

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I & II
Thursday, NOVEMBER 18th, 2004
MINUTES**

Nov 23 20 04 at 3:15 AM
Esther B. Williams

The East Lyme Zoning Commission held the Application of Ralph and Rose Marie Whiting for a Zone change from RU-40 to SU-E and a Special Permit Public Hearing on November 18, 2004 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 7:35 PM.

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

ALSO PRESENT: Donald Gerwick, PE, LS, representing the Applicant
David Sullivan, Barkan & Mess - Traffic Engineers
Ralph and Rosemarie Whiting, Applicants
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio, Board of Selectmen
William Henderson, Alternate

ABSENT: Pamela Byrnes, Marc Salerno, Alternate

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

Pledge of Allegiance
The Pledge was observed.

Public Hearing I & II

1. **Application of Ralph and Rose Marie Whiting for a change of zone from RU-40 to Special Use Elderly (SU-E) for property identified in the Application as 40 Roxbury Road, Niantic, Connecticut – and –**
2. **Application of Ralph and Rose Marie Whiting for a Special Permit to construct 25 units of elderly housing at property identified in the Application as 40 Roxbury Road, Niantic, Connecticut.**

Mr. Nickerson noted for the record that he had seated Mr. Dwyer, Alternate at the table.

Mr. Nickerson said that they had some correspondence to read into the record.

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

- ◆ Letter dated 11/18/04 to Mark Nickerson, Chairman EL Zoning Commission from Wm. Mulholland, Zoning Official – Re: Whiting Farm Senior Housing Proposal Zone Change & Special Permit Application – noting that after review by the Town's Land Use Team that the site plan was modified to 25 units from the original 27 units.

Mr. Nickerson asked Mr. Gada to read the following correspondence into the record:

- ◆ Letter dated 11/18/04 to Mark Nickerson, Chairman EL Zoning Commission from Michael Giannattasio, PE Director of Public Works – Re: Referral/Zone Change RU-40 to SU-E – 40 Roxbury Road – noting that the EL W&S Commission has reviewed this referral and determined that the zone change in question has water service available but not sewer and that all outside sprinkler use shall be from an on-site well.

- ◆ Letter dated 10/28/04 to Mark Nickerson, Chairman EL Zoning Commission from Francine Schwartz, Chairman EL Planning Commission – Re: Change of Zone from RU-40 to SU-E for property located at 40 Roxbury Road (Assessor's Map 16.1, Lots 31 & 32) – noting that the Commission found this referral CONSISTENT with the Plan of Conservation & Development but recommending that they explore options for emergency and pedestrian access to and from the Stoneywood Subdivision.
- ◆ Letter dated 10/19/04 to Edward Gada, Secretary, Zoning Commission from Gene Lohrs, Chairman SECCOG Regional Planning Commission – Re: Proposed Zone Change regarding the Whiting Property – noting that the Committee has no jurisdiction to conduct a review of this proposed change as it does not involve land within 500' of a municipal border.
- ◆ Letter dated 11/3/04 to EL Zoning Commission from John & Sandra Furey 11 Carriage Hill Drive, Niantic – Re: Proposed Elderly Housing Development Roxbury Road, East Lyme, CT – noting that they are not in favor of the project because there are four or five other Senior Housing developments in the area and they don't need anymore.

Mr. Nickerson noted for the record that a Conservation Permit has been issued for this property.

Mr. Mulholland indicated that a sign was posted, that he has the certificates of mailing and that the ad had run in the New London Day on October 21, 2004 and November 1, 2004.

Mr. Nickerson called for the applicant or their representative for a presentation.

Donald Gerwick, PE, LS, Gerwick-Mereen LLC representing the applicant submitted a picture of the sign posted at the property.

Mr. Nickerson entered this into the record as **Exhibit 1**.

Mr. Gerwick next submitted plans for this application that were revised through November 16, 2004. He indicated that these were the most recent plans that have the most recent revisions and clean-up items that staff requested.

Mr. Nickerson entered into the record as **Exhibit 2** - the plans that were reviewed by the Zoning Commission and revised through November 16, 2004.

Mr. Gerwick said that there is approximately 22.7 acres on this subject site and that it consists of two parcels of land. It will continue to be two parcels upon completion of the project. There are approximately 7.9 acres of wetlands on the site and they have received a Conservation permit. There will be no filling of wetlands on the site. There are significant buffers, which the Commission is satisfied with. The two parcels are divergent in size – one is large and the other small. One has barns and a house on it and has no frontage – hence the parcels were restructured and they now meet the SU regulations. They are required to have 1.15 acres of open space and they have actually provided 10.93 acres of open space. They have in excess of what is required on each parcel. They did start out with a higher number of units and after working with staff, it was reduced to 25 from 27. This is less than one third of what would be allowed by the regulations. The entrance will be off Roxbury Road. He then submitted a site line details plan for the record.

Mr. Nickerson entered into the record, the Site Line Detail Plan as **Exhibit 3**.

Mr. Gerwick continued that because of the shape of the land, the frontage is on Roxbury Road. The parcels are more than 150' from municipal roads, all of the houses are of the same style and use and they are asking for a reduction of the 100' building setback from a property line for the interior lot line between the two parcels. They are not looking for a reduction from the exterior property lines. He said that they would have a 50' buffer from all of the activities as well. There will be walking trails throughout the property. There are meadows and a pond there and they are in excess of the 100' from the pond. The general flow of the pond is to the south. The western side of the property has dense vegetation and they are proposing dense evergreen vegetation where there is nothing at present.

Mr. Nickerson asked what would stay and what would go in the case of the existing house and barns.

Mr. Gerwick said that the barns would probably go and that the house would be added to and remain a part of the property.

Ms. Carabelas asked what they would sell for.

Mr. Gerwick said that he really did not know and suggested it would be market rate. He submitted architectural drawings of the two styles and said that they were of the New England Colonial Village type. Mr. Nickerson entered the architectural drawings into the record as **Exhibit 4**.

Mr. Gerwick said that he also had a copy of the condominium documents and declaration including the legal description of the zone change itself. He submitted this to Mr. Nickerson.

Mr. Nickerson entered the condo documents and declaration into the record as **Exhibit 5**.

Mr. Gerwick said that there is a section on age restriction in the documents. He said that they would like to add that beyond the 55 and over that it is 'limited to two full time residents and no adult children except for special needs or handicapped'.

Mr. Mulholland explained that the applicant could opt to have more restrictive documents than our regulations even though they as a Commission have to stick to their regulations. They could not force an applicant to have more restrictive documents than the regulations call for.

Mr. Gerwick said that he had noted that in the letter from Mr. Giannattasio that some concern was mentioned about densities – he said that he and his family have lived in this Town for many years and are also concerned with this. He has researched the water usage rates of these types of housing units and has found that studies have shown that the elderly units use one-fourth the amount of water that a normal residential single-family home uses. He said that he feels that they have addressed the concerns of the engineering department and for the record, if there are any other changes, they will make them as necessary.

Mr. Mulholland said that he spoke with Mr. Giannattasio and was told that there would be some fine-tuning on the drainage however, there are no big items that would hold this up.

Mr. Gerwick said that the walking trails would be located on the interior of the property. Also, because there are no sidewalks on Roxbury Road, they are requesting a waiver of the sidewalks as it does not make any sense to put a small patch of them when they do not connect to any other sidewalks.

Mr. Gerwick then introduced David Sullivan from Barkan Mess to give a traffic report.

David Sullivan, Senior Transportation Engineer with Barkan Mess of Branford, CT submitted a copy of the Traffic Report.

Mr. Nickerson entered this Traffic Report into the record as **Exhibit 6**.

Mr. Sullivan said that the basic scope of the study was to look at existing conditions and see what impact there might be from this application. He said that they took traffic counts from July 8, 2004 through July 11, 2004 to collect full traffic data. As this application originally started with 32 units, they used 32 units as their basis for the study as it was just recently changed to 25 units. The posted speed limit on Roxbury Road is 25 MPH however 80% of the people travel at 35 MPH so they used 35MPH to determine the necessary site lines. Per Conn DOT they need 395' of site line in either direction (east and west) to exit onto Roxbury Road. There is some vegetation there that would have to be cleared to provide the 395'. There is nothing major in the line of site except for overgrown vegetation that would need to be cleared. With, at most 15 more trips during the peak hours being generated from the adult community he concluded that it would have no traffic impact and that the levels of service would remain at C or better as they are now. They did however make a few minor recommendations regarding the drive access to Roxbury Road from the adult community. They recommended that there be a stop sign at the intersection of the adult community and Roxbury Road and that the site lines always be maintained and cleared to insure that the visibility exists.

Mr. Gada asked who would maintain the site lines.

Mr. Sullivan said that the condo documents state that they would maintain the area that falls within their control and that the Town would maintain the portion that is in their ROW on Roxbury Road.

Mr. Peck asked Mr. Sullivan what, in general, he thought of Roxbury Road.

Mr. Sullivan said that the width is generally adequate and that there have been less than 12 accidents in the last three years. It is a rural road and it does not exhibit overly negative results.

Mr. Gerwick noted that they do have a stop bar and stop sign and no parking posted for the street. There are also 17.5-MPH signs that will be posted.

Mr. Nickerson asked if the units were duplexes.

Mr. Gerwick said no, they are all single family units.

Mr. Nickerson asked if there would be guest parking.

Mr. Gerwick said that there would be some however, the units have garages and parking for two cars.

Mr. Nickerson asked what the width of the road was.

Mr. Gerwick said that it would be the standard 24' width. He added that the Town only provides garbage pick-up along the road and that the Association maintains the rest of the property and roadway.

Mr. Dwyer asked what the length of the road was as he thought there was a limit on cul-de-sac lengths under the Planning regulations.

Mr. Gerwick said that it is approximately 1300'.

Mr. Mulholland advised that it is not in their jurisdiction to judge this based on the Planning Subdivision Regulations.

Mr. Nickerson asked if there were any other questions from the Commission –

Hearing none –

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application –

Hearing no one –

Mr. Nickerson called for anyone from the public who wished to speak against this application –

David Baratko, 29 Stoneywood Drive said that he lives behind the proposed project. He said that he thinks that his house is located directly behind the end of the cul-de-sac – it was difficult to tell from the plans. He said that he has lived there for approximately 10 years and that he bought the house because it looked out on the horse farm. The horse farm is gone and he has watched the Whitings fill the property with heavy equipment although there is still open space there. He thinks that his house may be close to this project and that when the leaves fall off the trees that he will be able to see it. He is not sure how close they are. He is not sure if that is reason enough to deny the application. He said that this public hearing was postponed and that he was not notified that it would be held this evening. He is also concerned with the emergency access from Stoneywood Drive and would want to know where they would enter from and if it is near his house as he does not think that there is enough space there. He said that when they do the drawings that it would be beneficial to people like him to know where his house is in relation. He also thinks that from 1986 that the Town is developing too fast for his tastes and that they are now seeing an explosion of adult communities plus the Stop & Shop and that he and his friends do not know of anything that is turned down. He understands that the hope is that it would sustain downtown Niantic but he does not know if that is so.

Glenn Carlson, 6 Highwood Road said that his property has frontage on this property. He has been here since 1980 and the area has been extremely quiet the whole time that he has lived here. The kids can ride their bikes and the parents do not have to worry about them riding on the street. His main concern is the emergency access that was mentioned in one of the letters that was read by Mr. Gada and that it will become a through route to get out. If so, people will cut through and that this will become a short cut for people to get out to Roxbury Road. This would potentially become a heavily traveled cut through road. Highwood Road is a small cul-de-sac road and has only three houses. The only traffic that they see is from his neighbors' daycare business. Mr. Whiting has been a good neighbor and he is disappointed that he is selling out. However, he would like more information on the emergency access route. He does not mind if there is going to be a sidewalk for people to walk however the vehicle traffic is not something they can handle. He said that he is also concerned about construction traffic going through there.

Mr. Nickerson asked Mr. Gerwick about this and if there is an access road and if it would be open or have a breakaway gate.

Mr. Gerwick said that he would like to clarify this. When he spoke of a ROW there, there was a 50' strip left that was presumably for an extension of the cul-de-sac as there often are. It is part of the Whitings property. The Whiting property is generally long and rectangular in shape. Early on they looked at this in terms of trying to do a subdivision however, the only way to do that would be to come out on Highwood Road. They recommended to the Whitings that was not a good way to go and that people generally do not like to have that opened up. Also, homes have to be 100' away and here as single family homes, they would only be 40' away. Also, to get to Highwood Road, it would be very steep and they would have to go through the inland wetlands, so there is no emergency access proposed for this development. Additionally, construction traffic will have to come through Roxbury Road as it is not feasible to travel the other way. If the Commission so desired, they

would have no problem with placing large boulders there to prohibit vehicles from cutting through but still allow pedestrians through.

Mr. Mulholland asked how wide the road is.

Mr. Gerwick said that it is about 12' wide. He added that he hopes that he has clarified this.

Mr. Mulholland asked if the placement of the three homes behind the home of the person who spoke will be 100' from the property line and if he felt that they should enhance the plantings there.

Mr. Gerwick said that most of the vegetation there is hardwoods and would lose their leaves in the winter. They are moderately dense. He said that they could place some white pines there upon completion of the project, as they would be happy to add vegetation to the buffer.

Mr. Peck asked if the septic systems would be between the homes and the southern boundary.

Mr. Gerwick said that they would predominantly be to the west of the homes and that they could plant additional vegetation there also.

David Baratko, 29 Stoneywood Drive said that there is a stone wall there and that the vegetation only goes about 20' behind the stone wall as he dumps his leaves and brush there. They also have a barbed wire fence there. He thanked them for the additional plantings.

Mr. Mulholland suggested that if they go forward with this that he would meet with Mr. Gerwick and go over the plantings. Mr. Baratko would also be welcome to come and view the plans at a later time.

Mr. Nickerson asked Mr. Gerwick if they were to develop this as a single family subdivision how many houses would be able to go in there.

Mr. Gerwick said that under the open space cluster subdivision with RU-40 that they could get 15 to 20 single family homes there. He said that they did not go into any detailed analysis due to the Highwood Road constraints.

Ms. Carabelas asked him what his reason to the Whitings was for them to go with the SU-E rather than single family homes.

Mr. Gerwick said that they would have had to open up the cul-de-sac as a through road and that there would have been other issues involved with this. He noted that he lives on a cul-de-sac himself and would not want it opened to through traffic. There is also the issue that the 23-acre property is long and narrow and has various topographical issues.

Mr. Gada asked Mr. Gerwick to state again for the record and to make it perfectly clear - his intentions for Stoneywood and Highwood.

Mr. Gerwick said that he assumes that he is speaking with regard to emergency access and that they have no proposals to cut through to them as it is not safe and to their knowledge there is no other agency that is requiring this. Should another agency require this, they would be happy to have it be a condition of approval however they do not anticipate that happening.

Mr. Nickerson called for any other questions or comments –

Hearing none –

Mr. Nickerson called for a motion to close both of these Public Hearings.

****MOTION (1)**

Ms. Carabelas moved that these Public Hearings (I & II) be closed.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed both of these Public Hearings (I & II) at 8:48 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary