

MAR 18 20 02 at 12:20 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
SPECIAL MEETING AND PUBLIC HEARINGS**

MARCH 14, 2002

MINUTES

The East Lyme Zoning Commission held a SPECIAL MEETING and PUBLIC HEARINGS on Thursday, March 14, 2002 at the Town Hall, 108 Pennsylvania Ave., Niantic, CT. Mr. Nickerson, Chairman, called the meeting to order at 7:30 PM.

PRESENT: Mark Nickerson, Athena Cone, Shawn McLaughlin, Norman Peck, David Chamberlain, Alternates Robert Bulmer and Marc Salerno

Also present: Zoning Official William Mulholland; Town Attorney E. O'Connell

Absent: William Dwyer and Ed Gada

Panel: Mr. Nickerson, Mrs. Cone, Mr. Peck, Mr. McLaughlin, Mr. Chamberlain and Mr. Bulmer.

PUBLIC HEARING I

Application of TMK Associates for a change of zone from RU-40 to SU-E special use elderly zoning district for a portion of property identified as 121 and 122 Sleepy Hollow Rd., Assessor map 26, lot 6 and lot 45 on Assessor map 21.2.

Mrs. Cone read into the record:

1. Letter from D. Gerwick, D. W. Gerwick Engineering, LLC dated January 2, 2002 to William Mulholland, Zoning Official.
2. Letter from Kathryn Burton, President of the Board of Directors, East Lyme Land Conservation Trust dated January 30, 2002 to William Mulholland.
3. Hydrological Report for Sleepy Hollow Rd. - not dated
4. Legal Ad noted.
5. Letter from Stephen Rebelowski, Secretary, East Lyme Planning Commission dated January 29, 2002 to Mark Nickerson, Chairman, East Lyme Zoning Commission.
6. Letter from Gene Lohrs, Chairman, Southeastern Connecticut Council of Governments dated January 31, 2002 to Athena Cone, Secretary, East Lyme Zoning Commission.
7. Memorandum from Zoning Official William Mulholland to the East Lyme Zoning Commission.
8. Letter from the East Lyme Water & Sewer Commission to William Mulholland, Zoning Official.

Donald Gerwick, P.E., L.S., D. W. Gerwick Engineering, LLC, 163 Boston Post Rd., Waterford, CT submitted Wetlands Inland Permit #01-37 (Exhibit 1A). Mr. Gerwick stated that he represents TMK Associates and East Lyme Land Conservation Trust. Mr. Gerwick submitted drawings indicating the subject property (Exhibit 2A), which is 74.16 acres and part of two parcels of land that make up about 165 acres. The subject property lies to the north of the extreme end of Sleepy Hollow Rd., and to the south of the extreme end of Damon Heights Rd. and 300-400 feet east of Stonecliffe Drive.

The applicant is requesting a change of zone from RU-40 to SU-E. A variety of uses are available in the RU-40 zone, however, the one that is most normally associated with the RU-40 zone is single family residential units on a 40,000 sf parcel of land. The Special Use-Elderly (SU-E) allows only one use, i.e. single family detached dwellings, common ownership, age restricted to 55 years of age.

Mr. Gerwick stated that the applicant is proposing 32 units of elderly single family dwellings for the central portion of the property. The entrance to the property is off Sleepy Hollow Rd. There will be no connection to Damon Heights Rd. with this proposal. Mr. Gerwick added that TMK has an application before the Planning Commission for a residential subdivision that would tie into Damon Heights Rd. should the zone change not be approved.

Mr. Gerwick indicated that the site lies on the southwestern portion of Oswegatchie Hills. He added that the applicants have worked closely with the Town Staff in the Zoning, Planning, Sanitary and Engineering Depts. to assure that the plans are capable of adequately accommodating the proposed project.

Mr. Bulmer requested clarification of the letter from the East Lyme Land Conservation Trust. Mr. Gerwick indicated that the site consists of two parcels of land involved. One is a parcel previously deeded to the Land Trust by TMK Associates. TMK Associates are acting on the Land Trust's behalf with respect to that parcel. TMK will be deeding 10 acres back to the Land Trust in part to compensate them for that portion (approx. 2 ac.). The remaining 8 acres will satisfy some of the open space requirements and will retain a conservation easement on it.

Mrs. Cone inquired as to the closest existing structures to the proposed site. Mr. Gerwick stated that there are approximately 30-40 homes abutting the site with the closest existing structure being at a distance of 600-ft. from any proposed structure.

There being no further questions from the Commission, Mr. Nickerson opened the hearing to those of the public who wished to comment in favor of the change of zone. He added that this Public Hearing deals with the change of zone from RU-40 to SU-E specifically and not to any proposed project.

Joe Kwasniewski, 67 Walnut Hill Rd., East Lyme, CT noted that municipal water is available to the site and inquired as to the sewerage systems available to the site and if the change of zone to SU-E would have less impact on the land.

Barbara Johnston, 35 Sea Crest Ave. stated she understood the project would have wells and sanitary septic systems and requested clarification. She also inquired as to the location of the reserve area.

Mr. Gerwick stated that originally it was anticipated that the proposed project would have on-site water and sewerage disposal. Following additional discussions with the Town Sanitarian, it was recommended that the applicants seek advise from the Water & Sewer Commission to determine if municipal water would be available to the property. The Water & Sewer Commission endorsed municipal water, however, since the property is not within the municipal sewer shed area, municipal sewer is not available.

Mr. Gerwick stated that this site is limited by its ability to accommodate on-site sewerage disposal. There will be no more additional sewerage going to the ground under the SU-E zone project than under an RU-40 zone project. Per the Health Code, 4 bedroom dwellings supply twice the sewerage disposal area as for 2 bedroom dwellings. Under the RU-40 subdivision that TMK had proposed were all 4 bedroom structures or larger. Under the SU-E district, there are 4 different dwelling plans all of which are limited to 2 bedroom homes and would have less impact on the land. Mr. Gerwick indicated that many of the on-site sewerage systems will be pump systems, which is a standard method under the CT Health Code.

With respect to the reserve area, Mr. Gerwick stated that the plans before the Commission currently are not the final design plans for the Sanitarian. The areas indicated on the plan are sized for both primary and reserve areas under CT Health Code.

Bill Conrad, 54 Laurel Hill Rd. stated that he supported the change in zone because the SU-E zone would not place additional overload on the school system and would not connect to Damon Heights Rd. with its narrow roadway and steep hill.

Sharon Zelmanowitz, 11 Ichabod Lane stated her concern about a connection to Damon Heights Rd. and therefore supports the zone change.

There being no further comments in favor of the application, Mr. Nickerson opened the hearing to those wishing to speak in opposition.

Rick William, 2 Stonecliffe Rd. stated that in his opinion, where high density is established there is a corresponding reduction in property values. He stated he would like to see a property value analysis.

Susaan Kraynak, 1 River Rd. stated that SU-E sounds like a reasonable and best use for the land, however, she stated concern regarding the future when the population shifts, i.e. post-boomer era, what the SU-E would become.

Mr. Mulholland stated that from a zoning perspective, if the zone were to be changed to SU-E, it would remain SU-E unless someone requested a change in zone again, which would require a Public Hearing.

Howard Schlofmer, 12 Laurel Hill Dr. South inquired if the zone is changed to SU-E, would it guarantee that there would be no connection to Damon Heights Rd. from Sleepy Hollow.

Mr. Gerwick stated that part of the application for the Special Permit will take the northern portion of the property and a conservation easement will be placed on it and deeded to the East Lyme Conservation Land Trust in conjunction with a pedestrian easement. One of the elements of the conservation easement will be that there will be no vehicles (other than emergency vehicles) allowed. This would almost preclude connecting to Damon Heights Rd.

Mr. Chamberlain inquired as to the sequence of events with regard to the residential subdivision before the Planning Commission.

Mr. Gerwick stated that the residential subdivision was the original plan, however, following discussion with Town Staff, the applicants were encouraged to seek options that would have less impact on the land. The applicants agreed to look into the SU-E although their investment to date had been in the residential subdivision project. With the residential subdivision (15-17 lots), the applicant would be required to connect to Damon Heights and would construct 4 bedroom homes. The SU-E not only did not require connecting to Damon Heights, but it also would have less impact on the land with respect to sewerage disposal, water use and school population. The applicants asked the Planning Commission to delay action of the subdivision until the Zoning Commission had acted on the zone change application and proposed elderly housing project.

There being no further speakers, Mr. Nickerson closed the Public Hearing I at 8:35 PM

PUBLIC HEARING II

Application of TMK Associates for a special permit to construct 32 units of elderly housing on a portion of property identified as 121 and 122 Sleepy Hollow Rd., Assessor map 26, lot 6 and lot 45 on Assessor map 21.2.

Mr. Nickerson opened the Public Hearing II at 8:35 PM.

Mr. Mulholland requested comment from Town Attorney Ed O'Connell with regard to the reading of correspondence which had previously been read into the record of Public Hearing I. Mr. O'Connell stated that the Commission should conduct this Public Hearing in the same manner, i.e. read into the record all the correspondence.

Mrs. Cone read into the record:

1. Letter from D. Gerwick, D. W. Gerwick Engineering, LLC dated March 13, 2002 to William Mulholland, Zoning Official. Waiver request 24.6(C) and 24.6(E)3.
2. Letter from Kathryn Burton, President of the Board of Directors, East Lyme Land Conservation Trust dated January 30, 2002 to William Mulholland.
3. Hydrological Report for Sleepy Hollow Rd.– not dated
4. Legal Ad noted.
5. Letter from Stephen Rebelowski, Secretary, East Lyme Planning Commission dated January 29, 2002 to Mark Nickerson, Chairman, East Lyme Zoning Commission.
6. Letter from Gene Lohrs, Chairman, Southeastern Connecticut Council of Governments dated January 31, 2002 to Athena Cone, Secretary, East Lyme Zoning Commission.
7. Memorandum from Zoning Official William Mulholland to the East Lyme Zoning Commission.

Donald Gerwick, P.E., L.S., D. W. Gerwick Engineering, LLC , 163 Boston Post Rd., Waterford, CT addressed the Public Hearing. He submitted plans revised through March 11, 2002 and Wetlands Inland Permit #01-37 (Exhibit 2B).

Mr. Gerwick described the proposed project as a 74.16 acre parcel with 32 units of single family 2-bedroom dwellings in a SU-E zone, i.e. age restricted to 55 years of age and older for one of the principle owners. There are four proposed home styles some with lofts (Exhibit 2C) which under the Health Code are not considered bedrooms. Each unit will be approximately 1800-sf. and sale price would be market driven currently approximated at \$300,000/ unit.

The proposed project lies between the northern extremity Sleepy Hollow Rd. and southern extremity of Damon Heights Rd. The entrance will be on Sleepy Hollow Rd. and will be a private road owned and maintained by the Condominium Association. It is about 1600 feet to the extremity of the loop-back. Directly off the loop-back are 5 homes and two additional roads to reach the remaining cluster of dwellings. Ten acres will be gifted to the East Lyme Conservation Land Trust. In addition, fifteen acres on the northern section with a limited (portions identified as areas for potential on-site sanitary areas) conservation and pedestrian easement. Several hundred test holes have been done in this area and worked with the Town Sanitarian to identify areas that are suitable for on-site sewerage disposal. Municipal water is available and fire hydrants are located throughout. There is an old woods trail that runs south off Damon Heights Rd. which will be gated with access for emergency vehicles.

David Sullivan, P.E., Barken & Mess, presented the Traffic Study Report (Exhibit 2D). Mr. Sullivan stated that based on their counts, .2-.4 trips/unit would be generated during the peak hours (13 trips total). Analysis of data collected indicated that current and future operations during peak hours would remain Level of Service C or better for all turns at Sleepy Hollow Rd. and Route 161 and at Laurel Hills Dr. and Route 161. This type of housing generates low traffic by its nature and that the additional traffic that will be generated will have a low impact on traffic.

Mr. Bulmer requested a description of "Level of Service".

Mr. Sullivan directed the Commission to the appendix of the Traffic Study for a description of the classifications and how the Level of Service relates to the delay at intersections.

Onto Sleepy Hollow Rd., left turn off Rte 161 – LOS "A"

Exiting Sleepy Hollow Rd. in AM – LOS "B" both right and left turn

Exiting Sleepy Hollow Rd. in PM – LOS "C" both right and left turn

Onto Laurel Hill Dr., left turn off Rte. 161 – LOS "A"

Exiting Laurel Hill Dr. onto Rte. 161 – LOS "C"

By definition, a LOS "A" indicates an average delay of less than 10 seconds; a LOS "C" is a delay up to 25 seconds on average.

In conclusion, Mr. Sullivan stated that there is no perceivable impact on traffic congestion.

Mr. Gerwick submitted the Lighting Plan (Exhibit 2E and 2F). He indicated the lights are owned by CL&P, but the operating costs are borne by the Homeowners' Association. There will be a light at the end of the existing cul-de-sac where mail box lock-boxes will be located and at the general parking areas. Mr. Gerwick stated the street lights (14 on site) will be 14-ft. and there will be individually controlled front yard lights, 8-10 ft, for each dwellings. The level of light will be low, but supply enough light for safety. CL& P has house shields that can be fitted into the globes to shield surrounding structures from the light. Mr. Gerwick indicated that the proposed dwellings are approximately 120-feet apart. All utilities will be underground.

Mrs. Cone inquired as to the hours of construction. Mr. Gerwick stated the applicants anticipate 5 day work week during reasonable hours.

Mr. Bulmer noted the waiver request for sidewalks on Sleepy Hollow Rd. and requested Mr. Gerwick address this issue. Mr. Gerwick stated that there are no sidewalks on Sleepy Hollow Rd. and sidewalks are not being planned for this project. He added that other elderly housing in Town, Chapman Woods for example, do not have sidewalks.

Mr. Nickerson inquired as to recreational areas. Mr. Gerwick indicated that there are wood chip trails throughout the open space areas. He noted that the planting plan is quite extensive. There is approximately 15 feet personal planting area around each dwelling and a specific list of native plants allowed.

Mr. Gerwick pointed out that the proposed structure are approximately 600-ft from the nearest structure on Stonecliffe; 800-ft from the nearest structure on Damon Heights. Mr. Mulholland noted the setback requirement for building construction of 150-ft from the streetline and the plan complies or exceeds the requirement.

Mr. Chamberlain inquired as to the maximum number of units allowed on the property and if additional construction would be allowed. Mr. Mulholland indicated that the application currently before the Commission is for 32 units and the applicants would have to re-apply for further units. Mr. Gerwick stated that the applicants do not anticipate more than 32 units.

Mr. Chamberlain inquired if blasting would be required. Mr. Gerwick indicated that some blasting will be required, but anticipates negligible impact on surrounding areas. The applicants must apply for an receive a permit from the Fire Marshall for blasting.

Mr. Gerwick submitted "Declaration of Mount Tabor Woods By-Laws" (Exhibit 2G), which are based on those of Chapman Woods.

Mr. Chamberlain inquired if children were restricted from residing in elderly housing. Mr. Mulholland noted that children are not restricted from elderly housing per se. There are restrictions on the number of residents per unit, age of principle inhabitant, and the number of overnight guests per unit.

Mr. Nickerson opened the Public Hearing for public comment in favor of the proposed project.

John Kopchik, 33 Damon Heights Rd. inquired as to the trail system and requested further comment on the Damon Heights Rd. entrance. Mr. Gerwick responded that the trails that will be constructed start on the northern portion and he pointed them out on the plan. Mr. Gerwick stated that boulders will be placed in such a way as to prohibit vehicular access and the trail will be gated.

Barbara Johnston, 35 Sea Crest Dr. inquired how the septic pipes will be run from the dwellings and stated that the planned parking was insufficient in her opinion. Mr. Gerwick stated that the pipes don't have to be at a specific depth as water mains. He indicated that areas designated on the plan were deemed suitable by the Town Sanitarian. With respect to parking, Mr. Gerwick stated that the dwellings have a double garage and 2-3 vehicles can park in the driveway.

Howard Schlofmer, 12 Laurel Hill Dr. South inquired as to the difference in elevation between the proposed dwellings and Sleepy Hollow Rd. and if the dwellings have full cellars. He also noted that with regard to the sewer, the pipe runs in some cases will be extremely long. Mr. Gerwick indicated most if not all have cellars. As to the elevation above Sleepy Hollow Rd., he stated that the structures would be 20-100 feet above. He stated that individual sewer system pumps will be sized appropriately and approved by the Town Sanitarian.

Sharon Zelmanowitz, 11 Ichabod Lane stated that this project is a good use of the land and supports the project.

There being no further speakers in favor of the application, Mr. Nickerson opened the hearing to those of the public wishing to speak in opposition.

Joe Kwasniewski, 67 Walnut Hill Rd., East Lyme, inquired if school busses would go into the project site should children be living there.

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

Respectfully submitted,



Anita M. Bennett
Recording Secretary
18 March, 2002