

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

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

L. Blain
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of George P. Mitchell for a Special Permit to construct a multi-family/multi-story dwelling and Coastal Area Management Site Plan Review at property identified in the application as 308 Main Street, Niantic CT. The property is further identified in the application as East Lyme Assessor's Map 12.1, Lot 120 for Public Hearing on October 20, 2005 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order.

PRESENT: Mark Nickerson, Chairman, Rosana Carabelas, Secretary,
Norm Peck, Ed Gada, William Dwyer, Alternate, Shawn
McLaughlin

ALSO PRESENT: William Mulholland, Zoning Official

ABSENT: Pamela Byrnes, William Henderson, Marc Salerno (Left at
7:50 PM)

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

Public Hearing II

1. Application of George P. Mitchell for a Special Permit to construct a multi-family/multi-story dwelling and Coastal Area Management Site Plan Review at property identified in the application as 308 Main Street, Niantic CT. The property is further identified in the application as East Lyme Assessor's Map 12.1, Lot 120

Mr. Nickerson asked for the record if there is anyone on the panel that has cause to remove themselves from the panel for this Public Hearing. He further asked if anyone on the panel is a Director on the Niantic Main Street Board of Directors.

Mr. Nickerson noted for the record that they are going to hear the Special Permit and the Coastal Area Management application at the same time; otherwise they're going to have cross-over testimony. However, they will most likely make two separate decisions on the applications.

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

- Memo to East Lyme Zoning Commission from William Mulholland, Zoning Official dated October 20, 2005, RE: Mitchell / Special Permit & CAM Application Multi-family, Multi-Story Building, 308 Main Street. The applicant proposes to construct a multi-family building consisting of 12 single bedroom apartments. Currently the parcel is occupied by an existing apartment building. The new building would be constructed to the east of that building. The application, for special permit purposes, is submitted under the following regulations: Sections 9.2.5, 25, 25.5, 24 and 22.0. Section 14 regulates CAM. He has reviewed the proposal for conformance to the zoning regulations and has concluded that it conforms to the technical requirements of the code. However, a buffer waiver is needed for compliance on the western property line.

Mr. Nickerson noted that the Legal Ad has been run for this application.

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

- Memo to the East Lyme Zoning Commission from Carol Tyler, Manager, Rings End Lumber Company, 28 Hope St, Niantic CT dated August 4, 2005. RE: Application for Special Permit of Mitchell Trust, LLC. to construct a Multi-Family/Multi-Story dwelling. As the owner of the adjacent rail

road company at the West boundary of the site of the referenced project, they believe that Section 24.6e3 for a buffer strip or fence between the adjacent property should be waived. Such a buffer or fence would restrict the rail road company personnel from accessing the trains delivering materials to Rings End. Further, a buffer strip should not be required for adjacent properties in a CB Zone.

- Memo to the East Lyme Zoning Commission from Allen Arlow, Member/Manager of 286 Main St LLC, Niantic CT. RE: Application for Special Permit of Mitchell Trust, LLC to construct a Multi-Family/Multi-Story dwelling. As owners of the property to the North of the site of the referenced project they believe that the requirement of section 24.6e3 to have a buffer/fence should be waived. Such a buffer would cause a hardship because it would restrict the flow of traffic and cause them to lose access to 9 valuable parking spaces.

Mr. Nickerson asked for the presentation from the applicant.

Mr. George Mitchell of 48 Attawan Rd, Niantic CT, Member and Manager of Mitchell Trust LLC. He pointed out the buffers that are being requested to be waived. Having a fence at the western side of the property would restrict access to the trains by the workers and would prevent to workers from flagging traffic. The other buffer is between the proposed site and the post office which they won; which means that they would be putting a buffer between two of their own properties. The Northern buffer is where Grampy's and Big A Auto are located. If a fence were put at that property line it would prevent the owners of Grampy's and Big A from accessing several parking spaces on their own property. He also feels that keeping the free flow of traffic would be in everyone's best interest and would better conform to the "feel" that the Zoning Commission is trying to create in downtown Niantic. The new police department will be to the right and there's already a fence and buffer in place there as well as an already existing fence to the southern boundary of the property. The building that they intend to build is a 3 ½ story building that is less than 40 feet high and will house 12 single family 1 bedroom apartments. It will have an elevator and two stair towers. He says that this is a perfect site for the new building and has a nice view of the Sound. Even though the area is a commercial area, the views from the building all look out onto the Sound and not back towards the Main Street. In regards to the Coastal Area Management Site Plan Review, the application says that most of the issues are not applicable because they have no affect on the Coastal Resources because they have no access to them due to the rocks, rail road tracks and boardwalk all between the site and the Niantic Bay. For that reason he asks that the Commission approves the CAMS part of the application.

Mr. Mitchell introduced Mr. Robert Fanner to explain the technical details of the project. He also noted that the proposed site does also have water and sewer available.

Mr. Fanner, 2 Ferrell Court, Engineer on the proposed project explained that the shaded area on the site plan is all paved areas. With the new site plan there will be less impervious surfaces than currently exists. They will also be recharging the ground water with the new design. They will use the existing septic system and have the overflow water go over the train track and out into the Long Island Sound. This will result in no more adverse affects to the Coastal Management system than currently exists. There is existing water and sewer at the site. They will also be running a new service and water line into the site.

Mr. Mulholland explained that there will be a walkway that will tie into the hole in the wall parking lot and will be used as an auxiliary lot to support events on Main Street.

Mr. Nickerson asked what prevents someone from being on to the train tracks and going onto the Amtrak tracks.

Mr. Fanner explained that there is a gateway at the end and that the spur comes down, makes a 90 degree turn and that there is a locked gate.

Mr. Mulholland asked Mr. Fanner to go over the parking counts for the site.

Mr. Fanner explained that based on 24 bedrooms and 1 ½ parking spaces per bedroom, they are required to provide 36 parking spaces. There are providing 37 spaces, 2 of which are handicap designated spaces. They are well within the limit of the required square footage for parking. They are required to have 26,400 square feet of space for parking, they have 32,000 square feet. This provides 30% extra space than is required.

Mr. Nickerson asked exactly how tall the building is.

Mr. Fanner said that is something that the architect will have to address for the commission.

Mr. Peck said that currently, that parking area is used by moviegoers at the theater across the street. Is there a training program lined up to re-train the movie patrons so as not to bother the residents of 286 Main St?

Mr. Fanner said that is something that the owner of the theater will have to handle.

Mr. Mitchell explained that the theater does have spaces available in the back of the building and that the moviegoers will have to learn that they will no longer be able to park in that area. The parking spaces in that lot will be assigned for residents of the apartment building and will be signed that way accordingly. They will be marked for "Residents Only".

Mr. Nickerson asked if this is a part of the shared parking for downtown.

Mr. Mulholland said that the project will have to stand on it's own as far as parking spaces. He explained that 36 spaces are required and that they are able to meet that requirement.

Mr. Dwyer asked if that is not allowed to sign parking spaces under the shared parking regulations.

Mr. Mulholland explained that is something that does not apply because the owner of the proposed development and the owners of the surrounding building have an informal agreement. Therefore it's not something that the Zoning Commission should be concerned with. They require 36 spaces and the owner of the proposed development is providing 37 spaces.

Mr. Nickerson said that under the shared parking regulations they are not allowed to put up "Residents Only" signs in the parking lot.

Mr. Mitchell explained that they are not claiming shared parking. They will ensure that every resident has a reserved parking space. They will not be assigning the spaces by apartment number, but that the spaces will be signed appropriately and that there will be an assigned space for every resident.

Mr. Nickerson asked about the proposed storm water flow. He said that he has never heard of such a system that has the storm water going through a system like that.

Mr. Fanner explained that the water will go into the galleys of an old unused septic system and then infiltrate into the ground and that if that cant accommodate the over flow, the water will run into a system around the building and over the tracks into the sound.

Mr. Nickerson asked if there should be a filter system.

Mr. Mulholland assured the Commission that the Town Engineers have reviewed and endorsed the proposed storm water plan.

Mr. Fanner explained that it is an existing system that is already in place and is a working system that has not created any problems over the years.

Mr. Nickerson asked if this is in the aquifer system.

Mr. Fanner said it is not.

Mr. Nickerson asked if a tanker truck full of oil spilled, what would happen.

Mr. Fanner explained that they would be all set because it goes through a 2,000 gallon grid chamber that has two catch basins that would hold most of it. If it overflowed from there it would go through two rows of four foot galleys that would hold another 1,000 gallons.

Mr. Nickerson said that he will trust the town engineers as far as the overflow system.

Mr. Nickerson asked if Mr. Mitchell wants to bring the architect out.

Mr. Bill Upjon, from Portland Ct, is the site architect. He showed a series of pictures of the area and said that they are supposed to accommodate the character of the neighborhood in their building design. The intention of the photos was to demonstrate that matching the character of the neighborhood is not easy to do.

Mr. Mitchell went through each photo telling what is pictured.

Mr. Upjon explained that the original intention was to take down the old existing apartment building and construct one large building that would go across the property. They were not able to make the financial numbers work to be able to do that. The proposed design will have a central elevator and two stair tower silos on either side of the building. The side of the building that will be facing that water will be almost entirely glass in order to give the residents the best possible views of the Long Island Sound.

Mrs. Carabelas asked why they didn't try to make the design more consistent with the design of the apartment building that is already there.

Mr. Upjon said that if they went with that kind of design, it would be a very tall building with a small band saw roof on the top and that they didn't think that would look like the other building. Their intention is to renovate the other building to bring it in line with the new design.

Mr. Dwyer commented that the two designs are not compatible in any way.

Mr. Nickerson said that the commission is trying to convert Niantic back to a Colonial, Old Style New England and that he feels that the design of the proposed building does not fit with that goal and needs to be moved into the second phase of thought.

Mr. Gada said that they are looking to develop and promote "harmony" in the design and theme of the Niantic Main Street district.

Mrs. Carabelas said that she feels that the proposed building design is not appropriate for the town theme, or for a residential building. The building style that they brought before the Zoning Commission is more appropriate for an office building in another area, but is not appropriate for an apartment building in Niantic Main Street. It's a very contemporary design.

Mr. Nickerson said that this will be one of the biggest buildings in the town.

Mr. Upjon said that that is part of the difficulty is making such a large building appear to be "cutesy and quaint".

Mr. Peck asked if there is any regulation that allows for a higher elevation with a pitched roof.

Mr. Mulholland said that in this particular zone the answer is no.

Mr. Peck said he understands that downtown Main Street is looking to bring boaters into Niantic. Right now from the water, there are two things people notice, the Morton House and the existing apartment house. So this new building needs to be in harmony not only with the street, but also from the other side to attract boaters.

Mr. Upjon said that he doesn't know what they're going to do about that, because they're trying to get as much glass to the Long Island Sound side of the building as they can. They presume that will be the reason that people are going to want to rent there units. In his feeling, an apartment house is going to look like an apartment house and there's nothing that they can really do about that.

Mr. Nickerson said that there's a certain vision that Niantic Main Street is trying to put together and said that maybe they could provide the applicant with some of the other designs of colonial style buildings that were recently built downtown.

Mr. Nickerson called for any technical questions from the panel. He asked for any other thoughts on the architectural design. He asked how tall is the other building that's next to it.

Mr. Nickerson asked for any other questions from the Commission and any other issues with the CAMS part of the hearing.

Mr. Nickerson opened the floor to Public Comment.

Mr. Nickerson called for comments from the public in favor of this application –
Hearing none-

Mr. Nickerson called for comments from the public in opposition to this application –
Hearing none-

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

Barbara Crouch, Executive Director of Niantic Main Street commission said that Niantic Main Street does support living downtown but is looking for some kind of unified theme and unified look to downtown. She acknowledged that part of the difficulty in this is that they have lost many of the historical buildings in their downtown. She realizes that this lack of historic design in the downtown district does make it difficult for a developer to work around the theme that they are trying to achieve. However, Niantic Main Street does support living downtown and feels that it will help the economic development of the downtown area.

Joe Barry, 111 South Edgewood Rd, Niantic CT said that he does agree that the town needs housing downtown. His concern is that one of the reasons that the town did not accept the Dominion building is because of the PCB's in the ground. He said that years ago transformers were stored in that area. He feels that there needs to be an environmental study of on the sub-surface to ensure that it is a clean area before the town accepts the application.

Mr. Gada asked if he is saying that there was no environmental study done on the Dominion site and that the town is using it.

Mr. Barry that that he feels that is correct. He claims that Dominion said that they conducted a study when it was North East but that the documentation for that study has never been produced. He claims that is why the town entered into a twenty year lease and did not purchase the property outright.

Mr. Nickerson asked that they address that in the context of the CAM.

Mr. Mulholland asked Mr. Fanner if they expect to do a sub-surface study for containments.

Mr. Fanner said that they do not plan to do a study on the site because they do not feel there is reason to because the site has been paved since the transformers were stored. Also that they were not stored on Mr. Mitchells property and that if something did leak out of one of the transformers, it wouldn't have gone very far.

Mrs. Carabelas asked how long has the current apartment building been there. Was it there prior to anything being stored near the site.

Mr. Mitchell said that it was built in 1976. He also said that this new building will not have a basement so that will alleviate some of the problem. There will be a small utility room.

Mr. Mulholland asked Mr. Mitchell if he as the property owner has ever been contacted by CL&P about containments.

Mr. Mitchell said he has not been.

Mr. Dwyer said the building design is not in line with the design theme they contemplate doing on Main Street.

Mr. Nickerson asked for any more public comments.

Mr. Mulholland said that he seems to get a sense from the commission that they feel the design if the building is not something that is appropriate for that area. He suggested that the applicant be given the opportunity to come up with an alternative design for the building.

Mr. Nickerson suggested that they keep the public hearing open to allow the applicant the opportunity to come up with a new design.

Mrs. Carabelas asked if they can separate the CAM report from the application.

Mr. Nickerson said that will not be necessary.

Mr. Mulholland said that he suggests keeping the application and CAM report open.

Mr. Nickerson said that they should keep both open because if the building design changes and the footprint of the building changes, that will impact the CAM report.

Mr. Nickerson called for a motion.

**** Motion (3)**

Mr. Peck motioned to continue the Public Hearing for the Application of George P. Mitchell for a Special Permit to construct a multi-family/multi-story dwelling and Coastal Area Management Site Plan Review at property identified in the application as 308 Main Street, Niantic, CT. The property is further identified in the application as East Lyme Assessor's Map 12.1, Lot 120. The Public Hearing is to be continued to November 3, 2005.

The Motion was seconded by Mr. Dwyer.

Motion Passed. 6-0-0

Respectfully submitted,

Beth Williams,
Recording Secretary (Pro-Tem)