

EAST LYME ZONING COMMISSION  
PUBLIC HEARING III  
JUNE 15, 2005  
MINUTES

FILED IN EAST LYME

June 28, 2006 AT 11:15 M

L. Blair, ATC  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Vespera Investment LLC for a Special Permit and Site Plan to develop elderly housing on property identified in the application as 16 Mostowy Road, East Lyme, Connecticut, on June 15, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson called the meeting to order at 9:30 P.M.

PRESENT Mark Nickerson, Chairman, Ed Gada, Rosanna Carabelas, Secretary, Marc Salerno, Pamela Byrnes, Norman Peck III, William Dwyer (Alternate), Joseph Barry (Alternate)

ALSO PRESENT William Mulholland, Zoning Official  
Theodore Harris, Attorney for the Applicant  
Karl Frey, Principal, Vespera Investments  
Michael Dunning, AIA, Principal, Shook Kelly, Inc.  
Robert Pfanner, PE for Applicant  
Alan Mess, PE, Barkan & Mess Associates, Traffic Engineers  
Robin Leigh, Leigh Landscape Design

ABSENT Robert Bulmer (Alternate) Rose Ann Hardy, Ex-Officio, Board of Selectmen

PANEL Mark Nickerson, Rosanna Carabelas, Marc Salerno, Ed Gada, Pamela Byrnes and Norman Peck III

**Public Delegations** - There were no public delegations.

**Public Hearing - Application of Vespera Investments LLC for a Special Permit and Site Plan to develop elderly housing on property identified in the application as 16 Mostowy Road, East Lyme, Connecticut.**

Mr. Nickerson advised there would be no Zoning Official memo and it has been agreed to continue the meeting with no extension requested. There will be a presentation.

Mr. Nickerson noted that the Public Notice has been properly run for this hearing.

Mr. Karl Frey, Principal, Vespera Investments, announced a large contingent present to answer questions. He introduced Attorney Theodore Harris who commented the presentation would be approximately 45 minutes in length. Attorney Harris stated that

Public Hearing III - Vespera  
June 15, 2006  
Minutes - Page 2

evidence was heard in March 2005 and a special permit has been issued. The applicant is looking for final approval of the site plan.

Attorney Harris submitted Exhibits 1 through 5 as follows:

- Exhibit 1 - Copy of sign posting Notice of Public Hearing
- Exhibit 2 - Copy of preliminary Special Permit dated March 20, 2005
- Exhibit 3 - Public Offering Statement, Darrow Pond (draft 5/2/06)
- Exhibit 4 - Power Point hard copy of presentation
- Exhibit 5 - Revised plan as of June 12, 2006 (dated April 15, 2005 with Additions revised to June 12, 2006)

Attorney Harris indicated that the Commission has previously received the survey, topo maps, open space plan, recreational facilities plan, and conceptual plan.

Mr. Frey stated the purpose of this evening is to put the concept into a fully engineered plan presentation.

He stated a traffic study was submitted that indicated the road system could handle the traffic. There will be an updated report with new traffic counts. There is no change from earlier conclusions.

He continued, the project will be served by town water by way of three drilled wells on the property and preliminary testing reveals 150,000 gallons per day excess. The wells would provide 10% of current usage and would be turned over to the Town. Negotiations are ongoing with the Dept. of Public Health.

The septic would not be connected to the town system, but would be located onsite. The Association would operate the system. The State would require bonding.

There would be no utility demands to the Town.

Mr. Frey described Vision and Pattern Books as alternatives to architectural renderings and floor plans, landscaping and lighting and are very detailed.

Work has been done on the storm water system in order to improve the treatment as it goes through the system.

Michael Dunning, Architect, Shook, Kelley of Charlotte and Los Angeles, stated he has in excess of 15 years experience and it is his opinion that this is the best plan from concept to completion because of its continuity. The site boundaries and total land area remain unchanged. Work has been done on the development program with 95%

clustering. They have been able to preserve the existing mature trees on the south end of the pond, and have maintained the street network and hierarchy, preserved wetlands and open space (50% undisturbed) and have provided for inclusion of site amenities.

Mr. Dunning commented that Pattern books create a vocabulary to show how different parts become whole and work architecturally. The books are considered a supplement to zoning regulations. and establish aesthetics and guidelines.

He submitted The Baxter Pattern Book (Architectural Guidelines for Residential Neighborhoods) as Exhibit 6, and noted that project in North Carolina is 2/3 complete and is similar to Darrow Pond.

He continued, Darrow Pond has been engineered by Bob Planner and if a plan overlay were placed on the screen, there would be an exact match.

Attorney Harris submitted the Darrow Pond Pattern Book, June 12, 200 Edition, as Exhibit 7, and Mr. Dunning went on to explain that the following are included within that booklet: Signage & Awnings, Architectural Styles, Multiple Resident buildings, Carriage Houses, Character and Essential Elements, Exterior Windows, Doors & Sliders, Porches and Stoops, Roofs, Dormers, Chimneys, Downspouts, Louvers and Vents, and Exterior Materials.

Alan Mess, PE, Barkan & Mess Associates, stated his data and conclusions in June 2006 remain the same as those in March 2005. He has re-examined the traffic study as to accident and trip generation. The roadway system can accommodate the plan. All procedures used were correct, with adjustments due to time of year and anticipated build out schedule.

He recommends that the main access off Route 161 be improved to 2 lanes with ditch shoulders. Some work on Route 161 has been done and improved. The north juncture is being done. Access through the subdivision is through Upper Pattagansett. There could be 2 egresses and 2 ingresses for emergency use, (but would prefer a connection for emergency use). There will be some commercial shops on site that will reduce the need to drive off site (complimentary use shops) and could reduce traffic flow. Although the project is not on a state road, a State Traffic Commission certificate will be needed.

Public Hearing III - Vespera  
June 15, 2006  
Minutes - Page 4

Mr. Nickerson questioned the traffic situation and Mr. Mess stated his recommendation is for Route 161 to have a flare at its end that would help in making turns. There is no recommendation for a traffic light.

Mr. Salerno questioned whether all traffic flow would be on to Route 161 and Mr. Mess replied that 10-15% would go to Upper Pattagansett.

Mr. Nickerson commented he recalled it as being gated and it is something that must be discussed. Mr. Mess advised it was analyzed both ways and card use was considered for the gate. The inside roads would be private. There could be signs for "Residents Only" and an unmanned gatehouse.

Mr. Mess submitted Exhibit 8, "Traffic Study - Darrow Pond Residential Community"

Bruce Martin of Marlborough pointed out that the LIDS drainage was designed from a quantity standpoint, which is usually treated for a 2-year/24 hour storm (3.6"). The rest is runoff. DEP requires 1" run off for treatment. The plan is to use porous pavement for parking and rear areas, a perimeter system for bio retention areas, and vegetations for inundation water treatment and uptake. There would be some grass areas. They are working on better color aesthetics. There will be a high level overflow in basin to allow storage. The BMP manual will provide for turf management and landscaping. There will be no nutrients or pesticides around the well site area. The BMP manual is in draft state and will be submitted.

Robin Leigh, Leigh Landscape Design, advised that Darrow Pond was designed with conservation in mind, with a minimal environmental impact. Consideration has been given to existing flora and fauna. The wooded areas will remain untouched. The landscaping will provide for gardens, trails, and preservation of wetlands. The objective is to have attractive plants with minimal impact. He has considered the soil conditions as to shape, density, maturity, maintenance, and irrigation. He submitted the Standards for Organic Land Care (Practices for Design and Maintenance of Ecologic Landscapes) as Exhibit 9. He stated the gardens and integrated arboretum could be listed with the American Assoc. of Public Gardens, which would open them for use of the public. He also submitted Plant List - Selection of Plants for Rain Gardens and Storm Water Management Areas Vespera -Darrow Pond as Exhibit 10.

Robert Pfanner, 37 Grand Street, East Lyme, PE for the applicant stated this project has been challenging. There will be 2 bridges with no wetland impact. Plans call for use of bioretention basins in various sizes. Roof leaders and foundation drains are included. Mostoway Road was widened to 24' from the south end to the end of the street. The water

and sewer systems have been improved. Additional parking allowed will be one plus employees, resulting in 1360 spaces with garages under the main buildings. Parking for people using the pool would be around the pool, on the street and in garages near the pool area.

Mr. Nickerson noted there will be continued hearings and requested that project staff be made available for information.

Me. Nickerson stated that although we do not have all information for public record, he would take comment tonight.

Mr. Nickerson asked if there was anyone that would like to speak in favor of the application. - None

Mr. Nickerson asked if there was anyone that would like to speak in opposition to the application. - None

Mr. Nickerson asked if there was anyone that would like to speak neutral to the application.

Mr. William Sawicki 425 Drodzyk Drive, Groton stated he owns property on the other side of Mostowy Road and wants to review the plan. He asked whether he would be allowed to speak at a future meeting and Mr. Nickerson responded he could. Mr. Sawicki expressed his interest in the project and he needs some clarifications. He questioned a "white" area that appeared on the original plan that now appears to be a different color and has questions regarding this change. Mr. Nickerson referred him to the Building Department for explanation.

Barbara Johnston of 35 Seacrest Avenue, Niantic stated it has been awhile since the original plan was presented to the public and there seems to be some changes (ie. Open gates, occupancy still over 55, traffic at Mostowy Road, continuance of Torrance to south end of Mostowy Road), etc. She noted the parking summary did not indicate employee parking for those working in shops on-site

Mr. Nickerson replied separate public hearings were held and all proposals are on record. She stated she would like to reserve her right to speak at another time.

Chris Olivera, 7 Hefflon Farms Road, Old Lyme commended all for the work that has gone into this project. He has been attending meetings for the past year and has seen more progress than in the past. He suggested the Commission might want to consider use of a larger meeting room. He would like to see more public officials in attendance at meetings.

Public Hearing III - Vespera  
June 15, 2006  
Minutes - Page 6

Mr. Sawicki stated people have given information and it should be analyzed as to credibility. He questioned what road improvement at the north end of Mostowy Road have to do with this project. He would like to know how many cars go to the left. He indicated there have been a lot of words, but what do they mean.

Mr. Nickerson asked for comments from the Commission -There were no further comments.

Mr. Nickerson called for a motion to adjourn the Public Hearing.

**\*\*MOTION (1)** Ms. Byrnes made motion to adjourn the public hearing. Second by Ms. Carabelas. Voice Vote: 6-0-0 Favor. Motion passed.

Mr. Nickerson adjourned this public hearing at 10:50 P.M.

Respectfully submitted,



Nancy R. Sullivan, Recording Secretary

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING IV  
JUNE 15, 2006  
MINUTES**

FILED IN EAST LYME <sup>a</sup>  
*June 28, 2006* AT *11:15* M  
*L. A. Blais arc*  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Justin Olshan for a Special Permit to operate an auto sales agency at property identified in the application as 252 Flanders Road, Niantic, Connecticut. Chairman Nickerson called the meeting to order at 8:50 P.M.

**PRESENT** Mark Nickerson, Chairman, Ed Gada, Rosanna Carabelas, Secretary, Marc Salerno, Pamela Byrnes, Norman Peck III, William Dwyer (Alternate), Joseph Barry (Alternate)

**ALSO PRESENT** William Mulholland, Zoning Official

**ABSENT** Robert Bulmer (Alternate), Rose Ann Hardy, Ex-Officio, Board of Selectmen

**PANEL** Mark Nickerson, Rosanna Carabelas, Marc Salerno, Ed Gada, Pamela Byrnes and Norm Peck

**Public Delegations** - There were no public delegations

**Public Hearing:** Application of Justin Olshan for a Special Permit to operate an auto sales agency at property identified in the application as 252 Flanders Road, Niantic, Connecticut.

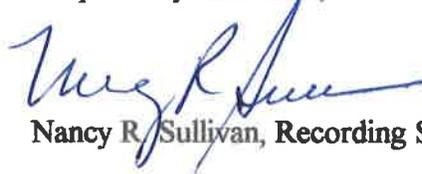
Mr. Nickerson stated that the applicant's agent was not present.

Mr. Nickerson called for a motion to adjourn the Public Hearing.

**\*\*MOTION (1)** Ms. Byrnes made motion to adjourn the public hearing. Second by Ms. Carabelas. Voice Vote: 6-0-0 Favor. Motion Passed.

Mr. Nickerson adjourned the meeting at 8:55 P.M.

Respectfully submitted,

  
Nancy R. Sullivan, Recording Secretary