

East Lyme Zoning Commission
PUBLIC HEARING
July 29, 1999
MINUTES

Aug 3, 19 99 AT 3:45 AM
J. Abblais, etc. PM
East Lyme Town Clerk

The East Lyme Zoning Commission held a Public Hearing and Special Meeting on July 29, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearings to order at 7:34 PM and the Special Meeting to order at 8:56 PM.

PRESENT: Paul Formica, Chairman, Daniel Price, Norman Peck, Shawn McLaughlin, Athena Cone, Secretary, William Weber, and Alternates, William Dwyer.
Also Present: William Mulholland, Zoning Officer. Meg Parulis, Land Use Coordinator. George McPherson, Planning Commission Liaison.
Absent: Alternate Robert Bulmer Rose Ann Hardy, ex-officio

I. Public Delegation

Joe Kwasniewski, 67 Walnut Hill Rd. inquired why the agenda heading indicated a "Special Meeting" but the body of the agenda read "Regular Meeting". Mr. Formica indicated that "Regular Meeting" is a portion of the Special Meeting which was not originally scheduled.

MOTION (1): Mr. Peck moved to amend the agenda to place Public Hearing #2 first, followed by Public Hearing #1.

Mrs. Cone seconded the motion.
Vote in favor: (6-0)

II. PUBLIC HEARING I

Application of C.L.A. Engineers, Inc., agent for Patrick Quinn for a Special Permit to expand the existing recreational vehicle park at 301 Cheserfield Rd., East Lyme, CT

Mr. Formica outlined the Public Hearing procedure and opened the public hearing.

Granville Morris, representing Aces High RV Park, LLC, requested the Commission open the public hearing and continue it until August 5, 1999. He indicated that, although the traffic study is complete, it is not available for this hearing. He added that the RV Park is on the agenda of the Conservation Commission meeting of August 2, 1999 and the applicant will have additional information following that meeting.

Mr. Formica noted the opening of the public hearing, it was properly advertised and continued to August 5, 1999.

III. PUBLIC HEARING II

Application of Theodore A. Harris, agent for Benchmark Assisted Living, LLC, to amend the Zoning Regulations to permit Elderly Assisted Living Facilities in CB-Commercial Zoning District.

Mr. Formica noted that this is a continuation of the Public Hearing that was opened on July 8, 1999 and continued until this evening.

Mrs. Cone read into the record:

Letter dated 6/29/99 from the Southeastern Connecticut Council of Governments, Regional Planning Commission to the Zoning Commission.

Letter dated 6/23/99 from the Planning Commission, Town of East Lyme.

Memo dated 7/29/99 from William Mulholland, East Lyme Zoning Official.

Legal ad published in The Day on 6/25/99 and 7/5/99.

Theodore A. Harris, 351 Main St., Niantic addressed the Commission. He discussed the concept of Assisted Living and described existing facilities in the State. He indicated that presently Assisted Living Facilities are not licensed by the State of Connecticut as healthcare facilities, but are residential facilities with common dining/kitchen facilities and 24-hour staff and on-site emergency systems. Most residents do not have cars and depend on facility provided transportation. Ideally, they would be situated within walking distance of the commercial/retail area and services for the residents' convenience.

Mr. Harris proposed a definition for Elderly Assisted Living Facilities. The proposed amendment would add as a use, Elderly Assisted Living Facilities in CB Zone. The proposal would also add in Section 25.5, specific controls, which are supplementary to the controls in the Site Plan Requirements, as well as general controls in Special Permits.

Mr. Harris noted the following:

- 1) Lot size – 1 acre – served by public water and sewer.
- 2) Minimum living floor area – Mr. Harris indicated that the areas ranged from 275 sf to 650 sf and noted that the facility provided common dining/kitchen, visiting rooms, etc. Also that some units do not have cooking facilities or have minimum cooking facilities.
- 3) Common area: 35% of the total building area.
- 4) Parking requirements – 0.4 spaces per living unit. Mr. Harris submitted a 1998 study of the traffic impacts and parking needs of such a facility for staff, residents and visitors. The study shows 0.2 spaces per unit.
- 5) Occupancy – units shall be occupied by at least one person 62 years of age, but not less than 55 years of age.
- 6) Emergency Call System – each residential unit shall have an emergency call/intercom system with 24 hour on-site response.
- 7) Residential unit facilities – a residential unit may include cooking facilities.
- 8) Density – 40 residential units/acre maximum density
- 9) Noise Regulation – no outdoor PA speakers
- 10) Sidewalks – shall be available or constructed to provide access to neighborhood facilities and services.
- 11) Gross Floor Area – 20,000 sf facility
- 12) Common Dining Facility – prepare and serve 3 full meals per day
- 13) Open Space – in addition to required buffers, parking/roadway areas.

14) Buffers – required buffers may be reduced to 10 ft. abutting residential zones and 5 feet abutting a commercial zone if the building height within 75 feet of said boundary shall not exceed 25 feet. The Commission may impose additional planting and fencing requirements in said reduced buffer areas.

15) Staffing – Registered or Licenses Practical Nurse on site or on call 24 hours/day.

Mr. Harris expanded on the concept and need for Elderly Assisted Living Facilities. He noted that such facilities do not provide medical care as a nursing home would. The facilities are private-pay facilities not Medicare or Medicaid providers.

Mrs. Cone inquired if the facilities would allow drug and/or alcohol dependent and mentally handicapped individuals and inquired as to the type of staff on-site. Mr. Harris indicated that, although not typical, it could be the case if the individual met the age requirements and needed some assistance. An RN or LPN would be present during the day and on-call so 24-hour coverage is available. Mrs. Cone and Mr. Formic suggested that language be added to “Staffing” to include other individual care technicians trained and present on-site 24-hours per day. Mrs. Cone also inquired as to whom would determine the level of assistance a resident would require to qualify for residence. Mr. Harris stated that the determination would be made by the resident, family, physicians, social services and nursing staff. The resident’s average stay is 4-5 years and the average age is 85 years.

Mr. Peck inquired as to the coverage requirements in a CB Zone. Mr. Mulholland indicated that the maximum coverage is 40%, setbacks are 20 ft. front, 10 ft. side and rear, height is 40 ft. Buffer is 6 ft. commercial to commercial and 25 ft commercial to residential in the rear (25E.3 Site Plan).

Mr. Formica opened the floor to those wishing to speak in favor of this application.

Joe Kwasniewski, 67 Walnut Hill Rd. inquired as to who would determine if an individual is qualified to rent a unit in such a facility. Mr. Harris stated that the Zoning Enforcement Officer has the ability to inspect the records to determine if a resident qualifies.

Susan Turner, Hope St. Niantic inquired if the amendment allows Elderly Assisted Living Facilities as a Special Permit. She requested clarification then that any commercial building in a CB Zone that wanted to apply for Special Permit to become an Assisted Living Facility could. She stated that she was concerned about opening up the possibility of the potential for large development of residential use in a CB Zone if the regulations were amended to allow Elderly Assisted Living in a CB Zone.

Mr. Harris responded that only by Special Permit that it would be allowed and would require Public Hearing and meeting all site plan requirements.

Mr. Formica stated that in the current regulations there is not provision for this use. He noted that an applicant for a Special Permit would have to comply with the Special Permit regulations and Site Plan requirements of the regulations.

Mrs. Turner also inquired about buffers and height of building – Mr. Formica stated that buffers for this particular have not yet been established, but the buffer strip standards are outlined under Section 24.6.3. Mr. Harris stated that the height of the building is reduced 25 ft. within 75 ft. of the boundary. The Commission may impose additional buffer areas.

Scott York, 18 Lake Avenue requested clarification as to what justifies a zone change. He also stated his concern for security in the area or the possibility of once built what would prohibit the owners from expanding it. Mr. Formica noted that the zoning regulations are prohibitive, i.e. if the item is not addressed in the regulations, it is not allowed.

Bob Simpson, 30 Sleepy Hollow Rd. stated his concern regarding the buffers and requested clarification as to the definition of a buffer and how close one can built to a buffer. Mr. Mulholland indicated that a buffer may be a landscaped or natural area. Mr. Formica referring to Section 24-Site Plan Requirements. – landscaped buffer strip required along all lot boundaries abutting any other lot. Mr. Simpson's concern was that if a 50 ft buffer is required, the building could be build on that marker and it does not allow for area around the building for maintenance.

Robert Gadbois, 358 Boston Post Road stated that he supported the proposal, but felt that Niantic Center is in inappropriate location for such a facility.

There being not further speakers, Mr. Formica closed the Public Hearing at 8:52 PM.

Respectfully submitted,



Anita M. Bennett
Recording Secretary