

**East Lyme Zoning Commission
Public Hearing
October 7, 1999
MINUTES**

Filed in East Lyme Town

Clerk's Office

Oct 18 19 99 AT 10:00 AM
PM
Marty A. Bulmer
East Lyme Town Clerk

The East Lyme Zoning Commission held a Public Hearing and Regular Meeting on October 7, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Paul Formica, Chairman, called the Public Hearings to order at 7:43 PM and the Regular Meeting to order at 11:52 PM

PRESENT: Chairman Paul Formica, Shawn McLaughlin, William Weber, and Alternates Robert Bulmer and William Dwyer.

Also Present: William Mulholland, Zoning Officer. Rose Ann Hardy, ex-officio. Jeanne Davies, Planning Director, Planning Commission Liaison Mario Locarno.

Absent: Athena Cone, Daniel Price, Norman Peck

PUBLIC HEARING I

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

Mr. Formica opened the Public Hearing at 7:43 PM.

Motion (1): Mr. Dwyer moved to appoint Mr. Weber to act as secretary in the absence of Mrs. Cone.

Mr. Bulmer seconded the motion.

Vote in favor: (5-0), Unanimous

Mr. Formica reviewed the Public Hearing procedure. He polled the Commission for conflicts and found none.

Mr. Formica noted the Legal Ad had been published September 24 and October 4, 1999 and read into the record a letter from William Mulholland, Zoning Official dated October 6, 1999 to the Planning Commission. He also read into the record a letter to Mr. Mulholland, Zoning Official from Mike Giannattasio, Engineering Dept.

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Mr. Formica introduced and turned the floor over to Mr. Harris for his presentation. Mr. Harris submitted an affidavit and photographs regarding the posting of signs on the property as required by the regulations.

Mr. Harris indicated that the application is to construct and operate an Assisted Living Facility as defined in the regulations. The application is for a special permit in a CB zone.

Mr. Harris described the site as a 2-½ acre site located where Niantic Pharmacy used to be. What is proposed is a Colonial style building containing 66 units; in part three stories and in part two stories and generally located toward the center of the site.

Mr. Harris introduced Mr. Scott Cohen of Benchmark who is project manager. Benchmark LLC has 9 such facilities in New England, including Mystic and Southington. He described the building type as residential and presented a three dimensional model. He indicated the facility is housing for seniors who need some assistance, and cannot live on their own but do not require the services of a nursing home. The facility is comprised of 49,000 sf living area, 36 studio units, and 1-2-bedroom units. Ninety percent of the residents are female and the average age is 80 years. The facility provides three meals per day, all utilities exclusive of cable and telephone. The facility provides transportation, exercise rooms, common dining room, lounges and computer room. Mr. Cohen presented interior photographs of other similar facilities.

Gary Sharpe, Site Engineer, of Angus McDonald & Sharpe Associates presented the site plan. The main entrance is on Main Street with parking for visitors and residents, and drop-off area. The rear access on Lake Ave. is to a parking lot and loading dock. The proposed site contains less impervious area than the current use and therefore less run-off. The objective is to keep drainage on the site for as long as possible. With that in mind, the plan proposes collecting drainage in the front portion of the building and directing it to the northerly direction to a catch basin structure in the area of the loading dock. Drainage will then be carried easterly along the south side of the building and deposit to a stormwater infiltration system constructed beneath the parking lot adjacent to Lake Ave. Mr. Sharpe indicated that this would diminish the run-off by about 40%. Utilities are tentatively proposed to be serviced from Lake Avenue. CL&P are still reviewing their service of the site. All utilities will be buried.

In response to question from Mr. Formica and Mr. Bulmer, Mr. Sharpe went into more detail on the infiltration system and the means of keeping run-off on the site and not flowing onto adjacent properties.

The applicant is applying for Coastal Site Review because the property is within 1000 feet of a coastal resource. Mr. Sharpe indicated that the site is 950 feet of a Coastal Management Zone. There are no environmental coastal resources on the property.

Mr. Sharpe also pointed out the shaded area on the drawing. The area loops from Main St. northerly to near the north boundary of the property and then easterly to Lake Ave. This is a designated emergency access, which was established in conjunction with the Fire Marshall. Sixty percent of the area is paved in the form of access ways and parking lots and the other portion on the northerly part of the property is over a grassed area but is built to support heavy emergency vehicular traffic.

Mr. Sharpe pointed out the rear parking area, presumed to be used by employees, and the Main parking area for visitors. He also pointed out that at the Main Street entrance area is a "park-like" area. He indicated that the loading dock access is not designed for tractor-trailers, but rather single unit trucks (12-foot box).

Bill Ericson, Plan Architect, from Lexington, MA, reviewed the building plans. He pointed out the apartment units, common areas, living areas, and outdoor areas planned for the residents on each story and each of the three wings. At this time, the proposed building will be shingle and clapboard with detail wood trim. No color scheme has been submitted as part of the application at this time. Mr. Ericson indicated that the building height is proposed to be front-37'10", side-35' and rear-24'8". Mr. Ericson will submit a Letter of Amendment, as these building heights are different than those on the plans submitted to the Commission. As part of the proposal, the applicant is proposing to build a new concrete sidewalk from the north property line to a point just south of the southerly property line where it joins an existing bituminous concrete parking area at the Children's Museum.

Mr. Harris indicated that Benchmark, LLC would be willing to allow color approval but stressed that the plan is for the color to be "muted".

Steve Zelger, Landscape Engineer presented the landscape schematic for the site. He described the landscaping in the front "park-like" area surrounded by a 4-foot wrought iron fence and circular drop-off area and parking area. There is a rear courtyard with a 6-foot wood fence with 2-foot trellis. The rear emergency access area is lawn to allow vehicular access. Arbor vitae and spruce will be planted along the rear and west side of the property.

Mr. McLaughlin inquired as to the lighting of the property. Mr. Zegler pointed out on the drawings the swan light fixtures (12-feet) and discussed the light spillage, which he described as low level and not striking adjacent structures. He also indicated that there are proposed walkway lights approximately 30 inches high.

Mr. Mulholland stated that the Town Engineer addressed this item in his letter previously read into the record. The Town Engineer's concern is that there is sufficient light for safety.

Alan Mess, Traffic Engineer of Barken & Mess presented the traffic study. He indicated that one third of the traffic would be generated by an Assisted Living Facility than by what potentially could have occurred by the development of the land for other purposes.

Mr. Harris indicated that the applicant is requesting a waiver of Section 24.7 Buffers on the southeast property line (front park-like setting) abutting the driveway of the Gada property.

Mr. Harris reviewed the appropriate Zoning Regulation Sections and summarized by stating that the applicant has met the criteria applied to Special Permits as well as the Zoning Regulations.

Mr. Harris indicated that Mr. Mulholland and Mr. York, an adjoining neighbor, have requested that a sidewalk be constructed on Lake Ave. to connect with Hope St. Although the Zoning Commission does not have the authority to order that, the applicant is willing to accept the condition to install a sidewalk from the northerly boundary of the property along the York property. He also stated that the applicant is willing to construct a crosswalk on Main Street and has been in discussion with the East Lyme Land Use Coordinator regarding same.

Mr. Formica opened the hearing to those who wished to speak in favor of the application.

Dave Ditner, 480 Main Street, Niantic spoke in favor of the project.

James Houle, owner of property abutting the west side of 417 Main St., Niantic stated that this use is better than any other commercial use.

Richard Waterman, 11 Lake Ave.. Ext., Niantic spoke about the high quality of the project and that it would be an asset to the Town.

David Brawly, 34 Lake Ave., Niantic stated that his concern regarding traffic have been alleviated.

William Hennessey, 17 Haigh Ave. stated that he was pleased to see this type of facility.

Mr. Fomica opened the hearing to those who wished to speak in opposition to the application.

Robert Gadbois, 358 Boston Post Road, stated that the town needs businesses since it is a tourist town. He also sited the water problems the Town has experienced.

John Marino, 20 Tabernacle Ave. read a statement indicating that the Downtown Niantic Merchants Association voted unanimously to oppose this application on October 4, 1999.

Mr. Marino stated that he would rather see small stores and businesses in this area.

Margaret Brodrick, Boston Post Road, East Lyme stated that she is a health aid and that one cannot expect the residence would go shopping downtown by themselves. She stated that Niantic is a quaint village and this is not in that mode.

Phyllis Gada, 3 Whitney Circle, East Lyme owner of property on the east side of the subject property(413 Main St.) stated that she also did not anticipate the residents using businesses in the Town. Mrs. Gada stated her concern regarding delivery trucks on Lake Ave. She also questioned what use the building could be put to if this Assisted Living Facility fails.

Resident of 7 East Street also stated her concern about tractor trailer traffic, and what becomes of the building if this venture fails. She noted that this facility is private-pay. She stated that the area around East Lyme is overbedded with facilities at Liberty Way and Waterford.

Paul Sullivan, 5 Meadow St. stated his concern for children from the Museums and the traffic from trucks making deliveries to the facility. He inquired as to the duration of construction. (Mr. Cohen indicated approximately 10 months to completion).

Gary Lakowski, 12 Methodist St. stated that the property is need for retail space and commercial space in Niantic. This facility would place additional strain on the police and fire departments and create additional traffic on Lake Ave. and Hope St.

Kevin Blodgett, 30 Lake Ave. stated his concern regarding traffic on Hope St. and Lake Ave.

Scott York, 18 Lake Ave. stated his concern regarding the effect of this facility on the property values of surrounding property. He also stated his concern that this project would take away needed commercial/business space in Niantic and inadequate parking on the site.

Dave Ditner, 480 Main St. questioned the August 5th zoning change. He indicated his concern this application was already approved.

Mr. Formica indicated that the August 5, 1999 vote, following a Public Hearing which was duly advertised, was to amend the regulations allowing Assisted Living Facility as a Special Permit Use in the CB Zone and is subject to controls in the regulations. He stated that this application is not approved at this time. All evidence and testimony at the Public Hearing is received, the Commission members deliberate and vote to approve or deny the application. He stated that the zoning regulations are prohibitive regulations. That is, if the use is not outlined in the regulation, it is prohibited. Mr. Formica stated that if the Special Permit application for this use fails, and another use goes in, that use must accommodate the Special Permit for that use as stated in the regulations.

Phyllis Gada, 3 Whitney reiterated Mr. Ditner's comments and added that in her opinion the August 5th change was to accommodate Benchmark, LLC. She inquired as what other use this project to be put if the Assisted Living Facility, if approved, fails to survive.

Mr. Mulholland stated that any change in use would be subject to application to the Zoning Commission and the Zoning Regulations govern.

Joan Johannis, 27 Nehantic Dr. commented inquired as to when the amendment passed. She commented on the coincidence of this action and Benchmark's application.

Ed Gada, 3 Whitney Circle, East Lyme presented a petition of approximately 230 signatures of taxpayers/residents of primarily Hope St., Lake St. and Main St. objecting to an Assisted Living Facility at this location and the removal of potential retail space from Niantic. Other objections are: Inadequate parking, the interpretation that this is spot zoning, value of adjoining residential property and what could this facility evolve into if it does not survive as an Assisted Living Facility. He reiterated that the Downtown Niantic Merchants voted to oppose this application (approximately 12 members).

Jeff Pascal, 13 Park Court stated his opposition to the facility at this location and the traffic that would be generated.

Glen Goldberg, East St. reiterated comments regarding loss of retail space, and traffic. He commented on the site lines from the front driveway onto Main St. stating his concern for pedestrian and vehicular safety. He stated that residents in their eighties do drive and will have vehicles.

Barbara Potopowitz, 29 Lake Ave. concurred and added that Lake Ave. is too narrow and is a dead end and certainly trucks will find they cannot turn around and will need to back out. She commented on the changes to Lake Ave. with two houses removed to accommodate the facility.

William Ricci, 33 Fairhaven Rd. objected to the location of the facility on Main St. and is in a residential area.

Susan Turner, 90 Hope St., stated her concern of this project's spacial relationship to the neighborhood and Niantic.

John Vilcheck, 4 Meadow St. stated his objection and concern that the building will be awkward in the area. He urged the Commission to consider against this application.

Mr. Dousis, 11 Hope St. inquired about procedure.

Mr. Formica stated that if it is opinion of the Commissioners that the application meets the regulations, the Commissioners can approve the project. He added that part of the reason for the Public Hearing and subject these uses to Special Permit is to obtain the public's input and feelings about the application.

Mr. Gada, 3 Whitney Cr. noted that less than one-half block from the driveway is the Niantic Center School with approximately 300 students and added his concern for safety.

Carol Wilhelmson, 5 Meadow St. objected to the traffic, ambulances frequenting the streets to access the facility and the visual effect to the neighborhood.

Danny Ditner, 480 Main St. stated his objection and the inadequate parking provided. He stated that 30 parking spaces for 20 employees, 2 vans, visitors and residents is inadequate. He also inquired what the exterior color of the building would be.

Mr. Formica read Section 25.4.1. He indicated that the Commission is governed by the Zoning Regulations and all that will be considered when they debate and deliberate. All testimony given at this Public Hearing is also part of the record to be considered.

Donna Jutila, co-owner Village Card Shop, stated that this facility would be detrimental to the Town because of the reduction of potential retail space in Niantic.

David Brawley, 34 Lake Ave. who had previously spoke in favor of the application indicated that he has changed his opinion and is opposed to the application.

Mr. Formica indicated that Mr. Harris will sum up, the Commission would ask questions and/or comments and the Public Hearing can remain open for 30 days and a decision must be made in 65 days.

Mr. Harris stated the applicant meets the regulations and requirements with regard to parking and traffic. He requested Mr. Mess summarize with regard to traffic.

Mr. Mess indicated that in conducting his study, he looked at several factors:

1. Town Regulations
2. American Senior Housing Association data which indicated 15-20 spaces would be needed for a facility of this type.
3. Barken & Mess own study for different developments of a similar type calculated 25 spaces would be required for a facility of this size.

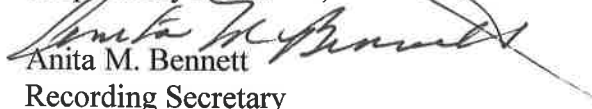
Mr. Harris briefly summarized the presentation and indicated that the applicant believes he can meet the comments made by the Town Engineer, Mr. Giannattasio, in his letter previously read into the record.

Mr. Bulmer inquired if any patients would be psychotic, have psychological problems or be a hazard to the community.

Mr. Cohen responded that each resident is screen to determine if an Assisted Living Facility is an appropriate place. If a potential resident needs services that the facility cannot provide, they will not allow admission to the facility. Staff will also monitor the residents.

There being no further speakers in favor or opposed to the application, Mr. Formica closed the Public Hearing at 11:11 PM.

Respectfully submitted,


Anita M. Bennett
Recording Secretary