

May 13 20 02 at 12:40 AM
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EAST LYME ZONING COMMISSION

PUBLIC HEARING I AND II

Barbara Williams
EAST LYME TOWN CLERK

MAY 9, 2002

MINUTES

The East Lyme Zoning Commission held a PUBLIC HEARING I AND II on Thursday May 9, 2002 at the East Lyme High School, Chesterfield Rd., East Lyme, CT. Mr. Nickerson called the meeting to order at 7:30 PM.

PRESENT: Mark Nickerson, Shawn McLaughlin, Norman Peck, David Chamberlain, Ed Gada, Alternate Robert Bulmer and Alternate Marc Salerno
Also present: William Mulholland, Zoning Official; Edward O'Connell, Town Attorney
Absent: Athena Cone, William Dwyer and

Panel: Mr. Nickerson, Mr. McLaughlin, Mr. Peck, Mr. Chamberlain, Mr. Gada and Mr. Bulmer

PUBLIC HEARING I AND PUBLIC HEARING II

I. Application of Landmark Development Group, LLC, for a zone change from a RU-200 Greenway Conservation District (GCD) to a new "Affordable Housing District".

II. Application of Landmark Development Group, LLC to amend the East Lyme Zoning Regulations by creating a new Section 32 entitled "Affordable Housing".

Mr. Nickerson noted that Mr. Bulmer will continue to serve as Acting Secretary. He then read the call of the Public Hearings I and II. Mr. Nickerson indicated that there was a sign-up sheet for those of the public who wished to speak.

Mr. Nickerson then invited Donald Gerwick, PE representing the East Lyme Conservation Trust, Inc. to address the Commission.

Mr. Gerwick stated his background and education in civil engineering, municipal construction, soil mechanics and surveying. He presented as *Exhibit 35 Conceptual Map of Proposed Affordable Housing District with soil types overlay and Exhibit 36-Soil Survey with Overlay*. He reviewed the soil types and slopes on the parcel and concluded that the site has severe limitations. He also discusses the following issues

1. Public Works Director Thumm's statements that this parcel is not in the sewer-shed and the applicant would have to demonstrate the parcel's capabilities of supporting on-site septic systems.
2. The parcel would be subject to Coastal Management Review.

3. Access to Route 1, a State road, subject to State Traffic Commission Review and to DOT requirements as well as the impact on Latimer Brooks.
 4. If the Commission considers adopting the zone change and new Zoning Regulations, it should stress Best Management Practices and stormwater control.
- Mr. Gerwick recommended denial of the application.

Mr. Bulmer read into the record *Exhibit 37 – Letter from Lucille and Greg Drecker, Memorial Park Dr., Niantic.*

Mr. Nickerson opened the hearing to further public comment.

Susan Kraynak, 1 River Road submitted *Exhibit 38 – Kraynak Photographs.*

Mrs. C. Grimsey, 35 Oswegatchie Rd., Waterford, CT stated that she has lived on the Niantic River for 40 years and has noted the increase “scum and odor” on the River. She stated that it is the responsibility of the adults to protect the children from poor water quality and pollution. She submitted *Exhibit 39 – Letter from Mrs. C. Grimsey.*

Jeffrey Greer, 31 Hill Road, East Lyme stated that the entrance from Route 1 to the site is already a problem at Calkins and River Rds. He indicated also that there area endangered blue herons, snowy egret and great egret which use the area for nesting and development would threaten these species greatly. He submitted *Exhibit 40 – 4 pages of pictures.*

Barbara Johnston, 35 Seacrest Ave., Niantic stated that the number of proposed units under the concept plan could impact the schools with approximately 2000 students added to the current 3500 student population. She stated that in her opinion the Affordable Housing Act is an unfunded mandate from the State. *Exhibit 41 – Letter from Barbara Johnston.*

Meg Parulis, Planning Director, Town of East Lyme submitted *Exhibit 42- Map and Seven Photographs.* She also submitted the report of the *Exhibit 43. Blue Ribbon Commission dated May 1989*, which was used to support the rezoning of Oswegatchie Hills to RU200. She added that an analysis of soil types indicated that 60% of the soils are classified “severe”.

Robin Greer, 1 Hill Rd., East Lyme also pointed out the dangerous roadways to the proposed Affordable housing district and the entrance onto Route 1. *Exhibit 44 –Letter from Robin Greeg.*

Resident 5 Boston Post Rd. stated that any development in Oswegatchie Hills was the wrong thing for the environment.

There being no further members of the public wishing to speak at this time, Mr. Nickerson inquired if Atty. Zizka wished to rebut.

Mr. Zizka, representing Landmark Development Group, LLC, stated that these hearing did not deal with a proposed development of Affordable Housing Units, but rather a request an amendment to the Zoning Regulations, Section 32 “Affordable Housing” and for a zone change from RU200 to the

proposed Affordable Housing District for the parcel in question. This new section, he stated, lays out the regulations that would govern development of an Affordable Housing Zoning District. The landowners/developers would not submit a site plan for Affordable Housing development to the Zoning Commission until such time as their parcel of land is so zoned. Landmark Development Group, LLC is aware of the soil restrictions and when a site plan is submitted, should the Zoning Commission approve their application, it will be required to address the issues of the location and number of on-site septic systems and wells the site can accommodate, number and location of buildings the land is able to support, access roads, landscaping, etc. He indicated that the conceptual plan submitted is not a site plan and does not take into consideration all issues and requirements that would need to be addressed in order to receive Town's approval. Landmark Development Group, LLC is investigating how to best develop the land and Affordable Housing is one proposal. Mr. Zizka noted that the landowners cannot be denied a reasonable opportunity to develop the land and plan to develop the property to the extent consistent with the natural resources on the property can accommodate.

Mr. Bulmer read from ASW Environmental Consultant's letter which stated that Landmark Development group "will obtain water and sewer for the development by connecting to the Boston Post Rd. connection". He noted that it has been pointed out by Mr. Thumm that Oswegatchie Hills is not in the sewer shed and that the town is under Consent Order from DEP. Mr. Zizka stated that the letter was poorly worded and its writing was not within Landmark's or his control and that indeed, Landmark Development has not received such approvals, but would develop bedrock wells and on-site septic where it could be accommodated and supported.

There being no further speakers, Mr. Chamberlain moved to close the public hearings. Mr. Bulmer stated that he believed there were people in the audience who wished to speak at this time and he could not vote to close the meeting in that event. Mr. Chamberlain rescinded his motion.

Caty Byerly, Senior at East Lyme High School read the summary of her Senior Project, "*The Best of Both Worlds*"- *Exhibit 45*.

M. Augusto, 32 Green, East Lyme stated that once the zone change is made, one can't get it back and asked, if the application is approved, what is the town and townspeople committing to.

John Mahon, 53 Quarry Dock Rd., Niantic, stated that his assessment recently increased 65% for waterfront property. He indicated that this parcel is also waterfront and who would be paying the taxes on it.

Robin Green, 31 Hill Rd., East Lyme suggested a trade of town-owned land for Affordable Housing for the Oswegatchie Hill parcel in question. Affordable Housing could be located elsewhere and the town would own Oswegatchie Hills.

Jim Stewart, 171 Main St., Niantic stated he resented out-of-towners coming into town, making money and leaving the town with an ecological and environmental mess.

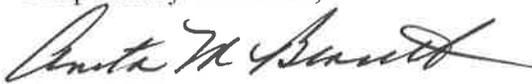
Ms. Murphy, 102 Old Black Point Rd. stated that if Landmark Development is embarking on Affordable Housing as charitable endeavor, then perhaps they should share the property in question with all people, not just a few.

There being no other speakers Mr. Nickerson invited a Motion to close the public hearings.

MOTION (1) Mr. Bulmer moved to close the Public Hearings I and Public Hearing II.
Mr. Peck seconded the motion.
Vote in favor: (6-0), unanimous.

Town Atty. Edward O'Connell informed the Commission of the Statutory time of 65 days to make their decisions. He charged them to consider only the evidence presented and instructed them that no further evidence or comments can be taken in this matter before them. He indicated that the Commission must state their reasons for their decision in a formal, official and collective statement. This is the statement and reasons for their decision would be reviewed by the Court should it become necessary.

Respectfully submitted,



Anita M. Bennett
Recording Secretary
13 May, 2002