

# Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

Zoning Commission

PUBLIC HEARING

Sept. 7, 1995

Filed in East Lyme Town  
Clerk's Office

Sept 4, 1995 AT 9:55 AM  
Mary Adlube  
East Lyme Town Clerk

PRESENT:

Wayne Fraser, chmn.; Paul Formica, Secy.; Athena Cone, Chris Mullaney, Bill Dwyer. Norman Peck III abstained from sitting with the Board during the public hearing.

Alternates: Shawn McLaughlin and Kent Presley.

The meeting was called to order at 7:34 P.M. by Wayne Fraser, who stated that this is a continuance of the public hearings on Chapman Farms L.L.C. He said Shawn McLaughlin will sit with the Commission in place of Norman Peck III. as he did on the previous hearing on this matter.

No Public Delegation

Mr. Fraser explained the rules set for the hearing. He said the Wetlands will meet on this applicant's property on Sept. 12th, so this hearing could be continued to Sept. 14th, a special meeting.

1. 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 Pennsylvania Ave., East Lyme Assessor's Map 16.2, Lot 17.

Atty. Robert Tobin, representing Chapman Farms L.L. C. responded to the question of whether the change of zone is in accordance with the town plan. He said the SU Special Housing concept has been in the zoning regulations for some time. This type of housing was included in the zoning regulations in 1993. He said the Planning Commission developed the Plan of Development, and the Planning Commission has said that this application is in accordance with the Plan of Development.

He submitted EXHIBIT #17. He said this 20 acre site is particularly suitable for elderly housing. He spoke of Churchwood where the age restriction was removed. He said that was merely a condominium project. He stated we are applying here today for a zone that requires that an occupant be 62 years of age.

He compared different developments like Windermere and Rose Court. Many of them do not have garages attached, he said. There are 72 acres for Windermere, but about 46 acres of it are wetlands.

EXHIBIT #18 is "Layout of Property of Windermere, Madison, Ct."

He stated that Windermere does not have sewers, and the density there is more than at Chapman Farms.

a shade which can be attached to the light, if needed. It is not intense lighting, he said. The speed limit will be 17.5 miles per hour.

The project will be divided into four phases of approximately 15 houses each, and they intend to sell Phase #1 totally before moving into the next phase. This will be a four-year project, he stated. They intend to put in the first phase roads to start with. They will build others as they are sold. The sidewalks will be along the frontage of the property on Rte. 161, probably to be built during the first phase.

He showed a typical cluster with landscaping.

Mr. Ben Orvedal talked of the dilemma of cost versus density. He said the selling price must be kept down for the seniors to be able to move into a project like this. He said the land, building of roads, water, and sewers, lighting etc. are all fixed costs, plus planting in the buffer zones. If they reduced the buildings from 65 units to 40 units it would increase the costs of a unit by \$20,000, and would jeopardize the success of the project.

A 3-minute break was taken at this time.

Questions from the Commissioners:

Mr. Mullaney asked about the Plan of Development on elderly housing, and stated it said to avoid urbanization. He asked how does this application agree with the Plan.

Atty. Tobin said the Plan of Development is a general statement. He said the Comprehensive Plan is more important, and Zoning contemplates this type of elderly housing.

Paul Formica asked what happens if the project should go bankrupt. He was told that the owners who had purchased homes would become the owners and continue to take control of it.

Atty. Tobin said once a certain percentage have bought, then control is given to the residents.

Athena Cone asked Mr. Prouty if he has done an evaluation to see if values have gone up or gone down.

Bill Dwyer asked if you can have fences in the buffer zone. Mr. Orvedal said that under zoning regulations on buffer strips, a wall or fence may be substituted in the buffer zone by approval of the Zoning Board.

He showed on the plan where fences of 6 ft. could be built. They were inside the buffer zone, and they said the fences are in addition to the trees, according to Angus MacDonald.

Audience Comments:

Hugh Herbert, 47 Sleepy Hollow Rd. asked if ten units were finished, and they went bankrupt, then would the rest of the land be invested in those ten people of the association. (Answered in the positive).

Paul Swetland, Oak Hill Dr., asked what if the Indians came in and bought this remaining property, would this now be subject to a new permit, and would it have to be approved.

Wayne Fraser, chairman, explained they would have to come in for a hearing and permit, and it would have to stay as elderly housing. It is an SU Elderly Housing use that will be

Mr. Ben Orvedal said there may be other parcels, but they must have water and sewers, be near downtown, and be for sale. He does not think there is any better land.

Gary Hefner, E. Pattagansett, said he has pulled many pages of accident reports and could bring them in, as to accidents at junction of Rte. 161 and E. Pattagansett Rd.

Mr. David Sullivan, traffic engineer, said he spent a day going through the accident reports, and he feels his data is accurate.

Mr. Fraser said that Mr. Hefner can bring in his figures for submission.

Mr. Mark Mallett, 11 Acorn Dr., spoke of the sight line here. He said if the State requires 500 ft. on the high side, and yet agrees to the 385 ft. being acceptable. He was told the State has a top figure and other figures that are acceptable.

Gary Hefner said the State is thinking of making a change at E. Pattagansett, which is a main artery to entry to Niantic.

Susan Swetland, Oak Hill Dr., spoke of the bad curves near her road. She said she had her house evaluated, and advantage to the valuation was the R-40 land behind it.

Mr. Bob Simpson, Sleepy Hollow, said there are 22 two-bedroom homes for sale in Niantic. If these 65 units are built at Chapman Farms, he asked what will happen to the value of these other properties.

Gary Hefner expressed concern over the blasting that will have to be done.

Angus MacDonald said they don't know just how much property will have to be blasted. He said the impact on the traffic on an open faced cliff like this area should not affect Mr. Hefner too much. He said the blasting will be maybe 150 ft. away from the intersection.

Atty. Tobin said the blasting will be bonded and handled by the State.

Pat Simpson, Sleepy-Hollow, said Fair Housing told Churchwood they could not enforce the 40 and over rule.

Lisa Picarozzi, Oak Hill, asked about the slope of the road coming down from Chapman Farms, and how it would affect the road in winter.

Mr. Fraser said this consideration was reviewed by the professionals in the town hall.

Ms. Picarozzi asked if a master survey had been done on the need for this kind of housing.

Mr. Orvedal said he had a professional master study done. He said there have been articles in the papers although he has not advertised. He said he has received a steady stream of correspondence from people who are interested. He said based on this there seems to be a large demand for this type of housing.

It was pointed out that the Zoning Commission does not have interest in the economics of a project, and do not advise the public according to the finances.

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Commission member, Paul Formica asked where does the sidewalk end on the north side. He was told it would end about 350-400 ft. from Oak Hill Dr.

Mr. Orvedal said there are a number of obstacles in the way of building a sidewalk along Rte. 161. Many houses are very close to the highway, which causes a problem. He said they are willing to sit down and work on the sidewalk project with the town and State and the neighbors.

Bonnie Patterson, Acorn Dr., said they feel the density is overwhelming, and the traffic would be increased, and it is difficult to get out of her street now. She said if the Board registers their concern over the traffic with the State, then it might help.

Gary Hefner, E. Pattagansett Rd., submitted an 85 page list of traffic accidents.

This portion of the hearing was closed at 10:33 p.m.

2. Continuation of 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 Pennsylvania Ave., Assessor's Map 16.2, Lot 17.

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This second portion of the hearing was opened by Mr. Fraser. He stated that both portions of the hearing will be continue to a special meeting on Sept. 14th at 7:30 p.m.

Mrs. Swetland felt those opposed did not have enough chance to speak up against the application.

The hearings were closed at 10:35 p.m.

Attest:

*Elizabeth J. Taylor*  
Elizabeth J. Taylor  
Recording Secretary