

Minutes of the East Lyme Zoning Commission April 18, 2024, Regular Meeting

Date and Time: 4/18/2024 7:29PM to 9:15PM

Present: Members: Anne Thurlow, Chairman, Nancy Kalal, Secretary, Norman Peck, Michael Foley. Alternates: Sarah Susco, Cathy Yuhas. BOS Rep: Anne Cicchiello. Staff: William Mulholland. Recording Secretary: Jessica Laroco.

Absent: Alternate, James Liska. Ex-Officio: Roseanne Hardy.

Location: East Lyme Town Hall Upper Conf. Room, 108 Pennsylvania Avenue

1. Call to Order and Pledge

Ms. Thurlow called the Regular Meeting of the East Lyme Zoning Commission to order at 7:29PM and led the Pledge of Allegiance.

2. Attendance

Ms. Thurlow called the roll, noted Alternate Jim Liska would be absent and Ms. Cicchiello was standing in for Ex-Officio Roseanne Hardy.

3. Public Delegations

Lisa McGowan, 33 Spinnaker Dr, asked for professionalism.

4. Public Hearing

There was none.

Ms. Thurlow seated Alternate Sarah Susco.

5. Regular Meeting

5-a. Approval of Minutes of April 4, 2024, Regular Meeting

MOTION 1-DECISION

Mr. Foley moved to approve the Minutes of the April 4, 2024; Regular Meeting as presented.

Ms. Kalal seconded the motion.

Ms. Markovitz abstained.

Motion passed 5-0-1.

5-b. Request of Attorney William Sweeney for preapplication review of a potential development project at property identified by the Applicant as 200 Pennsylvania Avenue. This preapplication is submitted under CGS 7-159b.

Present to speak to the Board were Attorney William Sweeney of Tobin, Carberry, O'Malley, Riley & Selinger (TCORS) 43 Broad St New London and Project Developer Eric Pelletier of Pelletier Niantic, CT. LLC, based in Long Island, NY.

Mr. Mulholland noted this was a nonbinding, nonpublic hearing preapplication. It is intended as a conversation between the Applicant and Board to get a sense of whether the project sounds like it has any real potential. He cautioned the Board to be somewhat careful in their observations and comments.

Attorney Sweeney noted he was present with architect and developer Eric Pelletier, and they made the following points during presentation for a Senior Life Community to be constructed, including a slide show:

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Council/William Mulholland
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- Basic concept is people aging in place with peace mind that if their health needs change, they wouldn't need to move because there would be assisted living, personal care, memory care and skilled nursing care would all be available at this location.
- Project would add to the diversity options available to the aging population of East Lyme.
- Informal nonbinding preapplication workshop to share the concept and to obtain feedback, suggestions, and comments from the Board to help refine the proposal to address concerns prior to a formal Zoning Application.
- CGS allows preapplications to have open honest dialogue between commission and applicant.
- Mr. Pelletier has a purchase contract with the Trakas Family to acquire approximately 36-38 acres of land comprised of several parcels, located between Pennsylvania Ave and Dodge Pond.
- The current zoning is RU-40
- There has been a 75,000 gallon per day sewer discharge allocation approval from the Water & Sewer Commission.
- There is a plan for developer funded sewer extension up Pennsylvania Avenue, from Main Street to the project location.
- This project has been worked on with Zoning Staff for a year and has gone through several iterations, including a major downsize, buffering along Pennsylvania Avenue, and architectural design.
- Proposed 216 independent living units built over phases (condos and apartments) a community building, pool.
- 120 assisted living beds.
- 30 memory care beds.
- Medical offices.
- Visiting and family and staff accommodations.
- Extensive outdoor recreation.
- Zoning district would need to change, proposing to create a new zone, potentially called the SUE-MC Zone.
- Located on the north side of Dodge Pond.
- The topography is ideal because of the access to the Pond and giving people something to do, in footpaths and waterfront pavilions, the pool and several places to congregate.
- Won't be visible from Pennsylvania Avenue, only signs to the site.
- There are several multi-family housing projects in the area already.
- The project would be split into two areas by the stream; 9 acres on the north side to be developed and 10 acres on the south side to be developed, with a total of 19 acres to be disturbed which is 53% of the total area.
- There are 10 parcels to be combined currently with several others to potentially be added.
- Will move existing house, 194 Pennsylvanian Ave (Dan Trakas, owner) to the west to create the driveway because that is the high point on Pennsylvania Ave.
- The medical building to be 40,000 square feet.
- Footbridge (golfcart-type access) to the 32 family lodging units. These are intended for use by the families getting loved ones settled into the facility to be able to stay close and help the transition. It will not be open or advertised to the public. Visting staff doctors would also be using that facility.
- They intend to rebuild the breach and rebuild the dam to bring Little Doge Pond back.
- The 212 independent living units would be comprised of 144 condos and 72 apartments (4 floors).
- 20 elevators to promote mobility, connecting all buildings, including the community center.
- There will be a precast construction, roadway bridge to connect the two sides of the development.

- Proposed 500-person occupancy with roughly 65 staff full-time at the facility.
- A full-time staffed 2 story security building and administrative staff building.
- A medical building will include radiology and imaging, urgent care (open 16 hours a day).
- 3 ambulances to be onsite for transport within the site but could also bring to the hospital, should it be needed, to not put strain on the current EL emergency services.
- Provided for 434 parking spaces (360 would be required)
- They have contracted an environmental firm, specializing in water treatment and sewer, storm water etc.
- Working with Bob Pfanner PE for the dam restoration, soil erosion, and survey work.
- Working with Fuss & O'Neill for Traffic Consulting; there was a traffic count done in the past summer.
- 4,000 linear feet of sewer proposed.
- 2-bedroom units ranging from 1,200-1,400 square feet upscale units.
- Only counting the buildings: 15% lot coverage.
- In preliminary talks with CT DEEP, there was discussion on restoring the old icehouse.
- Potential future walk paths to Lakeview Ave
- 2 shuttle busses to Main St in the morning, noontime, evening and possibly on special events creating a great economic benefit with minimal impact.
- Project completed in 2 phases; medical building, assisted living building, family lodging, community center and independent living buildings along Dodge Pond and phase 2 finishing the independent living.

Please see the following Q & A

Q: Mr. Mulholland asked if the medical building would be for residents, the public, or both?

A: While the urgent care would not turn away an emergency, it is intended for residents at the complex.

Q: Ms. Thurlow asked if there would be 1 way in and 1 way out?

A: Yes, there would be 1 two-way entrance for the facility, 1 separate entrance for the family/doctor units. There would be a comprehensive driving analysis prior to the application.

Q: Ms. Thurlow noted that the pictures in the slide show seemed to show a 5-story building, is the Applicant saying that would not be visible from Pennsylvania Ave?

A: The residential buildings, the taller buildings, would be in the back. Those buildings are only 4 stories. The buildings closer to Pennsylvania Ave are shorter and would not be seen. The staff insisted on buffering along Pennsylvania Ave to keep it from being seen from the road. The other significant buffering is along Dodge Pond.

Q: Ms. Markovitz asked what the approximate usage of water would be and how that would affect current residents as in previous years there has been significant water usage impact to the area.

A: The Water & Sewer Commission approved 75,000 gal/day usage and the sewer usage out is equal to the water usage in. The calculations done when requesting this amount added a cushion of use as the typical multi-family home is approximately 150 gallons per day, wherein a senior housing development the calculations are closer to 100-125 gallons a day. The Applicant used the calculations of 150 gallons a day as a cushion.

Q: Ms. Thurlow asked about the ambulances in and out of the project?

A: The ambulances would be intended to transport from the independent living up to the urgent care building onsite but could go to a hospital if required. It was intended to make the impact to the EL emergency services minimal.

Q: Ms. Thurlow asked if there would be a large cafeteria or a restaurant onsite.

A: There would be cafeteria to service the assisted living residents and workers. There would be a snack bar at the community center. It is basic amenities to the people, not a restaurant. The shuttle service would be intended to use Main Street as much as possible.

Q: Ms. Markovitz asked if the gas station was one of the parcels included in the project.

A: No, the gas station would still be standing, was not included in the project.

Q: Ms. Thurlow asked if there were plans for garages or covered parking.

A: There were no garages.

Q: Ms. Kalal asked if there would be garages for the ambulances.

A: There would be an open overhang for the ambulances.

Q: Mr. Foley stated he was surprised at the 2-bedroom layout, and asked if this was to accommodate guests?

A: Visting family is encouraged, however because these are upscale units, people may use the second bedroom for an office, a craft room, a library, etc. This is also why they can count on a lower usage of water/sewer usage. Comparable to similar sites such as Essex Meadows (Essex), Stone Ridge (Stonington), Fairview (Groton).

Q: This site drains into Dodge Pond?

A: Generally speaking, yes, however much of the site will drain into the reconstituted Little Dodge Pond and then into Dodge Pond. This is the reason for the specialized stormwater consultant team which would deal with stormwater in quantity but also quality. Little Dodge Pond is currently a wooded swamp, and the opportunity is there to improve the resource area.

Q: Ms. Kalal asked if there would be generators on site (it was clarified that she meant emergency type power).

A: There would not be generators for anything except emergency power, such as elevators, emergency medical equipment, lighting, and other emergency type needs.

Q: Ms. Thurlow asked if there were designated areas for large truck deliveries.

A: Yes, in between the medical building and the assisted living building.

Q: Ms. Markovitz asked about the age restrictions.

A: At least 1 resident in the independent living must be 55 or older.

Q: Ms. Kalal asked if the age restriction applied to assisted living or the memory care beds.

A: The age restriction applied to independent living. The application could include a statement allowing someone younger and in need to be allowed to utilize the facilities of assisted living and memory care beds.

Q: Ms. Markovitz asked if the memory care building could be open to people who are not residents of the independent living units.

A: The memory care beds, and the independent living units are 2 different things. If you were in memory care, you wouldn't leave and go home to independent living at night. The answer is yes, people could live just in memory care and not have been a resident of the independent living units.

Q: Ms. Markovitz asked if, in the assisted living facility, would there be an RN or an LPN on staff 24/7?

A: There is a doctor in the medical building and there is a security facility as well.

Q: Ms. Kalal asked what the height over sea level is at the highest point of the property.

A: At least 50-60 feet over Dodge Pond, flooding is not a problem.

Q: Ms. Kalal asked where on the plan is the highest point.

A: The pool area.

Q: Ms. Kalal asked what that height was over Pennsylvania Avenue?

A: 8-foot difference.

Q: Ms. Kalal asked if that 4-story building, with an 8-foot difference, would be visible from the road?

A: It is 800 approximately feet from Pennsylvania Ave to the tall buildings.

Ms. Markovitz noted that people across Dodge Pond would see them.

Attorney Sweeney and Mr. Pelletier noted that people across Dodge Pond would see them, however, there are 50-foot buildings with 40-foot trees as a buffer, which would be 100 feet from the pond.

Mr. Foley noted that the buildings, on a hill, would be very visible.

Q: Mr. Foley asked if the 15% lot coverage included buildings only.

A: Yes, 15% is buildings only, but only 19 of the 38 acres are being developed.

Q: Mr. Foley asked how much of that was Dodge Pond, or wetlands which are undevelopable anyway? He noted that the number is deceptive, not as though the developer is keeping it pristine out of kindness.

A: None of Dodge Pond is included, it butts up to Dodge Pond.

Q: Ms. Susco asked if a grandchild or someone younger could live with the 1 person required to be 55 or older?

A: That has generally not been the case, the age limit is stressed, but they would not have school buses.

Q: Mr. Peck asked if the backup generator would address the heating and AC?

A: Yes.

Mr. Peck noted that he thought there would be significant public objections from the public, especially after surveys done which indicated the public thought EL was becoming overdeveloped.

Q: Mr. Peck asked if there was any sense of a traffic count at this point.

A: The traffic study was not complete; the background is still being done.

Q: Mr. Peck asked if there would be traffic lights at the 2 entrances?

A: That has not been determined yet, since it is a state road, if there was a warrant requiring that it would have to be dealt with. The plan in front of them is a concept plan only. It is not a final site plan.

Q: Mr. Peck noted his pleasure at the reconstruction of Little Dodge Dam, he wondered if the plan was to dredge the pond?

A: Not at this time, it would also involve the DEEP, out of local control.

Q: Mr. Peck asked if the plan was to have a bridge or a culvert over the brook?

A: No plan to do anything except perhaps a footbridge. However, they don't have control over that at this point.

Q: Ms. Kalal asked how they would keep the stream pristine?

A: No impervious surfaces or disturbances up against it, have a comprehensive stormwater plan to design state of the art systems.

Q: Ms. Kalal asked if there would be mosquito control?

A: There would not be spraying on natural waterbodies, do not impound water unnecessarily, there would be water gardens etc. and they would be designed to not promote standing water. There are impairment issues, like many waterbodies.

Ms. Thurlow noted her biggest concerns were the traffic and the height of the buildings.

Q: Ms. Kalal asked how many full-time employees were anticipated to be employed and if they were going to be housed on site?

A: Roughly 65-70 and they would go home after their shift, they would not live there. The employees would be the main traffic, everyone else would live there.

Q: Ms. Susco asked if they would be living at the auxiliary housing building.

A: No, that building is for visiting families and visiting, and interviewing, doctors.

Q: Mr. Foley asked if there was trouble employing that many people?

A: No, but it does take 2 years to fully occupy a nursing home and the staff can be the same way. It is a 2-3-year completion of the project. The process of applying to HUD and the federal government was explained.

Q: Ms. Susco asked if the proposed staffed ambulances would be staffed with medical personnel or would the EL ambulances be relied upon for that? (As opposed to just needing a driver for transportation around the project grounds)

A: Two ambulances would be staffed and supplied with full medical (regular) ambulance needs; one would just be transport. The goal is not to impact the EL fire departments.

Ms. Markovitz commented that she, and other commissioners, have lived in town a long time and she has heard from other residents that there would be pushback on the large buildings proposed on this site.

Ms. Thurlow thanked the Attorney and Applicant for coming and making the presentation.

There was a five-minute break.

5-c Election to fill regular member vacancy.

Ms. Thurlow noted there were four applications, in alphabetical order, they were Debbie Jett-Harris, Jim Liska, Cathy Yuhas, and John Vilcheck. She invited any applicant to the podium to speak to the Board.

Ms. Jett-Harris, 19 Center St, submitted a letter expressing her desire to rejoin the Board. She resigned previously, stating unexpected medical emergencies. She served on the ZBA for several years and won a Zoning Commissioner seat in 2020. She had previously won the Chair position on the Board prior to stepping down. She noted her commitment to the Town and her desire to serve.

Ms. Yuhas, current alternate, is passionate about being on the Board and shared the desire to do a good job for the community.

Mr. Liska was not present.

Mr. Vilcheck, 4 Meadow St, had applied 5 times previously. His credentials do not include zoning experience, however, at one time he was Ex-Officio Mayor of a small town while in the navy, as the Officer in Charge. The town had housing, public works, maintenance, etc. He had sold real estate and noted his qualities of reliability, trustworthiness, honesty, dedication, articulation.

Ms. Thurlow asked for a nomination.

MOTION 2-NO DECISION

Ms. Markovitz nominated Alternate Cathy Yuhas to fill the regular member vacancy.

Ms. Susco seconded the motion.

Ms. Thurlow asked for discussion and noted that previously, the Town Council had suggested taking 1 motion at a time and therefore would continue to follow this advice. She noted that Ms. Yuhas is a wonderful Commissioner and she appreciated that Ms. Yuhas is typically in attendance, however, since Ms. Jett-Harris had previously won the seat and would still be seated had she not had to step down unexpectedly, she thought that it would be more appropriate to reseat Ms. Jett-Harris.

Mr. Peck, Mr. Foley, Ms. Kalal, and Ms. Thurlow opposed.

Motion 2-4-0 did not pass.

MOTION 3- DECISION

Mr. Foley nominated Ms. Jett-Harris to fill the regular member vacancy.

Mr. Peck seconded the motion.

Ms. Markovitz opposed.

Motion passed 5-1-0.

6. Old Business

6-a Subcommittee-Outdoor Lighting

6-b Subcommittee-Text Amendment (CA Zone)

Ms. Thurlow noted that the subcommittees are still working.

6-c Affordable Housing Update

Attorney Bleasdale had asked for more clarification, and as he is the one who would have to bring a moratorium application to the State, he wants to be sure he is fully prepared. The staff is trying to help with

information, in between the regular work. There were several buildings previously thought we could use, but that doesn't seem to be the case. If the Commission has detailed questions, she asked that they be directed to Mr. Mulholland for the time being.

Mr. Foley asked if the BOS had to decide if the application for the moratorium and noted that the Board would need to consider the alternative as the moratorium is not just a "pass" on affordable housing for four years.

Mr. Mulholland confirmed that.

7. New Business

7-a Any business on the floor, if any, by the majority vote.

Ms. Kalal asked about the Aquifer Protection program.

Mr. Mulholland confirmed and noted there are several companies to speak about and will be addressing when possible.

7-b Zoning Official

The Land Use Dept is busy and working hard to keep things running smoothly. He would anticipate, if the night's applicant were to apply, it wouldn't happen until the fall.

7-c Ex-Officio

Ms. Cicchiello, from BOS, reported that they were working on the budget nonstop. The Annual Town Meeting will be held on May 13, 2024, at East Lyme High School, at 7:00PM. From there the Referendum will be held on May 23, 2024 from 8:00AM to 8:00PM, at the East Lyme Community Center.

Mr. Peck asked if there had been further discussion on the presentations previously proposed for renovations.

Ms. Cicchiello said there was no further discussion.

7-d Comments from Zoning Board Liaison to Planning Commission.

Ms. Kalal reported that the Planning Commission is considering removing the Archaeological Review from submissions as it is very expensive, and they are finding that developers are circumventing the step by applying under the CGS 8-30g which removes a lot of the control from the local Commissions. The study is almost promoting affordable housing applications.

7-e Correspondence

There was none.

7-f Comments from Chairman

Ms. Thurlow had 3 reminders:

1. A caution to the Commissioners to be careful what is posted on social media, and they could be liable for a lawsuit, personally or as part of the Board. Be careful when discussing things.

2. When attending a meeting as an individual, remember to carefully express you are speaking as an individual and not as a Commission Representative, and if you are attending as a liaison to any land use committee, you are to observe and offer no discussion.
3. STR committee representatives are presenting a report to the BOS on 5/15/24. Once presented, Ms. Thurlow will try to bring copies to the Board. There is a chance that STR's may come under zoning purview.

8. Adjournment

MOTION 4- DECISION

Ms. Markovitz moved to adjourn the Regular Meeting of the East Lyme Zoning Commission at 9:15PM.

Ms. Kalal seconded the motion.

Motion passed 6-0-0.

Respectfully submitted,
Jessica Laroco
Recording Secretary