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**EAST LYME ZONING COMMISSION
PUBLIC HEARINGS I & II
Thursday, AUGUST 7th, 2008
MINUTES**

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on the Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC for approval of an Affordable Housing development, site plan and coastal area management site plan review to construct one hundred residential units (100) on property identified in the Application as Assessor's Map 11.1, Lot 19 and the Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC to re-zone from its existing Zoning designation (RU-40 Residential) to Affordable Housing for property identified in the Application as Assessor's Map 11.1, Lot 19 on Thursday, August 7, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearings and called them to order at 7:35 PM.

PRESENT: Mark Nickerson, Chairman, Steve Carpenteri, Ed Gada, William Dwyer, Alternate, Bob Bulmer, Alternate

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant
Mr. John Aldi, Applicant
Donald Gerwick, PE, LS, Representing the Applicant
Dave Sullivan, PE, Barkan & Mess
Mark Humphries, Architect for the Applicant
Norm Peck, Regular Member (recused)
William Mulholland, Zoning Official
Attorney Edward O'Connell, Town Attorney
Attorney Andrew Celleme, Town Attorney

ABSENT: Rosanna Carabelas, Secretary, Marc Salerno, Gregory Massad, Alternate

PANEL: Mark Nickerson, Chairman, Steve Carpenteri, Ed Gada, William Dwyer, Alternate, Bob Bulmer, Alternate

Pledge of Allegiance

The Pledge was previously observed.

Public Hearings I & II

1. Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC for approval of Affordable Housing development, site plan and coastal area management site plan review to construct one hundred residential units (100) on property identified in the Application as Assessor's Map 11.1, Lot 19.

and –

Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC to re-zone from its existing Zoning designation (RU-40 Residential) to Affordable Housing for property identified in the Application as Assessor's Map 11.1, Lot 19.

Chairman Nickerson noted that the two Public Hearings would be opened together and that the Legal Ad had run on May 2, 2008 and May 12, 2008 in the Day.

Mr. Peck recused himself from sitting for this application and Public Hearing.

Mr. Nickerson noted that he had seated William Dwyer, Alternate at the table and also seated Bob Bulmer, Alternate at the table.

Mr. Mulholland recalled that they had said that they would finish up with the public testimony first and then to the applicant for response and closing.

Mr. Nickerson explained the protocol of the Public Hearing and called upon the public who has not spoken to please speak first –

Jane Dauphinais, Director of the SE CT Housing Alliance said that 26% of the households in CT are low-income and they are spending most of their income on housing. In East Lyme the housing prices have risen 142%. She said that she often hears that Affordable Housing brings undesirables and low income people and submitted a report entitled CT Housing – Schedule of Gross Income limits which was entered into the record as **Exhibit 33**. She said that another misconception about Affordable Housing is that it is going to fill up the schools with kids. Rutgers did a state by state study on this and found that 2BR multi-family units generate .27 children which equal 27 children per 100 units. Additionally she cited that school enrollments are down all over the State of CT and are scheduled to decline through the Year 2020. East Lyme enrollments have gone down by 150 children. She submitted a Pictorial Representation of the Rutgers Study which was entered into the record as **Exhibit 34**.

Attorney William McCoy, 34 Village Drive, East Lyme said that the Janus family of 22 Park Place has retained him. He said that he felt that Attorney O'Connell, at the previous meeting, did a good job explaining the set of rules under which this should be approved however; he wants them to understand that this should be treated like any other application and if they deny it that the burden of proof is on them and that is the difference. There are two applications here – one for a change of zone and one for a site plan. He noted that Attorney Harts 'picked his poison' by doing it this way and that is the last that he will say on it. He noted that Planning found this inconsistent and that is important enough to use to deny this application. Also, some small part of it is in the CAM area and while it may not be developed in that area, the run-off will drain to that area and it will cause problems. So – Planning has told them that it is inconsistent to make the zone change. With respect to the zone change application, he said that the site is not appropriate for high-density development. He noted the traffic study and Page 5 and that a house limits the site line to the north and that the 85th percentile is used to provide for a margin of error because by using it, that allows them to say that this qualifies. He noted the phasing of the development and that it was stated that it would be developed in three (3) Phases and asked what effect the phasing would have on the drainage as that is an issue. He said that they have an 'elephant in the parlor of water' as Water & Sewer has stated that they cannot at this point in time provide year round water to this project. He said that wells will not support 100 units and that he does not think that they can approve a project that requires water that it won't have. This should be dealt with when they know that there is water as there are pressures on Water & Sewer to develop methods of getting water.

Carrie Janus, 22 Park Place said that this project will create unsafe traffic situations for an existing neighborhood. She said that she drove around Town to see if such a thing existed elsewhere and said that she found that it does not. To Mr. Aldi, she said – 'look elsewhere.'

Owen Coffey, 8 Park Place, Niantic, CT submitted his testimony and read it into the record. He cited too many houses for sale in Town now and not enough water as reasons that he is against this project. He also noted the traffic and the brush that obstructs the site lines. He said that he owns about 940 feet along the southern edge of the property and questioned if it would be flooded out during heavy rains. Additionally he is concerned about his well and any pollution to it. His testimony was entered into the record as **Exhibit 35** and it attached at the end of these minutes.

Julie & John Wilson, 13 Park Place said that someone from Bush Hill at the last meeting had brought up the issue of the bus and schoolchildren and safety and that the next day was the last day of school so they went out and took pictures of the bus, the road and of a child on a bike. They submitted a picture of the school bus on the road which was entered into the record as **Exhibit 36**. She said that they heard that the development at Sea Spray has 52 school children and that it is not sold out yet. She said that they do not deny that there is a need for Affordable Housing but if a family is going to look for Affordable Housing, they will look in East Lyme because of the schools and that will add to the system. They submitted a picture of the back of the school bus looking to the west which was entered into the record as **Exhibit 37**. Also submitted was a picture

showing the Route 156 road with no sidewalks on either side; which was entered into the record as **Exhibit 38**. She said that she thought that the purpose of Affordable Housing was to have sidewalks, etc. so that people could use them. Route 156 is dangerous to walk and if people are not familiar with the area then sidewalks are a must. They next submitted a picture of the white line on the road and the distance of it to the curb. This was entered into the record as **Exhibit 39**. She noted that this is what they have to deal with if they are to walk to the Town center – 5” to walk within. They also submitted a picture of the opposite side of the road where Tel-Aid is and people walking. This was entered into the record as **Exhibit 40**. They also submitted a picture of the road and the sidewalk that one business had to put in. This was entered into the record as **Exhibit 41**. They additionally said that there are 18 homes with 22 kids on their street and they are talking about adding 100 units of housing and they think that the kids will increase a lot. They moved there because it is quiet and their kids ride their bikes around the circle and if they have more places that bring more kids there will be an increase in the potential for something tragic to happen.

Carol Russell, 4 Bramble Bush Drive said that her main concern was with the water at the last meeting and that after that meeting, she received the annual water quality report that the Town sends out and noted the source water protection and the mapping that is being done and how it would impact the developers. She said that her concern with the mapping is that she would like to see a moratorium on all development in the entire Town. She is concerned that two of the seven wells have MTBE and Trichloroethylene (dry cleaning chemicals) contamination. She said that she knows that the Town will replace two wells but they may not be the two that she is talking about regarding the contamination. She noted that MTBE has been studied since 1979 but they still do not know enough about it so we are the guinea pigs for it although it was found to cause cancer in rats. She said that they cannot approve this without knowing about the water and even if maybe the levels are okay now, they do not know enough. She asked that the US Department of Health and Human Services books that she has read on MTBE and Trichloroethylene be mentioned in the record – they are: US Department of Human Services Toxicological Profile for Trichloroethylene dated September 1997 and the US Department of Human Services Toxicological Profile for Methyl T. Butyl Ether (MTBE) dated May 1996. She continued that she felt that the drainage issue was left unclear as was the on-going maintenance of the drainage system as the impact on Park Place could be serious. She said that she does not think that Park Place should have to clean up anything caused by the drainage system. Also, with regard to the Association dues – she said that it does not seem that the Affordable Housing units would get a discount on their dues and she does not know that they will be able to afford their insurance, dues and the drainage fees if there is a problem.

Deborah MacDonnell, 21 Park Place said that she is opposed to this project and that she would like to add some facts – the Town has a water crises; the bus stop is dangerous for the children and adding more cars will make it worse; the traffic study is faulty and was done in August 2007 which is traditionally a quiet time as families are not going back and forth to school activities; there is no egress; the public interest is not served by Village Crossing due to the water issues and the non-availability of year round water; the density is too much; this is not appropriate for the Park Place area and Niantic has other Affordable Housing projects available to those who want them. She said that as of 4:30 PM today that there were 27 homes for sale for under \$250,000 in Town and with no deference to Jane Dauphinais, this seems to her to be considered Affordable Housing at that price. She asked that they deny the application and also submitted her testimony which was entered into the record as **Exhibit 42**.

Philip Russell, 4 Bramble Bush Drive said that they already have 22 students being picked up and that if there are to be more that they would have to have two (2) buses going through there and that would create more issues and more traffic problems. He also noted that they need more wells to be able to supply water to the Town.

Bob Gadbois, 358 Boston Post Road said that Julie Wilson said that there are 52 kids from the Sea Spray development but that he heard the Superintendent of Schools say that there are 90 kids coming from there. Also, water is a problem that they will not be able to keep up with, without other measures in place.

Gina Lincoln 37 Hill wood Drive said that she is 'sort of' an abutting property and that she would see the elderly housing building at the top of the hill and that while she is in favor of Affordable Housing that she does not know of anyone who works at Stop & Shop or Dunkin donuts who could afford to pay \$250,000 plus the dues and fees to buy one of these units. She noted that there is one point of egress and asked what would happen if a

Peachtree happened here as they would not be able to get a lot of Public Safety vehicles up there. And, if it is not going to be a Town Road and it is a steep road and 'Joe landscaper' is doing the plowing and he does not plow it right away in the winter – how will the people get up and down that hill.

Mr. Nickerson said that he had received a letter from Timothy and Vivian Cronin of 31 West Main Street noting the difficulty that they have walking their dogs on Route 156 and the difficulty that they have getting in and out of their driveway. They said that is it stressful with all of the traffic. This was entered into the record as **Exhibit 43**.

Mr. Mulholland noted the memo from Bill Scheer, Town Engineer dated 8/5/08 regarding the Village Crossing plans and identifying some six (6) items including changes on the stone and detention basin. This was entered into the record as **Exhibit 44**.

(Note: a brief break was taken here)

Mr. Nickerson called upon Attorney Harris for any comments that he would like to make.

Attorney Theodore Harris, representing the applicant, said that he would like to respond to some comments that Mr. McCoy made. He quite properly told them that they had CGS Section 30g charges them with the burden of proof but also limits it to public health and safety issues and – while there are two separate applications – it is still fundamentally an Affordable Housing application. Regarding the Planning Commission resolution he noted that anyone reading the POCD can see that it has a lot of balances within it and that it seeks to have this type of housing in this type of area. To focus on the CAM which is an infinitesimal area that is not being impacted does not make sense when they have a letter from OSLIP that states that their concern is that they meet the stormwater drainage plan which they have stated they will do. The CAM line meanders and catches the first 30' only of this site. He said that he believes that if they look at the POCD and the need for Affordable Housing in Town, especially for elderly Affordable Housing and they look at the document as a whole that the only thing that they could find this to be is consistent. With respect to Water & Sewer – the water report that was sent out to everyone states that the water standards of all wells are acceptable and that they do not expect that to change. They have had an issue during the dry conditions in the summer which is related to the stream flows and they are mandated by the DEP. Water & Sewer is actively pursuing new wells and other means to alleviate this yearly problem that they face. Also, the directive of this Commission is not to determine Water & Sewer capacity issues – but only to determine if it is available to this site. What the Town currently has is a restriction of water usage on the weekends. The impact that this development would have is some 20,000 gpd which is small in light of the 3M gpd that is used. He said that they recognize that they have to work with Water & Sewer going forward and that they will have to irrigate by using their own wells and that they are quite willing to do this. But – Water & Sewer is the jurisdiction of the Water & Sewer Commission and not this Commission. This Commission can approve its particular part as every development application requires multiple layers of approval. He said that with regard to the height of the building at the top of the hill that they heard from the neighbors that they were not in favor of it and they have decided that they would remove the top floor which would bring the building to three (3) stories or 33' in height from four (4) stories.

Mark Humphries, Architect for the applicant presented plans that reflect the building at three stories in height. This was entered into the record as **Exhibit 45**. He said that it represented a 9' reduction in the height of the building at the top of the hill. This will take a full floor off of the building and they would be losing 10 units which would bring the total unit count down to 90 from the original 100.

Attorney Harris said that with regard to sidewalks that he is not suggesting that walking along Route 156 is an easy task and that they have instead encouraged on-site walking trails and paths to have the people remain at the site. As everyone knows, Route 156 is an extremely difficult area to build a sidewalk as it would require a bridge in one area and many permits from many State agencies as it is a State road. There is very little street frontage to their parcel and they would have no problem putting a sidewalk along their area to the bus stop. He submitted a bus route schedule showing Park Place on it and this was entered into the record as **Exhibit 46**. He said that while Mr. Scheer suggested a sidewalk to the school that there is bus service to the school. Regarding the width of the road – the regulations allow for a 24' wide road with no street parking. He noted that the buses and cars tend to travel in the middle of the road (as seen in the pictures submitted) and that he would suggest that they would travel in their own lanes.

Mr. Mulholland asked what the road width was in the subdivision regulations.

Attorney Harris said that it is 28' but it is in the process of being reduced. He continued that with respect to the drainage system that there would be onsite maintenance and that it is an indemnity agreement in the documents and should the Town have to step in all of the owners would have to pay for what needed to be done. He said that they have been in touch with the Fire Marshal and that he has said that they would have no issues with safety at this site. He noted that he lives at Pond Cliff and that most times his private drive area gets sanded and plowed before the main road does. He added that it is not the job of the Commission to govern the Association as there are many Associations within the Town that operate successfully. He then introduced Dave Sullivan of Barkan & Mess to discuss the traffic issues that were brought up.

Dave Sullivan, PE Barkan & Mess said that there were comments that they did not do the traffic counts properly or at the right time. He said that the counts were taken at Route 156 to Park Place and included all of the homes. This is the first time that he has heard that the summer traffic is not as bad as the rest of the year and he said that they are required to take a study during the summer. The 24' road width is a geometrically acceptable road width. Regarding the Book Barn cars blocking the site lines, he said that he checked again (Exhibit 20) and that the site line goes in front of the telephone pole. He noted that it is the dirt area where the people are parking and that it is important that they look at it as they would have to be parked in the road to block the site. The 85th percentile speed is the proper methodology to use. Attorney McCoy said that they turned it upside down by measuring the speed of the traffic and getting the 85th percentile and granted most times it is higher than the posted speeds however; they have two (2) full days of study rather than the two hours that the State does with their studies.

Mr. Nickerson noted that there is a telephone pole that could be in the way of Park Place and asked if changing that intersection would be feasible.

Mr. Sullivan said that one telephone pole would not necessitate an obstruction. If there were a number of them or large trees there that would be different. With the one telephone pole he said that he would not expect that there would be any changes to that intersection but – they will see what the DOT has to say as this has to be submitted to them.

Mr. Bulmer asked when the two days of traffic study were done.

Mr. Sullivan said that they were two week days – one was August 22, 2007 and the other was a Tuesday or Thursday before or after that.

Mr. Bulmer asked if parking is allowed on Park Place.

Mr. Sullivan said that they pull off the road.

Mr. Mulholland said that is the jurisdiction of the Selectmen.

Mr. Gada asked Attorney Harris about the walking trails on site.

Attorney Harris said that the trails are on the site plan along with the sidewalk.

Don Gerwick, PE, LS for the applicant submitted Sheet 7 along with the complete set of plans revised through 8/7/08. This was entered into the record as Exhibit 47. He noted that the Town Engineer's comments are incorporated into these plans. He said that they have two components of a sidewalk along the main access road and trails that go all around and loop through the site. He identified where these might be.

Mr. Dwyer asked if there is one way in and one way out.

Mr. Gerwick said yes.

Mr. Mulholland asked if there was any other egress.

Mr. Gerwick said no and explained that the size and configuration works and the steepness meets the 10% subdivision standards. If they were to go to Bush Hill it would be too steep and they would have to go through wetland areas. He said that he used to live in Saunders Point and that there was only one way in and one way out and that road is only 18' wide and it worked out okay and still does. With respect to the sidewalks on Route 156, he said that he thinks that the neighbors delineated the reasons for NO sidewalk there very well. He also cited the floodway of 150 which FEMA would not allow anything built in so a bridge would have to be built there in order to cross. He noted that there is also quite possibly limited State ROW in that area and that it would also require some serious DOT and Army Corps of Engineers permitting. And, he said that it was never their intention to encourage people walking to downtown as they are proposing three internal recreation areas and walking trails etc. He also noted that the Town built a nice stretch of sidewalk on Route 161 but he rarely sees anyone on it. He

presented Panel 12 of 15 showing the Flood Zone and Floodway on Rte. 156 from the FEMA website dated 6/15/1984 which is the most recent. This was entered into the record as Exhibit 48. He said that he wants the record to reflect that he is also a Certified Floodplain Manager and that the State only has five (5) of them and that he and his partner make up 40% of the States' five (5). He said that this is important in relation to drainage concepts and issues and that Attorney McCoy has either not looked at the plans or doesn't understand drainage as the catch basins go into a detention basin and it is only if it exceeds a 100 year storm event that it would go into the Town's system. He said that they have never before been asked to adhere to the standards that are adhered to in this project and that he can state that their drainage system will have no adverse impact on the adjacent areas. The system is sophisticated yet simple with respect to maintenance (ie.: Clean out the sands, cut back the brush/grasses that grow) and they will probably have the cleanest water coming out with the exception of the new Hole in the Wall Project. He continued that Mr. Coffey was correct that in June of 1982 it was not a 100 year storm but rather a 200 or 500 year storm event that took place. Mr. Coffey will see no ponding of water on his property from this project – that is one of the goals of this system. Regarding the CAM, he said that he spoke with Marcy Balint and that she has no concerns as they will have no impact on any coastal resources or the Pattagansett or the Town well system (they are one mile down grade from the Town well system). The first two (2) drainage basins would be built in the first phase and would be built before the roads are built. The other two are smaller and relate to the other phases.

Mr. Nickerson asked if – referencing the pictures that were presented showing the back yards flooded from the storms – there would be any further impact of that nature.

Mr. Gerwick said that they would probably have the same problem as they do now as they are backed up to a brook and if they look at their drainage; if there is a 100 year storm event there would be impacts to the Pattagansett River system which are part of the FEMA mapping that shows those houses as being in that path and they would be impacted by that. What their drainage system will do is to catch all the water coming down and to slowly release it as recharge underground.

Attorney Harris asked to give some closing comments.

Mr. Nickerson asked if the Commission had further questions.

Mr. Dwyer asked about the single entrance and exit.

Attorney Harris said that it is not unusual to have a single entrance and exit and that they would have thought if there was a concern that it would come from the Fire Marshal and he had none. He added that you would typically have two points of egress when there is a problem getting out and there isn't any here. He noted that Pond Cliff with 100 units has a bridge and only one way in and out.

Mr. Mulholland asked when Pond Cliff was built.

Attorney Harris said that it was in 1985.

Mr. Gerwick noted that the distance going into this site is the same as that of Sea Spray which also has only one point of access/egress.

Mr. Gada asked if there was any possibility of a trail through the land to the Niantic Center School.

Mr. Gerwick said no, as they would need a retaining structure near the Book Barn and a bridge for the Pattagansett. He added that he feels that would be an unfair burden to place on the developer and that he feels that it should be shared by all of the taxpayers as the people here have testified that it is not safe and that they have trouble walking there. The developer would be covering one-third of the distance with a sidewalk out to park Place and the bus stop.

Mr. Nickerson asked why the large building is at the top rather than the bottom. He said that he would think that it would have been done the opposite way rather than to put the elderly at the top.

Mr. Gerwick noted that he is of the age to occupy these units and said that the bottom area would not be too bad but with the elderly they would have elevation differences and it is easier to stagger the smaller units up the grade. He said that it was a thought on the part of the developer that doing it this way, they would be able to get the Affordable Housing units to the public faster and it became a combination of factors.

Mr. Carpenteri asked the price of these units.

Attorney Harris said that the Affordable Housing units would be in the \$145,000 to \$155,000 range. The 60% units would be \$145,000 and 80% - \$190,000. Where the elderly affordable housing units are involved the 60% would be \$155,000 and 80% - \$198,000. The market rate units would be at \$225,000 and up.

Mr. Bulmer said that he walked around that area and found it to be heavily forested and asked how they would classify it.

Mr. Gerwick said that it does have a heavy stand of vegetation and a number of very large boulders with many smaller boulders which are consistent with the conservation service soil types. As you move down the hill it is mostly boulders and not ledge.

Mr. Bulmer asked what he would guess is the height of the trees.

Mr. Gerwick said probably 50' to 60' with a heavy under story of Mountain Laurel.

Mr. Mulholland asked about the phasing plan and considering the trees – if it was their intent to clear cut or save as many trees as they can.

Mr. Gerwick said that personally he is committed to saving as many trees as possible but in committing to Town standards would require the center of the project to be stripped and regarded and replanted with the trees in front being evergreens of 8' to 10' in height. He said that they can ask for a larger size and to use fast growing varieties.

Mr. Mulholland asked for the record if they would strip all at once or as they go in the phasing plan process.

Mr. Gerwick said that it would be absolutely the latter – you work as you go in the phases for erosion control and also not necessarily a whole phase would go at once so you would also be doing a phase within a phase.

Mr. Mulholland asked Mr. Gerwick if he would be the project engineer if this were to go forward.

Mr. Gerwick said that he would have to say yes. He noted that they stake out areas and that he is not bashful about what he expects from the project workers.

Mr. Mulholland asked if they would volunteer up an S & E (soil and erosion control) bond.

Mr. Gerwick said yes, they would. He added that you cannot move into the next phase until you have the first phase stabilized.

Mr. Nickerson said that he would open this to the public for new comments only and ask that they focus on what has not been heard from any of the testimony that has been given wither tonight to in the past public hearing.

William McCoy, 34 Village Drive said that his concern is that the applicant filed a plan that no one has the opportunity to see and comment on. He also asked if it addresses the easement and issues of the Town Engineer. He said that the easement on the site line they have no information on and that it is a 'pig in a poke'. The maintenance of the drainage system is not just for the residents of the project as it affects the down gradient neighbors. He said that it should be in writing and that he does not think that it is in writing or that they have it.

Julie Wilson, 13 Park Place submitted a picture showing the entrance parking on Park Place during the weekend when the cars park there. This was entered into the record as Exhibit 49. She also submitted a picture showing the Book Barn and that was entered into the record as Exhibit 50. She also asked if it was a manual count or a line across the road that was used to do the traffic count; why the line in Park Place was where the circle splits as 22% of the neighborhood would not cross it; did the Fire Marshal state anything in writing – if not – would they request that it be in writing; and, when were the traffic counts taken. She suggested that they focus on the other end of Town for Affordable Housing rather than here and that they require that this project be 100% Affordable Housing if there is such a need for it.

Deb MacDonnell, 21 Park Place said that the Park Place neighborhood of 18 homes had two (2) major fires in the circle and that fortunately the people could get out due to the area on the circle. If there was a big fire, there would be no way out.

Philip White, 27 Park Place said that in the winter time when the snow is pushed to the grates and it melts, where will it go – to Park Place.

Mr. Nickerson noted that Attorney Harris as the applicant's representative has the last word –

Attorney Harris said that the easement is owned by this applicant and that there is no issue with the site line. The maintenance plan is filed on the plan sheets and is what would be filed and adhered to as part of the documents.

Mr. Mulholland stated that the Fire Marshal has looked at the plans during the review process.

Mr. Sullivan of Barkan & Mess said that Route 156 and Park Place were done with manual counts during the 7 – 9 AM peak hours and that they take the highest hour. The others were line counts one on Route 156 to the left of Park Place to look for speed so that they know what the speed is coming at you and one on Park Place to also confirm the speed to the left.

Attorney Harris said in response to Attorney McCoy's comment about the plans that the plan is the same plan that they have all seen – it just incorporates the comments from the Town Engineer.

Mr. Mulholland said that they were minor things –
Attorney Harris said yes, stone etc.

Mr. Gerwick said yes and that it addresses the comments of the Water & Sewer Engineer and the Town Engineer and all details were identified on the plans. The site line is on figure 15 and it is not a 'pig in a poke' as the site line is owned by the applicant. And – Attorney McCoy was either not listening or has not looked at the plans as the detailed maintenance plan was submitted previously.

Mr. Bulmer said that Mr. McCoy said that with the maintenance that he was concerned with the down gradient. Attorney Harris said that it is based on the maintenance on-site and if it would have effects off-site.

Mr. Bulmer asked if they find that it won't be zero.

Mr. Gerwick said that if it is not zero that it will be close to it and that there will be less than what is coming off the site today. The Association has schedules that they have to adhere to and maintenance that has to be done and this has to be certified and annually inspected and if not – they are in violation of their permit. There are multiple levels of control here. He said that he takes his ethical liability very seriously and has to certify these things and that while he understands both concerns, he feels that they have multiple levels of protection here and design bonding.

Attorney Harris thanked the Commission for their time and summed that this is an Affordable Housing development with two components – one is an Adult Affordable Housing component and there is a need for the elderly to have a place to go to without having to move out of the Town. He said that he believes that they have shown that this can be developed safely and also that the Town Engineer has had no further comments. He said that he would urge their approval of this much needed project.

Mr. Nickerson called for a motion to close this Public Hearing.

****MOTION (1)**

Mr. Gada moved to close this Public Hearing.

Mr. Bulmer seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 10:40 PM.

Respectfully submitted,

Karen Zmitruk,

Recording Secretary

(Note: Mr. Peck was seated and returned to the table)

Dawn T Coffey
8 Park Place, Miantic

I'm against Village Crossing for many reasons, the town has too many houses for sale now & again the town doesn't have enough water. Park Place would be too dangerous for school children to walk on the street with extra traffic. The town came down Park Place today (the day of tonight meeting) and cut bush, but it is still a bad section of Park Place and I worry. My mail box got hit again this week.

But what I want to come before you tonight is how this affects me personally. I own about 940 ft along the south edge of the property in question. It is kind of the same cut of property and I know it pretty well as I have lived on it for 43 yrs

I hear the engineer speak of the 100yr storm & who knows when maybe it could be tomorrow. I can remember back in I believe 1982 when we had a

few days of heavy rain. Well the ground couldn't handle it all and my side yard was a pond that extended into the property of the to be Village Crossing. I don't remember how long the pond stayed there but I believe it is about in the location they want to put one of there catch basins. What now with our 100yr storm?

Also I'm concerned about them polluting

my well if they don't run it dry first
Exhibit 35