

Dec 5 2002 at 10:20 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
PUBLIC HEARINGS I AND II
NOVEMBER 25, 2002
MINUTES**

The East Lyme Zoning Commission held a PUBLIC HEARINGS I AND II on Thursday NOVEMBER 25, 2002 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Public hearings I and II, following Public Hearing, at 10:55 PM

PRESENT: Mark Nickerson, Ed Gada, Norman Peck, David Chamberlain, Athena Cone, Alternate Marc Salerno, Alternate William Dwyer and Alternate Robert Bulmer

Absent: Shawn McLaughlin.

Also present: William Mulholland, Zoning Official; Rose Ann Hardy, Ex-Officio

PANEL: Mr. Nickerson, Mrs. Cone, Mr. Gada, Mr. Peck, Mr. Chamberlain and Alternate Mr. Dwyer.

PUBLIC HEARINGS I AND II

- 1. Application of Theodore A. Harris, agent for Walnut Hill Properties, LLC for a change of zone from RU80, Residential, to a Special Use (SU) zone for the following properties as listed on the application; Holmes Rd., East Lyme Assessor's Map 57.0, Lot 30; Grassy Hill Road, East Lyme Assessor's Map 52.0, Lot 30; Grassy Hill Road, East Lyme Assessor's Map 55.0, Lot 1.**
- 2. Application of Theodore A. Harris, agent for Walnut Hill Properties, LLC for a Special Permit to construct a golf course, including clubhouse, restaurant, swimming pool, tennis courts, nature trails and other ancillary activities**

Mr. Nickerson indicated that the hearings for the applications shall be concurrent. Mr. Nickerson opened the Public Hearings at 7:34 PM. He stated that the Conservation Commission has granted a permit to the applicant and the motion is part of the record.

Mr. Bulmer read into the record:

1. Letter from Theodore A. Harris, Stevens, Harris & Guernsey, PC dated October 9, 2002 to William Mulholland, Zoning Enforcement Officer.
2. Memo from Wayne L. Fraser, Chairman Water & Sewer Commission dated November 6, 2002 to the East Lyme Zoning Commission.
3. Letter from Gregg Ross, Chairman, East Lyme Planning Commission dated November 20, 2002, to Mark Nickerson, Chairman, East Lyme Zoning Commission.
4. Memo from William Mulholland, Zoning Official to East Lyme Zoning Commission dated November 25, 2002.
5. Letter from Fred Thumm, Director of Public Works dated November 25, 2002 to William Mulholland, Zoning Official dated November 25, 2002.
6. Noted that legal ad was run in the New London Day as required.
7. Certificates of Mailing noted as part of the record.

Mr. Nickerson invited Mr. Harris to make is presentation.

Mr. Harris noted that this is a dual application before the Commission, (1) change of zone application and (2) Special Permit application. He indicated that the zone change is one of a floating zone, i.e. a zone that may be designated throughout the town for specific uses. He pointed out the area in questions. He noted a small area because (1) it is located in the RU80 zone and allows golf clubs and so the special use for a golf course would be allowable in that area and it includes a small portion of one hole and (2) presently it contains a single family home and if changed to an SU Zone, the home would become nonconforming use and could not be renovated or altered.

Mr. Harris submitted the following Exhibits.

Exhibit #1 – Picture of sign posted 15 days prior to Public Hearing and note from Sign Craft concerning the installation of Notice on the property.

Exhibit #2 - Copy of Conservation Commission Permit.

Mr. Harris indicated that the proposed use is an 18-hole golf course, two pools, restaurant and banquet facility, business meeting rooms, pro shop, and nature trail that surrounds the entire golf course area. The parcel is located on approx. 300 acres between Holmes Rd., Upper Walnut Hill Road and Grassy Hill Road and is served basically by access to Holmes Rd. and ultimately to Route 85.

Mr. Harris reviewed some of the general considerations the Commission will go through in evaluating the site.

- A. General Course Layout
- B. Building architecture
- C. Landscaping
- D. Drainage System
- E. Erosion and Sedimentation Control
- F. Bond posted will be set by the Town Engineer and is presently estimated at \$150K.
- G. Water Use
- H. Turf Management Plan

Mr. Harris introduced John Katz, owner and principle who indicated that he has attempted to keep the surrounding residents informed of the project. He stated that the property has been in his family for over 50 years.

Mark Mungeam, Cornish, Silva & Mungeam, Uxbridge, MA stated that his firm has been in business approximately 50 years and has designed 230 golf courses mostly in New England. He outlined the process of analyzing existing conditions (wetlands, topography, soil, etc.) and designing the course for this parcel from initial concept plan to the final plan. He indicated that the golf course consists of 130 acres on a 325-acre parcel. The course design presented is designed to the modern and highest of standards – Turf management, irrigation, and water use/conservation. The course meets all setback requirements from property lines. He noted and pointed out the town line of Montville/East Lyme which transverses the parcel. He pointed out each of the 18 holes, practice facility/fairway, storage facility, pools, clubhouse location with parking and entrance/exit to the course. Mr. Mungeam also indicated that in designing a course, the fairways cannot cross the utility easement and thus are placed parallel to it.

Warren Daniel, Daniel Architect, Natick, MA, and Jeff Denzak, Landscape architect and site planner discussed the site planning and clubhouse.

Mr. Denzak reviewed the entry drive and gatehouse, clubhouse (1.5 stories in front-north side), parking “pods”, pool area, maintenance building, and site planning and landscape. He stated that a lot of the stonewall on site will be maintained to maintain New England characteristic. Additionally, rail fencing will be used. He indicated the design team attempted to place the clubhouse within the topography to have the least impact. He presented planting strategy drawings. The clubhouse building height (30-ft.) conforms to regulations. (**Exhibit #3**-Various Building Architectural Visuals-8 boards; **Exhibit #4**-Zone Change Map.). Materials for the clubhouse and maintenance building will be fieldstone and natural cedar siding and cedar colored roof.

Robert Pfanner, Niantic, discussed erosion and sediment control and drainage. He indicated that the site drains in all directions. He stated that the water that leaves the site would be less than present. Drainage to Mayville Rd., Montville will be redirected to mitigate flooding problems. Silt fence and berms made of wood chips during construction and the wood chips will be left in place to help control runoff. Swales will be used where there are steep slopes. In the parking lot area, all the runoff will be captured, run through an oil separator to a small pond. The ponds are designed to overflow a 100 year storm and infiltrate into the appropriate wetlands that they all abutt.

Bruce Mortion, Aqua Solutions, Marlborough, CT discussed irrigation and water conservation and the DEP permitting process for golf courses. The DEP general permit is and was designed with golf courses in mind, which includes monitoring of streams and neighboring wells. The range of water use is between 50K-250K GPD. Pesticide and nutrient and water use has changed dramatically on golf courses within the last 10-15 years. The irrigation system was designed as a loop system and computerized remote weather stations on the course. The nature of the turf grasses promotes reduced water usage as they tend to be drought resistant. Stormwater and runoff will be collected and stored for irrigation purposes. Makeup water will come from deep wells, approximately 600-800 feet deep.

Steve Detrick, Aqua Solutions, Durham, CT discussed the integrated turf management plan. By this plan golf courses are less reliant on pesticides and more judicious in the use of fertilizer. The practices are geared toward improving the turf grass system's ability to become more drought tolerant by encouraging deep roots. Incorporated into the plan is the use of infiltration grass swale systems which are designed to assimilate any potential residual nutrient runoff and degrade any pesticide residue. In addition, he discussed the Pest Management Plan. The superintendent monitors and reports on a regular basis pest activity and considers treatment options. The handling and storage of materials would take place in the maintenance building. Water use records will be filed with the DEP Water Bureau Division annually as required by the DEP. Water quality will also be monitored.

Brett A. Johnston, Barken & Mess, Transportation Planner (**Exhibit #5**-Traffic Study) discussed the scope traffic study conducted and the results. An estimate of the amount of traffic that would be generated by the proposed Walnut Hill Country Club, assigned it to adjacent roadways and evaluated traffic operations of the site driveway and nearby intersections. Additionally, recent accident experience was reviewed (no recorded accidents for Holmes Rd.; 4 recorded accidents at Route 85 and Salem Turnpike). This accident history did not raise any operational concerns, as it would be considered typical. Pfanner Associates conducted manual turning movement traffic counts conducted August 19-Tuesday and October 26-Saturday at Route 85 and Salem Turnpike, Salem Turnpike and Holmes Rd., and Holmes Rd. and Upper Walnut Hill Rd. Mr. Johnston stated

that industry standard data from the Institute of Transportation Engineers was used and their own studies in the past for banquet facilities. Based on this information and analysis, Barken & Mess recommend the widening of Holmes Rd. to 22-feet in the area of the facility and the clearing of vegetation on the shoulder area on Holmes Rd. to improve sight lines for speeds in excess of 35 mph. The current posted speed on Holmes Rd. at the main driveway of the facility is 25 mph eastbound and 30 mph westbound. Additionally, Barken & Mess recommend installing stop signs and stop bars on the site drive.

Mr. Bulmer inquired as to whom would pay for the widening of Holmes Rd. Mr. Harris stated that it was the developer's responsibility. Mr. Mulholland added that the Town Engineer would review the plans and issue the permits for the roadwork. Mr. Harris added that the width in the immediate vicinity of the drive entrance is between 21 and 22 feet and thus the road widening is not significant.

Mr. Peck inquired if the Country Club was a private club. Mr. Katz stated that the club would be semiprivate. The banquet facility, restaurant, grille room and trails are open to the public; swimming, golf and tennis for members only. The restaurants will be open year-round, however, hours have yet to be established.

Mr. Harris reviewed the Sections of the Zoning Regulations, which apply to these applications – RU Zone Regulations and Section 12-SU Districts. The golf course use is allowed in the SU Zone and indicates a variety of ancillary activities including restaurants and swimming pools. The small portion of the property that would remain RU80 also allows a commercial golf course. The Special Permit for golf course in the RU Zone has special controls (Section 25.5) – (1) requires a lot of at least 5 acres; (2) prohibits building a structure within 100-feet of property lines; 150-feet of street lines; (3) no undue noise emanating offsite.

Mr. Harris also reviewed Section 24 – Site Plans; Section 25 – Special Permits and Section 22 with respect to parking and sedimentation and erosion control. Mr. Harris reviewed the standards of the Site Plan section. Section 24.6(c)-Sidewalks: Mr. Harris requested a waiver of this requirement as it is in a rural area with stonewalls along the frontage and it would not connect to the sidewalk system. Additionally, he requested a waiver of buffer requirement of 50-feet and evergreen plantings or suitably landscaped. He stated that there is natural vegetation and the area along the perimeter of the property is heavily wooded and is likely to be maintained that way.

Mr. Harris reviewed the SU requirements as well. During this discussion, he stated that Section 22 defines the standards for parking, but there is no standard for golf courses. The applicant used the standards in the regulations to establish a guideline for parking. Per the applicant's plan there are a total of 189 parking spaces. In addition, there are some grassed areas for overflow parking (50

vehicles). The applicant believes the number of parking spaces is realistic in light of the operation of this site.

Following the applicant's presentation, Mr. Nickerson called for a five minute recess. Mr. Nickerson reconvened the public hearing at 10:55 PM.

Mr. Nickerson inquired if a tent area/banquet overflow area was planned. Mr. Harris stated that there is an outdoor tent area which Mr. Katz pointed out on the drawing. Mr. Nickerson also inquired if there was a second emergency entrance. Mr. Harris stated that there was one designed for the future which he also pointed out on the drawing. He stated that at this point the applicant does not intend to clear the access. He added that the Fire Marshall has reviewed the plan.

Mr. Mulholland inquired as to the means to address an emergency on the course. Mr. Harris stated that the cart paths can handle a small ambulance, as well as the nature trail system which will be 10-15 feet wide made of wood chips which will enable a vehicle to get through. He added that the bridges are not designed for large trucks but can handle an ambulance. This issue was also discussed with the Fire Marshall.

Mr. Salerno inquired if a fence would be constructed. Mr. Katz indicated that there is an existing stone wall encircling most of the property. Mr. Pfanner pointed out on the drawing the location of the stone walls.

Mr. Nickerson requested further information with respect to the utility easement and the problem of trespassing. Mr. Harris stated that trespassing on the utility easement is more likely to be controlled with this site developed than it is currently. What the applicant is proposing complies with the power company's requirements. Mr. Katz added that part of the trail system goes through the easement and most of the trail system will have a three rail white fence.

Mr. Chamberlain inquired as to the anticipated construction period. Mr. Katz indicated that two growing seasons are needed for the grass to grow and be in condition to play golf on it. He stated that if approved, he planned to start construction in January and complete it by June 2004 for golf. The clubhouse and structures will take a longer period of time.

Mr. Peck inquired as to the applicant's Montville approval process. Mr. Harris stated that it is ongoing. The applicant just completed the first stage of the wetland hearing with a decision yet to be made. Mr. Katz added that because the largest part of the property is in East Lyme, Montville has requested the applicant to proceed with East Lyme process of approval and permitting first.

Mr. McLaughlin inquired if the sizes of the buildings would change as the plans are finalized. Mr. Harris stated that the basic size of the buildings are set.

Mr. Bulmer asked why the applicant was requesting SU Zone for the southern portion. Mr. Harris stated that in the future the applicant would like to add an equestrian facility in that area. Mr. Mulholland cited allowed uses in SU Zone by Special Permit. Mr. Bulmer inquired if residences could be built in the area. Mr. Harris stated that is certainly consideration for the future but there are no specific plans at this time and no study has been conducted to determine if that is feasible with respect to septic systems.

Mr. Bulmer stated his concern for the height of the clubhouse including the cupola. Mr. Harris stated that the definition of height in the regulations is not the measure of the extreme point of the roof, but rather to the average pitch of the roof and certain architectural features are excluded specifically from the height. Mr. Harris stated that his best guess as to the total height from the ground to the top of the cupola was 45-feet. Mr. Bulmer stated that the Greenway Conservation District limits the height of any part of a building could protrude above the tree canopy. He added that he was concerned that the cupola would be sticking up above the trees. Mr. Pfanner pointed out the location of the ridge line and noted that the land slopes downward.

Mr. Mulholland stated that in the CA and GCD regulations allow heights to increase the further from the property line the building is located. The clubhouse is approximately 700-feet from the property line.

Mr. Bulmer inquired as to nearest watercourse effected by drainage and runoff. Mr. Katz indicated that Latimer Brook was the nearest and it flows to the Niantic River and Long Island Sound. Mr. Detrick, Aqua Solutions stated that with respect to fertilizer runoff, there is timing of application which is a key component to the Integrated Turf Grass Management Program. Additionally, the turf supervisor monitors what the fertility requirements and pest activity for maintaining a healthy turf grass system. The plan also calls for placement in key areas of grass infiltration swales, the purpose of which is to help contain and assimilate any of the nutrient runoff that may occur.

Mr. Bulmer inquired as to whom would be responsible if neighboring wells go dry. Mr. Harris indicated that the town would have no liability. He added that it is even questionable that the developer would have liability. It really depends on the nature of the water that's being diverted and whether that diversion is unreasonable. Mr. Morton added that during the Diversion Permitting process the applicant is required to stress the system to determine the impact. If the pump tests show a visible impact on the water supply, wetland, or watercourse, the applicant must reduce the pumping rate until arriving at a point where there is no negative impact. The process is not 100% risk free, but attempts are made to have no impact.

Mr. Mulholland stated that there is a bond, which covers the cost of reclaiming the site if the developer ceases operation in the middle of development where the town has to restore, process and close up the site. The bond would cover from start to finish of the project.

Mr. Mulholland inquired as to the drainage in the maintenance building where fertilizer and pesticides/herbicides would be stored. Mr. Harris stated that the pesticide storage area is isolated and there is a tank into which any fertilizer or pesticide residue would go and is then disposed of by required procedures. **Exhibit #6** – Schematic of Storage

Mr. Nickerson stated that in his opinion the number of parking spaces indicated on the plan would be insufficient should there be a banquet and tent party ongoing. Mr. Harris stated that the applicant would review the parking requirement after a year of operation if the Commission requested. He added that excess parking would add to the impervious surface on the site. He stated that the applicant believes that there is sufficient parking indicated in the application. Mr. Mulholland indicated that the applicant has met the criteria for restaurants, Section 22. Mr. Harris stated that the tennis courts would not be built initially and the applicant would be agreeable to a condition where the applicant would not build the courts unless he came back to the Commission and explain the parking situation and show parking data to indicate that it is sufficient, otherwise, not construct the tennis courts.

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

Joe Kwasniewski, 67 Walnut Hill Rd., East Lyme stated he was in favor of the golf course and maybe the clubhouse, however, he did not favor other activities because of traffic conditions generated. He stated that all the roads in the area would need to be widened for safety reasons. He also questioned what would happen to the land if the golf course fails.

Mr. Nickerson opened the hearing to those wishing to speak in opposition to the application.

Stephan Slavtcheff requested clarification of Mr. Harris's comment that the town and developer may not be responsible should neighborhood wells go dry. Mr. Harris stated that the town was not responsible; the developer could be responsible depending on the circumstances. The Diversion Permit Process is specifically designed to avoid this issue. The applicant wells would be deep wells (800-900 feet) which would not effect shallower wells. Mr. Slavtcheff disagreed with this statement. Mr. Katz stated that it was his understanding that CT DEP monitors the test wells and the impacts on neighborhood wells, wetlands, streamflows, etc. The DEP issues a permit for the amount of water that the permit holder is allowed to pump and this is also monitored.

Mr. Slavtcheff also stated his concern regarding traffic on Upper Walnut Hill Rd. He indicated that currently one has a hard time passing a school bus due to the narrowness of the road. This is also true of Holmes Rd.

Mr. Nickerson opened the hearing to anyone wishing to speak either for or against.

Lois Taylor, 49 Holmes Rd., Montville, CT stated that she was concerned about the water quality in the Montville portion (Mayville Dr.) of the property. She indicated that the East Lyme Conservation Commission approved this project very quickly and in their conditions they indicated that they would like quarterly water quality reports. Pesticide screening data must be submitted annually. She suggested that since the readings were going to be taken quarterly for water quality, why not require quarterly pesticide screening. She indicated that none of the monitoring locations listed are downslope of hole 13 which would greatly effect the Montville residences. She added that she was concerned also with the traffic and policing.

There being no further speakers Mr. Nickerson entertained a motion.

MOTION (1): Mr. Bulmer moved to close the Public Hearing on the application of Theodore Harris, agent for Walnut Hill Properties, LLC for a change of zone from RU-80 to a Special Use (SU) zone for the properties listed in the application and the Public Hearing on the application of Theodore Harris, agent for Walnut Hill Properties, LLC for a Special Permit to construct a golf course, including clubhouse, restaurant, swimming pool, tennis courts, nature trails, and other ancillary activities.

Mr. Chamberlain seconded the motion.

Vote in favor: (6-0). Unanimous

Respectfully submitted,



Anita M. Bennett
Recording Secretary
December 3, 2002