

EAST LYME ZONING COMMISSION
REGULAR MEETING
NOVEMBER 4, 1999
MINUTES

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Nov 10, 19 99 at 2:40 (ALL PM)

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on November 4, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearing to order at 7:36 PM and the Regular Meeting to order at 8:47 PM

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

Also Present: William Mulholland, Zoning Officer, David Zoller, Planning Commission Representative

Absent: Daniel Price, Rose Ann Hardy, ex-officio

REGULAR MEETING

Mr. Peck is sitting out. Mr. Bulmer will sit for Mr. Peck and Mr. Dwyer will sit in the absence of Mr. Price.

Mr. Formica called the meeting to order at 8:47 PM.

A. Approval of Minutes

The approval of the Minutes of October 21, 1999 will be tabled until the next regular meeting.

B. Application of Theodore Harris, agent for Benchmark, LLC, for a Special Permit and Coastal Site Plan Review to construct a 66 unit assisted living facility at 417 Main Street, 8 and 14 Lake Avenue, Niantic, CT.

Mrs. Cone will sit out as she was not present for the Public Hearing. Mr. Weber will serve as Secretary in Mrs. Cone's absence at this time. Mr. Formica, Mr. Dwyer, Mr. McLaughlin, Mr. Bulmer and Mr. Weber will sit on the panel.

Mr. Formica noted that deliberations at the last Regular Meeting had raised some concerns, which the Staff would address with Benchmark, LLC representatives. He also stated that the Commission cannot enter any new evidence or testimony into the record following the close of the Public Hearing.

Mr. Mulholland, Zoning Official, indicated that the Town Engineering Department, Town Sanitarian and Zoning Staff have reviewed the concerns expressed by the Commission and public and addressed them with the applicant. He indicated that Benchmark, LLC will

- (1) Add nine (9) additional parking spaces and Mr. Mulholland indicated their location on the Plan.
- (2) The driveway at Lake Avenue will be increased at the throat to accommodate WB40 vehicles or 18 wheel tractor-trailers.

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- (3) The applicant will reduce the height of the building from 37'10" to 36'9".
- (4) Drainage issues have been resolved with the Town Engineer.
- (5) The applicant indicated at Public Hearing that the color of the building would be "muted", but this issue has yet to be resolved.

Mr. Bulmer inquired as to the number of units the Zoning Regulations would allow for this type of project on this piece of property, and if the three parcels involved were all in the CB Zone. Mr. Mulholland stated that 86 units are allowed and the applicant is requesting 66 units and that all three parcels are in the CB Zone.

Mr. Bulmer also inquired if any additional agreement had been reached regarding the color of the building. He recalled that during the Public Hearing, the applicant indicated that the color would be "muted". Mr. Mulholland stated that was also his recollection. Mr. Formica added that the Town does not have an Architectural Review Committee.

Mr. McLaughlin indicated that even though this is a use allowed by the Regulations in this zone, his concerns were with

- (1) safety with respect to tractor trailer and other delivery trucks on Hope St. and Lake Ave,
- (2) the size of the building for that specific area and
- (3) the effect on the value of the surrounding properties, as well as.

He also added that he did not feel that the nine additional parking spaces were adequate for the number of units, employees, and visitors.

Mr. McLaughlin read from the Zoning Regulations, Section 25.4.1.

Mr. Weber noted that the applicant has met Zoning requirements and concurred with Mr. McLaughlin's comments. He indicated that his major concern with this project is that the building is too large for and not in harmony with the area.

Mr. Dwyer noted that Assisted Living Facility is a Special Permit Use in the CB Zone. He added that fast-food restaurants and parking lots are also permitted uses. He stated that he had no problem with this application when the nine additional parking spaces are added, the service driveway throat enlarged to accommodate tractor-trailers and the applicant has been cooperative in addressing various concerns. He noted that the even though the Assisted Living Facility reduces the commercial property available, Town would benefit by adding this facility to the Grand List.

Mr. Formica observed that the use is allowed and the application is in conformity with the Zoning Regulations but was met with disagreement with the neighboring residents. He added that the applicant has chosen to accommodate the neighborhood concerns by addressing the parking space concerns, truck access driveway, and sidewalks. He indicated that the application conforms to the requirements with respect to building height, floor and kitchen areas, open space requirements, coverage, frontage, lot size, setbacks.

- (1). 27 parking spaces required by the Regulations, 39 parking spaces proposed
- (2). 86 units allowed, 66 units proposed
- (3). 40' building height maximum, 36'9" building height proposed
- (4). 40% coverage by regulations, 20% coverage proposed

He also noted that Section 25.4.2 of the Zoning Regulations indicate that the special use will not be more objectionable than a permitted use. He stated that it seems the most objectionable part of this project is the size of the building, not fumes, noise, vibration or flashing lights. Mr. Formica noted that with respect to traffic and safety issues, this use is more conservative than some of the other Permitted Uses stated in the Regulations.

Mr. Formica noted that under Section 25.2 of the Zoning Regulations, the Commission can treat each use as an individual case as to granting Special Permits.

MOTION (1): Mr. Dwyer moved to approve the application of Theodore Harris, agent for Benchmark, LLC for a Coastal Site Plan Review to construct 66 units of elderly assisted living at 417 Main St. and 8-14 Lake Avenue, Niantic CT
Seconded by Mr. Bulmer
Vote in favor: (5-0), Unanimous

MOTION (2): Mr. Dwyer moved to approve the application of Theodore Harris, agent for Benchmark, LLC for a Special Permit to construct 66 units of elderly assisted living at 417 Main St. and 8-14 Lake Ave., Niantic including granting of an exception to the planting requirements of Section 24.6.3 along the westerly property line, south of existing arbor vitae and along the east side. Planting to be as shown on the Site Plan. The conditions are as follows:

1. Applicant must add nine (9) additional parking spaces as presented
2. Applicant will construct a sidewalk along Lake Ave. from the rear of the Children's Museum property to Hope St.
3. Applicant will reduce the overall building height to 36 feet 9 inches
4. Applicant will modify the service loading area entrance to accommodate a WB40 vehicle (tractor trailers)
5. Applicant must submit revised Site Plan incorporating these conditions to the Zoning Officer

Mr. Bulmer seconded the motion.

Vote in favor: (3-2) Mr. Formica, Mr. Dwyer and Mr. Bulmer voted in favor; Mr. Weber and Mr. McLaughlin voted against.

Discussion: Mr. Bulmer noted that when the applicant was requested to make modifications and address the public's concerns about the building height and other matters, they were accommodating and Mr. Bulmer viewed that action as a show of good will.

C. Application of Robert D. Tobin, agent for West Hill, LLC, for a Special Permit to construct 88 units of elderly housing at 237 Flanders Road (rear).

Mr. Dwyer indicated that he was pleased that the project proposes 3 parking spaces per unit and that a crosswalk on Flanders Rd. would be built. He inquired as whether the culvert under Rte. 161 could accommodate stormwater run-off.

Mr. Mulholland indicated that the Town Engineer approved the plans as did the Fire Marshall and Planning Commission and Conservation Commission.

Mrs. Cone inquired as to the waiver of Section 25.5(12), CA District, Elderly Housing, the applicant is requesting. This waiver is to reduce the distance between buildings from the Regulation requirement of 24 feet to 15 feet. Mr. Formica noted that a waiver had been granted in Phase I of the project.

Mr. Weber noted that the run-off would be less with this proposal than is currently and that it is a quality plan. He noted that the traffic could be worse.

Mr. McLaughlin inquired as to the additional plantings of evergreens proposed in the buffers and the preservation of the buffer vegetation during construction. Mr. Mulholland indicated that the vegetation in the buffer areas will not be disturbed. He added that if destruction or encroachment of the buffer is a concern any approval could be conditioned.

Mr. Bulmer stated that this is a quality project and it would be a benefit to the Town of East Lyme.

Mr. Formica noted that the application conforms with the Zoning Regulations. He noted that Chapman Farms would protect the residential character of the Town, but not significantly use Town services such as the schools.

MOTION (3): Mr. Bulmer moved to approve the application of Robert D. Tobin, agent for West Hill, LLC for a Special Permit to construct 88 Units of elderly housing at 237 Flanders Rd. with the addition of a waiver of Section 25.5, Table of Minimum Controls, Section for Special Permits, Elderly Housing , CA Zone, paragraph 12(2) such that the shortest distance between any two structures shall not be less than 15 feet.
Mr. Dwyer seconded the motion.
Vote in favor: (6-0), Unanimous.

OLD BUSINESS

- A. Discussion of "Public Discussion"
Following discussion among the Commission members, it was the consensus of the Commission to continue discussion until the next regular meeting. It was noted by the Commission that guidelines must be established and that consideration should be given to establishing a subcommittee to study the procedures and guidelines followed by other Boards and Commissions.

NEW BUSINESS

1. Application of Theodore A. Harris to amend the East Lyme Zoning Regulations by adding new Section 20-18.1

Public hearing to be scheduled for the next available date.

2. Water Moratorium

Public hearing to be scheduled for the next available date.

3. Correspondence – none

4. Zoning Official

Mr. Mulholland stated that Cracker Barrel has withdrawn at this time.

5. Planning Liaison Comments

Dave Zoller informed the Commission that at the November 16, 1999 meeting of the Planning Commission final consideration will be given for the Plan of Conservation and Development.

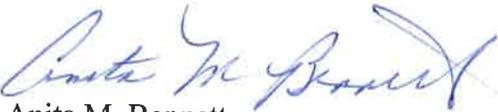
ADJOURNMENT

MOTION (4): Mrs. Cone moved to adjourn the meeting at 10:16 PM.

Mr. Weber seconded the motion.

Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett
Recording Secretary