

TOWN OF EAST LYME

EAST LYME ZONING COMMISSION

REGULAR MEETING

NOVEMBER 18, 2010

Members Present:

Marc Salerno, Chairman
Steve Carpenteri
Matthew Walker
Ed Gada
Norman Peck
Bob Bulmer, Alternate
James Liska, Alternate

Members Absent:

Rosanna Carabelas
William Dwyer, Alternate

Also Present:

Paul Formica, First Selectman
Bill Mulholland, Zoning Officer

Mr. Salerno sat Mr. Liska as a Regular Voting Member for this Regular Meeting.

1. THE EAST LYME ZONING COMMISSION PROPOSAL TO AMEND THE EAST LYME ZONING REGULATIONS BY ADDING A NEW SECTION ENTITLED "INCENTIVE HOUSING ZONE REGULATIONS SECTION 33."

Mr. Peck had no comment.

Mr. Carpenteri thought this would be a good addition to the town.

Mr. Walker did not have any comment.

Mr. Liska asked about enforceability of Section 33.

Mr. Mulholland stated the architectural section gives the Town the authority over that aspect, and the developers do still have to come to Zoning for Site Plan approval.

Mr. Salerno stated they have worked very hard on this, and he is happy with what they came up with.

FILED IN EAST LYME TOWN
CLERK'S OFFICE

NOV. 23 20 10 at 9:35 AM PM

Ethel B. Williams
EAST LYME TOWN CLERK

Mr. Liska stated this will be a benefit to the Town, and it does give the Town some control over the appearance.

Mr. Gada had no comment.

Motion (1) Mr. Liska moved to approve the East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations by adding a new section entitled "Incentive Housing Zone Regulations Section 33."

Seconded by Mr. Carpenteri.

"and/or special permit" should be deleted from Paragraph 33.10 Architectural Design.

Motion Passed 6-0.

2. THE EAST LYME ZONING COMMISSION PROPOSAL TO AMEND THE ZONING MAP AND TO CREATE THE FOLLOWING INCENTIVE HOUSING ZONE OVERLAY DISTRICTS:

A. A Midway Incentive Housing Zone, further identified as 170 Flanders Road, Assessor's Map 26.3, Lot 11.

B. A Niantic Village Incentive Housing Zone, more particularly identified as three sub-zones as follows:

I. Niantic Village, Hope Street, Incentive Housing Zone: 27 Hope Street, Assessor's Map 12.1, Lot 98; 23-25 Hope Street, Assessor's Map 12.1, Lot 97; and approximately one half of 267-283 Main Street, Assessor's Map 12.1, Lot 103.

II. Niantic Village, Main Street - North, Incentive Housing Zone: 329 Main Street, Assessor's Map 12.1, Lot 1; 325 Main Street, Assessor's Map 12.1, Lot 2; 321 Main Street, Assessor's Map 12.1, Lot 3; 315 Main Street, Assessor's Map 12.1, Lot 4; 8 Methodist Street, Assessor's Map 12.1, Lot 5; 10 Methodist Street, Assessor's Map 12.1, Lot 6; 12 Methodist Street, Assessor's Map 12.1, Lot 7.

III. Niantic Village, Main Street - South, Incentive Housing Zone: 326 Main Street, Assessor's Map 12.1, Lot 123; 316 Main Street, Assessor's Map 12.1, Lot 122; 312 Main Street, Assessor's Map 12.1, Lot 121.

Motion (2) Mr. Carpenteri moved to approve:

THE EAST LYME ZONING COMMISSION PROPOSAL TO AMEND THE ZONING MAP AND TO CREATE THE FOLLOWING INCENTIVE HOUSING ZONE OVERLAY DISTRICTS:

A. A Midway Incentive Housing Zone, further identified as 170 Flanders Road, Assessor's Map 26.3, Lot 11.

B. A Niantic Village Incentive Housing Zone, more particularly identified as three sub-zones as follows:

I. Niantic Village, Hope Street, Incentive Housing Zone: 27 Hope Street, Assessor's Map 12.1, Lot 98; 23-25 Hope Street, Assessor's Map 12.1, Lot 97; and approximately one half of 267-283 Main Street, Assessor's Map 12.1, Lot 103.

II. Niantic Village, Main Street - North, Incentive Housing Zone: 329 Main Street, Assessor's Map 12.1, Lot 1; 325 Main Street, Assessor's Map 12.1, Lot 2; 321 Main Street, Assessor's Map 12.1, Lot 3; 315 Main Street, Assessor's Map 12.1, Lot 4; 8 Methodist Street, Assessor's Map 12.1, Lot 5; 10 Methodist Street, Assessor's Map 12.1, Lot 6; 12 Methodist Street, Assessor's Map 12.1, Lot 7.

III. Niantic Village, Main Street - South, Incentive Housing Zone: 326 Main Street, Assessor's Map 12.1, Lot 123; 316 Main Street, Assessor's Map 12.1, Lot 122; 312 Main Street, Assessor's Map 12.1, Lot 121.

Seconded by Mr. Walker.

Motion Passed 6-0.

Mr. Mulholland stated this would be published next Wednesday November 24, 2010 and would be effective November 25, 2010.

Mr. Salerno thanked all of those involved in this Application and thanked them for their hard work on this.

There was a two minute break. The Regular Meeting was called back to order at 8:35 p.m.

3. Application of Theodore A. Harris for JV Hope Street, LLC to amend/modify the site plan for the Affordable Housing Development known as 38 Hope Street, located at 38 Hope Street, Niantic, Connecticut.

The Following Exhibits were presented:

- 1. Letter from Mr. Formica, Chairman of the Water and Sewer Commission*
- 2. Analysis of Owners of units at 38 Hope Street.*
- 3. Letter from Richard E. Morris, East Lyme Fire Marshal*
- 4. Letter from Bill Scheer, Town Engineer*
- 5. Maps of Proposed Site Plan Modifications.*
- 6. Letter from Gary Goeschel, Director of Planning/Wetlands Enforcement Officer*

7. *Packet of site plans, site drawings, analysis of Original Site Plan approval v New proposed Site Plan, landscaping plan.*
8. *Existing Conditions Report*

Mr. Salerno reminded everyone that this is not a Public Hearing, this is Site Plan Modification.

Mr. Walker read a letter from Mr. Formica, Chairman of the Water and Sewer Commission.

Mr. Harris stated this was originally approved in the summer of 2006. Initial sales were very good, but then real estate slowed down. The new plan is in reaction to the current market. The new plan reduces the number of units by 17. He presented the members with a written analysis of the present owners of 38 Hope Street units. The core number of owners are over the age of 50. Townhouses are not as attractive to the older population. There are a lot of stairs and they have very high ceilings. They have had great difficulty marketing the townhouses, and the present flat units are relatively smaller.

They have not started any new units in over 2 years. However, the new proposed townhouses have living space on the first floor, and they have redesigned the flats building. They will all have the same siding, same colors, and they will be ready to start building in the Spring. He also presented them with a letter from the town's Fire Marshal.

Gary Hofstetter, Senior VP of the New Boston Fund stated they have real estate holdings throughout the United States. They were the original lender to the partnership that started this project. That partnership no longer exists. They have brought in a new builder and architect. 53 units have been built. The Town has been very cooperative with them on this project. 42 units have closed, 2 are presently under agreement to close, and 9 remain for sale. The residents are happy there. 30% of this project is designated as affordable housing. The proposed Phase 2 is for 80 units.

J. Robert Pfanner presented the proposed plans. He was the original engineer on the project, and they have joined the new team to continue the work. They will be utilizing the existing roads except the dead end at the end. They will be utilizing the existing water and sewer so there will be no modifications to those. There will be more green space. There will be an overlook park over the pond, and they have added new parking near Overlook Park.

Mr. Mulholland asked the setback on the west side.

Mr. Pfanner stated it will be approximately 10 feet on the Joyce Court side.

Mr. Harris stated it really is just the bump outs that set the units closer to the boundaries.

Dennis Rieske of BTA Architects stated originally there were 33 units within 200 feet of the Town Well. Now they will only have 7 units within that radius. They have also created a Village Green and an Overlook Park. The biggest differences in the units themselves are that the townhouses are now 1.5 stories in the middle and 2.5 stories on the ends. There will not be garages,. They will have parking in the front. The townhouses are traditional New England style and will be 45 feet high. They will be using historic colors on the units, and they will look very traditional New England. They have specially selected native American species for the landscaping plan.. There is a chain link there now that is very overgrown. The neighbors preferred in the past that they keep the overgrown fence there, but they are planning on planting the arborvitae along that whole boundary line.

Mr. Mulholland asked if they were planning on planting arborvitae's along the Easterly line also.

Mr. Rieske stated whatever they did along the boundaries in Phase I they will continue along the boundary for Phase II.

Mr. Peck stated the architecture of the flat building doesn't fit with the Town. He would like to see changes to the look of that building. Everything else looks good.

Mr. Rieske stated affordability may be an issue. It is a relatively large building, but there may be some things they can do.

Mr. Salerno inquired as to whether or not this was a Site Plan modification or a Special permit.

Mr. Mulholland stated the Town attorney did look this over and determined it was a Site Plan modification.

Mr. Harris stated the Public Hearing portion of this application was a zone change. The rest of this was for the site plan.

Mr. Carpenteri asked about the change in the setbacks.

Mr. Harris stated the bump outs are now closer from 10 feet to 7 feet. The main part of the buildings are still 20 feet.

Mr. Walker stated it does seem pleasing to the eye, the bump outs are a softer approach to the buffer, and much less intrusive, and he liked the new name of the project (Seaside Village at 38 Hope Street.)

Mr. Liska stated he likes the plan, but wondered if they were missing something.

Mr. Gada asked what affect the bump outs have.

Mr. Harris stated they are bedrooms, and they are trying to make it more attractive to buyers by having a first floor bedroom.

Mr. Mulholland stated they should carefully consider this site plan and the building heights.

Mr. Salerno asked how they will prevent flooding in the garages, and if they have addressed the issues brought up by Mr. Kargl of the Water and Sewer Department?

Mr. Pfanner stated they will have a drainage system.

Mr. Harris stated the plans were modified to address Mr. Kargl's issues.

Mr. Mulholland stated when this goes to construction the plans will be before the Building Department.

Mr. Salerno asked if they would be willing to put up vinyl fencing along Joyce Court if the neighbors wanted them to.

Mr. Harris' recollection was that the neighbors did not want that, but if they did want that kind of fencing they would be willing to do that.

Mr. Salerno stated this is a nice project but he is concerned with the height of the building and the architecture doesn't seem like East Lyme, that building looks like it could be on a city block. This Commission has put a lot of work into what they want downtown. He asked if the fourth floor was necessary.

Mr. Hofstetter stated it is financially driven. 80 units is their magic number as far as breaking even on this project.

Sean Sacks from New Boston stated they were trying to respect the well area as well.

Mr. Salerno stated there are 14 units per floor, and he is concerned with the height of the building and he is worried about what kind of precedent is being set.

Mr. Harris stated the height obviously is a concern. However the flat building is surrounded by buildings. This is affordable development which dictates what can be done on this site. The residents at 38 Hope Street find this a desirable proposal.

Mr. Liska asked if the trails are open to the public.

Mr. Harris stated they are publicly accessible.

Mr. Mulholland asked if they have a Plan B, maybe take up some of the green space.

Mr. Harris said that this plan works for them and the residents. The height is not significantly different from the front building, and you will not see the building from the street.

Mr. Hofstetter stated we cannot take 14 additional units and spread them throughout the site, they are trying to keep it as open as they can.

Mr. Carpenteri stated he thinks it is a good plan and he has no problem with the height.

Mr. Peck stated he would rather see the open space and keep the height, but he would like the building to be more pleasing to the eyes.

Mr. Walker stated he likes the way it looks.

Mr. Liska stated he has no problem with the building and he likes the open space.

Mr. Gada agreed with Mr. Peck that he would like something done about the appearance of the building.

Mr. Harris stated they are certainly willing to tweak the main buildings architecture.

Mr. Mulholland stated he would like to see 2 or 3 different sketches at the next meeting on December 2, 2010.

Mr. Harris stated they would need approval before that date.

Mr. Peck stated he doesn't like being rushed, why are we up against a wall with this.

Mr. Mulholland stated the plans just came into his office this Monday, and Staff has been scrambling ever since to get the appropriate documents for this meeting. We could have a special meeting scheduled to see some other drawings.

Mr. Peck stated this building will be there for 50 years, and he would be willing to do a Special Meeting to review revisions. He likes the overall idea, but that building does not belong in Niantic.

There was a five minute break.

Mr. Harris stated they would be willing to come back to them with improvements to the building such as dormers, sloped roofs with dormers, or any other improvements the architects propose.

Mr. Peck also suggested they plant 15 foot Norway Spruce instead of the 30 foot trees that they have proposed.

Mr. Harris stated that could be done.

Motion (3) Mr. Liska moved to approve the Application of Theodore A. Harris for JV Hope Street, LLC to amend/modify the site plan for the Affordable Housing Development known as 38 Hope Street, located at 38 Hope Street, Niantic, Connecticut, with the following conditions:

- 1. Subject to a later approval of final building architectural modifications for the Flats Building.**
- 2. Subject to 15 foot Norway Spruce trees around the Flats Building instead of the 30 foot trees proposed.**
- 3. Subject to 8 foot high vinyl fence along the boundary line if desired by the neighbors.**

Seconded by Mr. Carpenteri.

Mr. Salerno stated he is concerned with the middle building, and the heights, and the setbacks.

Motion Passed 5-1 (Mr. Salerno - Nay)

- 4. Approval of Proposed 2011 Zoning Meeting Calendar.**

Motion (4) Mr. Carpenteri moved to approve the 2011 Zoning Meeting Calendar.

Seconded by Mr. Walker.

Motion Passed 6-0.

- 5. Approval of Minutes of October 21, 2010.**

Motion (5) Mr. Walker moved to approve the Minutes of October 21, 2010.

Seconded by Mr. Carpenteri.

Motion Passed 6-0.

Old Business

- 1. Niantic Village Subcommittee (Norm Peck & Marc Salerno)**

This will be discussed at the next meeting.

- 2. Conservation Development by Design (Marc Salerno, Norm Peck & Rosanna**

Carabelas)

This sub-committee has finished it's work.

3. Incentive Housing Subcommittee (Ed Gada, Rosanna Carabelas, Marc Salerno)

This sub-committee has finished it's work.

4. Parking Subcommittee (Matthew Walker, Marc Salerno, Steve Carpenter)

This sub-committee has not met since the last meeting.

5. Sign Subcommittee (Marc Salerno, Rosanna Carabelas, Matthew Walker)

This sub-committee has not met since the last meeting.

New Business

1. Application of Peter Balanger, Applicant, for Food Bag, for a special permit to replace all the fuel dispensers and piping for gasoline service system on the premises of 202 Flanders Road, Niantic, CT.

Mr. Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

2. Application of Ernest Covino, Applicant, for a special permit to operate a fast food restaurant (deli) at 287-2 Main Street, Niantic, CT, aka 301 Main Street, Niantic, CT.

Mr. Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

Mr. Mulholland stated Mr. Covino is really opening an Italian grocery store, but he is applying for a special permit to also have a deli to serve sandwiches.

3. Application of Theodore A. Harris, agent for New England National, LLC for approval of affordable housing development, and site plan to construct seventy-four (74) residential units on property identified in the application as Upper Pattagansett Road, Assessor's Map 39.0, Lot 10-1.

Mr. Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

4. Application of Theodore A. Harris, agent for New England National, LLC to rezone from its existing designation (RU-40 Residential) to Affordable Housing District for property identified in the application as Upper Pattagansett Road, Assessor's Map 39.0, Lot 10-1.

Mr. Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

5. Any business on the floor, if any by the majority vote of the Commission.

There was no business to discuss.

6. Zoning Official.

Mr. Mulholland thanked everyone for their support, his wife has been ill.

7. Comments from Ex-Officio.

There was no ex-officio.

8. Comments from zoning board liaison to Planning Commission.

Mr. Walker attended the Planning meeting this month.

9. Comments from Chairman.

There were no comments.

10. Adjournment.

Motion (6) Mr. Carpenteri moved to adjourn the meeting at 11:45 p.m.

Seconded by Mr. Walker.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**