

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING II  
Thursday, July 13, 2006  
MINUTES**

The East Lyme Zoning Commission held the continuation of the Application of Vespera Investments LLC for a Special Permit and Site Plan to develop elderly housing on property identified in the application as 16 Mostoway Road, East Lyme, Connecticut, on July 13, 2006 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Pamela Byrnes, Norm Peck, Ed Gada, William Dwyer,  
Alternate, Joe Barry, Alternate, Bob Bulmer, Alternate

**ALSO PRESENT:** William Mulholland, Zoning Official  
Atty. Theodore A. Harris, Agent  
Karl Frey, Principal, Vespera Investments  
Bob Pfanner, Engineer  
Michael Dunning, Architect  
Bruce Morton, Aqua Solutions  
Robin Lee, Landscape Designer  
Allen Mess, Traffic Engineer

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

July 28 20 06 at 11:55 AM  
PM

*Esther B. Williams*

EAST LYME TOWN CLERK

**ABSENT:** Marc Salerno

**PANEL:** Mark Nickerson, Chairman, Rosanna Carabelas, Ed  
Gada, Pamela Byrnes, Norm Peck, William Dwyer,  
Alternate

**Pledge of Allegiance**

The Pledge was observed.

**Public Delegations (NONE)**

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

**Public Hearing II**

1. Continuation of the Application of Vespera Investments LLC for a Special Permit and Site Plan to develop elderly housing on property identified in the application as 16 Mostoway Road, East Lyme, Connecticut.

Mr. Nickerson asked Ms. Carabelas to read the following correspondence into the record:

- Memo from Bill Scheer, Town Engineer to William Mulholland, Zoning Official dated July 11, 2006 RE: Darrow Pond, East Lyme, Connecticut dated April 15, 2006 revised June 30, 2006 prepared by Pfanner & Associates, Darrow Pond Drainage Report dated July 1, 2006 prepared by Pfanner & Associates, Traffic Study Darrow Pond dated June 15, 2006 prepared by Barking & Mess Associates.

Mr. Nickerson asked for the applicant to make his presentation.

Mr. Harris stated that there were a few minor preliminary details that needed to be addressed. He handed out a letter to the Commission dated July 13, 2006 from Atty. Harris to Mr. Nickerson (**Exhibit 11**). He noted

that there were two waivers that needed to be discussed regarding the site plan requirement for the planting of evergreen buffers and sidewalks along the street frontage.

Mr. Nickerson inquired about the amount of street frontage on Mostow Road.

Mr. Pfanner stated there was close to three hundred feet.

Mr. Harris noted that he was submitting the Storm Water Quality Pollution Prevention Plan by Aqua Solutions **(Exhibit 12)**.

Mr. Pfanner stated that on the site there are three building types. He noted that there are flats, which are 23 units, townhouses, and single-family detached houses. He noted that the type of drainage would be bio-retention filters. He stated that these drainage systems are prepared to hold out in a large storm and have worked quite well in other areas. He noted that there are many parking spaces available for residents and visitors. He noted that the single-family houses have rear entrance alleys to get into the carriage house. They are all served through a driveway that goes in the back and there would be no parking in the front.

Mr. Nickerson inquired about where the guest parking would be.

Mr. Pfanner stated that the town houses would have two car garages, and parallel parking would be available on both sides of the street.

Mr. Gada asked if a car could be pulled into the alleyway if the garages were full, and if it would interfere with access.

Mr. Pfanner stated that there should be no interference.

Mr. Nickerson inquired about snow removal in the alleyway.

Mr. Pfanner stated that plowing should not be a problem. He also noted that in the flats, there would be additional parking.

Mr. Nickerson stated that in the common areas there are many amenities. He inquired as to where the cars would be parked.

Mr. Pfanner stated that near the pool there was additional parking.

Ms. Carabelas inquired about the traffic flow on the street where the cars were parallel parked.

Mr. Harris noted that the parallel parking is in additional area outside of the street right-of-way.

Mr. Pfanner stated the additional parking would be identified on the street.

Mr. Nickerson inquired about the common area, and the parking provided.

Mr. Pfanner stated that there would be a parking garage under the flats.

Mr. Nickerson inquired about the number of spaces in the garage.

Mr. Dunning stated that there are 48 spaces minimum based on the preliminary design.

Mr. Nickerson asked the Commission if they had further questions.

Mr. Mulholland asked Mr. Harris to review the sidewalk patterns in the development.

Mr. Pfanner referenced the site plan to answer the question.

Mr. Nickerson marked the Overall Site Plan dated August 15, 2005 as **(Exhibit 13)**.

Mr. Nickerson marked the Index Plan Darrow Pond dated April 15, 2006 revised July 10, 2006 as **(Exhibit 14)**.

Mr. Harris noted that the entire site is approximately 300 acres and the actual developed area is approximately 70 to 80 acres.

Mr. Peck inquired as to what was revised on the plan.

Mr. Mulholland stated that the plan was revised with modification based on staff input.

Mr. Peck inquired if there were significant revisions since the preliminary hearing.

Mr. Mulholland stated no.

Mr. Nickerson inquired as to the number of units proposed.

Mr. Dunning stated that there were 180 single-family units, 120 townhouses, 240 condo flats, and 60 unique units totaling 600 units.

Mr. Harris stated that he would like to address the questions regarding access to the site. He noted that other than the main access there are two access roads; one would be used for emergencies only and the other for secondary access through a Town road, in the subdivision known as Nottingham Hills, which is currently under construction. He stated that they did not anticipate that this access would create any massive traffic issues and if that were to occur other alternatives could be discussed such as use of a key card, etc.

Mr. Nickerson inquired if there were any easements.

Mr. Harris stated that there were easements that were in place before the lots along the proposed secondary access way were created in the Nottingham Hills subdivision.

Mr. Morton stated that what was done with the storm water working in conjunction with the calculations of the engineering firm was ended up with a series of sub-basins where the drainage goes one way or another. An approach was taken to treat the storm water run off. The sub-basins are designed to treat two-year, twenty-four hour storm, which is roughly 3.6" of rainfall. That is the equivalent of 50% of a 100-year storm. He stated that this project was considered high density residential. He noted that inside of the basins used there is 20-30% compost, 20-30% topsoil, 50-60% sand, and select plantings on top. There is no infiltration into the ground. There is lateral flow coming through the basin. He submitted a graph titled The Jordan Cove Watershed Project regarding bio-retention and treatment.

Mr. Nickerson marked the Jordan Cove Watershed Project as **(Exhibit 15)**.

Ms. Byrnes inquired as to who would be responsible for these basins.

Mr. Morton stated that the accountability would most likely be the condominium association. The condominiums are monitored by their company for any water quality issues.

Mr. Frey stated that there would be irrevocable sections to the condominium association documents regarding the 20-year management plan for the pond. The pond would be monitored annually. If there were to be any type of deterioration to the pond it would be monitored more frequently. Every five years the 20-year management plan would be updated and projected for another 20 years.

Mr. Nickerson called for a two-minute recess.

Mr. Nickerson called the meeting back to order. He noted that Ms. Carabelas has left the meeting and asked that Mr. Bulmer to be seated.

Mr. Bulmer declined.

Mr. Nickerson sat Mr. Barry in Ms. Carabelas' place.

Mr. Dunning stated that he had an audio/visual presentation to show the Commission showing portions of a pattern book from a similar project.

Mr. Lee gave the Commission an overview of the landscaping plan. He noted that the intent was to renovate the disturbed areas and promote as much open space as possible in its natural state. He stated that in the areas where there would be more intensive planting trees, shrubs, perennials, grasses, etc. rather than using open lawn area. He noted that there would be community gardens and courtyard areas that would be more intensely planted, and irrigation would be used to upkeep the plantings. He noted that utility areas would be screened with foliage. He stated that there would be a variety of plantings throughout the site.

Mr. Dunning stated that the street lighting and yard lighting would correspond to the Natural Dark Sky Association where no lighting would spill into the night sky. He stated that all lighting would be cast downward to reduce glare. He also discussed the architectural design of the buildings within the project.

Mr. Nickerson asked if any Commission member had questions for the applicant.

Mr. Nickerson inquired about handicap access into a single-family unit if needed in the future.

Mr. Dunning stated that a mix of different unit types would be provided to accommodate people. He noted that the master bedrooms and primary necessities would be located on the ground level and would make it easier for people who need that type of access.

Mr. Frey stated that if a person's health deteriorated over a period of time they would still be able to stay within the community.

Mr. Nickerson inquired as to what controls the variety of the houses.

Mr. Dunning stated that the site plan itself governs the project. He noted that the pattern book was comprehensive enough to provide so many different options that it is not explicit that everything has to be different but there is enough of the choice.

Mr. Harris inquired if the architectural review board would have a role in the design.

Mr. Dunning stated yes. He noted that what ever gets designed would go before the Zoning Official for review and approval.

Mr. Mulholland stated that there would have to be a mechanism to discuss the variety within the project.

Mr. Nickerson inquired if there were modular homes that could meet the requirements of the pattern book.

Mr. Dunning stated yes.

Mr. Mess addressed the Commission regarding the traffic report and the revisions made to it.

Mr. Nickerson inquired if there would be a traffic light at the entrance to the development on route 161.

Mr. Mess stated that it depends on the flow of traffic from the main road, they could only recommend to the state to install one.

Mr. Nickerson inquired if there were a way to make a condition of a Special Permit to have a traffic light installed.

Mr. Mulholland stated that Mr. Giannattasio, Director of Public Works is involved in traffic and making decisions on the local level and the Board of Selectman are the local traffic authority for stops signs, etc. He

noted that a condition to the Special Permit could be made and they could use that to aid the recommendation.

Mr. Harris stated that having specific criteria for the architectural boards review could assist in having variety in the development.

Mr. Mulholland stated that there should be a mechanism put into the pattern book, criteria, or condition to demand that there is variety and to set up a system where that can occur.

Mr. Nickerson called for anyone from the public who would like to speak in favor of the application.

**Allen Taylor, 10 Lakeview Circle** – stated that as part of the control of the Town of East Lyme, the Zoning Board has had much control and he wanted to thank the board for everything they have done for the Town. He stated that the control that the board has on the land also has control of the economics of the Town. He noted that the solution to controlling the tax base has been found by the Zoning Commission by introducing age-restricted housing into the Town. He stated that the proposal before the Commission would have no ability to raise the taxes for education. He stated that it is nice to see something to the Town of East Lyme that can help solve the problem of high taxes instead of create a problem.

Mr. Nickerson called for anyone from the public who would like to speak in opposition of the application.

**William Sawycki, 421 Drosnick Drive, Groton** – he stated that he would refer to himself as the land owner of property starting at the southeast end of Mostoway Road continuing across to where newly installed riprap in front of metal post lies. He noted that the riprap has crossed the boundary line and run off of water on to private property would attest to that. He noted that he was not opposed to the project and wished the developer much success. He made suggestions many remedies for improvement on storm water flow, traffic, and site improvements. He stated that he requested the Commission address the environmental issues that could occur as a result of this project.

Mr. Nickerson marked the letter to the East Lyme Zoning Commission from William Sawycki dated July 13, 2006 RE: Darrow Pond Project as **(Exhibit 16)**.

Mr. Nickerson called for anyone to speak in neutral position. There were none.

Mr. Nickerson called for questions by the Commission.

Mr. Nickerson inquired as to the significant amount of road between the Darrow Pond project and Darrow Ridge project and if there were to be improvements made to the road.

Mr. Harris stated that the road is the dam holding the pond back. He stated that widening would be difficult to put a plan together to do so.

Mr. Nickerson asked Mr. Pfanner to discuss drainage.

Mr. Pfanner stated that the whole street would be curbed and there would be new drainage ditches installed.

Mr. Harris noted that there was a study done on the dam recently and it is structurally sound.

Mr. Peck inquired about the site's well water.

Mr. Harris stated that the site is served by municipal water but rather than burden the Town, there have been three wells drilled onsite and preliminary testing has been done. The wells are in the process of being permitted by the Department of Health as a public water supply and will ultimately be conveyed to the Town of East Lyme. He noted that they anticipate a yield of 300,000 gallons per day from these wells.

Mr. Barry stated that he was concerned about waiving the sidewalk requirements.

Mr. Harris stated that the regulations state that sidewalks are required along street frontage and not inside of the project.

Mr. Harris stated that they are at the statutory time frame and there were no additional items to be presented to the Commission unless there were further questions. He noted that there is 65 days to decide on the application.

**\*\*MOTION (1)**

**Ms. Byrnes moved that this Public Hearing be closed.**

**Mr. Gada seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**Public Hearing adjourned.**

Respectfully submitted,



Emelie Napolitano,

Recording Secretary (Pro-Tem)