

**East Lyme Zoning Commission
PUBLIC HEARING
March 18, 1999
Minutes**

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Apr 1, 19 99 at 12:05 AM
PM
Esther B. Wilbur
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on March 18, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the meeting to order at 7:30 PM.

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

Also Present: William Mulholland, Zoning Officer.

Absent: Shawn McLaughlin, Norm Peck, Rose Ann Hardy, ex-officio.

Alternates, Mr. Dwyer, Mr. Bulmer and Mr. Weber will sit as full members of the Commission in the absence of Mr. Peck and Mr. McLaughlin.

PUBLIC DELEGATION

Joe Kwasniewski, 67 Walnut Hill Road requested that Zoning Commission obtain nameplates for the Members.

George McPherson, 419 Boston Post Road inquired as to why it has taken 10 years for the change to 2 acre zoning in the northern area of Town.

Mr. Formica stated that he is precluded from responding directly to the questions. Mr. Mulholland noted that there is currently 2 acre zoning in the north end of Town. He invited Mr. McPherson to come to the Zoning Office to review the files to determine when that upgrade took place.

PUBLIC HEARING

Mr. Formica reviewed the procedure which would be followed. Applicant's presentation, Commissions questions for clarification followed by the public comments in favor of the application and against the application.

I. Application of Webster M. Scott for a change of zone from RU-40 Residential to Special Use for property known as 33 Dean Road, East Lyme. Property further identified as Lot 76 on Tax Assessor's Map 24.0

Mr. Formica polled the Commission to determine if any conflicts existed. The Commission members indicated no conflicts in this matter.

Mrs. Cone read into the record the following:

- a. Letter of request to the Zoning Commission from Donald W. Gerwick, PE dated February 1, 1999.
- b. Letter from Gene Lohrs, Southeastern Connecticut Council of Governments – Regional Planning Commission to the Zoning Commission.
- c. Letter from Walter Cullen, Chairman, East Lyme Planning Commission dated March 17, 1999 indicating that the Planning Commission approved the following motion.
Motion: Move to forward a letter to the Zoning Commission in the matter of the application of Webster Scott for a change in zone RU-40 to SU and a Special Permit to construct 33 units of Elderly Housing on property known as 33 Dean Rd. indicating disapproval of the proposed zone change from RU-40 to SU for the following reasons:
 - 1. That despite the proposed use for Elderly Housing, the proposed zone change to SU would open the currently zoned residential property to uses other than residential requiring only Zoning Commission approval for change of Special Permit.
 - 2. In the event that the Zoning Commission would like to promote Elderly Housing, there should be a special floating zone designation for Elderly Housing.
- d. Memorandum from William Mulholland, Zoning Officer dated March 18, 1999 to the Zoning Commission. A special review of the site plan for zoning compliance found that the application was in order. However, Mr. Mulholland questioned the compliance of the Traffic Report. The Regulations specify the time period (Section 12.3.B) in which traffic counts must be taken. The Code requires counts from July 1 – September 1 on all roadways to the subject site. The applicant's counts on Dean Road were taken after September 1. The Commission should evaluate the Report and decide whether it is acceptable.
- e. Letter from Robert and Mary Gadbois to the Zoning Commission dated March 18, 1999 stating their opposition to changing any zone for any reason. They requested the Environmental Review team be brought in to review the application.

Mr. Formica noted a discrepancy in the Lot number and Map identification number in the Legal Ad.

Mrs. Cone read the Legal Ad dated 3/7/99 published in The Day into the record.

Mr. Mulholland noted that the Legal Ad further identifies the property as 33 Dean Rd. He stated that, in his opinion, this further identification gives persons the opportunity to locate the property and be familiar with it. He added that the required sign has been posted on the property and Mr. Webster Scott submitted a photograph of said sign which specified the address.

Mr. Formica in response to a question from a citizen stated that there will be a period of time during the Public Hearing for further identification or clarification on this or other matters.

Mr. Formica turned the floor to the applicant. Mr. Donald W. Gerwick, PE, 17 Avery La., Waterford, Connecticut who represents the applicant addressed the Commission.

Mr. Formica requested Mr. Gerwick begin his presentation with the Traffic Study since there was some question regarding it and clarification was needed. Mr. Gerwick noted that David Sullivan, Barkan & Mess was present this evening to address the Traffic Study items and questions.

Mrs. Cone read into the record the East Lyme Zoning Regulations, Section 12.3:

All applications for development in the Special Use District shall include a traffic study, which provides:

- a. A description of the traffic circulation network within one mile of the site, existing and proposed intersection, proposed site access roadway width and right of way traffic signals and other control devices existing and proposed public transportation service facilities.
- b. A description of existing traffic conditions based on three 24-hour weekday counts taken during the period from July 1st to September 1st on all roadways providing access to the site. Average daily traffic and average peak hour volume shall be based on these counts.

Mr. Gerwick introduced David Sullivan, PE, Senior Transportation Engineer for Barkan & Mesh Associates. Mr. Sullivan reviewed the count program, how he used various counts to extrapolated data for seasonal information, and why the applicant believes it addresses the seasonal traffic issues the Regulations refer to. Mr. Sullivan stated that when Bardan & Mess were initially retained, the September 1st end date had passed. He did obtain, however, at that time:

- a. A machine count on Dean Rd., September 28 to October 2, 1998.
- b. He obtained I-95, Exit 73 ramp counts from the DOT for July 8-9, 1996 (summer count) and October 15-16, 1990 (non-summer count). He then compared these to see what the seasonal impact would be.
- c. Traffic count data of June 17, 1998 was obtained for the intersection of Route 1 and Dean Rd.
- d. Current counts from a DOT permanent counter on Route 1, north of No. Bridebrook Rd. (July 12-13, 1998).

Mrs. Cone noted that the count dates on Dean Rd. did not fall within the period of time specified in the Zoning Regulation, i.e. July 1st to September 1st.

Mr. Gerwick noted, in response by question posed by Mr. Formica, that since the SU zone request is on the northeast of the property at Dean Rd., and there is no physical access off onto No. Bridebrook Rd. except for emergency vehicles, no traffic counts would be required for North Bridebrook.

Mr. Formica indicated that the regulations specify "July 1 to September 1 on all roadways providing access to the site" and from para b. "existing traffic conditions." He noted that in his view if the Dean Rd. count was done between Lovers Lane and the site, than a separate count on Lovers Lane could be avoided.

Mr. Mulholland inquired if it was the consensus of the Commission that Dean Rd. is the focus of the questions and the lack of appropriate date traffic count. If additional traffic study were to be done in the future, it should be done on Dean Rd., in addition to more contemporary information at the other count points.

Mr. Formica stated that that would seem to cover the Zoning Regulation Section 12.3. The proposed SU site is locate on Dean Rd. and the traffic count within the July 1- September 1 window should be done to meet the regulations.

Mr. Formica noted that his concern is that the counts be within one mile of the site, reflect existing traffic conditions between July 1 and September 1 on all roadways providing access to the site.

Mr. Gerwick stated that in light of these events and the legal ad map/lot discrepancy, the applicant would like to withdraw both the SU Zone application and the Special Permit application. He stated their intent would be to obtain Dean Rd. data and updated data for Boston Post Road.

Mr. Mulholland requested the applicant forward a letter to the Zoning Commission verifying that he has withdrawn his application.

II. Application of Webster M. Scott for a Special Permit to construct 33 units of Elderly Housing at 33 Dean Road, East Lyme, Connecticut. Property further identified as Lot 76 on Tax Assessor's Map 24.0

Withdrawn/

Respectfully submitted,



Anita M. Bennett
Recording Secretary

cc: Zoning Office x2