

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, MAY 4, 2006
MINUTES**

FILED IN EAST LYME A
May 15, 2006 AT 8:20 M
L. Blair atc
EAST LYME TOWN CLERK

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

ALSO PRESENT: William Mulholland, Zoning Official
RoseAnn Hardy, Ex-Officio, Board of Selectman
Ed O'Connell, Town Counsel

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas,
Secretary, Marc Salerno, Ed Gada, Norm Peck, Pamela
Byrnes

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 9:24pm following the previously scheduled Public Hearing.

- 2. Application of Atty. Theodore A. Harris, agent for Vespera Investments, for (a) approval of a zone change to the property known as 38 Hope Street, Niantic, Connecticut, from a Light Industrial District to an Affordable Housing District, and (b) approval of a site plan for an affordable Housing Development to be known as 38 Hope Street, containing approximately 150 units. The property is further identified as East Lyme Assessor's Map 11.2, Lot 122**
- 3. Application of Atty. Theodore A. Harris, agent for Vespera Investments, for a Coastal Area Management Site Plan Review to construct 150 units of affordable Housing at property located at 38 Hope Street. The property is further identified as East Lyme Assessor's Map 11.2, Lor 122**

Mr. Nickerson and Mr. Peck excused themselves from the panel and sat Mr. Barry and Mr. Dwyer as alternates.

Ms. Carabelas noted that both of Mr. Harris's applications would be taken together.

Mr. Mulholland said that he was looking for indication from the Commission as to the direction they want to go so that staff can start to prepare some motions.

Mr. Carabelas instructed the town to prepare motions in favor, neutral, opposed, and modified for the application.

Mr. Dwyer said that he was interested in modifications to the application. He expressed that he is in favor of the overall application, with a modification to keep the well area clear up to the 200 feet for the benefit of the town.

Ms. Byrnes said that she feels it's a very nice application but has the same concerns that Mr. Dwyer about the well.

Ms. Carabelas asked if the well issue is something that will have to go before the Water and Sewer Commission before it can go forward.

Mr. Mulholland said that the DEP will be addressing the issue of the well.

Mr. Salerno said that he is also in favor of the application with modifications and shares the same concerns over the well area. He is concerned that there is a parking lot proposed within the 200 foot area surrounding the well. He also expressed additional concerns as to if there will be adequate parking at the site for all of the town houses.

Mr. Mulholland said that he believes the parking at the site will be 2 stacked in the garage and 1 stacked outside.

Mr. Salerno expressed additional concerns over the open space in the area and proposed that may be a way to solve the issue of the well also.

Mr. Barry challenged the traffic study because it was done on the Monday tandem to Thanksgiving Day weekend and therefore not an accurate study of traffic in the area because it is an extension of the holiday. He also has concerns with the well on the property and the drinking water for the public. According to the site plan, 35 units and 55 parking spaces are located within the 200 foot area surrounding the well. Both the Town of East Lyme Department of Health and the Connecticut Department of public Health encourage the enforcement of the 200 foot area surrounding the well as near to natural open space or low impact recreational use. That 200 foot protection area is minimal. Mr. Barry said that he could support a 125 foot safe zone of the area around the well with no open parking within the area. Without a more accurate traffic study and at least a 125 foot safe zone around the well, he can not support this proposal.

Mr. Gada said that he is in favor of the application with modification. He is concerned over the town water supply. He expressed that he would accept the 125 foot safe zone, as proposed by Mr. Barry. He expressed additional concerns over the buildings blocking the sunlight in the protection of public health as well as the creation of more common ground.

Ms. Byrnes asked for clarification as to if the statute allows for the issue of open space and sunlight to be taken into consideration in deliberation.

Mr. Mulholland said that the town Attorney will be her for deliberation to ask those questions.

Mr. Barry said that the 125 foot safe zone around the well would allow him to support the application providing that there is no parking or vehicle movement in that area.

Ms. Carabelas expressed concerns if the 125 foot distance would even make a difference. She also said that there will be catch basins for the runoff that will be better then what is in place currently. She said that she is not sure if what they're asking (100 feet vs. 125 feet) would make any difference for distance from the well. She asked that the town engineer come back and evaluate that. She expressed that her greater concern is the traffic. In some areas, it is already at a "D" level. What are they going to be looking at with an increase in that kind of traffic?

Ms Carabelas said that the Commission seems to be looking for an approval with modification for this application and asked if staff can get back to them as to if the 125 feet will make a difference for the well.

Mr. Mulholland thanked the Commission for their input and said that he now feels that they have a good understanding as to what the commission is looking for.

Mr. Barry said that he agrees with Mr. Gada and feels that the sunlight issues should be taken into consideration for the health of the people. He feels that you can't put people in the dark and expect them to live a healthy life.

Mr. Salerno said that the proposed development is close to the light industrial regulations, so they really can't consider the light issue. He again expressed concern over the parking issue and is concerned about overflow parking on to the street.

Mr. Mulholland said that he will get clarification on the CB Multifamily parking regulations.

Mr. Dwyer said that they proposed to put a double polyurethane layer under the parking area in an attempt to provide some protection to the well.

Ms. Carabelas asked if they need a motion on this.

Mr. Mulholland said that no motion will be needed and that they will continue this on the agenda.

Mr. Nickerson and Mr. Peck came back to the panel and Mr. Barry and Mr. Dwyer stepped down.

Mr. Nickerson asked if this issue will be ready for the May 18th meeting.

4. Approval of the meeting minutes from Public Hearing I on April 6, 2006.

Mr. Nickerson confirmed that there are enough people sitting at the table to approve the meeting minutes.

****MOTION (2)**

Mr. Salerno moved that to approve the meeting minutes from Public Hearing 1, from the April 6th meeting.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

- 5. Affordable Housing Application of Landmark Development Group, LLC for (a) amendment of Section 32 of the East Lyme Zoning Regulations (“Affordable Housing District”) and (b) rezoning the property identified in the Application as land of Jarvis of Cheshire, LLC and Sargent’s Head Realty Corporation, identified on East Lyme Tax Assessor’s Map 27, Lot 14; Map 31, Lot 4; Map 31.2, Lots 3 & 8; Map 32.1, Lots 2 & 36; Map 32, Lot 1, from its existing Zoning Designation to an Affordable Housing District Designation.**

Old Business

1. Stormwater

There were no comments.

2. Aquifer Protection

Mr. Nickerson said that they will be putting a citizen on the sub-committee of the aquifer protection and will be moving forward

3. Subcommittee – Niantic Village – CB Zones (Mark Nickerson & Marc Salerno)

Mr. Nickerson said that the Main Street Program has recently lost a director and expressed that there is a lot of work to be done based on what Main Street has indicated what they want done.

New Business

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

Mr. Nickerson directed staff to put this on the schedule.

- 2. Application of Theodore A. Harris for a special Permit and Site Plan for a Regional Shopping Center as property identified in the application 15 Industrial Park Road, Niantic, Connecticut.**

Mr. Nickerson directed staff to put this on the schedule.

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

Issue was not heard.

4. Zoning Official

Mr. Mulholland said that he received a correspondence that was asked to be read into the record. Letter to Mark Nickerson from Rico, LLC. They have received from their design company, BL Company, plans for the riprap slope on Flanders Road in front of Super Stop and Shop and hope to have approval from the DOT in the next couple of weeks. They anticipate completing this project immediately thereafter.

5. Comments from Ex-Officio

Issue was not heard.

6. Comments from Zoning Board liaison to Planning Commission

Issue was not heard.

7. Comments from Chairman

Issue was not heard.

8. Adjournment

****MOTION (3)**

Ms. Byrnes moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 10:08 PM.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Motion Passed. 6-0-0

Respectfully submitted,

Beth Ricker,
Recording Secretary (Pro-Tem)