

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, NOVEMBER 18th, 2004
MINUTES**

Nov 23 20 04 at 3:15 AM
PM

Esther B. Williams
EAST LYME TOWN CLERK

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

ALSO PRESENT: Ralph & Rosemarie Whiting, Applicants
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio, Board of Selectmen
William Henderson, Alternate

ABSENT: Pamela Byrnes, Marc Salerno, Alternate

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 8:52 PM immediately following the previously scheduled Public Hearings.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were none.

2. Acceptance of Minutes of Public Hearing I, Public Hearing II & III and Regular Meeting of November 4, 2004.

Mr. Nickerson asked that they vote on the minutes as a group unless they had specific comments that warranted otherwise.

Mr. Nickerson called for any changes or corrections to the Public Hearing I, Public Hearing II & III or Regular Meeting Minutes of the Zoning Commission on November 4, 2004.

****MOTION (1)**

Ms. Carabelas moved to accept the Public Hearing I, Public Hearing II & III and Regular Meeting Minutes of November 4, 2004 of the Zoning Commission as presented.

Mr. Peck seconded the motion.

Vote: 5 - 0 - 1. Motion passed.

Abstained: Mr. Dwyer

3. 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 -

4. 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 said that they had just closed these public hearings and asked for comments.

Mr. Dwyer commented that under RU-40 that they are also allowed a convalescent home there.

Ms. Carabelas said that she liked what one of the gentlemen said who spoke in opposition to the application. She said that there are too many of these in the Town even though she can understand the need for them. Also, she said that she thinks that where these will go is to where the people in this Town cannot afford them. If they were to build single family homes, they would build less with only 15-20 homes. At this point she is leaning toward denying this application.

Mr. Nickerson said that he would like to make a few comments and clarify a few points. The 15 single-family homes would necessitate opening and connecting into the Highwood Road cul-de-sac that the people living there do not want and which they do not want to do. 15 single-family homes cost this Town money whereas 25 elderly units have little burden on the Town resources. They use what they need and pay for it. It was the focus of this Town to develop the SU-E specifically to encourage a person who has a legitimate right to develop his land be it 22 acres, 100 acres etc., to sell it for such development rather than the single family subdivisions. This is so that it would not be a burden on the Town and the school system. He said that he also just heard a great reason for the SU-E in that they use one-quarter of the water compared to a single family home. He said that he could see why as they are not filling pools and they do not have six people flushing toilets all the time. He said that he thinks it is the goal of the Town and of the POD to go with SU-E. There is also an independent study out there regarding SU-E and what is too much and he thinks that they need to hear it. He would like them to schedule this for the first meeting in January 2005 as they hear from people that there is too much. However, what they hear is just rumor and not based on fact. They keep hearing that the elderly will vote the school budget down and none of that is based on fact. They hear that they have too many SU-E but none of that is based on fact. They are well below the number of SU-E that could be in this Town. He wants them to all see the study and have a presentation on it. For now, these people have paid taxes in this Town for many years and they have a right to develop their land. However, he does not want to see single family homes up there.

Ms. Carabelas said that they found the funds to build a multi-million-dollar school but not to put teachers in it. Mr. Nickerson said that with single family homes that they would be building another school.

Mr. Gada said that he would like to add to what Mr. Nickerson has said - he is very happy to see this go the way of the SU-E as the cul-de-sac will not be open. Also, it is very well put regarding the water usage as he is in that position now of being an empty nester with his last child in college. He agrees that it is like four or five days before the dishwasher is full and there are no more 25-minute showers for just one person. Also important is that he asked Mr. Gerwick to clarify that there would be no connection into the other cul-de-sac and that it will remain as such - unconnected. And, as the Chairman has said already, the SU-E should have no impact on the school system and 15-20 homes would most certainly have an impact on the school system with the 2.3 kids per family average.

Ms. Carabelas said that not every home has kids.

Mr. Dwyer said that other homes make up for those who do not have kids.

Mr. Gada said that neighborhoods always go in cycles.

Mr. Nickerson said that with just two kids in the house it costs \$16,000 to educate them and they are not getting \$16,000 in taxes and that does not include the cost of the Town services that they are also getting.

Mr. Dwyer said that he was opposed to the right of way and that he was very happy that it was not going in.

Mr. Peck said that he had a lot of respect for the gentleman from Stonewood regarding developing in his back yard. He said that he would like to make a motion.

****MOTION (2)**

Mr. Peck moved to approve the 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.

Mr. Dwyer seconded the motion.

Vote: 5 - 1 - 0. Motion passed.

Against: Ms. Carabelas

****MOTION (3)**

Mr. Peck moved to approve the Application of Ralph and Rose Marie Whiting for a Special Permit to construct 25 units of elderly housing on property identified in the application as 40 Roxbury Road, Niantic, Connecticut with amendments as follows:

- ◆ **To grant the waiver of the setback requirement on the interior lot line as requested.**
- ◆ **To waive the sidewalk requirement on Roxbury Road as requested and –**
- ◆ **To give authority to the Zoning Official to guide and order appropriate evergreen trees be planted along the southern boundary to further buffer the Stoneywood neighbors.**

Mr. Dwyer seconded the motion.

Mr. Nickerson said that he felt that he had to respond to the gentleman from Stoneywood who said that it seems that everything that comes before the Town gets approved. That may be true to some extent however the reason for that is because Town staff works so hard with the developers and attorneys so that they meet the Town guidelines. The reason why they are approved is because they do meet the guidelines. Also, the landowners do have a right to use their land so it is a delicate balance.

Vote: 5 – 1 – 0. Motion passed.

Against: Ms. Carabelas

5. Application of Landmark Development Group, LLC and Jarvis of Cheshire, LLC for approval of the proposed development of the residential community as shown in plans entitled “River View Heights, (a residential community)” as an affordable housing development as defined in Connecticut General Statutes 8-30g (a)(1).

Mr. Nickerson noted that they would not be discussing this, this evening.

6. Zoning Commission 2005 Meeting Schedule (Approval)

Mr. Nickerson asked for comments on the proposed schedule.

The members expressed concern that they would be holding a meeting during the spring vacation in April and that they would most likely be missing some members.

Mr. Mulholland said that they might be able to cancel it as they did this year however he would like to keep it on the schedule as he anticipates a heavy spring load.

****MOTION (4)**

Ms. Carabelas moved to approve the 2005 Meeting Schedule of the Zoning Commission as presented.

Mr. Gada seconded the motion.

Vote: 6 – 0 - 0. Motion passed.

Old Business

1. Stormwater

This work is in progress.

2. Aquifer Protection

This work is in progress.

3. Report from Sub-Committee on lot Sizes

Mr. Nickerson said that they would pass on this for this evening.

New Business

1. Application of Jeffrey McNamara for a change of zone from R-10 to CB Commercial for property identified in the application as 100 Pennsylvania Avenue, Niantic.

Mr. Nickerson asked Mr. Mulholland to schedule this for a public hearing.

2. Application of Donald Sherman for a Special Permit to construct and operate an auto sales agency at property identified in the application as 218 & 222 Flanders Road.

Mr. Nickerson asked Mr. Mulholland to schedule this for a public hearing.

3. Application of "Mike's Famous of Niantic" for a Special Permit for a regional shopping center, restaurant, and motor vehicle repairs at property commonly known as "Metal Pro" at 15 Industrial Park Road, Niantic, CT

Mr. Nickerson asked Mr. Mulholland to schedule this for a public hearing.

4. Application of Theodore A. Harris for a change of zone from RU-40 residential to CA Commercial for a portion of property identified in the application as 53, 55 and 57 West Main Street. Parcels further identified as Lots 6, 7 and 9 on East Lyme Assessor's Map 11.1.

Mr. Nickerson asked Mr. Mulholland to schedule this for a public hearing.

5. Application of Theodore A. Harris for a Special Permit to construct elderly housing on property identified in the application as 53, 55 and 57 West Main Street. Parcels further identified as Lots 6, 7 and 9 on East Lyme Assessor's Map 11.1.

Mr. Nickerson asked Mr. Mulholland to schedule this for a public hearing.

6. Any business on the floor, if any, by the majority vote of the Commission

There was none.

Mr. Peck commented that his subcommittee would be ready to make a presentation very soon.

Mr. Nickerson suggested that they hear from them at the first meeting in January 2005. He also said that if they need to with all of the work that they have, that they schedule a third meeting in January and get it caught up that way rather than to have to hold meetings until midnight.

7. Zoning Official/Proposed Amendment to Regulate "Shared Access Points" between adjoining properties

Mr. Mulholland said that he has done research and some issues came up regarding densities as they are currently looking at 25% open space. He said that he would like to take the time to present all the existing options as it looks like he will be recommending deleting three or four sections in the SU-E and going to a percentage basis. He will also discuss shared access points at that time.

8. Comments from Ex-Officio

Ms. Hardy reported that she is working on the moratorium issue and has a lot of information to review. So far, it appears that it has been the Board of Selectmen who have initiated it. She said that she would have to do a chart, as there is more information than she thought. She will also have to make calls to find out if it worked or not as that information was not there. Once this is done she will present it to them.

Ms. Carabelas asked about a sidewalk fund.

Mr. Mulholland said that the Board of Selectmen has overseen this at times, as there is no fund per se.

Ms. Hardy said that they have done some deals with developers who have given to the sidewalk fund and it has been done informally as there is no ordinance on it. She said that this should be referred to Mr.

Mulholland to research to see if it could become a part of the Zoning regulations.

Mr. Nickerson said that he thinks that they should look for a way for them to contribute to a sidewalk fund as most often a developer is asking for a waiver because it is a rural area and there are no sidewalks there.

Mr. Mulholland said that he would check with Town Counsel and get back to them.

Ms. Hardy also reported that Mr. Fraser is working on a plan for a cooperative meeting for the land use commissions to be held over at the National Guard meeting room. He is also looking to bring in some guest speakers on land use. This could possibly be an afternoon into evening or an evening session. She said that she would let them know more when she knew more on this.

9. Comments from Zoning Board liaison to Planning Commission

There were none.

10. Comments from Chairman

Mr. Nickerson said that he had nothing more to report.

11. Adjournment

****MOTION (5)**

Ms. Carabelas moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:27 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of East Lyme
Zoning Commission
Regular Meeting Schedule
Year 2005

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Nov 23 20 04 at 3 15 AM
PM

Esther B Williams

EAST LYME TOWN CLERK

Regular Meetings are held at the East Lyme Town Hall, Meeting Room #1
On the following listed Thursdays beginning at 7:30 PM

Special Meetings may be called at other times.

Members are requested to advise the Zoning Office (691-4114) if they are unable to attend a meeting.

2005 Calendar

January 6, 2005
January 20, 2005

February 3, 2005
February 17, 2005

March 3, 2005
March 17, 2005

April 7, 2005
April 21, 2005

May 5, 2005
May 19, 2005

June 2, 2005
June 16, 2005

July 7, 2005

August 4, 2005

September 1, 2005
September 15, 2005

October 6, 2005
October 20, 2005

November 3, 2005
November 17, 2005

December 1, 2005