

**EAST LYME ZONING COMMISSION  
PUBLIC HEARINGS I-IV  
Thursday, July 12th, 2007  
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of Landmark Investment Group LLC ("Landmark") for approval of a text amendment to Section 32 of the East Lyme Zoning Regulations adding a section entitled "Affordable Housing District"; Application of Landmark to rezone land of Jarvis of Cheshire, LLC and Landmark Development Group LLC from its existing zoning designation to an Affordable Housing District in connection with a proposed Affordable Housing Development to be known as "River View Heights VI a Residential Community"; Application of Landmark for approval of a Preliminary Site Plan for the construction of between 1548 and 1720 units under the newly proposed Section 32 of the Zoning Regulations and Application of Landmark for approval of a Coastal Management Site Plan on July 12, 2007 at the Middle School Auditorium, 37 Society Road, Niantic, CT. Chairman Nickerson opened the four Public Hearings and called them to order at 7:36 PM.

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

**ALSO PRESENT:** Attorney Michael Zizka, Representing the Applicant  
Glenn Russo, Principal, Landmark  
Stephen McDonnell, P.E. WMC Consulting Engineers  
Attorney Joshua Foley, Town Counsel  
Attorney Paul Geraghty, Representing the Interveners  
William Mulholland, Zoning Official  
Bob Bulmer, Alternate  
Rose Ann Hardy, Ex-Officio, Board of Selectmen

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

JULY 18 20 07 at 11:30 AM PM

*Esther B Williams*

EAST LYME TOWN CLERK

**ABSENT:** Marc Salerno, Joe Barry, Alternate

**PANEL:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Ed Gada, Norm Peck, Marc Salerno, Bob Bulmer, Alternate

**Pledge of Allegiance**  
The Pledge was observed.

**Public Hearings I-IV**

1. Application of Landmark Investment Group, LLC ("Landmark") for approval of a text amendment to Section 32 of the East Lyme Zoning Regulations adding a section entitled "Affordable Housing District" (AHD) – and –
2. Application of Landmark to rezone land of Jarvis of Cheshire, LLC and Landmark Development Group LLC from its existing zoning designation to an Affordable Housing District. The application is in connection with a proposed Affordable Housing Development to be known as "River View Heights VI – a Residential Community". The property to be rezoned is located immediately southeast of River Road, Hill Road and Calkins Road, west of the Niantic River and Quarry Dock Road, and east of King Arthur Drive and is further identified in the application – and –
3. Application of Landmark for approval of a Preliminary Site Plan for the construction of between 1548 and 1720 units under the newly proposed Section 32 of the zoning regulations – and –

#### **4. Application of Landmark for approval of a Coastal Management Site Plan.**

Chairman Nickerson noted that he had seated William Dwyer, Alternate at the table this evening. He also said that four (4) public hearings were opened simultaneously this evening. He then explained the process and noted that the public hearing would most likely be left open for more testimony from both sides.

Mr. Nickerson said that the Legal Ad had run in the New London Day on June 29, 2007 and July 9, 2007. A copy of this ad was entered into the record as **Exhibit 1**.

Mr. Nickerson asked Ms. Carabelas, Secretary to read the following correspondence and exhibits into the record:

- ◆ Letter dated 6/6/07 to Mark Nickerson, Chairman, EL Zoning Commission from Francine Schwartz, Secretary, EL Planning Commission - Re: 8-3a Referral – Application of Landmark Development Group LLC for (a) approval of a new section of the East Lyme Zoning Regulations entitled "Affordable Housing District" (AHD); (b) rezoning of the land of Jarvis of Cheshire, LLC and Landmark Development Group LLC and (c) Coastal Area Management Review Application and Preliminary Site Plan – finding the applications **INCONSISTENT** with the Plan of Conservation and Development for the same reasons as presented in five previous reports dated 3/20/02, 9/17/02, 8/5/04, 8/17/05 and 5/5/06 and citing those reasons again and providing many pages of attachments labeled A-D. This was also entered into the record as **Exhibit 2**.
- ◆ **Exhibit 3** - the Harbor Management Report dated May 17, 2007 (not read)
- ◆ **Exhibit 4** - the OSLIP report dated June 7, 2007 (not read)
- ◆ Letter dated 5/31/07 to Wm. Mulholland, Zoning Official, East Lyme from SECCOG Regional Planning Commission – Re: the Town's Zoning Regulation and an amendment to the Town's Zoning Map for an Affordable Housing District – finding that the proposed amendments are not consistent with the Regional Plan of Conservation and Development adopted by the Southeastern CT COG on October 15, 1997. This was also entered into the record as **Exhibit 5**.
- ◆ **Exhibit 6** is the Water & Sewer Commission Report dated 6/8/07 (not read)
- ◆ **Exhibit 7** – the Water & Sewer Staff reports (2) dated 6/8/07 (not read)
- ◆ **Exhibit 8** – the Engineering report dated 6/8/07 (not read)

(Please note that the auditorium acoustics made the tape difficult to understand)

Mr. Nickerson called upon the applicant to present the applications.

Michael Zizka, said that he is the Attorney for the applicants and that the applicants are Landmark Investment Group LLC and the owners of the property are Landmark Investment LLC and Jarvis of Cheshire LLC who are also in favor of and support this application. All of these applications are being submitted in accordance with CGS Section 8-30g for Affordable Housing Development. This also states that they provide the regulations that they propose will apply to the affordable housing development and govern the units on the site. The site consists of 236 acres located west of the Niantic River, east of the Deerfield development and south of residential property. The regulations that they have provided do not differ much from those that they already have but there are however some differences, namely that the Zoning Affordable Housing (AH) regulations do require water and sewer while those being proposed provide for septic systems which do have oversight and would be reviewed and regulated properly by some State Agency and would not be approved unless they find that it would be suitable. He noted that the Planning Commission letter identified the differences in the AH regulations the Town has and those that they are proposing and that they would be happy to answer any questions that they might have. The zone change request is because it is controlled by the CGS Section 8-30g – Affordable Housing and the area becomes a designated AH area . This is a preliminary site plan application and the preliminary site plan review is due to a recent Supreme Court case (Kaufman v. Zoning Commission Town of West Hartford) where the Supreme Court recognized that for most developers in the State who are proposing AH developments that the development would have to be denser

than the communities might like due to the economies of scale so that it made sense for the developers to do a preliminary site plan as a formal site plan costs many thousands of dollars only to frequently be denied. Hence, this is a preliminary site plan that they will see here. The CAM review element says that if you have certain types of zoning applications within the designated coastal area that it piggy backs off of the zoning site plan. It does not say that when you provide a preliminary site plan that you have to provide more detailed information or a different level of review than what you would normally provide to the Zoning Commission within the preliminary site plan review. He said that with all due respect that he does not think that Ms. Balint of OSLIP understands this and tends to make this mistake in applications by looking for details that are not required to be submitted. He said that this is a method of getting a feel for the 'lay of the land' from the Commission prior to having more in-depth, expensive work done. He related this to the Darrow Pond senior housing project which did the same in applying for a preliminary site plan review. If you never get your septic or water or other approvals from the State DPH and DEP then you do not have a project regardless of what happens here.

Mr. Nickerson asked if he was saying that he did not have CAM criteria.

Attorney Zizka said that what he was saying is that the CAM act does not in and of itself require a different set of details than what the Zoning Commission requires under a preliminary site plan application. It does not force a different set of details upon the applicant.

Mr. Nickerson said that the Zoning Office requires a CAM with significant detail and asked what detail they would have.

Attorney Zizka said that they would get what was submitted as part of the application.

Attorney Foley, Town Counsel explained that whatever the applicant submits will be considered a coastal site plan and that the Statutes do not require them to fill out a separate sheet and what Attorney Zizka is saying is correct.

Mr. Nickerson asked if they could ask the applicant to fill out a CAM report application.

Mr. Mulholland noted that it has already been filled out and submitted with the application.

Attorney Zizka continued that they have proposed between 1548 and 1720 units. The 1720 supposes access to public water and sewer and the 1548 supposes access to public water and septic. He said that he knows that it seems like high density but what would be allowed on the 236 acres is approximately 1900 units if built out. He said that it would be for them to show that the land can support this density. He noted that in the fifth application which is under appeal that what they tried to do in that application was to restrict units from where they felt the site would be objectionable to the Commission. They also proposed a significant amount of open space with that application in those areas closest to the Niantic River as it was stated that the Town wished to acquire certain areas as open space. So, the reason why they are seeing such a large number of units is because they have been denied in the past and they felt that there was no reason here not to propose the maximum number of units that they feel that they can structurally put on this site. They also do understand that it may be whittled down to some extent during the process.

Mr. Nickerson said that he wanted to highlight again that the last time that they came before them there was a Phase II that also was going to be proposed to develop the area. He said that there was also an offer some time ago during one of the applications to buy this for open space and he thought that it might have come through the Zoning Commission as the newspaper picked up on it but he is not sure that it ever got to discussion on how much money, etc. He said that he is not sure that it was done properly with regard to selling it to the Town for an amount of money or through the Zoning Commission as that is not something they can decide. He said that it is not that shocking to see this proposal as they have seen proposals like this for this land before.

Attorney Zizka said that it is not surprising that they do not agree on what happened as the offer was not made to the Zoning Commission, it was 'told' to the Zoning Commission as they recognize that the Zoning Commission has no power to purchase. It was said to the Zoning Commission or they tried to say to the Zoning Commission the last time that if the Town wants this land that they would make it available for sale. They were trying to say this because all of the information that they have on open space for this parcel has said 'acquisition, acquisition, purchase, acquisition, purchase', none of it has said 'steal it from the applicant, regulate him to death' and this is what they have been criticized for and what they were saying is that they

are being consistent with the planning as they were offering it if the Town wished to 'acquire or purchase' it for open space.

Mr. Nickerson said that he thought that was a couple of applications ago and asked Attorney Zizka if he remembered what percentage was being offered to the Town and what the offer price was.

Attorney Zizka said that he did not recall the offer.

Mr. Nickerson asked if there was an offer made to the Town and for how much.

Attorney Zizka said that they said that they would make it available to the Town for acquisition. It is not for them to make it -

Mr. Nickerson said that they made an offer to the Town but did not put a price on it and the Town was supposed to say yes or no -

Attorney Zizka said that the Town was supposed to indicate to them if it was interested in purchasing the property -

Mr. Nickerson asked if the Town did -

Attorney Zizka said that they had discussions with the Town about various options -

Mr. Nickerson asked what they were.

Attorney Zizka said that he could not talk about that, the Selectwoman could talk about that

Mr. Nickerson said that they were not getting to the black and white of the issue -

Attorney Zizka said to Mr. Nickerson that it was interesting that on the one hand that he says that he has no power over this and on the other he is trying to force him to talk about specific conversations -

Mr. Nickerson said that he is suggesting that certain applications have come before this Commission and that certain applications have not looked as intense as offers have been made for the Town to purchase land, but we are finding that there have been no specific offers made to the Town to buy specific acres for specific costs - that's all - we can move on now.

Attorney Zizka said that they could not move on - the offer that was made was that they would set aside that land that the Town -

Mr. Nickerson said that he does not think that it was done in earnest is his point and that he does not think that they went to the table and said 'buy this land for this much' and lets get the Affordable Housing built.

They are five (5) years into this without Affordable Housing and they have had plenty of Affordable Housing applications come before this Commission and they have been approved because they have talked English and they have talked dollars and cents. He said that he was trying to find out what had happened so that they can get to a black and white yes or no on this one. He said that he does not want to do this again; he would like to get to a yes on this.

Attorney Zizka suggested to Mr. Nickerson 'that at this point that he recuse himself on this as his level of hostility has crossed the line' -

Mr. Nickerson said that he was not going to recuse himself.

Attorney Zizka said that that he should recuse himself.

Mr. Nickerson said that he was not going to recuse himself as it has nothing to do with this application.

Attorney Zizka said that he did not expect to be popular with the audience by saying that but it is inappropriate to carry that level of hostility -

Mr. Nickerson asked what level, he said that he is trying to make a point but 'you tip toe around it like someone who does not want to answer the question of the Commission which is a legitimate question'.

Attorney Zizka said that number one he does not think that it is a legitimate question and number two, he said that he did answer it, he said the offer -

Mr. Nickerson said okay, move on -

Attorney Zizka said that the Affordable Housing pact applies to the Town of East Lyme as it does with most Towns, because they have less than 10% AH. He submitted the 2006 AH appeals procedure list indicating that East Lyme has 4.21% Affordable Housing. This was entered into the record as **Exhibit 9**. He noted the Wilbur Smith study that was filed with the Planning Commission Report and said that it should also include the 9/29/04 Fuss & O'Neill and August 2004 Fuss & O'Neill reports that the Wilbur Smith report was based upon. This was entered into the record as **Exhibit 10**. Also submitted was the Natural Resource Survey done by Dr. Bailey in 2004 along with her report and a copy of her resume. This was entered into the record as **Exhibit 11**.

(A brief break was taken here)

Attorney Zizka then introduced Steve McDonnell, P.E. from WMC Consulting Engineers of Newington, CT to present the specifics of the application with a PowerPoint presentation.

Steve McDonnell, Principal and P.E. with WMC Consulting Engineers of Newington, CT said that he has been an engineer for over 30 years. He submitted a copy of his resume which was entered into the record as **Exhibit 12**. He said that he would cover the specifics of the site. An important element is the proximity to highways and major roadways and this site is near Exits 73, 74 and 75. The site is also in close proximity to public roads and has easy access to them. Their opinion is that this is a very good location with access to public roads. With respect to utilities, there is gas, water and sewer in close proximity to the site. There is a force main that goes through and also a water main that can be extended to the site. If this is not possible then they would look to public wells which would be a permitting issue. This site is bordered by R-10, open space and RU-40 and is close to a commercial district. The site is comprised of two parcels that equal 236 acres. The topography in 10' differentials in elevation was shown on a map along with the slope analysis which he indicated was considered to be 25% or greater and shown in brown. The mapping combined the slopes and the wetlands showing the constraints of the land. He then explained the sewer shed line from the Town's mapping and noted the historic policies of the WPCA that parts of the parcel could go by gravity feed. He noted that basically the whole area is within the sewer area either by way of the Town's sewer shed mapping or by gravity. He lastly showed a slide of where the roads would be proposed considering the constraints and the proposed location of the units and open space. If they used on-site waste disposal it would require DEP approval as it would be over 5000gpd and they would have to show that the wastewater to be treated would come through the treatment process in drinking water like quality. He said that he has designed a number of these types of systems and that they are a membrane bio-reactor system that is very efficient and is used to make drinking water in many states throughout the country. He said that they would also have about 20 acres for an on-site leaching system. He said that most systems used do not use the on-site soil but bring soil onto the site that is to the DEP standards. He lastly showed the desired open space map of the Town and the part of this site that was designated in the POCD for possible acquisition – which is the area nearest to the water.

Mr. McDonnell submitted a packet of the 8.5 x 11 size four color photos of the power point presentation that he had just given. This was entered into the record as **Exhibit 13**.

Attorney Zizka said that he had two more items to submit for the record. He submitted a packet of the history of the open space discussions on this parcel including memos etc. dating from 1974 indicating that they should seek funding for the acquisition of open space in the Hills. This packet included many letters from the DEP in response to requests for funding from them indicating that the DEP did not find the area worthy of priority funding or the area of high priority on the acquisition list. These 21 pages were entered into the record as **Exhibit 14**. He next submitted the minutes of the Zoning Commission Public Hearings on 6/17/04 and 3/3/05 relating to the property designated as Darrow Pond senior housing development and letters supporting such and indicating the approval of such preliminary site plan review for a total of 27 pages. This was entered as **Exhibit 15**. He then introduced Glenn Russo, principal of the applicant.

Glenn Russo, principal of Landmark Investment Group said that he represents Jarvis and Landmark and that he thinks that this property is good for this type of development for a number of reasons: due to its location in relation to the highway exit ramps and the capability of signalized intersections to do what is necessary to move the traffic; it has public utilities within 600' of the site; it is located within two to three miles of a major shopping district (Flanders) and individuals leaving the site can get on the highway without utilizing the secondary road system. There are large areas of the property that are very developable and the site itself can be developed as it is a very large site and the density they are proposing is very close to what is in the Zoning regulations now and while 1500-1700 units is a significant number, it is a large parcel of property with a lot of acreage and open space. He said that he thinks that they have shown that they can build on it and it is now a matter of if the Town wants it or not.

Mr. Nickerson asked about the apartment buildings lining the top and if they are apartments and the styling. Mr. Russo said that they have three (3) styles – garden style apartments, smaller units and townhouses.

Mr. Nickerson asked if the AH units would be interspersed throughout.

Mr. Russo said yes, they would be interspersed throughout the project and that 30% of the apartments would be affordable and 30% of the townhouses would be affordable. Interspersing them throughout the site would include the waterfront area.

Mr. Gada asked if the materials used for the AH units would be the same as for the market rate units. Mr. Russo said that the Statutes require that the market rate and AH units have to be of comparable size and building quality.

Ms. Carabelas asked if they would have to go through another neighborhood to get there and if the traffic flow design is the same as another previous application. Mr. Russo said yes, they would go through the R-10 zone and that it is a high density residential zone but it would have a minimal impact as compared to Darrow Pond that would have a proposed 600 units and the people would have to drive miles through back roads to come out to the main road and to the Stop & Shop.

Ms. Carabelas said that she did not agree with that. Mr. Nickerson said that he thinks that going through people's back yards to get to the state road system is different. Mr. Russo said that they are very close to Rte. 1 and it has a very low impact in getting to the roads. The road that would be traveled would have to be improved and they envision doing that. He said that he thinks that this proposal impacts less than the norm with respect to other projects.

Ms. Carabelas said that the road is right on top of some of the homes. Mr. Russo said that he could bring the specific information back to them although driving by six homes to get to the State highway does not seem a great impact. He said that he does not have any problem with bringing the information to the Commission. He said that as developments get farther from the highway system that they have to drive through more neighborhoods.

Mr. Nickerson said that they are going into a neighborhood where property values might be impacted and that is generally a charge of the Zoning Commission albeit maybe not under an AH application. It is something that they do take into consideration.

Ms. Byrnes noted the Supreme Courts' decision on AH and said that the developer should not have to spend millions to do the application. She said that their previous experience shows that others have come in with a detailed site plan and did not seem hard pressed to do so for an AH application. Mr. Russo said that this deals with the larger developers and explained that they did come in with full information for some previous applications and then the Darrow Pond developer came in with a large proposal under the preliminary site plan and it was granted so they have done the same here under the same set of criteria. He said that they are following the path that was cleared by the Darrow Pond project.

Mr. Nickerson said that his point is that this is about three times the size of the Darrow Pond project and that project had more detail. He said that he does know that the State Statute allows them to apply under this plan. He said that the Darrow Pond also provided plantings and landscaping.

Mr. Russo said that they could provide pretty pictures if that would get them the same approval that Darrow Pond received. He added that they provided a lot more engineering than Darrow Pond provided. The Darrow Pond project provided more pretty pictures. He said that he would have no trouble providing more pictures and planting information if that is what they want.

Mr. Nickerson said that he would like to see a full scale model on how these units would fit on the hill in relation to the other development that this is surrounded by.

Ms. Byrnes said that in reviewing their AH proposal changes that in every case it seems that the units are being increased, the height allowances are being increased and a lot of things are being squished here. They are proposing that a 150' buffer be reduced to a 100' buffer. Mr. Russo said that with respect to density that he thinks that they are similar to others.

Ms. Byrnes said that she does not understand how this would fit without creating something that would be overbuilt out there.

Mr. Russo said that they actually abut a high density CHFA development – a high density low-income housing and since the development next to them is the same they did not see any need for the exhaustive buffer.

Mr. Nickerson asked if they should read the AH requested changes into the record.

Mr. Mulholland said that the document on the AH changes is in the record and suggested that they read it carefully for the next meeting and format questions from it. He then noted that Deerfield was originally approved as a condominium development and then taken over by CHFA. He said that he wanted to make it clear that it was originally approved as a condominium.

Mr. Russo said yes, he understood that but never the less, today it is rent controlled CHFA and a high density use. He said that he is saying that a universal buffer may not make that much sense between the same types of uses. The reduction in buffer relates to the same type of uses and Deerfield built their development only 20' away from the boundary.

Ms. Byrnes asked how close to the river they would put the roadways, parking areas and units.

Mr. Russo said that was a good question and that the scale is 1" = 200'. They would bring that information to the next meeting for them.

(A brief break was taken here)

Mr. Nickerson said that they would read some other things into the record at their next meeting as they were anxious to get to some public comment this evening.

Mr. Peck asked Mr. McDonnell, the Engineer if it appears that there is only one means of egress from this project.

Mr. McDonnell said that they have one and the boulevard and that he was thinking of the boulevard as the two.

Mr. Peck said that he looked at some traffic projections from Wilbur Smith and during the peak PM hour they projected 978 vehicles per hour and that equates to 16 vehicles every three seconds. He asked Mr.

McDonnell if in his opinion he considers the one means of egress safe.

Mr. Russo said that he would have his traffic person present their findings and noted that in the last application that both they and the Town found that the boulevard with two lanes provided a means to be able to cross over any problem and equivalent to two means of access. Wilbur Smith also concurred with that.

Ms. Byrnes said that she recalled in a different application that there would be a sign telling people which way to go.

Mr. Russo said that the boulevard installation is considered as two means. He also added that the buffer between Deerfield is 100' and that if they take the 150' buffer then they push them out of the sewer area. So, the 150' buffer between two identical uses would effectively push them out of the sewer area.

Mr. Nickerson asked about the people on the other side and if they should be considered also.

Mr. Russo said that Deerfield was built almost on the property line.

Mr. Nickerson said that we have zoning regulations that they have to follow.

Mr. Russo said that they do not have to follow them as the developer of Deerfield built it within 20' of the property line so it is not for them to have to provide the buffer that Deerfield did not provide to begin with, especially when the uses are the same. He said that their regulations and the 150' buffer apply to the Town and their 100' proposal applies to another multi-family dense development. In addition, one could argue that the buffer of 150' could intentionally or unintentionally be used to push most of their building outside of the sewer shed area. He also said that it should be noted that the Town's Affordable Housing regulations were only put into effect once they had filed several Affordable Housing applications.

Mr. Nickerson said that they were not looking at the sewer shed line when they came up with the Affordable Housing regulations.

Mr. Russo said that whether it was done consciously or unconsciously, it did impact their ability to put units on the hill in the sewer shed area. They feel that the 150' buffer is an unnecessary requirement between similar uses and therefore suggest the 100'.

Mr. Nickerson explained that they would hear from the public now.

Mr. Nickerson called three times for anyone from the public who wished to speak in favor of this application – Hearing no one -

Mr. Nickerson called for anyone from the public who wished to speak in opposition to this application –

Donald Landers, Chairman of the Harbor Management Commission said that they were asked to submit a letter and they did. He said that they will also supply the applicant with a copy of the letter. First, he said that all of the Harbor Management Commission members are in favor of Affordable Housing. However, they follow the CERT Report and the Niantic River Watershed Protection Plan and there is nothing like what they are proposing in that report. He said that they received a grant to test the water quality and to keep data and that he hopes that in five to ten years that he can come and tell them that they made a good decision. But, if they allow this and those units flush their toilets 3.2 times per day, he will come in five years and tell them that they made a bad decision.

Chris Barrett, Old Black Point Road said that he is opposed to this project and that he thinks that it is the wrong thing for this place. He said that Attorney General Blumenthal addressed them at one of the last meetings and said that he did not think this type of project would be the right thing to show anywhere. He said that he considers this green tree mail and for over 30 years this has been there and they have never thought of this as being developed. What bothers him is the waste of all of the Town's resources that have to go into this each time in preparation when the application comes in. He asked that they please deny this application and use this area for open space and possibly take it by eminent domain.

Mr. Nickerson asked Attorney Foley if they could bring the previous Attorney General Blumenthal testimony into the record from the last application that was withdrawn.

Attorney Foley said that was up to them, it is on the tape.

Ms. Byrnes noted to the public that they as a Commission cannot make the open space decision for that property as it is private property and their decision must be based on the regulations.

Vince Jalbert of Waterford said that he owns the cottages on River Road and asked if the boulevard would empty into Hill and Calkins Road as they are only 40' roads and how this would affect the traffic pattern.

Mr. Nickerson asked Mr. Jalbert how this would affect his property.

Mr. Jalbert said that it would kill it as he has trouble getting his truck into his property now.

Carole Karg, 20 Hill Road asked that they all come to her home at the top of the hill at 4 PM and try to get up Calkins Road. She said that it is very steep and that in the winter they cannot even get up that road. School buses, etc. cannot make it up the road. They leave their cars and walk up in the winter bad weather. When people have parties, they have to leave their cars and walk up. She said that neighborhood had a fire in 1988 and part of the road had to be closed to get the water up there to fight the fire. It is a peaceful, quiet neighborhood and consistently people have to park on the side of the road as their homes have no parking. She asked that they come and see for themselves.

Mr. Nickerson asked Ms. Karg if this would negatively impact property values.

Ms. Karg said 'oh definitely' – the roads are narrow and there are a lot of things in the road now. They had a party two weeks ago and the people had to park at River Road and walk.

Carl Stamm, 5 Saunders Drive outlined his over 50 years of professional experience and his many years with Oswegatchie Hills and the listing of species that he observed there and in the vernal pools in the area and how several species of salamanders/frogs have been endangered. This area has five separate areas of 11 acres each that are in the DEP map and that fall under the endangered species act. This proposed 1720 unit development ignores all rules for construction with the steep grades and slopes and 250' elevation from sea level which will create disastrous results and run-off down the hill. The large amounts of rain associated with a hurricane would erode the entire hillside and cause Latimer Brook to become a raging river. The eventual

run-off from those areas not in the sewer shed would pollute the river. In East Lyme today there are 18,000 people living on 22,000 acres. This proposed 1720 unit development adds approximately 6000 people or almost a 30% increase, all under the guise of Affordable Housing. What would this do to all aspects of the Town – schools, fire, police, sewer capacity? This 1720 unit development would change the Niantic River into a cesspool. This shows the need for people such as you and for sound land planning for sufficient water and fire protection and safety and providing safe access to the roadways in the area. Since Landmark's previous application fresh research has come to light – in the states of VA, MD and NY they have found that the salmon fish eggs were seriously affected by the increased acidity of the run-off of the water and that less of the eggs hatched. The run-off was coming from Chesapeake Bay. Excessive run-off from this area when added to the roof and road run-off and pet waste would create havoc. He said that the good life would disappear with this 1720 unit proposal and also most of the trees on this property would have to be removed. He asked how they planned on managing the run-off and septic and drinking water for 1720 units. He asked if they are going to cater to the greed of the developer.

Walter Spery, 21 Oswegatchie Hills Road, Waterford said that he feels that this development would destroy property that has been enjoyed by many for many years. Traffic would also be a problem. He asked where the water would come from.

Mr. Nickerson said that the water is not under the purview of this Commission.

Mr. Spery said that in other Towns that they offer other less sensitive property to the developer in exchange for the property that they do not find conducive to the development that is being proposed.

Mr. Nickerson said that they do not have that authority here however he appreciated the suggestion.

Attorney Paul Geraghty said that he represents the Interveners, Save the River (Fred Grimsey) and Friends of Oswegatchie Hills (Marvin Schutt). He presented the two petitions to Attorney Zizka and also submitted them for the record. **Exhibit 17** is the application for intervention by Friends of Oswegatchie Hills/Marvin Schutt and **Exhibit 18** is the application for intervention by Save the River/Fred Grimsey. Both received on July 12, 2007.

Mr. Nickerson asked if the applicant would like to wrap up tonight.

Attorney Zizka said no.

Mr. Nickerson said that he would like to see Deerfield identified and a topographical map to better see what is going on. He asked for a better visual. He entered the site plan board into the record as **Exhibit 19**.

Mr. Nickerson asked if the Commission had any other questions –  
Hearing none -

Mr. Nickerson called for a motion to continue all four (4) Public Hearings.

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

**Ms. Byrnes moved that all four (4) Public Hearings be continued to the next meeting of the Commission.**

**Ms. Carabelas seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson adjourned these four (4) public hearings at 10:45 PM and continued them until the next meeting of the Commission.

(A brief break was taken here)

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary