

JUNE 15, 1999 AT 3:15 PM  
LABLAW, LLC  
East Lyme Town Clerk

**East Lyme Zoning Commission**  
**PUBLIC HEARING**  
**June 10, 1999**  
**MINUTES**

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on June 10, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearing to order at 7:33 PM and the Regular Meeting to order at 8:40 PM.

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

Also Present: William Mulholland, Zoning Officer. Walter Cullen, Chairman East Lyme Planning Commission.

Absent: Rose Ann Hardy, ex-officio

**PUBLIC DELEGATIONS**

1. Joe Kwasniewski, 67 Walnut Hill Rd., E. Lyme, CT inquired why this Commission does not allow comments from the floor.

Mr. Formica stated that the Commission would respond to Mr. Kwasniewski's question by letter.

**PUBLIC HEARING**

**1. Application of Athena Communities, LLC for a Special Permit to construct a Convalescent/Assisted Living Elderly Facility at 15 Freedom Way, East Lyme, CT, property further identified as Lot 28 on Tax Assessor Map 9.**

Mr. Formica stated that the applicant would make its presentation, followed by questions from the Commission, those speaking in favor of the application and those speaking in opposition to the application.

Mr. Mark H. Quattro, counsel to Athena Communities, LLC addressed the Hearing on behalf of the applicant. He indicated that the proposed facility is 67,500-sq. ft. comprised of 76 units and common spaces. The site is 8.89 acres of land. He introduced Mike Cicchese, who is President of Athena Communities, LLC; Robert Murano, Director of Development for Athena Communities and Mike Lombardi from BL Company, civil engineer, Meriden, CT.

Mr. Cicchese indicated that the facility will be comprised of 60 assisted living units and 16 memory impaired units (86 total residents). The facility is designed to meet the needs of individuals who cannot live independently, yet nursing home care is not appropriate. He indicated that the proposed facility would be staffed 24-hours per day with approximately 35 full-time-equivalent employees including LPN, RN and Certified Nurse Assistants. Hiring will be from the local labor market.

Mr. Lombardi, Project Engineer reiterated that the facility is a 67,500-sq. ft. building, and there are proposed 51 parking spaces (36 required per the Regulations). The site is located at the end of Freedom Way and is accessed by an entrance that is divided by 6-foot wide raised concrete island. There is a 20-foot wide emergency access around the entire building. Site will be graded to minimize cuts and fills and to try to match the pre-development conditions for drainage. The drainage system for the site is set up to catch shed water (catch basins or yard drains) and pipe it into a detention pond. All utilities are located in the frontage of the property, are located underground and are adequate for the facility. Transformer pads will be located toward the northern part of the site and will be screened. The site is lit with light poles and bases. The positioning of the poles has been designed to prevent any considerable amount of light from spilling off the site, but also to provide a safely lit site. The applicant is currently working with Town Engineer on the lighting for the site. He added that he has met with the E.Lyme Site Plan Review Team and incorporated their comments into the plans. Mr. Mulholland indicated that some very minor changes were being considered at this time in particular dealing with catch basins.

Robert Murano, Corporate Director of Development for Athena Communities discussed the building design. It is a two-story, wood frame building designed after a Saltbox with gabled roof and dormers. It is designed as a home-like environment without long hallway. The individual area-structures or wings are designed as 'neighborhoods' with TV room and a country kitchen. There are two courtyards: a main, large courtyard for general use by the entire population and smaller courtyard specifically designed for the dementia wing, which also has an outside, privacy fenced therapeutic garden. The common area is located at the entrance to the building and includes reception area, main dining room, therapy area, library, and multi-purpose rooms. A typical resident would be 83 year-old, female who needs help in 2-3 activities daily such as bathing, dressing and ambulation. There will be efficiencies, 1-bedroom and 2- bedroom units. Each unit will be carpeted, have a galley kitchen with a small refrigerator and a microwave (no stove or stovetop). All meals will be provided through the central kitchen area. All units will be handicap accessible including roll-in showers. Rates will range from \$2600-\$3300 per month, straight rental.

In response to Mrs. Cone's questions, Mr. Murano indicated that the garden would be a totally fenced. He indicated that there will be no live-in staff, but the facility will be staffed 24-hours per day. The facility is a 100% private pay facility, no Medicare or Medicaid.

Mr. Lombardi discussed the Landscaping Plans.

Mr. Formica inquired as to any other possible use for the building should this endeavor fail. Mr. Cicchese indicate that it could be used as an apartment building, but that it is specifically designed as an Assisted Living Facility. Mr. Formica indicated that he could not be supportive of an apartment building in that area. Mr. Murano noted that Zoning does not allow apartment buildings in that area, but possibly a hotel by Special Permit. For the facility to be converted to apartments, the owner would have to come before the Zoning Commission.

Mrs. Cone read into the record the following:

A. A letter dated June 10, 1999 to the Zoning Commission from William Mulholland, Zoning Officer indicated that the project conforms to all applicable regulations. However, the applicant is requesting a waiver of Section 24.6C-Sidewalks.

B. A letter dated June 10, 1999 to William Mulholland, Zoning Officer from Melanie Osterhout, Environmental Planner indicating that an Inland Wetlands and Water Courses Permit will not be required for any work done on the property.

C. A letter dated June 10, 1999 to William Mulholland, Zoning Officer from the East Lyme Economic Development Commission, Christopher Barrett, Chairman.

D. Legal Ad posted in The New London Day.

E. Letter requesting a waiver of Section 24.6C to William Mulholland, Zoning Officer from Robert P. Murano, Athena Communities, LLC.

F. Letter to William Mulholland from Town Engineer Michael Giannattasioto.

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

Joe Kwasniewski, 67 Walnut Hill Rd. stated that he supported the application. He noted that it would not create additional traffic.

Robert Gadbois, 358 Boston Post Road, also stated his support of the application noting that it would not create any traffic problems.

Mr. Goldberg, 7 East Street inquired as to the distance from units to the dining room; fire evacuation plans for both 1<sup>st</sup> and 2<sup>nd</sup> floors and wheelchair bound; patient's who run out of funds.

Mr. Cicchese and Mr. Murano responded to these questions: Maximum hallway lengths are 125-feet, generally 80-feet. Disaster Plans are drilled monthly. Most patients are ambulatory and if not, would be assisted by staff who will be on-premises 24-hours a day. The building will also have a sprinkling system. With regard to funding, currently the facility cannot have Medicare or Medicaid patients. Therefore, financing would have to come from other sources, i.e., family support, or the patient would generally move back home/family or to a nursing home.

Diane Bristow, Niantic and Administrator at the nursing home on Freedom Way. She questioned the sign posted on the property because it indicated the hearing was scheduled for June 3, 1999. She inquired as to the posting date of the Legal Ad. She also stated that the sign was posted on the property, which is on a dead-end street and not readily visible to the public. She questioned if there were long-term beds planned or proposed particularly with regard to Alzheimer patients. She questioned "Convalescent/Assisted Living" and the difference in licensing required by the State of Connecticut.

Mr. Formica after reading the Legal Notice, indicated that the Zoning Commission is looking at this application with regard to Zoning Regulations and not State of Connecticut Licensing Requirements.

Attorney Quattro indicated the application before the Zoning Commission is for an Assisted Living project. He added that the Regulations are not specific to Assisted Living and that is why the designation of "Convalescent/Assisted Living" was used. He added that it is not the intent of the developer at this time to look for any approvals from the State of Connecticut or Certificates of Need to put any nursing home beds on the site.

Mr. Formica addressed the signage question raised. He indicated that the Zoning Commission passed regulation to allow for special permit applications to post their intentions on the premises as a means of informing the public. Off-premise signs are not legal in this community. The Legal Notice was re-advertised in The Day for 10 June 1999 Public Hearing.

Walter Cullen, Heritage Rd. stated that as a private citizen, not as Chairman of the Planning Commission, he had one question. He requested clarification of the age of the patients noting that Alzheimer's Disease is being diagnosed in persons 30-40 years of age and "mentally impaired" could include Downs Syndrome with younger persons. He inquired if there was an age limitation on patients.

Mr. Cicchese responded that 99.9% would be considered 'elderly'. The average age would be 82 years.

Mr. Formica stated that, to his mind and in his interpretation of the Statutes, Mr. Cullen as Chairman of the Planning Commission speaking at another land use commission, i.e. Zoning Commission, presents a conflict.

Mr. Peck stated that he was not in favor of waiving the sidewalk requirement. He noted that for continuity on the street and future development, the sidewalk requirement should stand. He also stated that he believed that without sidewalks, residents might be limited somewhat. Mr. Peck stated that for the record the EDC is responsible for approving the architectural design.

Mr. Formica read the Motion of the Economic Development Commission, 5/11/99, by Mr. Jensen to approve the concept plan and design that have been presented by Athena Communities. Mr. Gada seconded and the motion passed.

Mr. Quattro responded that at this time a strip of sidewalk with no destination would be wasteful at this time. He added that when the industrial park is fully developed and there are sidewalks placed on each of the properties, Athena Communities would agree to install sidewalks at that time. He indicated that the facility will have available a van and driver to transport residents to shopping and other locations.

There being no further questions or comments, Mr. Formica closed the Public Hearing at 8:38 PM.

Respectfully submitted,



Anita M. Bennett  
Recording Secretary