

EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, November 6th, 2003
MINUTES

FILED IN EAST LYME
NOV 13, 2003 AT 2:00 P

L. Blain
EAST LYME TOWN CLERK

PRESENT: Mark Nickerson, Chairman, Bob Bulmer, Secretary,
Shawn McLaughlin, Ed Gada, Norman Peck,
Marc Salerno, Alternate

ALSO PRESENT: William Dwyer, Alternate,
Rose Ann Hardy, Ex-Officio, Board of Selectmen
Mike Tarbell, Tarbell, Heinz & Assoc. Engineers & Surveyors
Jim Bubaris, Bubaris Traffic Association of Woodbridge, CT
Tim Tomko, Creative Exteriors Landscape Design
Lisa Mesick, Architectural Solutions of Old Lyme
Dave Coonrod, LS, representing the Applicant

ABSENT: William Mulholland, Zoning Official, David Chamberlain,
Andrew Manter, Alternate

1. Call to Order

Chairman Nickerson called the Regular Meeting of the Zoning Commission to order at 8:40 PM immediately following the two 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 was no one.

2. Accept Minutes of October 16, 2003 – Public Hearing and Regular Meeting.

Mr. Nickerson called for any corrections or discussion on the Zoning Commission Public Hearing I Minutes of October 16, 2003.

****MOTION (1)**

Mr. Bulmer moved to accept the Zoning Commission Public Hearing I Minutes of October 16, 2003 as presented.

Mr. Peck seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Gada

Mr. Nickerson called for any corrections or discussion on the Zoning Commission Regular Meeting Minutes of October 16, 2003.

Mr. Bulmer said that he searched for an error and could not find one. He thanked the recording secretary for a great job.

****MOTION (2)**

Mr. Bulmer moved to accept the Zoning Commission Regular Meeting Minutes of October 16, 2003 as presented.

Mr. Salerno seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Gada

3. **Application of Mystic Shoreline Investment, Inc., for a change of zone from RU-40 to CA-Commercial for a rear portion of property identified in the application as 199 Flanders Road, Lot 44 on East Lyme Assessor Map 26.3 and –**
4. **Application of Mystic Shoreline Investment, Inc., for a Special Permit to construct twenty-five (25) single family elderly housing units on property identified as 199 and 181 Flanders Road, Lots 44 and 45 on East Lyme Assessor Map 26.3**

Mr. Nickerson called for any discussion.

Mr. Bulmer said that he thinks that they have to vote on these issues separately from a legal point of view. He suggested that they do the RU-40 zone change first and then the Special Permit.

****MOTION (3)**

Mr. Bulmer moved to approve the application of Mystic Shoreline Investment, Inc., for a change of zone from RU-40 to CA-Commercial for a rear portion of property identified as 199 and 181 Flanders Road, Niantic, CT, Lot 44 on East Lyme Assessor Map 26.3.

Mr. Peck seconded the motion.

Mr. Salerno said that he was not against this but his only concern is that they are expanding the commercial and he wants to make sure that it is only for the elderly housing to be built there.

Mr. Bulmer said that any change from the intended permit would have to come back to this Commission anyway. Also, that the upper area of that land is already zoned for housing so it would be elderly housing or somebody else's housing. The area below could have been developed much like the Midway Mall and this is not a lot of housing. The area is desirable and he believes that this SU-E is a very attractive housing development with the requirement that one person must be 55 or over. It is filling a niche in the price and size range that has not been done before. He continued that the elderly do not overload the schools. As they well know it costs \$8,000 to educate one kid for one year and most homes have two kids which is \$16,000 for education alone and those people even in a nice house pay maybe \$5,000 in taxes and the rest of us have to pick up the balance. He requested that they heartily endorse this project, as that land will not remain fallow.

Mr. Peck said that the question was raised about having this be only for this project. If for some reason this project failed and the property was sold and if someone else wanted to put retail up there then they could do it. They would just have to see Mr. Mulholland about it. He suggested that they require that Mr. Mulholland give them a monthly report on this project.

Mr. Nickerson said that there is a lot going on, on Flanders Road and the 6.5 acres is a more intensive use of this property as if they made it all residential they would get possibly eight homes total. He does like the senior project and is all for increasing our tax base but he thinks that area of Town is of great concern lately especially regarding traffic. He is a bit concerned with the intensity of this project.

Mr. Bulmer said that Mr. Nickerson brings up some good points that he would like to address. They heard testimony on the traffic as there was a traffic study done and during the peak AM time there would be about 19 trips per hour for this project. If they left the land and allowed it to be developed commercially the traffic study indicated that there would be several hundred trips per hour.

Mr. Nickerson said that then the State would look at this differently so they just don't know that at this time.

Mr. Bulmer continued that they all got a copy of the letter that the Selectman sent to the DOT. He also said that he thinks that the traffic studies are very professional, accurate and are important in that they are done for the specifics of the project.

Mr. Bulmer then read into the record:

- ◆ Letter from Mr. Fraser to John Carey, State of CT DOT dated October 7, 2003 - Re: review of Rte. 161 for better traffic flow and improvements such as more lights and shoulder expansion.

Mr. Bulmer summed that they all realize that Rte. 161 has problems but it is not a reason to do a de facto moratorium along Rte. 161. He said that he believes that there would be much less traffic generated by an elderly housing development than with a commercial development and that this is a 'no brainer'.

Ms. Hardy commented that on the table is the zoning change to CA – she asked if the Residential is changed to Commercial if it could go back to Residential as she understood that it could not once it was changed. Mr. Bulmer said that was not true – it could go back to Residential. He then cited Hope Street where people had homes in a Commercial district and asked that it be changed to Residential and it was done.

Mr. Salerno noted that Planning had found this inconsistent and he thought that their main concern was the drainage issue, which has now been addressed.

Mr. Peck read the letter from Planning noting that their concerns were the topography (grade), the traffic on Rte. 161 (requested that a traffic study be done) and stormwater pre-treatment (show on the plans).

Mr. Salerno said that those issues have now all been addressed and are satisfactory.

Mr. Nickerson called for a vote.

Vote: 4 – 2 – 0. Motion passed.

For: Mr. Gada, Mr. Bulmer, Mr. Salerno and Mr. Peck

Against: Mr. Nickerson and Mr. McLaughlin

Mr. Nickerson said that they would now address the Special Permit for the SU-E.

****MOTION (4)**

Mr. Bulmer moved to approve the application of Mystic Shoreline Investment, Inc., for a Special Permit to construct twenty-five (25) single family elderly housing units on property identified as 199 and 181 Flanders Road, Niantic, CT, Lots 44 and 45 on East Lyme Assessor's Map 26.3.

Mr. Salerno seconded the motion.

Mr. Salerno said that it is nice to see Senior Housing that is more affordable for the seniors and fills a niche that has not been addressed before.

Mr. Bulmer agreed and asked that it be termed less expensive than the other senior housing in Town. He also said that he would like to add some caveats to the Special Permit.

****MOTION (4A)**

Mr. Bulmer moved that the Special Permit be built in accordance with the applicants' submitted plans known as Exhibits A, B, C and D.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Peck said that he would like to add another caveat to this motion.

****MOTION (4B)**

Mr. Peck moved that a monthly progress report be given to this Commission on this project by Mr. Mulholland, the Zoning Official.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Peck said that he had other comments that he wanted to make here. He said that there were comments about a higher fence. He suggested that the fence be left at the present height of 5', as this is a Senior Housing project and should not be bringing kids. If someone wants to get over the fence, it does not matter how high you make it, they will do it. He also suggested that the Zoning Official work with the applicant on the appearance of the homes so that they do not look like a garage with a house attached. Lastly he noted the concern of the traffic and suggested that they possibly post a sign that warns people of cross traffic.

Mr. Bulmer said that he would like to correct Mr. Peck's concern regarding the traffic and wished that the Zoning Official could have been present this evening as he has said that this is a State road and to clarify this – the State mandates what transpires on that road. We do not have the right to just arbitrarily do something or to place signs. He also feels that these issues should not be a part of a motion but rather, that they belong with the association and that the Zoning Official can address them with the applicant.

Mr. Peck said that the sign could be posted inside of the association land and asked Mr. Nickerson to submit a note to Mr. Mulholland with these items of concern in it.

Mr. Nickerson said that he would do so.

Mr. Nickerson called for a vote on **MOTION (4)** – the Special Permit.

Vote: 5 – 1 – 0. Motion passed.

For: Mr. Gada, Mr. Bulmer, Mr. McLaughlin, Mr. Salerno and Mr. Peck

Against: Mr. Nickerson

5. Application of “The Herb Chambers Companies” for a Special Permit to erect a second freestanding sign in accordance with Section 18.1.8.5 of the zoning regulations at 51 Boston Post Road, East Lyme, Connecticut, property further identified as Lot 61, East Lyme Assessor Map 36.0.

Mr. Nickerson noted that they had continued this Public Hearing until November 20, 2003 at 7 PM.

6. Application of John Fosgraw for a Coastal Site Plan review to remove an existing dwelling and construct a new single family dwelling in its place at 44 Shore Road, Niantic, Connecticut.

Mr. Bulmer, Secretary read into the record:

1. Letter to The East Lyme Zoning Commission from William Mulholland, Zoning Official, dated November 6, 2003 – Re: Coastal Site Plan Review – New Single Family Swelling, 44 Shore Road, Niantic, CT noting that the CAM is required due to the location of the dwelling.

Mr. Nickerson reminded the Commission that they are simply doing a CAM review and asked that they please keep this in mind.

David Coonrod, LS, representing the applicant said that the letter from Mr. Mulholland really said everything. They will erect silt fences to protect the rocky shores. The house falls into the same spot that it is at present and they are eliminating a deck and making an enclosed area instead. They are raising the new house to suit the site elevations of the flood plain and there is no impact on any coastal resources.

Mr. Bulmer and Mr. Peck asked if this would have the same slopes and footprint.

Mr. Coonrod said yes.

Mr. Bulmer asked where the silt fences would be and asked about the change in the house position.

Mr. Coonrod said around the whole site area. The house is being raised 15’.

Mr. Bulmer asked about the change in grade over 65’ and which way the slope goes and if it would impact the neighbors.

Mr. Coonrod said that it is about 3’, which is relatively flat. The slope is towards Shore Road and not towards the neighbors.

Mr. Bulmer asked, for the record, if the CAM report was filled out.

Mr. Coonrod said yes.

Mr. Nickerson commented that the house would be a bit tighter with the deck off of it.

****MOTION (5)**

Mr. Bulmer moved to approve the application of John Fosgraw for a Coastal Site Plan review to remove an existing dwelling and construct a new single family dwelling in it's place at 44 Shore Road, Niantic, Connecticut.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

OLD BUSINESS

1. Stormwater

Mr. Nickerson said that this is an on-going process.

NEW BUSINESS

1. NONE

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

There was none.

3. Zoning Official

Mr. Mulholland was not present to report.

4. Comments from Ex-Officio.

Ms. Hardy said that the new members would be sworn in on December 1, 2003 and would be present for the December meeting.

5. Comments from Zoning Board Liaison to Planning Commission

There was no report.

6. Liaison to Planning Commission Meeting scheduled for November 18th

To come.

7. Comments from Chairman

Mr. Nickerson commented that he hoped that they would all be present for their November 20, 2003 meeting. Mr. Bulmer said that he would not be able to attend that meeting, as he would be out of Town. He wished to thank this Board and expressed how great they were to work with, as they are 'a political' and act in a fair manner. It has been a joy for him as they are all very professional. He is sure that the new people will be enthusiastic.

Mr. Nickerson said to Mr. Bulmer that it is with regret that he won't be with them as he has done great work with much dedication and passion for this Town.

The entire room gave a round of applause for Mr. Bulmer.

8. Adjournment

****MOTION (6)**

Mr. Bulmer moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:35 PM.

Mr. McLaughlin seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary