

Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

ZONING COMMISSION

PUBLIC HEARING-ZONING

August 24, 1995

PRESENT:

Wayne Fraser, chairman; Paul Formica, secy.; Norman Peck III, William Dwyer, Chris Mullaney and Athena Cone.

Alternates: Shawn McLaughlin and Kent Presley

The meeting was called to order at 7:35 p.m. by chairman Wayne Fraser.

1. Application of Peter Locarno (Locarno Construction), 45 Roxbury Road, for a renewal of a Special Permit for excavating gravel from property off Chesterfield Rd., East Lyme, Ct., Tax Assessor's Map 45, Lot #1.

No correspondence on this item.

This was a renewal of his previous permit. A memo from the Zoning Enforcement Officer was read in which Mr. Mulholland said he had reviewed the application and site and found that Mr. Locarno's operation has been consistent with his permits. He recommended this permit be reissued subject to certain conditions.

Speaking in favor: Ron Rando said he wants to see him get his business going.

Opposed: none

This hearing was closed at 7 40 p.m.

The Board then went into a regular meeting to consider the application. (See Minutes of Regular Meeting).

2. Application of Patricia Waddington, 147 Main St., Niantic, to amend Section 1.50 (Restaurant Standard of the East Lyme Zoning Regulations).

Mr. Formica stepped down from the Board on this hearing. Mr. Kent Presley was seated in his place.

A letter from Atty. Francis Londregan was read requesting this amendment for Mrs. Waddington. He stated that while Dad's Restaurant did not fit the definition of a standard restaurant in East Lyme, it would be considered so in most any other town in Connecticut.

FILED IN EAST LYME TOWN

CLERK'S OFFICE

Aug 31, 1995 at 3:10 PM

Esther B. Williams

EAST LYME TOWN CLERK

2. Public Hearings, 8/24/95

Atty. Londregan asked to amend Section 1.50 (Restaurant Standard" by inserting the word "normally" between the words "employee" and "takes" in the first sentence of that definition.

A letter was read from the Conn. River Estuary Planning Agency in which they saw no problem with the application.

East Lyme Planning Commission wrote they recommended that this amendment be approved with the word "normally" inserted as requested.

The Southeast Ct. Council wrote that it made the meaning of the definition ambiguous, and did not recommend adoption.

A memo from Zoning Officer, Bill Mulholland was read regarding this proposal, and suggesting the Board may wish to examine this issue more closely in the light of what effect does this change have on existing and proposed restaurants, if any. It was agreed that the record of the first part of the hearing will be incorporated into this hearing.

The chairman said this is basically a new application in response to a suggestion by Atty. Londregan that Shawn McLaughlin should be seated with the Board on this hearing, (instead of Alternate Presley).

Atty. Londregan said ~~Mad's~~ Restaurant started in 1960. They leased for nine years and bought the land and building in 1969. They paved the parking lot, added a 20 ft. deck and a side dining area. They have made many improvements. He said this application is not about getting more parking; they do not need more. Atty. Londregan said this is a cooked to order operation, and it was not a non-conforming use when it opened. He said two things happened in 1988. The Zoning was changed to CM from Commercial, and Zoning put in a definition of fast food, including just "counter service".

As a non-conforming use they are restricted in the growth of their business, said the attorney, and they can't raise the picnic level to the height of the ground floor. It also restricts the use of the ice cream deck as far as seating is concerned, and it also affects their insurance.

Atty. Londregan asked them to consider this as a regular restaurant by letting the staff (zoning) determine how the food is prepared here. He reminded the Board that Mrs. Waddington went through the menu item by item last time. He said this place more closely fits a standard restaurant description.

Bill Dwyer said the word "normally" was not inadvertently left out; it was purposely left out. He thinks the method of operations is the question.

Atty. Londregan said he met with Philip Mikaloski, a Planning consultant, and he found our definitions irregular.

Speaking in favor:

Ron Rando said the time has come to throw out all zoning regulations. It is costing the business people money.

No one spoke against the amendment.

Mr. Presley asked how difficult it would be to enforce the laws if this change is made. The Zoning Officer said they can go to Zoning Board of Appeals, and we would probably have enough to enforce the regulations regularly.

Mr. Dwyer felt it put too much on the Zoning Officer. It could leave room for misinterpretation.

This hearing was closed at 8:15 p.m. and the Board went into a regular meeting to consider this item.

At 8:30 p.m. the hearing was called to order on-
Application of Robert Tobin agent for Chapman Farms L.L.C.
for a change of zone from RU-40 to S.U. (Special Use) for
the purpose of developing 65 units of elderly housing,
Tax Assessor's Map 162, Lot 17.

Mr. Fraser explained this is a continuation of a public hearing with much of the information over-lapping into the Special Permit portion. He said only one Board member did not sit on the earlier hearing, Mrs. Cone, who has brought herself up to date on it. Mr. Peck had stepped down from the Board on this hearing. Shawn McLaughlin, alternate, was seated in his place. The continuance was advertised in "The Day".

Letters:

1. The East Lyme Planning Commission voted to recommend the application to rezone be approved. (Two letters received).(2.)
3. A letter from Kevin and Gail Booth was received objecting to this change and that it is inconsistent with the Plan of Development to have this proposed high density use.
4. Letter from Economic Development Commission stating they unanimously endorsed the Chapman Farms Elderly Project.
5. Letter from Charles P. Brogan and Mrs. Brogan in favor of the Chapman Farms project, stating we need such elderly housing.

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6.

Letter from Mary R. Mirabito supporting the proposed housing development for the elderly.

7. Letter by Carol Giese spoke in favor and feels it would be an enhancement to the community.

8. Letter by L. Leslie Anderson in favor of the proposal by Ben Orvedal as there is little to offer those whose incomes are too high to subsidized housing.

9. State of Ct., Dept. of Transportation, letter re: Storm-water Plan" which is acceptable.

Atty. Tobin spoke of the approval by Planning, and said the Wetland Commission meeting was continued to Sept. 11, and would refer to the second part of this hearing. He would like to incorporate the Exhibits from the last hearing portion into this portion.

Mr. Fraser said this was agreed to.

Mr. Mulholland commented that the Special Permit application is sufficient to limit use. He read some of the uses permitted in SU Districts. He said because it is suitable for elderly housing, it does not mean it would be suitable for other uses.

Atty. Tobin said they are studying the issue of sidewalks. They will put sidewalks in front of the property and will continue to pursue the issue of sidewalks nearer town.

Angus MacDonald added another exhibit (EXHIBIT 3A). He had added another line to the Comparative Data sheet. He added the setback requirements and showed that elderly traffic is considerably less than normal traffic. He said there are 8 acres of open space. In a standard development, he pointed out there is no buffer required. He said this development could generate \$216,000 for the educational pot, and there is no cost to the town for road costs.. There will be 13 clusters of 4-6 buildings in this proposal, with garages. He said a slight modification was made on the plan submitted so that the roadway is now 50 ft. from a section. This is a modification to the site plan to the rear of Building #16. (Exhibit #16).

He said the Chapman Road is for emergency use only. . . He said the Chapman house is included in the acreage.

Mrs. Cone asked about the lighting. He said HPS is high pressure sodium lighting.

Mr. Orvedal said it is 150 lights and is on a photo-electric cell.

There will be no common meeting place, said Mr. MacDonald, but there will be walking trails and a gazebo.

Mr. David Sullivan, traffic engineer, said they used national statistics on traffic and have done eight different facilities in Conn.

Mr. Orvedal said he just wants to reiterate what he said at the earlier hearing portion. This was the culmination of a search for a site with water and sewers and near the center of town and near a highway, as well as being compatible with the neighboring neighborhood, as this is, he stated. He said he has received many calls in favor of this proposal.

Mr. Formica asked about the approach to Rte. 161. The D.O.T. is still studying it, but they are basically in concurrence with the plan. The DOT plans some changes in this area, said Mr. McDonald, and they have had the plans for six months; it just takes the State a long time, he said.

They are seeking a site line of 385 ft. and they will shave back some of the cliff there, he said.

Speaking in favor:

John Madsen, 52 Heritage Rd., East Lyme, said he has no financial interest here, but feels it is a well-designed project that will be an asset to the community. He said it means there will be no noisy pools or midnight parties. He recommended adoption of the proposal.

Colin Brogan, 19 Up. Pattaganset Rd. spoke of the population over 65 in need of housing. She said both senior housing places in East Lyme have large waiting lists and have a cap of about \$16,500 in income. She said the middle income people need a place like this proposal. She urged adoption.

Ron Rando, 194 Boston Post Rd., said this type of project is long overdue in town. He said look at the \$147,000 in taxes we could get, and the savings with no children to educate.

Woodrow Scott, Scott Rd., said these seniors will not be driving into the roads of the other subdivisions as there will be no access to them. He favors the adoption.

Cy Kessler, Lake View Heights, said this could be a very attractive development and an asset to the town.

Ted Jankowski spoke in favor and said we are all aging and will soon be in need of greater choices. Many do not want to go into multifamily dwellings, he said. It costs \$6,885 a year to educate a student, whereas the average taxpayer of a home pays only \$2,000 in taxes. He said we have been trying to attract clean industry into this town, and you could look at this senior housing as an ultra clean industry.

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Kel Tyler, Hope St., said this project could be a big help to the businesses in town, and he wants to see it approved.

Laura Koziatek, 232 Up. Walnut Hill Road, said she would like to see this project for her parents.

Against:

Gary Patterson, 10 Acorn Drive, presented a petition with 47 signatures of land owners opposing this project.. He said he resides within 500 ft. of the property.

Paul Swetland, 25 Oak Hill Dr. opposed the plan, and requested a response from the town attorney re: Section 25.41. (Standards Applicable to All Special Permit Uses).

Gary Heffner, 113 E. Pattagansett Rd. is concerned about increased traffic from the project. He claimed there have been 31 accidents at this intersection with Rte. 161. He said 10 ft. of ledge will have to come off for this development. He opposes the project.

Hugh Herbert said he has 300 ft. on the south side of this property. He doesn't like the high density development of it.

He listed the units at Windermere as 45 on 20 acres

Rose Court as 58 on 20 acres

Churchwood as 36 on 20 acres

(many are 4 to a building)

He said Chapman Farms would have 65 units on 20 acres. This is the highest density, he said. He showed the property as it would appear with only 40 units on it. He is a licensed P.E./ fire insurance, and he feels the buildings are too close together.

Janet Herbert, 40 Sleepy Hollow Rd. read a letter from L. Pica-razzi, Oak Hill, Niantic, who is opposed to the SU district.

Robert Simpson, 30 Sleepy Hollow Rd. is an abutting land owner, and he and Mrs. Simpson oppose the change, and fear a loss of value of the property.

David Powers, 63 Sleepy Hollow Rd. was concerned about the traffic.

Patricia Simpson, Sleepy Hollow Rd. opposed the zone change and feels it will be to the detriment of the abutting land owners.

Janet Herbert, 40 Sleepy Hollow Rd., commented that older people will vote against school money.

Kim Binaco, 18 Oak Hill Dr., was opposed to the project and was worried what might happen if the project is not finished.

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Rebuttal by Atty. Tobin:

(A five minute break was taken at this time, and then the meeting was called back to order by the chairman at 10:23 p.m.)

Atty. Tobin said it would be appropriate to continue this hearing and the applicant gives him consent to do so. It will be continued to Sept. 7, 1995. The applicant consents to an additional 30 days, which could bring it into October, he said.

4. Application of Robert D. Tobin, agent for Chapman Farms L.L.C. for a Special Permit to construct 65 units of Elderly Housing, Assessor's Map 162 Lot 17.

Atty. Tobin said they consent to continue this application to Sept. 7, 1995 also - at 7:30 p.m. He said all of the people concerned, architects, engineer, owner etc. will be back.

This hearing was closed at 10:30 p.m., and the Board adjourned to a regular meeting immediately following it.

Attest:


Elizabeth J. Taylor
Recording Secretary