

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I AND II  
MINUTES**

**JANUARY 23, 2003**

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Feb 3 20 03 at 12:25 AM PM

*Esther Bulmer*

A Public Hearing was held at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT on January 23, 2003.

Mrs. Cone called the meeting to order at 7:30 PM

Present: Mrs. Cone, Mr. McLaughlin, Mr. Gada, Mr. Peck, Mr. Chamberlain and Alternates Mr. Bulmer and Mr. Dwyer

Also Present: Mr. Mulholland, Zoning Official

PANEL: Mrs. Cone, Mr. McLaughlin, Mr. Gada, Mr. Peck, Mr. Chamberlain and Alternate Mr. Bulmer.

**PUBLIC HEARING I**

Application of Attorney Theodore A. Harris for a change of zone from CA, Commercial and RU-40 Residential to SU-E Special Use-Elderly for the following properties as submitted by the applicant: 10 Indian Woods Rd. (portion-East Lyme Assessor Map 10.4, Lot #13); 4 Indian Woods Rd. (Assessor Map 10.4, Lot #10); 142 West Main St. (Assessor Map 10.4, Lot #10-1); 8 Indian Woods Rd. (Assessor Map 10.4, Lot # 12) and 6 Indian Woods Rd. (portion-East Lyme Assessor Map 10.4, Lot #11), Niantic, CT

**PUBLIC HEARING II**

Application of Attorney Theodore A. Harris for a Special Permit and Coastal Area Management Site Plan Review to construct 80 units of Elderly Housing for the following properties as submitted by the applicant: 10 Indian Woods Rd. (portion-East Lyme Assessor Map 10.4, Lot #13); 4 Indian Woods Rd. (Assessor Map 10.4, Lot #10); 142 West Main St. (Assessor Map 10.4, Lot #10-1); 8 Indian Woods Rd. (Assessor Map 10.4, Lot # 12) and 6 Indian Woods Rd. (portion-East Lyme Assessor Map 10.4, Lot #11), Niantic, CT

Mrs. Cone opened Public Hearing I and Public Hearing II. Mr. Bulmer read the Call. Mrs. Cone inquired as to any conflicts of interest among the Commission members and heard none.

Mr. Bulmer read into the record:

1. Letter from Mr. Mulholland, Zoning Official to the Zoning Commission dated January 23, 2003.
2. Letter from Atty. Theodore Harris to the Zoning Official dated November 26, 2002.
3. Letter from Atty. Theodore Harris to the Zoning Official dated January 6, 2003.
4. Letter from East Lyme Planning Commission to the Zoning Commission dated January 23, 2003.
5. Letter from Fred Thumm, Director of Public Works to the Zoning Commission dated January 23, 2003.
6. Letter from Nicholas F. Bellantoni, Ph.D., Office of State Archaeology, University of Connecticut, Connecticut State Museum of Natural History to Zoning Official dated January 14, 2003.

7.

Mrs. Cone noted the Legal Notice had been properly published and Certificates of Mailing received.

Mrs. Cone invited Mr. Harris to address the Commission.

Mr. Harris entered the following Exhibits:

- Exhibit 1A – Copy of Zone Change Map
- Exhibit 2A – Sign Craft Certificate of sign posting
- Exhibit 3A – Conservation Commission permit
- Exhibit 4A – Declaration of Restrictions – Draft
- Exhibit 5A – Plan for proposed units and elevations

Mr. Harris noted that the proposed unit will vary in size from 1350-2900 sf. The applicant is proposing 77 units instead of 80 units as noted in the application. He added that an easement to East Lyme is required by the Board of Selectmen for emergency access to Giant's Neck. The Town will need to obtain an easement through State property to access Giant's Neck. He also noted the original application noted a CAM Review. It has been determined that the area of the property presumed to be in the CAM Zone is in fact not and the CAM Review request is therefore being withdrawn. A bond is to be posted for restoration as required in the amount worked out with staff.

Mr. Harris indicated that the project is located on 77 detached units with a village design on 39.6 acres. The property abuts on the east and south State property and trails, and is a relatively flat parcel. The project has access to both municipal water and sewer.

Marty Smith, Real Estate Services, Middletown, CT reviewed the concept for the development. The project name is Spinnaker. Mr. Smith discussed the village design concept, layout, and landscaping. He stated the Inland Wetlands permit was necessary to do work related to demolishing an existing building on Route 156. The proposed project will include trails, which will be tied to trails on State of CT property abutting the subject property. The applicant is proposing 77 units (from 7 models) with 2 car-attached garages. Mr. Mulholland noted that there will be no street parking. Driveways will accommodate two additional vehicles. The intersection at 156 and Cory Lane will be redesigned to improve sight lines and alignment. Traffic Commission approval is in process currently.

Mrs. Cone inquired if any other buildings are proposed other land dwellings. Mr. Smith stated that no clubhouse or gazebo, for example, is planned.

Mr. Bulmer inquired if two access roads are required to the development. Mr. Mulholland stated that one access road to Route 156 is proposed and that the Fire Marshall has reviewed the plan and is satisfied with the proposed single access. He noted that the Regulations do not require two access ways. In response to Mr. Peck's inquiry, Mr. Smith stated that the private roads will be 2-way and meet Town requirements.

Mr. Bulmer inquired if the walking trails would be generally available to the public. Mr. Smith stated that the walking trails are not intended for public access, however, they will connect to State of CT existing trails. Mr. Harris noted that the community can restrict access.

Ray Jefferson, Landscape Architect, Chester, CT discussed the landscape plan, greens, natural areas and street lighting. Existing trees would be preserved and planting of evergreens interspersed will provide screening. Pear trees, oak, ash, Norway spruce and white pine will be planted. Unit landscaping will include picket fences, holly and other perennial plantings and flowering trees. He pointed out the pedestrian crossing areas and location of proposed columns entering the area. Lighting will be low intensity at intersections with 10-12 foot poles.

Mr. Bulmer inquired if the buildings shown in the drawing are depictions of the actual dwellings as they are to be built. Mr. Harris stated that the Regulations require the applicant to submit facsimile

Mrs. Cone noted that many areas so that water will flow onto grass areas and swale areas which reduces the rate of runoff. Dwellings are close to the street to eliminate long driveways. A comprehensive sediment and erosion control plan has been designed for use during construction process. The homeowners association will be responsible for maintenance and monitoring of sumps, catch basins and plunge pools. Hoods will be installed, in accordance with requirements, at all outlets of stormwater drainage system.

Scott Hesketh, Traffic Engineer, East Granby, discussed the plans for redesigning and constructing the intersection at Route 156, Indian Woods Rd. and Cory Lane. He presented an 11/18/02 Traffic Impact Report. (Exhibit). Traffic volume counts were conducted on seven occasions in May and August 2002. The Level of Service is A to B during peak houses. He has met with Dept. of Transportation, which is reviewing the intersection design at present. The plan will also need to be approved by the State Traffic Commission.

He noted that age restricted housing generates lower traffic volumes. Sight line to the left will be improved by relocating the entrance to Indian Woods Rd., some ledge and overgrowth. The signal at the intersection operates 24 hours per day and will service the Spinnaker access road and Indian Woods Rd on the south following redesign.

The Commission reviewed Drawing 2-Site Plan and pointed out topographic aspects of the site.

Mr. Mulholland noted that Mr. Harris has stated that the applicant planned to place boulders as part of the landscape at the access area. He inquired if the applicant would consider wooden guardrails or some other more attractive method.

Mr. Smith stated that the intent of using boulders was to prevent traffic from entering restricted areas off the roadway.

There being no other questions from the Commission, Mrs. Cone called for a five-minute recess at 8:50 PM.

Mrs. Cone reopened the hearing for public comment.

Robert Fatone, 166 West Main St., Niantic, CT stated his support for the project.

Michael Duggan, 18 Indian Wood Rd., Niantic, CT stated his support, but added he had a question as to how Indian Woods Rd. would be impact with respect to snowplowing and

trash pickup. Additionally he indicated concern regarding access to mailboxes, which are currently on Route 156. He also inquired as to the buffer area.

Mr. Smith stated that the developer would work to accommodate the problem of a safe location for the mailboxes. Mr. Smith stated that the present buffer growth would remain.

Laura Wagnez, 9 Sapia Rd., Niantic, CT inquired as to whether blast would take place. Mr. Smith stated that when any blasting is done, the blasting company does a pre-survey, follows a specified procedure and is responsible for any damage. Forty deep test holes have been done on the property. He pointed out that there is a small amount of ledge and will stay clear of that area.

Terry Prior, 15 Sapia Dr., Niantic, CT inquired as to whether an archaeological survey would be done.

Mr. Harris stated that at this time, the applicant does not intend to do an extensive survey. The applicant has already dug 50 holes and seen no evidence. He indicated that the layers of topsoil on the site lead the applicant to believe that this site had been dramatically changed over the last fifty years, as there is very little topsoil.

Emily Mackey and Alan Mackey stated concern for retaining sufficient access to their property to accommodate boat trailers.

Mr. Harris stated that additional access has been provided on the plans through the relocated entrance to Indian Woods Rd. He stated he would talk to the Mackey's to discuss alternate access.

Mr. Mulholland stated that this matter may not be appropriate for this public hearing, and that he would look into it further and discuss an appropriate solution with Mr. Harris and Mr. & Mrs. Mackey.

Marvin Schutt, 29 Edgewood Rd. North, Niantic, CT stated that with respect to archaeological survey, if the applicant would be will willing to communicate with Mr. Bellantoni of the University of Connecticut to reach an understanding.

Mrs. Cone noted that this was not within the jurisdiction of the Zoning Commission.

Mr. Mulholland stated an archaeology survey is not a requirement either by the town or state and cannot be a condition for approval. The applicant may chose to have a survey conducted. Mr. Harris stated he would be willing to speak with Mr. Bellantoni.

Mr. Peck noted that in the Zoning Regulations under Purpose of the Regulation, Item 3 concludes 'preservation, open space, tree cover and historic site' and thus, in his opinion, is within the Zoning Commission's jurisdiction.

Mr. Mulholland stated it was not specific under the Special Permit criteria. The Commission is charged with determining whether the applicant has complied with all the listed criteria, and if so, the Commission is obligated to issue the permit. Since an archaeological survey is not specifically required, in his opinion, the Commission cannot require it.

Mr. Chamberlain concurred with Mr. Peck. Mr. McLaughlin stated that he disagreed and that a building or structure would represent an historic site. Mr. Gada posed the question as to the definition of "historic site". Mr. Bulmer noted the first paragraph of Mr. Bellantoni's letter and added that if there is archaeological site he would hate to lose it. He appealed to the applicant to be sensitive to knowledge of a possible site.

Mr. Harris stated he had no objection to talking with Mr. Bellantoni and was sure the applicant would be amenable to being sensitive to possible artifacts during construction.

Phil Prior, 13 Sapia Dr., Niantic, CT stated his concern that 77 new housing units would be receiving municipal sewer prior to Sapia Dr. Mrs. Cone indicated that his concern should be brought before the Water & Sewer Commission.

Donna Vidam, 34 Indian Woods Rd. and 793 Burnham Ave., East Hartford stated that artifacts should be investigated.

Mr. Chamberlain inquired as to the market value of the proposed units. Mr. Smith indicated a range of \$260,000 to \$350,000 per unit.

Vicky 15 Sapia Dr. inquired as to the total lapsed time to complete the development. Mr. Smith indicated at this time he anticipates 3-4 years for completion depending on sales.

Mr. Harris concluded by stating that the application conforms to Zoning Regulations and noted that the SUE Zone is a floating zone.

Mr. McLaughlin inquired if the project would be done in phases. Mr. Harris stated that construction will be done in phases.

There being no further questions or comments, Mrs. Cone closed the Public Hearings I and II at 9:10 PM

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anita M. Bennett".

Anita M. Bennett  
February 3, 2003