

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I AND II
JUNE 19, 2003
MINUTES**

The East Lyme Zoning Commission held a PUBLIC HEARING I AND II on Thursday JUNE 19, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Public Hearings I and II simultaneously at 7:34 PM

PRESENT: Mark Nickerson, Norman Peck, Shawn McLaughlin, Ed Gada, and, Alternates Marc Salerno, Andrew Manter and William Dwyer.

Absent: David Chamberlain and Robert Bulmer

Also present: William Mulholland, Zoning Official

PANEL: Mr. Nickerson, Mr. Peck, Mr. McLaughlin, Alternates Mr. Dwyer and Mr. Manter

PUBLIC HEARING I Application of Theodore A. Harris, agent for Walnut Hill Properties, LLC, for a change of zone from Special use (SU) to Special Use Elderly (SU-E) for a portion of property identified in the application as 30 Holmes Road, East Lyme Tax Assessor Map 57, Lot #30

PUBLIC HEARING II Application of Theodore A. Harris, agent for Walnut Hill Properties, LLC, for a Special Permit to construct 70 units of elderly housing on a portion of property identified in the application as 30 Holmes Rd., East Lyme Assessor Map 57, Lot #30

Mr. Nickerson opened Public Hearing I and Public Hearing II.

Mr. Nickerson noted that the Legal Ad was published June 6, 2003 and June 16, 2003

FILED IN EAST LYME TOWN
CLERK'S OFFICE

JUNE 30 20 03 at 12:15 AM (PM)

Esther B Williams

EAST LYME TOWN CLERK

East Lyme Zoning Commission
PUBLIC HEARING I AND II - MINUTES
JUNE 19, 2003
Page 1 of 8

Mr. Manter read into the record:

1. Memorandum from William Mulholland, Zoning Official to the Zoning Commission dated June 19, 2003, re: Walnut Hill Property, LLC for zone change and Special Permit for Elderly Housing.

Mr. Gada read into the record:

1. Letter to William Mulholland, Zoning Official, from Theodore A. Harris, Stevens, Harris & Guernsey, PC dated May 1, 2003.
2. Letter from the Planning Commission to Mark Nickerson, Zoning Commission, dated May 21, 2003.
3. Letter from Gene Lohrs, Southeastern Connecticut Council of Governments, Regional Planning Commission to Mark Nickerson, Chairman, Zoning Commission dated May 20, 2003.
4. Email from Marcy Balint to William Mulholland, Zoning Official, dated May 13, 2003 (12:55 PM).
5. Letter to Jonathan Katz, Walnut Hill Properties, LLC from Frederick G. Thumm, PE, Director of Public Works, Town of East Lyme dated June 3, 2003.
6. Memo to Bill Mulholland, Zoning Official from Frederick Thumm, PE, Director of Public Works dated June 16, 2003.
7. Memo to Mark Nickerson, Zoning Commission from George Calkins, R.S., Senior Sanitarian Department of Health Town of East Lyme, dated June 17, 2003.

Mr. Nickerson noted for the record that Certificates of Mailing are in the file.

Mr. Mulholland indicated that the Conservation Commission has issued a permit #03-24, which is also in the applicant's file.

Mr. Nickerson invited Mr. Harris to make his presentation.

Atty. Theodore A. Harris, 351 Main St., Niantic, CT is representing the applicant Walnut Hill Properties, LLC. He indicated that the applicant is requesting a change of Zone for about 26 acres from SU to SU-E and a special permit to construct 70 units of elderly housing. Mr. Harris submitted a photo of the sign posted per the regulations (**Exhibit #1**). He also indicated that the Conservation Commission Permit was granted. This application did not require the filling or crossing of wetlands. The only wetland impact involves the construction of the access road and thus required the Conservation Commission Permit. He submitted a copy of the Conservation Commission Permit #03-24 as **Exhibit #2**. Mr. Harris submitted.. Per the SU-E Regulations, Mr. Harris submitted the Condominium Declaration as **Exhibit #3**.

Mr. Harris stated that the jurisdiction for both water and sewer with respect to the activities on the property will be born by the State of Connecticut Department of Environmental Protection and/or the Department of Health. He stated that the Water and Sewer Commission has agreed to act as the back-up to the sewer system and agreed to the type of system the applicant proposes to build. He indicated that the ultimate agreement that the Water and Sewer Commission signs involves bonding both for annual maintenance costs and for future capital expenditures.

Mr. Harris stated that the water will be supplied via a community system. He indicated that it will likely be a satellite system operated ultimately by the Town of East Lyme, although that is not required. If the Town opts not to operate the system, a commercial water company would be contracted to operate the system.

Mr. Harris submitted **Exhibit #4**, letter from the Water and Sewer Commission and the Minutes of the meeting at which the Commission discussed and accepted the design for the sewer system.

Mr. Harris indicated that a traffic study was conducted by Barken & Mess which concluded that there are no significant traffic impacts by proposed elderly housing development. The intersection of Route 85 and Salem Turnpike will be reviewed by the State Traffic Commission. He indicated that there will be an entrance through the golf course access road and a second entrance on Holmes Road.

Mr. Harris submitted **Exhibit #5**, four house plans proposed for the development. He also submitted **Exhibit #6** an analysis of zoning compliance evaluation.

Jonathan Katz, Walnut Hill Properties, LLC stated that the proposed 70 units will be an active adult community and age restricted in that at least one residence must be at least 55 years of age or older. He stated he has discussed the project with the East Lyme Tax Assessor and it is estimated that the property tax revenue generated to the Town approximately \$500,000 annually, plus \$100,000-\$200,000 annual tax revenue generated by the country club and recreational facilities. He indicated that the proposed units will consist of four different models consisting of 2000sf to 2800sf with a 2-car garage. All units will have two master suites - one on the first floor and the other on the second floor - 2.5 baths, 9-foot ceilings, and a loft.

Jeff Densek, Landscape Architect discussed the layout and landscaping proposed for the clustered units or mini-neighborhoods. He reviewed the landscape drawing with respect to planned tree and shrubbery plantings as well as buffer areas. He indicated that there will be quite a bit of re-grading in the area and therefore a lot of existing vegetation will be replaced with a variety of native and hardy shade trees, shrubbery, native grasses and ground cover plants. He reviewed the proposed site lighting scheme - 15-foot posts in the main area and 12-foot post in the neighborhood areas.

Mr. Katz added that black walnut trees will be reintroduced into the area.

At Mr. Mulholland's request, Mr. Denssek presented a brochure showing the proposed lighting. **(Exhibit #7).**

Mr. Dwyer requested that the high tension electric wires be pointed out on the drawing and their proximity to the proposed housing units. Mr. Harris pointed out the wire on a drawing of the golf course.

Frank Ryan, 77 Wall St., Madison, CT, Golden Mean Group, LLC discussed the four model units proposed. He indicated that the exterior will be classic New England style with trim detail and clapboard and will reference elements of the club house, but will not be identical. He indicated that the current intention is for the clapboard to be of wood or a composite material and the structure will not exceed 30-feet in height.

Mr. Manter commented on the substantial size of the units for 1-2 persons. Mr. Harris indicated that there is a market for 2000sf-2800sf units. The residents have the option of residing only on the first floor should they desire.

Robert Pfanner, project engineer, discussed drainage and construction sequence. He indicated that there are three different drainage areas that discharge the water to retention ponds on the golf course and one into the wetlands area along Holmes Rd. and pointed them out on the drawing. Construction of the units will begin at the same time as the golf course and will be sequenced by neighborhoods or clusters. The road will be constructed and begin with the furthest cluster area. Soil and erosion control will be a combination of silt fence and using the mulch from the cutting of the trees. He indicated that water, sewer, electrical and cable TV lines are all underground.

Mr. McLaughlin inquired if sidewalks are proposed for the residential area. Mr. Pfanner indicated that the interior roads are 24-feet wide with no sidewalks, however there is a trail system for walking. He added that by not constructing sidewalks, impervious surfaces are not increased.

Mr. Harris stated that a site restoration bond is required for the project before construction begins and after review by staff, the amount will be set.

Mr. Katz stated that the entry at Holmes Rd. will be gated.

Alan Mess, Barken & Mess, 300 E. Main St., Branford, CT discussed the traffic study. He stated that the vast majority of trips would be generated to Route 85. As part of the review process, the Traffic Commission has indicated they are going to conduct a review both the golf course and the house portions to determine that it meets the standards for safety. Holmes Rd. is posted at 25-35 mph. The engineer will ensure there are adequate sight lines from both the gated access and the golf course access to meet standards that are in excess of the posted speed limit. He estimated

that the 70 units of age restricted housing will generate approximately 20 trips during morning peak hours and 25 trips during afternoon peak hours. The results of the study indicated a Level of Service of "A".

Mr. Harris reviewed the applicable Zoning Regulations. SU-E Section 12A; Section 24-Site Plan, Section 25 Special Permit and Section 22-Parking and Section 25.5 Controls and pointed out how this proposed project complies with the Regulations and justifies approval.

Mr. Harris stated that the buffer strip regulations occur in several different places and for several different purposes. The site plan buffer is required by Section 24.6.e.3 at the property boundary and it depends on the nature of the two zones as to the width of the buffer.

Mr. Harris stated that the applicant is requesting a waiver of sidewalk requirement Section 24.6.c, a waiver of Section 24.6.E.3 installation of evergreens along property lines and a waiver of SU-E Section 12A.2.3 setback reduction of 150-feet from street to 50-feet is shown on the plan. The 50-foot buffer consists of natural vegetation existing and proposed plantings with additional shrubbery and shade trees and is maintained around the entire parameter of the zone line.

Mr. Peck requested clarification of the process by which the town will act as the water supplier.

Mr. Harris stated that with respect to the sewer, there will be a designed system that will have to be approved by the DEP which requires that there be some responsible party as the ultimate back-up and that authority would be the East Lyme Water & Sewer Commission. An agreement would be signed with that Commission which would (1) indicated that the town, if there is no other interested party in the event of failure of the system, would assume responsibility. The agreement also requires that the obligation of the town in that event be bonded for the annual maintenance of the system and a contribution toward future capital improvements.

With respect to the water supply, the Dept. of Health of the State of Connecticut has jurisdiction. A water company is required to openly own the system and the East Lyme Water & Sewer Commission is the ultimate authority. Should the Water & Sewer Commission chose, they would take title to the system, operate it, and charge water rates. The Commission may or may not contract operation of the system to another entity. If the Water & Sewer Commission opts out of owning and operating the system, another water company would have to be engaged to do so.

Mr. Peck inquired as to the project's impact on the wells of neighboring properties.

Mr. Harris stated that the wells at Walnut Hill Properties are drawing from a deep aquifer. The applicant must obtain a Diversion Permit from the DEP. The applicant will be required to monitor neighborhood wells to ensure that when Walnut Hill Properties pumps water, it is not effecting the water in those wells.

Mr. Dwyer questioned the possibility that this proposed housing development would hook up into the town's sewer system.

Mr. Harris stated that the property is so far away from the town's sewer main, that it is not practical, and little possibility, to run a sewer line to the property. The sewer system designed for the site is capable of handling everything on site and has been discussed and reviewed extensively with the Water & Sewer Commission.

Mr. Nickerson opened the hearing to Public Comment in favor of the application.

Joe Kwasniewski, 67 Walnut Hill Road, East Lyme stated his concern for the additional traffic that would be generated from a 70 unit and the golf course (his estimate of 200-300 people). He inquired if the town would be patrolling the local roads and if the speed limit would be reduced.

Mr. Nickerson stated that the roads within the golf course and elderly housing are private roads and the town will not be patrolling those roads.

Mr. Nickerson opened the hearing to those wishing to speak in opposition to the application.

Mark Butterfield, 6 Upper Walnut Hill Rd., East Lyme stated that the north part of the town is generally zoned R80 and that the golf course fit into the rural character, however, the new houses may or may not fit. The 100 closest houses to this development have an average acreage of 10+ acres. These proposed units are 1/3rd acre lots. He also stated concern with respect to traffic and noted that the traffic study did not evaluate Upper Walnut Hill Rd. and assumed that all the residents from this development would use Holmes Rd. onto Route 85. He noted that many of the town people use Upper Walnut Hill Rd. onto Grassy Hill Rd. and onto Holmes Rd. and Walnut Hill Rd. to access Route 161. He requested the Commission independently evaluate Upper Walnut Hill Rd. and its capabilities to accommodate the additional traffic.

Patricia Butterfield, 6 Upper Walnut Hill Rd., East Lyme stated that the age restriction of at least one person age 55 and older does not necessarily indicate that the family may not have children in the school. She also noted that many people 55 years and older are working and will be commuting daily to work. She also concurred with Mark Butterfield's comments. She also requested how the neighboring wells would be monitored and what would be the plan should one run dry or become contaminated by the sewerage system on-site.

Mr. Nickerson concurred that in child may be in this type of a household.

Mr. Mulholland read from the Regulations " Each dwelling unit shall be occupied by (a) at least one person who is 55 years of age or older; (b) the occupant pursuant to (a) above who survives and (c) occupant pursuant to (a) whose co-occupant has entered a long term care facility."

Mr. Mulholland stated that the water and sewerage is out the this Commission's jurisdiction. The Health Officer and the State Health Department have jurisdiction that have control.

Bruce Morton, AquaSolutions, Water Quality Consulting of Marlborough, CT discussed the Diversion Permit process and required monitoring prior to receiving a DEP Permit. He indicated the applicant will be contacting the homeowners regarding their wells and which ones will be monitored. A device is placed in the well that monitors the water levels. He noted that the proposed project is drawing from 600 – 650 foot wells and most residential wells are 200-300 feet deep.

Norm LaFleur, 10 Latimer Dr., East Lyme stated his concern with additional stress on the police department due to the additional traffic and the school buses traveling on the area roads. His concern overall deals with public safety.

Ron Capozza, 19 Holmes Rd., East Lyme questions that with the development of 70 units and 140 additional vehicles if Holmes Rd. will be widened.

Mr. Harris stated the in the immediate vicinity of the entrances will be maintained at 22-feet in width. Mr. Katz added that under the Montville Permit the applicant has agreed to widen the Holmes Rd. to 22-feet wide from the Montville Town Line to Salem Turnpike Rd. and on the East Lyme portion up to the main entrance. The Traffic Commission suggested that at the second gated entrance to the housing component be widened as well with proper sight lines.

Stephen Slavtcheff, 33 Upper Walnut Hill Rd., East Lyme inquired if the town monitored elderly housing to ensure compliance with the age restriction. He also stated his concern for public safety in the event of fire.

Mr. Harris stated that the condominium document requires the association to annually report the names and ages of occupants. Mr. Mulholland stated that the document allows a two week visit by grandchildren, for example, but not to live there.

Mr. Harris stated that the Fire Marshall has reviewed the plans. He added that there will be dry hydrants at the retention ponds.

MOTION (1): Mr. Mr. Gada moved to close Public Hearing I - application of Theodore A. Harris, agent for Walnut Hill Properties, LLC, for a change of zone from Special use (SU) to Special Use Elderly (SU-E) for a portion of property identified in the application as 30 Holmes Road, East Lyme Tax Assessor Map 57, Lot #30 and Public Hearing II - application of Theodore A. Harris, agent for Walnut Hill Properties, LLC, for a Special Permit to construct 70 units of elderly housing on a portion of property identified in the application as 30 Holmes Rd., East Lyme Assessor Map 57, Lot #30 at 9:47 PM.
Seconded by Mr. Dwyer.
Vote in favor: (6-0), Unanimous

Respectfully submitted,



Anita M. Bennett
Recording Secretary
30 June 2003