Permit for the construction of four units of elderly housing at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.

Mr. Walker noted this item is being continued without discussion at the request of the Applicant.

Mr. Mulholland said he wants to share with any audience that came for these applications that he anticipates these items will go to public hearing on January 17th, 2019. He explained the Applicant's Project Engineer was unexpectedly hospitalized and no one wants to rush an application that is not fully prepared.

Regular Meeting-

1. Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a zone change from existing RU-40 to CA of a portion of the property at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.

This item has been continued until the next regularly scheduled meeting.

2. Application of Pazz Construction, Applicant, for Margaret Prokop, Co-conservator/Owner, for a Special Permit for the construction of four units of elderly housing at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.

This item has been continued until the next regularly scheduled meeting.

3. Application of Greg Fedus, Fedus Engineering, LLC, Agent for Joseph and Brenda Gareis, Owner; for a Coastal Area Management Review for the construction of a new home at 8 South Road, East Lyme Assessor's Map 22.18, Lot 26.

Mr. McPherson read Mr. Mulholland's memorandum dated January 2nd, 2019 into the record.

Greg Fedus of 70 Essex Street in Mystic, came forward to speak and share the following highlights:

- This is a knockdown and rebuild in the same location.
- A silt fence will be utilized during construction.
- A new code compliant septic system will be installed along with a rain garden in the rear of the property.
- The first inch of roof run-off is captured within the rain garden and the overflow will sheet flow across the yard.
- The property is adjacent to Smith Cove but there are no adverse impacts- the application is mandatory given that it's within 100 ft.
- The seawall is 25 ft away and will not be affected.
- The site is flat with well drained soil and there will be minimal site clearing and grading.
- There will be a slight increase of impervious coverage of less than 800 square feet; increase is from 5.44% to 12.48% and 25% is permissible.

Mr. Walker observed that the application is pretty straightforward.

MOTION (1)

Mr. Donovan moved to approve the Application of Greg Fedus, Fedus Engineering, LLC, Agent for Joseph and Brenda Gareis, Owner; for a Coastal Area Management Review for the construction of a new home at 8 South Road, East Lyme Assessor's Map 22.18, Lot 26 for the following 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.**

Mr. Liska seconded the motion.

Motion carried, 6-0-0.

- 4. Application of Theodore A. Harris, Esq., Agent, for Gateway Development/ East Lyme LLC and Gateway Residential B, LLC, Applicant, for Site Plan and Stormwater approval for Phase 2 of the residential development at the Gateway District for 120 residential units per Gateway District Master Development Plan. Application includes approval of the alteration of a lot line as shown on plans. Property identified in the application as 285 Flanders and Flanders Road, East Lyme Assessor's Map 26.0, Lot 2 and Map 31.0, Lot 1.**

Mr. McPherson read Mr. Mulholland's memorandum dated January 3rd, 2019 into the record.

Ted Harris of 351 Main Street came forward to speak and submitted three exhibits for the record; Exhibit A- Letter from the Traffic Engineer, Exhibit B- Wetlands Permit, Exhibit C- Letter from Fire Marshal.

Mr. Harris pointed out the letter from the Fire Marshal, Chris Taylor, dated December 21st, 2018 indicates his review for emergency access and that there are no issues. He explained that the Application says 285 Flanders Road and Flanders Road because one of the parcels doesn't have a street number.

Mr. Harris reviewed the history of the site which began in 2006 and had the following comments:

- At that time there was very little access and a substantial infrastructure had to be constructed to accommodate access.
- Utilities had to be brought in from Flanders Road and a pump station was required to accommodate present as well as future development.
- The Master Development Plan (MDP) was approved in 2008 (Sec 11.A.9 of the East Lyme Zoning Regulations.)
- The residential unit limit is 400 and 280 have been built.
- Section 11.A.9.6 states that any site plan application that conforms to the adopted MDP shall be approved by the Zoning Commission and this Application meets those standards.
- The west side of Pattagansett is residential while the east side is the commercial to be led by an anchor store as always planned; purpose of tonight is for that site plan approval.
- Town Staff has signed off on this Application.

Mr. Harris further reviewed the MDP standards and introduced Jessica Bates their Project Engineer from BL Companies in Hartford, who gave a thorough review of the overall site plan. Ms. Bates highlighted some of the following:

- Multitude of roadways and buildings, parking areas in front of the building and sidewalks throughout the development.
- The western roundabout on the Plan will be connected where East Society Road currently terminates.
- Designing a road that conforms to Town standards for width and sidewalk shoulders.
- The road will cross the wetlands system in the middle of the site and terminate at the roundabout that is already constructed by the Phase I clubhouse.
- There will be an additional clubhouse constructed that will have a pool and parking associated with it.
- Roads themselves will have stormwater systems associated with them.
- They will be tying into all the existing utilities that are already servicing Phase I Residential; everything is already there ready to be stubbed out.
- Adding some smaller rain gardens and basins; everything is in conformance.

Wayne Violette Landscape Architect from BL Companies also came forward and gave an in-depth review of their planting scheme.

Mr. Violette explained they want to save as much existing vegetation as possible and discussed the additional plant material they're proposing such as the four types of street trees they intend to utilize. The development will have a kind of designed rhythm which will consist of a diversity of street trees; the vegetative plan is consistent with the existing Phase I.

Mr. Violette briefly reviewed the lighting scheme for the development.

Mr. Peck brought up the Phase I evergreen plantings that run parallel to the highway and their current poor condition and Mr. Violette discussed how they can rectify that.

Tim Wence one of the principals of Gate 17 Architecture of 35 Grove Street, Haddonfield New Jersey came forward to discuss the plans of the actual homes; he was also one of the Architects who worked on Phase I of the development. Mr. Wence had the following to share about the homes:

1. Manor Home
 - Two-story, 12 unit building that has 12 garages; each garage is attached directly to its unit.
 - Higher degree of luxury; 927 to 1233 square feet not including the garage.
 - The building itself is a mirror image.
 - Windows are 3ft x 5ft and quite expansive and at least two windows wide.
 - The roof line is broken up to drop down the scale of the building as well as give it variety.
 - Both single and double bedroom units will be available.
2. Townhouse
 - Each has a single car garage accessible from the front; there will be an additional space in front of the garage for the unit.
 - 1675 to 1750 square feet not including garage.
 - All 3 bedroom units.

- Two different configurations- 6 unit Townhome and an 8 unit Townhome.
- 3ft X 5ft windows.
- Patio decks.
- 3,600 square foot Clubhouse with serving kitchen (no cooking permitted.)
- Heat and AC will be on the ground behind the buildings; this will also be the case for the manor units.

Mr. Wence showed the elevation of the Manor Home and Townhome; their goal is to achieve one cohesive community.

Mr. Mulholland asked for a review of the parking and Ms. Bates came forward to speak to this; 276 total spaces and overflow regulated to parallel parking. Mr. Mulholland asked for clarification if more parking has been added and Ms. Bates said there is 30% more parking than Phase I. Mr. McPherson asked how many one bedroom and two bedroom units there will be and Mr. Wence said 10 one bedrooms and 50 two bedrooms.

The Commission discussed the emergency access road.

Mr. Donovan asked if they had an aerial view of the entire site available the way it was rendered back in 2008 and Mr. Harris said Mr. Mulholland has one in his office, but he will do his best to explain it to the Commission.

Mr. Harris discussed the recent change in the regulation and how it keyed the next third of a mile of East Society Road between the two roundabouts; the next Phase which will be commercial will then create the connection between that roundabout across the Pattagansett to the permanent road, which will be in place once the State does their reorientation road work.

Mr. Walker noted this has been an unbelievable project for our Town and hugely successful. He is impressed with the landscaping and architecture from A to Z, his one concern is who is going to build the road later, west of the Pattagansett. Mr. Walker asked if that can be phased in later or can it be done now; he said they granted the exception on the bridge but what about the upper road.

John Mancini of BL Companies came forward and explained that the State will not allow the connection to take place and additional traffic to go on the temporary roadway they will be building for Costco; when new on ramps are built additional traffic will be allowed to flow onto Flanders Road.

Mr. McPherson asked about paving the emergency access road.

The Commission discussed the completion of the road and the completion of the new exit 74 by the State noting if it's actually done it will probably be complete in 2024.

Mr. Mancini said each component of this overall project can only swallow so much infrastructure economically; Phase I was able to swallow a tremendous amount and this phase is 120 units which is much smaller, and a large amount of site work is needed to swallow this very extensive piece of the road that they're going to build. He said moving East Society Road is another commitment of theirs and economically they can't do anymore.

Mr. Mancini said the logic is that the next guy whether it's them or someone else, takes on the responsibility of the rest of the road; it can't all be done at once. Mr. Harris said the basic premise of the MDP is to portion the infrastructure over multiple uses because no one use can support the infrastructure needed to develop the whole project. He explained that the regulation be phased and this is one of the phases.

Mr. Mancini explained that "the last guy" so to speak, is getting the benefit of 40 million dollars of State, Town and private infrastructure development that has occurred over 15 years and takes his land from being undevelopable and turns it into a valuable piece of land; it's a fair deal. Mr. Harris pointed out that they're not just talking about road infrastructure- literally half a mile of water and sewer lines as well as the pump station needed to develop this piece.

Mr. Harris said essentially Phase III will be the remaining ½ mile of road that needs to be built. Mr. Mancini pointed out that the State infrastructure work will actually allow for more commercial space. He said he would love it to be them that completes this piece but that regardless, whoever comes in is required to fulfill the premise of the MDP.

Mr. Donovan said what if the State work is never completed and if there is a disaster on that road; he said he is concerned about the width of the road. The Commission discussed the width of the road and the crash gate.

MOTION (2)

Mr. McPherson moved to approve the Application of Theodore A. Harris, Esq., Agent, for Gateway Development/East Lyme LLC and Gateway Residential B, LLC, Applicant, for Site Plan and Stormwater approval for Phase 2 of the residential development at the Gateway District for 120 residential units per Gateway District Master Development Plan. Application includes approval of the alteration of a lot line as shown on plans. Property identified in the application as 285 Flanders and Flanders Road, East Lyme Assessor's Map 26.0, Lot 2 and Map 31.0, Lot 1.

Mr. Liska seconded the motion.

Motion carried, 5-1-0.

Mr. Donovan voted against the Application.

4. Approval of Minutes of December 6th, 2018

Mr. Peck said that page 3 of the public hearing minutes, paragraph 3 says "perspective" when it should say "prospective."

MOTION (3)

Mr. McPherson moved to approve the Public and Regular Meeting Minutes of December 6th, 2018 as amended.

Mr. Donovan seconded the motion.

Motion carried, 5-0-1.

Mr. Liska abstained from the vote due to his absence from the December 6th, 2018 meeting.

Old Business-

1. Subcommittee-Mixed Use in CB Zone

Mr. Mulholland said he is working on this.

2. Subcommittee-Site Plan Requirements/Architectural Regulations

Mr. Mulholland said he is currently reviewing this with the Town Attorney.

New Business-

1. Request of Jennifer & William Argyle for a text amendment to the East Lyme Zoning regulations, Section 25.5 table of Minimum Controls to allow Mixed Use Development in the CA Zone.

Mr. Walker asked Mr. Mulholland to schedule this item.

2. Application of Jonathan Tunsky, TO Design, Agent, for Town of East Lyme, Owner; for a Special Permit for the renovation of an existing baseball field into a Miracle League Field subject to Section 8, 9, 24 and 25 of the East Lyme Zoning Regulations at property located at 171 Boston Post Road, East Lyme Assessor's Map 31.1, Lot 31.

Mr. Walker asked Mr. Mulholland to schedule this item.

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

Mr. Peck said he was approached regarding bees and if the Zoning Commission might consider sponsoring this application and covering the cost of the legal ad. The Commission discussed how they previously formed a subcommittee, gathered information, covered this cost and attempted to assist with this item to the dissatisfaction of the Public in attendance; the Commission opted not to involve themselves with this matter. The Commission agreed they care about the bees but any interested parties can choose to come before the Commission of their own accord.

4. Zoning Official

Mr. Mulholland said it hasn't been this busy at this time of year, in years. He said the next few meetings will be lengthy ones.

5. Comments from Ex-Officio

Ms. Hardy said the Board of Selectmen has also been busy; Budget time is starting up again. She updated the Commission on the proposed Public Safety Building and detailed the public tour that was recently offered of the current building. She added that the Chief's office was so flooded from the rain this week that he was unable to work in it.

6. Comments from Zoning Board Liaison to Planning Commission

Mr. Manning was unable to attend the December 4th, 2018 meeting. Mr. Donovan is scheduled to attend the January 8th, 2019 meeting. The Commission will revisit the schedule to ensure the meetings are divided equally between the members.

6. Comments from Chairman
There were none.

Adjournment

MOTION (4)

Mr. McPherson moved to adjourn the Zoning Commission Meeting at 9:45 p.m.

Mr. Donovan seconded the motion.

Motion passed, 6-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary