

EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, November 6th, 2003
MINUTES

J. A. Blais
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Mystic Shoreline Investment, Inc. continued Public Hearing for a zone change and special permit to construct twenty-five single family elderly housing units on 199 and 181 Flanders Road on November 6, 2003 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, 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

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

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

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

1. 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 -
2. 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 noted that he had seated Alternate Marc Salerno at the table. He also polled the Commission members to make sure that all present were familiar with this application. He then recalled that the applicant was going to address the drainage issue this evening.

Mike Tarbell of Tarbell, Heinz & Associates, Inc. Surveyors & Engineers said that they were there primarily for the drainage issue. Since the last meeting they had a third party (Dr. Clarence Welti, PE, PC) review the detention basin design and prepare a report on it as requested by the Town Engineer. He passed out a copy of this report to the Commission members and noted that it included a maintenance schedule. He continued that he understands that the Town Engineer is content with the detention basin area and the drainage as shown. He presented two site drawings of the proposed detention basin area that Mr. Mulholland suggested that he do so that it would be easier to visualize. One, a possible view from the roadway (Rte. 161) and the second a side view looking from above. He noted that the conceptual views include the proposed plantings for the area. A berm was created to treat the water from the higher spot before it discharges to the storm drain

system. This area will have plant species that treat stormwater very well. He noted that the basin would not usually have water in it and that it was depicted with water in the drawings so that they would get an idea of the whole basin area. He summed up that he feels that they have completed the requirements that were listed in the letter from the Town Engineer.

Mr. Bulmer, Secretary read the following correspondence into the record:

1. Letter to Bill Mulholland, Zoning Official from Mike Giannattasio, Town Engineer dated November 3, 2003
Re: Review of "Clark's Hollow, Elderly Housing Community, Flanders Road (U.S. Route 161), Town of East Lyme, Connecticut, prepared for Mystic Shoreline Investment, LLC Dated 4-29-03, Revised through 10/23/03," noting that the project as revised appears to meet the requirements of the regulations.

Mr. Bulmer asked what the enclosure was, as they did not get a copy of it.

Mr. Tarbell said that it would have been a copy of his letter stating that he had contacted the DEP as required, and a copy of Dr. Welti's review and maintenance plan. He added that this is to be included in the condo documents for the Homeowner's Association.

Mr. Bulmer also read into the record again – as a refresher of what was to be addressed this evening:

2. Letter to Bill Mulholland, Zoning Official from Mike Giannattasio, Town Engineer dated October 2, 2003
Re: Review of "Clark's Hollow, Elderly Housing Community, Flanders Road (U.S. Route 161), Town of East Lyme, Connecticut, prepared for Mystic Shoreline Investment, LLC Dated 4-29-03, Revised through 10/1/03," citing 10 issues that need to be addressed for the review to be completed.

Mr. Nickerson entered the following Exhibits into the record:

Exhibit A – The Stormwater Management Plan (to be part of the Homeowners Association documents) as done by Dr. Clarence Welti, PE, PC.

Exhibit B – Proposed Detention Basin Construction Requirements by Dr. Clarence Welti, PE, PC dated October 28, 2003

Exhibit C – Landscape Plan including Site detail and unit Plantings dated 7/18/03 revised through 11/3/03

Exhibit D – Complete plans for Clark's Hollow Elderly Housing Community, Flanders Road (US Rte. 161), Town of East Lyme, CT – 15 sheets as revised through 10/13/03

Mr. Tarbell recapped that the easement was generated and submitted on the revised set of plans. The DEP filing has been done and they did hire a technical engineer – Dr. Welti and have addressed the requests of the Town Engineer. He said that he would answer any questions they might have before Mr. Tomko explains the plantings that will be done in the detention basin area.

Mr. Bulmer asked how large the area is that holds the detention basin area.

Mr. Tarbell said about 1.6 acres.

Mr. Bulmer asked how many total acres there were in the whole site.

Mr. Tarbell said that there were roughly nine acres.

Mr. Bulmer asked how much frontage there was along the drainage area.

Mr. Tarbell said about 200'.

Mr. Salerno asked if the water would be moving out of the basin rather than standing in it.

Mr. Tarbell said that was correct. The water was meant to drain to the south then back north. They showed the basin with water in it for visual purposes only. With a 12-year storm they might see some water maybe for a day however with a smaller storm they would probably not see any water.

Mr. Salerno asked if it would go into the State drainage system.

Mr. Tarbell responded yes.

Mr. Bulmer asked with a 50-year storm and 12 hours of rain as the worst case scenario – what is the maximum depth of water in this basin.

Mr. Tarbell said that the calculations are for five feet maximum depth. He noted that they have to design it one foot above the required maximum level. He added that it is designed for a 100-year storm.

Mr. Bulmer asked how tall the fence was that is around this area.

Mr. Tarbell said five feet tall. He added that in conversations with staff that the intent was to have something architecturally and aesthetically pleasing so black metal was chosen as it would not show dirt or wear.

Mr. Bulmer asked how long the fence would last and who would be responsible for replacing it.

Mr. Tarbell said 15 or more years and that it is the responsibility of the Homeowners Association to replace it and is stated as such in their documents.

Mr. Salerno asked if it would have gates and if they would be locked.
Mr. Tarbell answered to the affirmative for both.

Mr. Nickerson commented that the area looks like a park setting and is very attractive.
Mr. Tarbell said that they worked with staff to have it properly landscaped and to have it look nice.
Mr. Nickerson asked if the drain is in the bottom of this basin tract and what type of maintenance they have for leaves and other things that land and collect there. He also asked what happens to the water if the area is covered with leaves.
Mr. Tarbell said that there are back-up systems and bypasses if the main area is plugged up with leaves and debris. The system is designed to handle a 100-year storm and has to have these bypasses. The maintenance falls under the responsibility of the homeowners association.

Mr. Gada asked if there was any maximum amount of water drainage that could be held by the State drain.
Mr. Tarbell said that they have not done a study although the lowest point of the drainage system is located in front of this proposed site.
Mr. Gada said that he wondered if the State had said anything about this.
Mr. Tarbell said that he has submitted information to the State but the State likes to know that the permit has been granted before they take the time to comment.
Mr. Gada asked if they were talking about something of swimming pool size with the detention basin.
Mr. Tarbell said that it is bigger than a swimming pool and that it has a flat grass bottom with a minimal pitch that is meant to treat the first flush with the plantings. The pollutants appear with the initial or first flush.
Mr. Gada asked if staff should revisit the height of the fence to make it taller.
Mr. Tarbell said no, as they have worked closely with staff on the height and design.

Mr. Bulmer asked if all of the plantings shown constitute part of the application and therefore will be planted.
Mr. Tarbell said yes and added that they also included some of the larger trees that are already there.
Mr. Nickerson asked if the area itself is wooded.
Mr. Tarbell said yes and that it would remain largely so for the present. There is also a grassy area that was probably a pasture at one time. This has three-foot high grasses. He noted that Phase I has the sediment and erosion control plan which also includes the detention basin. No houses will be done in Phase I. In Phase II they will go into building some houses.

Mr. Tarbell introduced Tim Tomko from Creative Exteriors to explain the landscape species that have been chosen for the detention basin area.

Tim Tomko from Creative Exteriors Landscape Design said that the species selected for the vegetative areas are indigenous to wet environments and ideal for detention basins. They selected weeping willow and summer sweet, which while not native, do exist here. The weeping willows are great for taking up and treating storm-water. Summer sweet is fragrant and colorful. Winterberry and Red Stem Dogwood were also chosen as they can withstand standing water.

Mr. Nickerson asked if the crosshatched area depicted on the drawing was meant to be undisturbed areas.
Mr. Tomko said yes and added that they are trying to leave the area around the perimeter natural. With regard to the plantings, they will take great measures to make sure that they take and grow.

Mr. Bulmer asked if some grass would be planted as ground cover and if so who would maintain it.
Mr. Tomko said that grass would be planted and that it would be the responsibility of the homeowners association to maintain it.

Mr. Salerno noted that the boundary has some blue spruces and asked how tall they would be when planted.
Mr. Tomko said that they start as 8' to 10' and will grow fairly quickly and provide screening. When they are first planted they will have space between them to allow them to grow together as they mature.

Mr. Peck asked if they were leaving as many of the large trees as possible and not clear-cutting.
Mr. Tomko said that was correct – they were leaving as many large trees as possible and not clear-cutting.

Mr. Bulmer asked how large the CA and RU areas were respectively.
Mr. Tarbell said that the CA zone is approximately 4 acres and the RU is approximately 2.5 acres.

Mr. Salerno asked if the Town would pick up the trash or if they would have dumpsters.
Mr. Tarbell said that the Town would pick it up from a concrete pad where the owners would have to bring their carts down to and take them back from once they were emptied. They would not be stored there.
Mr. Salerno asked if there would be sidewalks.
Mr. Tarbell said not within the site but across the front of Rte. 161 to Damon Heights Road, which they were asked to extend the sidewalk to in an earlier hearing.
Mr. Salerno asked if the blue house was a part of this application.
Mr. Tarbell said no and added that there is someone living there at present.

Mr. Nickerson asked if the applicant owns that property (where the blue house is).
Mr. Tarbell said yes, they do.
Mr. Peck asked if there was a connector to anything in the SE corner where the road ends.
Mr. Tarbell said no.
Mr. Gada asked if there was a circular island in the center.
Mr. Tarbell said yes, to drive around. They would have grass and flowers in the center of it.

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

Bob Gadbois, 358 Boston Post Road, East Lyme said that at the last hearing that he made a statement that there is only one way in and one way out and if there is an accident there the area will be all jammed up. He is also concerned about the traffic on Rte. 161. He knows that the Selectman asked for lights but that is not the answer, as it is still not going to get rid of the cars and traffic. It is still the same traffic. Lastly, he is concerned about the sewers – they can only send so much sewage capacity to New London. They have Pine Grove here in Town crying for sewers and they don't have them. They are giving them to this project – he wanted to know what they would tell the State of CT when the capacity is full.

Mr. Tarbell said in closing that the emergency vehicles were discussed early on in the project. The traffic was addressed by the traffic study and the sewers by the Water & Sewer Commission. They have worked very hard with staff on this project to meet all of their concerns and questions. They would hope for a favorable decision and would appreciate a decision this evening.

****MOTION (1)**

Mr. Bulmer moved to close this public hearing at 8:35 PM.
Mr. Gada seconded the motion.
Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson proclaimed this public hearing closed at 8:35 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary