

East Lyme Zoning Commission  
PUBLIC HEARING  
August 5, 1999  
MINUTES

8/16, 1999 AT 2:30  
L. A. Blair, etc.  
East Lyme Town Clerk

AM  
PVI

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on August 5, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearings to order at 7:31 PM followed by the Pledge of Allegiance, and the Regular Meeting to order at 11:00 PM.

PRESENT: Paul Formica, Chairman, Daniel Price, Norman Peck, Shawn McLaughlin, Athena Cone, Secretary, William Weber, and Alternate Robert Bulmer

Also Present: William Mulholland, Zoning Officer.

Absent: Alternate William Dwyer and Rose Ann Hardy, ex-officio

### PUBLIC DELEGATION

Joe Kwasniewski, 67 Walnut Hill Rd. stated that the National Guard will be upgrading and enlarging the campground and Stones Ranch at a cost of \$25-30 million and that this will have a large impact on the Town of East Lyme.

### PUBLIC HEARING I

1. Continuation of the Public Hearing on the application of C.L.A. Engineers, Inc., agent for Patrick Quinn, for a Special Permit to expand the existing recreational vehicle park at 301 Chesterfield Rd., East Lyme, CT.

Mr. Formica outlined the procedure for a Public Hearing. This Public Hearing was opened July 29, 1999 and continued until this evening. Mr. Formica noted a photograph of the sign posted on the property announcing that this hearing would take place as required by Zoning Regulations.

Mrs. Cone read into the record:

1. Letter from Richard Reynolds, CLA Engineers to W. Mulholland, Zoning Officer dated 7/1/99
2. Letter from Richard Reynolds, CLA Engineers to P. Formica, Zoning Commission dated 6/9/99
3. Letter from CLA Engineering to W. Mulholland, Zoning Officer dated 6/9/99.
4. Letter from East Lyme Planning Commission to East Lyme Zoning Commission dated 7/15/99
5. Memo from Melanie Osterhout, Environmental Planner to Zoning Commission dated 7/13/99
6. Legal Ad – published in The Day 7/16/99 and 7/26/99
7. Letter dated 8/2/99 Robert and Patricia Katz, 51 Walnut Hill Rd. to Zoning Commission.
8. Memo dated 8/4/99 from the Conservation Commission
9. Letter dated 7/28/99 Robert and Patricia Katz, 51 Walnut Hill Rd. to Zoning Commission.
10. Letter from Robert Liguori, 20 Cardinal Rd., East Lyme.
11. Memorandum from W. Mulholland, Zoning Commission dated 8/4/99

Dan Savitsky, 277 Chesterfield Rd. posed the following question: Who has jurisdiction over the final decision since Planning and Conservation Commission have disapproved the application?

Mr. Formica noted that the Conservation Commission approved the application with conditions. He indicated that the Planning Commission decision is not binding on the Zoning Commission. Since this is a land use issue, the Zoning Commission has jurisdiction in this decision.

Mr. Formica recognized Attorney Granville Morris, representing the applicant addressed the Commission. Mr. Morris submitted EXHIBIT 1 –Affidavit regarding the posting of the sign.

Mr. Morris introduced Pat Lafayette and Rich Reynolds of CLA Engineering who would make the presentation.

Richard Reynolds, CLA Engineering, Norwich, CT addressed the Commission. Mr. Reynolds presented a plan showing the 46 proposed sites on the property. All sites will have sewer hook-ups, power, cable TV and water service. He indicated the limits of the flood plain and added that none of the proposed sites are within the flood way, but there are corners of sites located within the flood plain. The plan showed the proposed stone dust driveway surface for RV sites and access to RV sites, topsoil and seeded areas.

Mr. Lafayette addressed the community on- site septic system. Phase II septic system requires DEP approval, has been submitted and has been through initial review. EXHIBIT 2- Letter from DEP-Warren Herzog noting that the septic system plan has been through a preliminary review and questions have been forwarded to Geotoxi (engineers for the system). EXHIBIT 3- Letter from Geotoxi in response to DEP questions. If DEP does not approve, Phase II cannot be built. Mr. Calkins is being kept up to date regarding this issue.

Mr. Lafayette indicated that the applicant has submitted a letter that addressed all the questions and comments raised by the town staff during their review. Mr. Lafayette indicated that the Phase I brook crossing shown on the map/drawing (EXHIBIT 5) will improve the flow characteristics of the brook by reducing the flood elevation and providing unobstructed flow. The Conservation Commission approved that crossing as part of Phase I and will be installed as part of Phase II. By State regulations, campsites need to be within 300 feet of a bathhouse and that you are allowed 15 sites per suitable acre. Mr. Lafayette indicated that the applicant has met these regulations. The applicant has met with the Army Corp, DEP and EPA and is addressing their concerns while keeping the Conservation Commission and Environmental Planner informed.

Mr. Formica inquired regarding the use of tents in the park. Mr. Lafayette stated that no tents would be allowed.

Mr. Weber requested an indication as to where proposed winter storage sites would be. Mr. Lafayette indicated that the 46 proposed sites be considered for winter storage sites.

Following a brief discussion, Mr. Formica indicated that Mr. Weber feels he may have a conflict because he owns property upstream to this location. Mr. Weber will sit out and Mr. Bulmer will sit on the Commission in Mr. Weber's place.

Mr. Bulmer inquired as to the water source for the sites and noted the water moratorium. Mr. Lafayette indicated that it was municipal water.

Mr. Mulholland indicated that the moratorium adopted applies to subdivisions of 10 or more lots, multi-family dwellings-apartments, and condos. The RV Park is not effected by the water moratorium.

Raymond Volpe, Traffic Engineer, VN Engineers, Inc. addressed the Commission. EXHIBIT 6-Traffic Study. Aces High RV Park has heavy volume on Memorial Day, July 4th and Labor Day. Mr. Volpe counted 21 arrivals from noon to 4:00 PM on July 2. 80% of the traffic comes from the Rte 1/Rte. 161 intersection south of the Park. Counts were taken at this intersection on two days and at the Park entrance. During peak hour, the count was 3 RVs and 10 RVs over a two-hour period. The existing level of service during the AM peak hour and PM peak hour were 'C' and 'D' respectively. 'C' indicates 'good'. Mr. Volpe based his calculated for the study on 50 additional sites. The results indicated that there was no significant effect on the intersection during peak hours. Mr. Volpe stated that traffic from the north was approximately 4 vehicles during the July 20 and 23 count and would not be significant. He indicated that overall 16% of the vehicles came from the west on Rte. 1, 32% from the east on Rte. 1, and 50% from the south on I95. Mr. Volpe also noted that he counted all vehicles including trucks and cars entering and exiting the Park.

Mr. Bulmer inquired if a count had been taken at the intersection of Rte. 161 and Rte. 1 between 4 PM and 6 PM on a Sunday in July. Mr. Volpe stated that he did not do counts on a Sunday. Mr. Bulmer stated that this period is an extremely heavy traffic period at that intersection.

Mr. Morris stated that in regard to Section 12, the applicant meets or exceeds all requirements. The applicant is requesting a waiver of the buffer requirement on the north, south and east of property because these are areas that are heavily vegetated.

Mr. Morris addressed the response to the referral by the Planning Commission. He stated that, in his opinion, the Planning Commission response does not deal with whether the application conforms to the 1987 Plan of Development, and the 1999 Draft Plan of Conservation and Development. He noted that one of the goals stated in Section 2 of the Plan of Development was to maintain a predominantly residential quality, open spaces, and recreational opportunities. He indicated that the applicant's plan meets that requirement. He indicated that the assessed value of the Park has gone up, it is in harmony with the neighborhood, it will not add to the school population, it will not require snow removal services or trash removal services from the Town and there will be no need for the Town to perform road repair and maintenance.

Mr. Morris noted that the applicant is requesting off-season use for storage from Nov. 1 through Mar. 31. He indicated that it would be appropriate for the Commission to place restrictions. EXHIBIT 7 -List of Conditions suggested by the applicant.

Mr. Morris submitted EXHIBIT 9-Geographic Profitability Report for the Park 5/21/98 – 8/5/99  
EXHIBIT 10 2 Photographs at time current owner acquired property.  
EXHIBIT 11 4 Photographs showing wetlands at time current owner acquired property.

EXHIBIT 12 4 Photographs of current building and wetlands improvements.  
EXHIBIT 13 2 Photographs  
EXHIBIT 14 7 Letters in support of the application.

Mrs. Cone read the seven letters of EXHIBIT 14 into the record.

1. Penelope and Raymond Heller, 61 E Pattagansett Rd, dated 8/5/99
2. Firmin's Garage-Bob Firmin, Jr. dated 8/5/99

3. Walter Scott, Dolores Scott, 70 Mostowy Rd. dated 7/25/99
4. Joseph Paczkowski, 285 Chesterfield Rd. dated 7/25/99/
5. Robert Christina, 184 Upper Pattagansett Rd. dated 7/25/99
6. Thomas Moriarty, 10 Cavasin Dr.
7. Frank Picazio, 317 Chesterfield Rd.

Mrs. Cone noted that in the May 1997 approval-Phase I, an individual was required to be on the property at all times. She also inquired about the bath house location.

Mr. Reynolds pointed out the new proposed bathhouse location on the map. It will be the same as the existing bathhouse (24' x 20') and is located out of the flood zone.

Mr. Bulmer requested additional information regarding the DEP evaluation of the subsurface septic system. Mr. Lafayette indicated that this is required because it is more than 5000 GPD. DEP is currently finalizing its review. He indicated that the questions requested by DEP and subsequently provided were not technical in nature, but were rather verification of information (See Exhibits 2 and 3). George Calkins will oversee the testing and monitoring of the system. DEP has final approval or denial of the system.

Mr. Mulholland indicated that neither Zoning nor Building would issue a construction permit until all agencies that are involved in the process have approved it. Mr. Mulholland stated that if DEP does not grant approval, the Special Permit if issued by the Zoning Commission, is moot. The applicant would not be able to exercise the Special Permit because they would not be able to meet the requirements of the health Sanitarian.

Mr. Formica opened the floor to the public speaking in favor of the application.

Loretta Walker, 20 Heritage Rd. submitted 33 letters from the Shoreline Chamber of Commerce members expressing support for the application.

Joe Kwasniewski, 67 Walnut Hill Rd. expressed his support.

Robert Gadbois, 358 Boston Post Road also expressed his support and noted that the applicants, it seems, have bent over backwards to comply with all requirements.

Lois Shaffee, 308 Chesterfield Rd. also stated her support for the application for the expansion and winter storage.

Mr. Granger, 306 Chesterfield Rd. concurred with the previous speaker and indicated that concern about traffic are unfounded.

Marvin Schutt, 27 Edgewood Rd. North stated his support for this application and his knowledge of the applicant's efforts to comply with all requirements and regulations.

Leo Wilensky, taxpayer at 329 Flanders Rd. expressed his support for this application and noted the tax benefit to the Town.

Nelson Gustein, President of the Connecticut Camp Owners Association and owner/operator of Nelson's Campground in East Hampton, CT. addressed the issue of winter storage and his experience and knowledge in that regard.

Richard Hart, President of Evergreen Insurance, the second largest insurer of campgrounds in the U.S., indicated that 98% of the campgrounds his company insures have winter storage. He indicated that in the 25 years Evergreen Insurance has been insuring campgrounds, there have been no incidents of pollution resulting from storage on site.

Mr. Formica opened the floor to those speaking in opposition to the application.

Tom Savitsky, 277 Chesterfield Rd. adjoining property owner stated his concern regarding the dam on Latimer Brook, flooding and the water flow down stream. Mr. Savitsky indicated that he has been familiar with the Brook, its flows and floods, for 30 years. He also stated concern for the value of his property adjacent to the Park and the security during off-season. He questioned why since the application for winter storage was denied in November 1998, how could the applicant reapply within eight months. Is there not a time restriction for reapplication? He did note that the Park is quiet and quaint.

Mr. Lafayette described the three box culverts that will be installed across the Brook. The dam will not be present.

Mr. Mulholland indicated that the box culvert design was reviewed by Town Engineer and approved by the Conservation Commission.

Dan Savitsky, 277 Chesterfield Rd. indicated his concern regarding property values in the adjacent areas and took issue with Mr. Morris's comments regarding the line of site from the entrance to the Park and that his 'line of site is horrendous'. Mr. Savitsky also requested clarification regarding proposed sites and winter parking. Mr. Formica indicated that without the approval of the new 46 sites, there could be no winter storage.

Mr. Peck requested clarification regarding the flooding issue.

Mr. Lafayette indicated that the sites are located out of problem areas as delineated by FEMA.

Mr. Morris responded to the question of the value of neighboring properties by presenting list of properties in that area which recently sold and which are currently under construction. EXHIBIT

Mr. Price requested clarification regarding the conditions and procedures for revocation of a Special Permit. Mr. Mulholland stated that the Special Permit runs with the land, subject to the conditions that are part of the approval. The remedy for any issues that become violations is enforcement action. While the permit cannot be revoked, there are legal actions that can be taken.

Mr. Quinn, owner of Aces High RV Park addressed the Commission and indicated that winter storage of RVs is an essential and integral part of the RV Park industry. He stated that 5th wheelers need special equipment to move them and he and the Town are losing visitors and business because of the lack of winter storage.

There being no further speakers, Mr. Formica closed the Public Hearing at 10:00 PM.

## PUBLIC HEARING II

### 2. Application of Webster M. Scott for a change of Zone from RU-40 residential to a Special Use-Elderly (SU-E) zone on a portion of property at 33 Dean Road, East Lyme, CT Lot 76 on East Lyme Map 24.

Commission Members sitting: Mr. Formica, Mr. Peck, Mr. Price, Mrs. Cone, Mr. Weber and Mr. McLaughlin.

Mr. Formica opened the public hearing at 10:08 PM and noted that the Legal Ad had been properly advertised in The Day on 7/23/99 and 8/2/99.

Mrs. Cone read into the record:

1. Letter from D. W. Gerwick, Engineering, LLC to Paul Formica, Chairman Zoning Commission dated 5/27/99
2. Letter from the Planning Commission dated 7/15/99
3. Letter from Southeastern CT Council of Governments
4. Memo from W. Mulholland, Zoning Official dated 8/4/99

Mr. Gerwick , D .W. Gerwick Engineering, LLC 17 Avery Lane, Waterford, CT described the parcel of land in question and indicated it on a drawing. It has frontage both on Dean Rd. and North Bridebrook Rd. and Woodrow Lane. The request is for a zone change of the northerly portion (44.56 acres of 66.9-acre parcel). Mr. Scott will retain ownership of the other acres. The only use allowed in the SU-E is Elderly Housing. He noted wetland systems with 100-ft. buffers. The only area without extensive buffers is the property to the north. Mr. Gerwick indicated that the 44.56 acres is not being created as a separate parcel at this point.

Mr. Formica inquired if a traffic study has been done.

Mr. Gerwick stated that a full traffic study has been done as part of the Special Permit request

Mr. Formica opened the floor to those wishing to speak in favor of the application for zone change.

Woodrow Scott, 32 Scott Rd. spoke in favor of the application.

Walt Prochonera, 420 Boston Post Road stated that he supported the zone change and that SU-E would still keep the residential character of the district.

Resident of 31 Dean Rd. spoke in favor of the application noting that the Elderly Housing would not bring additional children into the educational system. He stated that if residential homes were built in this area there would be more than 38 units.

Mr. Formica opened the floor to those wishing to speak in opposition.

Robert Gadbois, 358 Boston Post Road stated that he has always been opposed to zone changes. He noted that the Medical Services of the Town would be stressed with all the elderly housing being proposed.

There being no further speakers and no further questions from the Commissioners, Mr. Formica closed the public hearing at 10:25 PM

### **PUBLIC HEARING III**

#### 3. Application of Webster M. Scott for a Special Permit to construct 38 units of Elderly Housing at 33 Dean Road, East Lyme, CT, Lot 76 on East Lyme Tax Map 24.

Mr. Formica noted Legal ad was properly advertised in The Day.

Mrs. Cone read into the record:

1. Letter dated 5/27/99 from D.W. Gerwick Engineering, LLC to Zoning Commission.

Mr. Formica read into the record: Letter from the Southeastern CT Council of Governments.

Mr. Gerwick addressed the Commission and indicated that the applicant proposed 38 units of elderly housing on 44.56 acres on Dean Rd in an SU-E zone. He indicated that access is off Dean Rd. with emergency access off Woodrow Lane. Mr. Gerwick stated that the setback from Dean Rd. to the first unit is 500 feet and from Woodrow Lane, 600-700 feet. The development will be a cluster with 50-foot buffer to the north and south and 120-350 ft. buffers to the east and west.

Mr. Gerwick indicated that the applicant is requesting two waivers

Mrs. Cone read a letter from D.W. Gerwick Engineering, LLC dated 8/5/99 to the Zoning Commission requesting waivers: (1) Waiver of Section 24.6C – sidewalks along Dean Rd., (2) Section 24.6E(3) – landscaped buffer strip.

Mr. Gerwick indicated that under the regulations, sidewalks would be required along Dean Rd. He stated that most of the frontage is adjacent to wetlands and there are some topographic constraints. There is a walking trail throughout the project area. He demonstrated the buffers on the drawings and stated that the applicant has more than adequately addressed the intent of the regulation. Mr. Gerwick noted that the Plans reflect the requests and comments of Planning, Engineering, and other Town staff. He indicated that the project coverage is less than 10% of the 44 acres.

Dave Sullivan, Sr. Traffic Engineer from Barkin & Mess reviewed the Traffic Impact Study (EXHIBIT 1). Mr. Sullivan outlined the procedure in analyzing traffic impact. He did a multiple day automatic traffic recorder count on Dean Rd. at the location of the proposed driveway – 7/7 through 7/11/99. Counts were also done on No. Bridebrook Rd. – 7/7-7/11/99 and summer counts were included. Manual counts were done on three occasion of morning and evening peak hours at Dean Rd./Lovers La., Dean Rd./Rte. 1 and Rte 1/Scott Rd. Site lines at access driveway are 250 ft. and 400 ft. to the right and left respectively assuming appropriate clearing of brush. The estimate for site traffic is 15 vehicle trips/hour, on peak hours AM and PM. The level of service was A or B at all three of the analysis intersections using summer counts.

Mr. Formica inquired about lighting. Mr. Gerwick stated that there is lighting at the entrances and all intersection areas. He pointed out the four proposed floor plans for the project. He indicated that there is off street parking for all units. The road widths are 24 feet and allow for parking.

There being no further questions or comments from Commissioners, Mr. Formica opened the floor to those wishing to speak in favor of the application.

Walt Prochonera, 420 Boston Post Road stated that he thought the concept was very good, it adds to the tax base. He inquired regarding the septic. He did state his concern about the entrance onto Dean Rd.

Mr. Gerwick stated that there is an on-site sewerage disposal and they anticipate a DEP Community System for the project. The applicant is proposing an extension of the water main from No. Bridebrook Rd. up into the site. It would be public up to the end of Woodrow Dr. Mr. Gerwick noted the possibility of road widening and reviewed the planned brush clearing at the site.

Woodrow Scott, 32 Scott Rd. spoke in favor of the application.

Joe Kwasniewski, 67 Walnut Hill Rd. inquired how close the units would be to each other. He questioned the waiver of the sidewalk. Mr. Gerwick stated that the distance conforms to cluster grouping –from 30 to 50 feet, plus.

Mr. Formica then opened the floor to those wishing to speak in opposition.

Robert Gadbois, 358 Boston Post Road stated his concern regarding the use of Town water citing the Legendary Rd. water crisis.

Mrs. Candace Bodenhofer, 13 Dean Rd. stated her concern regarding traffic on Dean Rd., particularly during the school year when it appears heavier than in July.

Resident of 31 Dean Rd. also commented regarding the traffic on Dean Rd. when there is a problem on I95.

There being no further comments, Mr. Formica closed the public hearing at 11:00 PM.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary