

FILED IN EAST LYME ^a
Oct 31, 2005 AT 8:40 M

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, OCTOBER 20th, 2005
MINUTES**

Soblais, ATC
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Theodore A. Harris, agent for Real Estate Service for approval of a zone change and site plan for an affordable housing development to be known as Sea Spray Condominiums. The affected properties are identified in the application as 15 Freedom Way, (Lot 28 East Lyme Assessor's Map 9.0) and 22 Liberty Way (Lot 28-1, East Lyme Assessor's Map 9.0). The Public Hearing on October 20, 2005 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 7:34 PM. (Continuation)

PRESENT: Mark Nickerson, Chairman, Rosana Carabelas, Secretary,
Norm Peck, Ed Gada, William Dwyer, Alternate, Shawn
McLaughlin, Marc Salerno, Alternate (Left at 7:50 PM)

ALSO PRESENT: William Mulholland, Zoning Official

ABSENT: Pamela Byrnes. William Henderson,

PANEL: Mark Nickerson, Chairman, Rosana Carabelas,
Secretary, Ed Gada, William Dwyer, Alternate, Shawn
McLaughlin, Marc Salerno, Alternate

Pledge of Allegiance
The Pledge was observed.

Public Hearing I

- 1. Application of Theodore A. Harris, agent for Real Estate Service for approval of a zone change and site plan for an affordable housing development to be known as Sea Spray Condominiums. The affected properties are identified in the application as 15 Freedom Way, (Lot 28 East Lyme Assessor's Map 9.0) and 22 Liberty Way (Lot 28-1, East Lyme Assessor's Map 9.0).**

Mr. Nickerson Seated Mr. Dwyer in place of Mrs. Byrnes, and Mr. Salerno in place of Mr. Peck.

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

- Memo Dated October 19, 2005 to Mr. Mulholland, Zoning Enforcement Officer from Edward O'Connell of Waller, Smith & Connor, East Lyme Town Attorney. RE: Sea Spray Affordable housing application. Follow-up to on letter dated September 15, 2005. In response to the inquiry in regards to Sea Spray being in a Light Industrial Zone; Connecticut general statutes single out affordable housing applications in a Light Industrial zone only in the context of appeals to the court and should not have any bearing as to whether or not the Zoning Commission approves the application. On appeal the applicant will bare the burden of proof due to the Zoning change requested that would change the proposed site from a Light Industrial use zone, to a Residential use.
- Memo dated October 20, 2005 to the East Lyme Zoning Board from Tess Teader, 103 Sleepy Hollow Rd, Niantic, CT. She feels that East Lyme does not have enough affordable housing for young workforce people and that the proposed Sea Spray development would provide that housing.
- Memo from Reverend Michael Crane, Pastor, Niantic Baptist Church. RE: Sea Spray Condominiums Development plan. The cost of housing in East Lyme is a problem that he frequently encounters within his work. Urges the East Lyme Zoning commission to approve the Sea Spray Development plan.

Mr. Nickerson reminded the Zoning Commission that the Public Hearing was left open specifically to revue the traffic questions that had come up but that they would entertain any other items that come up as well. He asked Mr. Mary Smith to come forward and present his information.

Mr. Nickerson excused Mr. Salerno from the hearing. He stated for the record that there will only be five (5) on the panel for this hearing.

Mr. Marty Smith, Vice President of Real Estate Services of Connecticut explained that Attorney Harris is out of the country tonight and he is filling in. He explained that his company was asked by the Commission to consider an affordable housing project when he originally went to them with a request to expand the Spinnaker development. They have designed a development that has 110 units on 10 acres of land. Of the 110 units, 33 will be at an affordable housing rate. They will consist of a combination of 1 bedroom flats and 2 bedroom townhouse units. The location that they selected has adequate water a sewer already available on the site. The location also provide 35 acres of land between the buildings and the near by highway. They are at the end of a cul-de-sac, it has nice views of the water and provides the opportunity for people to both work and live in the Industrial Park. He said that they did not expect that the traffic impact would be a problem because the use of the property as a commercial development would generate more traffic then it would as a residential development. He submitted a copy of the traffic study also explained that the application will still need to be approved by the State Traffic Commission, but based on their studies, the worst case scenario is Level "F" traffic. He also explained that the traffic of the development will not have a significant impact on current traffic patterns because most of the traffic will be following in the opposite direction. At the very worst, at peak summer months the estimated delay to make a left hand turn from Liberty way is 61 seconds which is well within the approval level of service and is typical of state roads that have an intersection without a traffic signal. The said that the STC Approvals will not be given until the Zoning Commission makes there decision.

Mr. Nickerson asked if there will be any road improvements made due to the increased volume from the current usage.

Mr. Smith said that the current road condition is suitable for what they are proposing because the traffic patterns are in the opposite direction.

Mrs. Carabelas asked if they study took the Rocky Neck Connector into consideration when doing their traffic study.

Mr. Smith said that is something that STC would have to take into account.

Mr. Nickerson asked if they will need additional approvals from the STC for this Project.

Mr. Smith said that they will need the additional approvals because the use of the roads will be changing even though the volumes of the are less then was originally approved for the full build out of the park.

Mr. Dwyer asked Mr. Mulholland if there is a children's Day Care center in the park.

Mr. Mulholland explained that they had approved a special permit for a Gym on Industrial Park Road, but that it is not there right now. He also has another application currently before him for a Children's Entertainment Center but that there is not anything there now. There is a child care facility for the employees of the Bride Brook facility. But that is for employees only and is not a public day care.

Mr. Smith said that having an economic place for people to live is just as important to the economic development of an area as having a suitable place for businesses. The residential use of this land in a commercial area is part of an economic package that every community needs.

Exhibit H – Site Plan for Sea Spray

Exhibit I – Hesketh Associate Traffic Study, dated October 12, 2005

Exhibit J – Economic Value of Sea Spray Condominiums

Mr. Smith explained that the Economic Value was based on 110 units with an average sale price of \$205,000 (includes the sale rate of both the affordable units and the market rate units) with a 70% assessed value of \$143,500. The personal property figure of \$22,000 (the assessed value is \$15,400) was based on one car per unit. The projected mill rate for 2006 is 20.0. This brings the Projected Annual Tax Revenue from Sea Spray to \$349,580. The estimated potential children per unit is .16 which would generate an annual expenditure of \$113,944 for the East Lyme School System. The Net Annual Projected Tax Revenue after the potential education costs is \$235,636 as compared to the current tax revenue of \$177,019 from all the buildings currently in the business park.

Mr. Nickerson asked if the 33 "Workforce" units meet the State "Affordable" Housing guidelines.

Mr. Smith said that they do.

Mr. Nickerson asked if they are Condos, not apartments? Is there anything with the Condo Association?

Mr. Smith explained that they can not be investor owned. They have entered into a contract with Home Inc. who will verify that all of the income and monitor the compliance with the State Guidelines so that there will be a third party separation.

Mrs. Carabelas asked Mr. Mulholland what it was that he had been concerned about at the last meeting that he had been waiting to get.

Mr. Mulholland said that they were waiting to get the traffic information and that even though this application will have to go for STC permit, he felt it was important for the commission to review the information.

Mr. Dwyer asked about the infrastructure cost such as garbage.

Mr. Smith said that she did not calculate the cost for things such as police services but they will have a private garbage pickup and the development is on a private road.

Mr. Nickerson asked Mr. Smith to go over the Buffers and set back on the units.

Mr. George Smilas, professional engineer, land surveyor went over the Set backs for the development. The front yard will be 43.6 feet, the minimum side yard will be 23 feet and the minimum rear yard will be 22 feet.

Mr. Nickerson asked what the buffers are to the adjoining properties.

Mr. Smith explained that there's 35 acres of DEP land between the buildings and the state highway, a natural ledge to the cliff overlooking the Long Island Sound and a fence separating the property to the other building.

Mr. Nickerson asked how many feet there are to the property line.

Mr. Smilas explained that there's 22 feet in the rear of the development to the property line, 44 feet to another edge and 29 feet to the other edge of the property line.

Mrs. Carabelas asked about the water run off on the steep slope between the units on Liberty Way and Freedom way. What is going to prevent the bottom units from being flooded by the run off?

Mr. Smilas explained that the grading of the slope has been designed to redirect the water flow away from the units at the bottom of the hill as well as a retaining wall behind the units that will further protect the units. There will be a swell in the slope behind the retaining wall that will redirect any water that falls directly on the slope.

Mr. Nickerson asked what the difference in elevation is on the slope.

Mr. Smilas said that there is a 40 foot difference in elevation and over 100 feet in distance. It's a 4/1 slope.

Mr. Mulholland also assured Mrs. Carabelas that the engineering staff has gone over the plans in regards to that slope.

Mr. Nickerson called for comments from the public in favor of this application –

Betty Mhon of 53 Corodock Rd, Niantic, CT spoke in favor of the Sea Spray application. It will bring affordable housing into the town for those who work in the area and could be a boom to the businesses located on Liberty Way. She feels that any traffic problems would be minor and no worse then the problems that the town already faces in the area.

Betty Mhon read the following into Record:

Exhibit K – Memo from Ann B Davis of 36 Attawan Rd, Niantic CT. The letter expressed that Ms. Davis supports the development of Sea Spray Condominiums and that the town needs to provide opportunities for young families and workforce families in order to maintain the diversity that made East Lyme such a wonderful place to raise her own children.

Jeana Johnston of 265 Whistle Town Rd, Niantic CT spoke in full support on the development. She is s Social Worker for “Project Learn” in the East Lyme. She explained that many of the people she works with would love to live in East Lyme, but because of their limited income, they have to live in other areas of South Eastern Connecticut.

Jonathan Harger of 19 Wildwood Dr, Niantic CT spoke in support of the Sea Spray project. He is a teacher who’s own son was not able to move back to East Lyme as an adult because he was not able to afford it.

Evelyn Ferguson of 15 Foxtrot Rd, Niantic CT spoke in favor of the Sea Spray application. She is a teacher who purchased her home in East Lyme in 1974. If she tried to do so now, she would not be able to afford to.

Mr. Nickerson called for comments from the public opposed to this application –

Chris Barrette of 301 Old Black Point Rd, Niantic CT spoke against the application. He is the owner of the Bridal Mall in Business Park West and is in favor of affordable housing but feels that this is the wrong location for this development. He disagrees with the traffic evaluation and says that the left turn out of Liberty Way is already virtually impossible. He says that the town needs more workspace rather the affordable housing. There are 240 acres of industrial space and that using this land for residential use is a mistake and that in the future, the town may want to have that commercial property. He said that the development should go into a residential area. He feels that the motivating force is the financial benefit of using the commercial property vs. the residential property that it should be on. He is concerned about children being in that area because it is so close to the Rocky Neck Connector and worries that a child will fall off the cliff.

Exhibit L – Memo from Chris Barrette

Bob Gadbois of 358 Boston Post Rd, Niantic CT spoke in opposition to the application. He feels that the land should be held for business. He said that the town already has water and sewer problems and that there are other areas of the town that need sewers.

Mr. Nickerson called for any Neutral comments from the public or questions from the Commission members –

Luann Lang of 160 Pennsylvania Avenue asked how much land is left at the Industrial Park if this is approved.

Mr. Nickerson said that there would be 5 building lots at about 1-2 acres per lot left in the park.

Mr. Nickerson asked if there were any more questions.

Hearing none-

Mr. Nickerson asked if there was anything that Mr. Smith would like to add.

Mr. Smith said no.

Mr. Nickerson called for a motion to close this public hearing.

**** Motion (1)**

Ms. Carabelas motioned to close the Public Hearing for the Application of Theodore A. Harris, agent for Real Estate Service, for approval of a zoning change and site plan for an affordable housing development to be known as Sea Spray Condominiums.

The Motion was seconded by Mr. Gada.

Motion Passed. 5-0-0

Respectfully submitted,

Beth Williams,
Recording Secretary (Pro-Tem)