

Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357
Filed In East Lyme Town
Clerk's Office

Zoning Commission

REGULAR MEETING
October 5, 1995

10/10, 1995 AT 3:15
Desley A. Blair
East Lyme Town Clerk

PRESENT:

Wayne Fraser, chairman; Paul Formica, Secretary; Chris Mullaney, Norman Peck III, Athena Cone, William Dwyer.
Alternates: Shawn McLaughlin and Kent Presley.

1. Regular meeting called to order at 7:36 p.m. by chairman Wayne Fraser.

Public Delegations: none and no Public Hearing tonight.

Mr. Peck stepped down from the Commission, and Shawn McLaughlin served in his place.

2. Acceptance of Minutes of Sept. 14, 1995.
Motion by Paul Formica to accept Minutes as presented; duly seconded by Athena Cone, and so voted unanimously (6-0).

3. Continuation of the application of Robert T. 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 at 211 Penn. Ave., East Lyme Tax Assessor's Map 16.2, Lot 17.

Each member was polled for comments and questions.

Chris Mullaney said he had asked for a legal opinion from the Town Counsel.

Bill Mulholland had a letter from another attorney from Suisman, Shapiro, Wool and Gray. They wrote that a 65 year-old person could not leave the home to a younger person to live in. It would have to be sold. The laws say that elderly housing can only be occupied by one or two people. Zoning for elderly housing has been upheld, the letter stated. They said that federal laws contain antidiscrimination laws. In their opinion it is lawful for housing for 62 and over only. They stated that if this permit is granted, the people must be 62 or older. Those inheriting the property would not be entitled to occupy it.

Mr. Mullaney also read a summary he prepared of the public hearings.

Shawn Mullaney asked about the access roads and the emergency access. He also asked about the DOT letter regarding traffic in the area.

Paul Formica commented that DOT had said they would address the traffic problem if the application is approved. Mr. Formica read from many regulations which pertained to this application for an SU zone. He stated that he felt that the people opposed were afraid of what might happen to this property if the elderly housing project should fail. He said the Commission would take into consideration the fact that a Special Permit would have to be granted for anything else to take place there. He said there could actually be more overcrowding under some situations. He feels there is a need for this type of development. It has been referred to Planning, and a traffic study has been done. If the work doesn't begin within a year, the permit could expire. He suggested some special conditions could be put on the permit, if granted.

Athena Cone: She noted that, if necessary, this could be rezoned back from SU. She spoke of adding controls to the permit.

William Dwyer: Commented that if some houses were already built, then you couldn't turn it all back to RU-40. He said the town will benefit from the taxes on this proposal. The roads will not connect to any other development, and it is an ideal location for senior citizens. He felt it was to the best interest of the town to change it to an SU district.

Wayne Fraser: He spoke of the business uses that could be put in a RU-40 zone, many of which might be objectionable to the neighbors. He commented that everyone has the right to sell their property. As to traffic on Rte. 161, he said anything built in town could affect the traffic here as it is the main artery into and out of town.

MOTION:

Mr. Mullaney moved to approve the application of Robert T. 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 at 211 Penn. Ave., East Lyme Tax Assessor's Map 16.2, Lot 17. Seconded by Mr. Formica, and so voted (5 ayes, one nay).

Voting aye: Messrs: Formica, Fraser, Dwyer, McLaughlin and Mrs. Cone. Voting nay: Mr. Mullaney.

This will be approved upon publication.

Reason for approval: It meets with the Plan of Development of East Lyme. It meets our Zoning Regulations, and it encourages elderly housing, and has demonstrated that the proposal provides the necessary conditions to protect public health, safety, convenience and property values as provided by Section 8-2 of the General Statutes.

page 3, 10/5/95

Continuance of-

4. Application of Robert T. Tobin, agent for Chapman Farms L.L.C. for a Special Permit to construct 65 units of elderly housing at 211 Penn. Ave., Assessor's Map 16.2, Lot 17.

Mr. Dwyer commented that he thought there should be more than a \$3,000 bond. There should be controls as to stone crushing and as to dust etc. He wondered about the storage of excess materials.

Mr. Mulholland reviewed the bond, and said the grand total is \$33,000. If it is approved, he felt the bond should be for \$33,304. He said this should give adequate protection.

Athena Cone added that the hours of operation should be carefully considered.

Mr. Formica feels this poses no threats to the neighborhood with buffer strips and fences. A stipulation could be added as to the location of any rock crusher to minimize noise. He recommended that any fences necessary should be built first. He wanted to see the sidewalk along the frontage required. He also thought the Board should write to the D.O.T. asking them to review the area carefully and to synchronize the lights- or maybe have a trip light there. It was suggested that one phase should be finished before other sections were disturbed.

Mr. McLaughlin asked about the grading plan. Mr. Mulholland said it is approved as on the plan.

A letter from Conservation Commission is on the record as approved on Sept. 11th. Mr. Mulholland said we are looking at a revised plan to maintain the 50 ft. buffer zone around the property.

Mr. Fraser said he would like to see that 80% of the work must be completed before the next phase is started. Also the rock crusher should be limited as to time, and a note that this project has been approved as elderly housing to be occupied by people 62 or older. They would like to see the emergency road used only for the beginning of phase I. This phase could include the roughing in of the roads.

MOTION:

Mr. Formica moved to approve the application of Robert T. Tobin, agent for Chapman Farms L.L.C. for a Special Permit to construct 65 units of elderly housing at 211 Penn. Ave., Assessor's Map 16.2, Lot 17, subject to the following conditions:

1. Project is to be built in three phases (as on Sheet 1 of 14). Phases 1, 2, 3 and 4 are to be built as outlined on this sheet by the developer, on Sept. 5, 1995.
2. Eighty percent of the project with all buildings and site improvements are to be completed prior to starting another phase.

page 4,

3. Submittal of a bond in the amount of \$33,304 prior to any construction activity per phase. This is to continue for each phase.
4. Rock crushing shall be carried out Monday through Friday and limited to 8:30 a.m. to 4:00 p.m.
5. All plans shall bear the following notes:
"This project has been identified as elderly housing and a person must be 62 or older, and such language shall also be included in the condominium documents. These documents must be submitted to the Zoning Enforcement Officer
6. Buffer strips shall include any necessary walls prior to home construction in each phase.
7. The roads may be rough built in the entire project.
8. Projected roadways may be roughly graded to allow storage of materials in the entire parcel.

Seconded by Shawn McLaughlin.

Voted unanimously in favor (6-0). This will be effective upon publication. (Voting aye- Messrs. Formica, McLaughlin, Dwyer, Mullaney, Fraser and Mrs. Cone). Approval to be effective upon publication.

Reasons for approval:

1. The application conforms to the relevant criteria and standards found within the zoning regulations.
2. The applicant's proposed use is expressly permitted under the Commission's regulations.
3. The applicant has demonstrated that the proposal provides the necessary conditions to protect public health, safety, convenience and property values as provided by Section 8-2 of the General Statutes.

Mr. Peck now resumed his seat with the Commission and Mrs. Cone left the meeting not feeling well.

NEW BUSINESS:

1. Application of Terrance D. Lomme to amend Sections 1.10-Building Height, Section 14.2.1c-Coastal Site Plan. Review exemptions and Section 20.15 Setback from Wetland or Water Body.
Mr. Mulholland said this will have to go to a public hearing. It is scheduled for the next available date.

OLD BUSINESS:

Referrals have been sent out for a public hearing on Site Plan Review which is scheduled for Nov. 1.

NEW BUSINESS

2. Application of Harry Blank for a Special Permit to install and operate a laundromat the Village Farms Plaza, 135 Boston Post Rd., East Lyme.

This calls for a public hearing and must go to Planning. We need 35 days for this.

page 5

3. CORRESPONDENCE (none)

5. EX-OFFICIO COMMENTS.

Mr. Jourdan complimented the Commission on their conduct of the Chapman Farms hearings.

He also reported the town meeting voted to appropriate the funds to clean up Niantic Aluminum. He said volunteers offered to help and it could cause insurance problems. A lien will be placed on the property to cover costs. He said the original injunction was put on in 1981.

MOTION to adjourn about 9:30 p.m. by Mr. Formica, seconded by Mr. McLaughlin, and so voted.

Attest:

Elizabeth J. Taylor
Elizabeth J. Taylor
Recording Secretary