

EAST LYME ZONING COMMISSION  
PUBLIC HEARING III  
Thursday, September 1<sup>st</sup>, 2005  
MINUTES

FILED IN EAST LYME <sup>a</sup>  
Sept 12, 2005 AT 8:00 M  
L. A. Blais, CTC  
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the 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 in Public Hearing on September 1, 2005 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:35 PM. (*Continued from August 18<sup>th</sup>, 2005*)

PRESENT: Mark Nickerson, Chairman; Pamela Byrnes, Acting Secretary; Norm Peck; Ed Gada; Shawn McLaughlin; William Dwyer, Alternate

ALSO PRESENT: Marc Salerno, Alternate; William Mulholland, Zoning Official

ABSENT: Rosana Carabelas; William Salerno, Alternate; Rose Ann Hardy, Ex-Officio – Board of Selectmen (arrived at 8:20 PM)

PANEL: Pamela Byrnes, Acting Secretary; Norm Peck; Shawn McLaughlin

**Public Hearing III (*continued from August 18, 2005*)**

- 1. 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.**

Mr. Nickerson asked that Pamela Byrnes, acting secretary read some correspondence received since the last meeting into the record.

Ms. Byrnes, acting secretary read the following into the record:

- **Exhibit 14** - Memo dated August 31, 2005 to Mr. Nickerson, Chairman, East Lyme Zoning Commission from Donald R Henne, Project Leader for the Southern New England Coastal Program of the U.S. Fish and Wildlife Service – Mr. Henne states that keeping the entire forested block in tact in the Oswegatchie Hills would contribute to biodiversity on a regional scale and encourages the identification of alternatives to development in the Hills.

- **Exhibit 15** - Memo dated September 1, 2005 to Ms. Meg Parulis, Planning Director, Town of East Lyme from Sharat K Kalluri, P.E., Wilbur Smith Associates. RE: Peer Review of Proposed Riverview Heights Development, East Lyme, Connecticut. After a peer review of the proposed plans, Mr. Kalluri indicates that the following issues need to be addressed relative to this project: (1.) the use of Calkins Road as an access driveway to the planned Riverview Heights Development creates traffic operations and safety issues. (2.) The use of Calkins Road as an emergency access driveway is a concern due to the relatively steep grade of the roadway. (3.) The River Road/U.S. Route 1 intersection does not meet sight distance requirements based on Connecticut Department of Transportation Guidelines. (4.) The planned Riverview Heights Development is anticipated to generate a significant amount of vehicle trips during A.M. and P.M. peak hour periods. Given that the project has a single access driveway on Calkins Road, we anticipate that there will be a significant traffic impact of this development on Calkins Road.

Mr. Kalluri Sr, Transportation Engineer, Licensed Professional in the State of Connecticut reviewed the Site Plan and traffic impact for the proposed project. He indicated that due to the grade of the road and size of the development he would recommend a minimum 22 feet in width (it is currently only 19 feet in width) and maybe wider for emergency vehicle access and that there is a retaining wall at the Calkins Road intersection that it is greater then 10 feet and it can't be seen over. Another traffic issue present is the curve on to 95 at the opening to Calkins Road. A DOT study determined that the Calkins Road intersection would need 511 feet to meet the visibility requirements set by the DOT. A detailed study would be needed to determine the issues beyond the retainer wall. Also, that the same issues are present at River Road. He also recommended a secondary access for safety reasons, i.e. in case of a collision blocking the primary access to emergency vehicles. Mr. Kalluri also indicated that a development creating more then 200 parking spaces may be a major traffic generator for DOT.

Mr. Salerno said that projected vehicle traffic would be 428 in the AM and 520 in the PM hours and he asked Mr. Kalluri what the current traffic is on that road. He also indicated that an analysis needs to be done to determine if there needs to be a left turn lane added into Route 1 at the Calkins Road intersection.

Mr. Russo indicated that he plans to file for a STC review of the plan once the Zoning Commission reviews it and feels that the traffic decisions are within the jurisdiction of the STC but agreed that the town has an obligation to the traffic on the town roads.

Mr. Nickerson asked that the following be entered into record.

Ms. Byrnes, acting secretary read the following into the record:

- **Exhibit 16** – Memo dated September 1, 2005 from the Water and Sewer commission signed by Wayne Fraser indicates that the property requesting the zoning change has neither water nor sewer available to it. There is no potable

water infrastructure available to supply the site. The amount of sewer flows potentially generated by the complete build-out of this currently unavailable due to capacity limitations of the existing sewer system.

- **Exhibit 16A** – State of CT Department of Environmental Protection Bureau of Water Management Letter dated October 17, 2000
- **Exhibit 16B** – East Lyme Water Department Well Production Data – August 2005
- **Exhibit 16C** – Fuss & O’Neill letter dated August 31, 2005, Sewer Service District Boundary Comparison, Oswegathie Hills Area – East Lyme, CT
- **Exhibit 16D** – East Lyme Water and Sewer Commission March 23, 1999 Suggested Agenda, with attached Minutes
- **Exhibit 17** – Sewer Service District Boundary Comparison Date 8/31/2005

Mr. Giannattasio referenced the Sewer Shed Map approved in 2003 and pointed out that the map conclusively indicates that there is no usable sewer shed area in the proposed building site. The proposed site area is designated as a sewer avoidance area.

Mr. Russo stated that the GS1 line does not follow the established Sewer Shed Guidelines. He also said that he does feel that the towns Sewer Shed line is not as accurate as the line they show in their Site Plan. Also, the Sewer Commission approved a sewer extension that would put a sewer line directly in front of the proposed property.

Mr. Salerno stated that the Zoning Commission trusts and believes that the Sewer Commission’s line on the Sewer Shed map is accurate and that the east side of the ridge is recommended against development. Sewer Shed does not expand to meet peoples need without an application to change the Sewer Shed. He also stated that New London can supply a limit of 50,000 gallons of water per day for the Golden Spur area but that formal arrangements for this have not been made.

Mr. Nickerson asked if there were any closing comments.

Mr. Russo said that he still feels that their sewer shed line is more accurate and even if he did agree with the towns rendition of the Sewer Shed line, the majority of their units still fall within that line. He indicated that they would pay for that connection to the Waterford line.

Mr. Nickerson asked that the proposed Text Amendments to the affordable Section 32 Affordable Housing District adopted on August 15, 2003 be read into record by Ms. Byrnes, acting secretary.

Ms. Byrnes, acting secretary read the following into the record:

- **Comparison of Proposed Amendment to Existing AHD Regulations (Section 32: Affordable Housing District – Proposed Amendments** as provided by Landmark Development Group, LLC as a part of the proposed Site Plan. Amendments proposed to the following sections, 32.1, 32.2, 32.3, 32.4.1, 32.4.3, 32.4.5, 32.4.6, 32.4.7, 32.4.8, 32.4.11, 32.6, 32.8, 32.8.1, completely deleting sections 32.8.2, 32.8.3, 32.8.4, 32.8.5 adding sections 32.9.2, 32.9.3, 32.9.4 and changing section 32.8.6.

Paul Garretty, Representing the Friends of the Oswegathie Nature Preserve and Savor of Save the Hills Inc brought two signed and verified petitions in accordance with section 22A-19 seeking intervenor status. He raised the following environmental concerns: (a) in addressing the zone change, the applicant has not submitted any evidence that the proposed changes conform to the over all plan that was set forth in the original zoning plan. Applicant has not demonstrated that they can connect to the sewer system. Application is asking that section 32.8.1 be deleted because they can not satisfy those requirements. The Zone change is inconsistent with the plan of development for this town. (b) The zone change would take away the ability of the commission to review each site individually. The regulations are designed to allow the commission to retain control and allow the commission to maintain control to protect the rights of the public as well as the applicant.

Mr. Nickerson entered the following into record:

- **Exhibit 18** – Verified petition for intervention pursuant to general statutes 22A-19. Undersigned by Charles Fred Grimsy, President of Save the River
- **Exhibit 19** - Verified petition for intervention pursuant to general statutes 22A-19. Undersigned by Margeret Shoot Friends of the Oswegathie

Michael Dunn, Vice President of the Friends of the Oswegathie Nature Preserve, 7 Plant Dr, Waterford, Connecticut, asked to read a letter into record.

- **Exhibit 20** – Memo dated September 1, 2005 from Michael Dunn, Vice President Friends of the Oswegathie Nature Preserve Inc., stated that it did not make sense before to put 350 units on this piece of land, nor does it make sense now to put 840 units on a portion of that land.

Mr. Carl Stann, 5 Saunders Dr, Niantic CT, asked to read a personal letter to the commission into record.

- **Exhibit 21** – Memo from Carl Stann, 5 Saunders Dr, Niantic CT. Memo outlines environmental and traffic effects of the proposed development. He states that in the deed that was issued when Landmark LLC. purchased the 200 acres that they wish to develop, they agreed to follow all existing regulations of the Town of East Lyme, not to change those regulations to suit their need and that developing the hills will result in millions of gallons of polluted water run off when it rains.

Mr. Marvin Scott, President of the Friends of the Oswegathie Nature Preserve wished to endorse the statements made by previous speakers. He asked the Commission to ask Mr. Russo what his motive is to destroy the fragile environment of the Oswegathie Hills. To which Mr. Russo said that he does not accept premise to destroy the Oswegathie Hills. He only wishes to provide affordable Housing.

Attorney Zizka stated that the preliminary site plan he presented was based on legislation designed to allow for the development of affordable housing in Connecticut and that its purpose is to allow for dialogue between the developer and the Zoning Commission which he does not feel they have been able to do.

Mr. Nickerson opened the commission to open Public Testimony asked if anyone would like to speak in favor of the application. When nobody stepped forward he asked if anyone opposed to the application would like to speak.

Mr. Fred Grimsey of 35 Oswegatchie Road, Waterford Connecticut, President of Save the River, Save the Hills stepped forward to speak against the proposed application. The majority of his membership is for affordable housing, he does not feel that the Oswegatchie Hills is an appropriate location for such housing on a social level. He recommended that they contact David Left in order to get a different perspective on their plan.

Mr. Bob Gadboys of 3458 Boston Post Rd, East Lyme CT stepped forward to speak against the proposed application. He is opposed to any zoning changes due to the negative impact it would have on the current water and sewer situation as well as the traffic impact the development would have.

Mr. Nickerson would like to continue the public hearing to a later date and Attorney Zizka filed a letter to have the hearing continued to October 6, 2005.

**\*\*Motion (1)**

**Mr. Salerno moved that the Public Hearing III (Landmark Group, LLC) be continued to the October 6, 2005 meeting of the Commission to start at 7:00 PM.**

**Mr. Gada seconded the motion.**

**Vote: 6-0-0. Motion passed.**