

TOWN OF EAST LYME  
ZONING COMMISSION  
FEBRUARY 7, 2013  
PUBLIC HEARING MINUTES

**Members Present:**

Marc Salerno, Chairman  
Matthew Kane  
Matthew Walker  
Terence Donovan  
George McPherson  
Norm Peck

FILED IN EAST LYME TOWN  
CLERK'S OFFICE  
2/12/13 AT 8:30 AM/PM  
*Lesley A. Blais*  
EAST LYME TOWN CLERK

**Members Absent:**

James Liska, Alternate  
William Dwyer, Alternate

**Also Present:**

Bill Mulholland, Zoning Officer  
Ed O'Connell, Town Attorney  
Mark Zamarka, Town Attorney  
Holly Cheeseman, Ex-Officio

1. Call to Order

Chairman Salerno called the meeting to order at 7:32 p.m.

2. Pledge of Allegiance

Chairman Salerno led the assembly in the Pledge of Allegiance.

3. Public Delegations

There were no Public Delegations

4. Executive Session

Motion (1) Mr. McPherson moved to go into Executive Session for the purpose of pending litigation and invited Attorney O'Connell, and Attorney Zamarka to attend.

Seconded by Mr. Donovan.

Motion Passed 6-0.

**Motion (2)** Mr. McPherson moved to come out of Executive Session at 7:55 p.m. with no action taken.

Seconded by Mr. Donovan.

Motion Passed 6-0.

**Public Hearing**

- 1. Continuation of application of Theodore A. Harris, Agent for JAG Capital Drive, LLC to rezone from its existing zoning designation (Light Industrial) to Affordable Housing District for property identified in the application as West Main Street, Capital Drive, Assessor's Map 09.0, Lot 19.**
  
- 2. Continuation of application of Theodore A. Harris, agent for JAG Capital Drive, LLC for approval of affordable housing development, and a conceptual site plan to construct sixty-nine (69) residential units on property identified in the application as West Main Street/Capital Drive, Assessor's Map 09.0, Lot 19.**

Items 1 and 2 were heard simultaneously.

Mr. Mulholland confirmed that the legal advertisement had run on both items.

Mr. Walker read a letter from Gary Goeschel.

Mr. Walker read a letter from James Rabbitt of SCCOG.

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

Attorney O'Connell entered a letter from himself as **Exhibit 1**. He stated the letter is not intended to imply whether he is for or against this application.

Attorney Ted Harris of 351 Main Street presented the application for the Affordable Housing District. It is called Rocky Neck Village. He stated that Affordable Housing trumps the local zoning regulations, but they tried to accommodate the Regulations as best as they could. They are building 3 units per acre, they have 2 parking spaces per each 2 bedroom unit, and 1 additional space for every three units. Initially the units would be rentals, but may be sold in the future.

Attorney Harris entered the following exhibits:

- Exhibit 2: Certificate of Mailing Receipts**
- Exhibit 3: Copy of the Wetlands Application**
- Exhibit 4: Elevation rendering and floor plans**
- Exhibit 5: Traffic Study**
- Exhibit 6: DVD of Presentation**
- Exhibit 7: Pamphlet and Book**
- Exhibit 8: Affordability Plan**

## Exhibit 9: More elaborate floor plans and elevations

Attorney Harris stated that the site is approximately 24 acres. The northeast portion of the property is wetlands and essentially not usable. To the west is a large wetlands band. The design is sensitive to the wetland areas. They have received the wetlands permit. There will be no activity in the wetlands. There will be rain gardens, and it is heavily wooded. The owner has owned the property for 8 years. They originally were approved for an industrial design. They marketed the property for 2 years, but there are sensitive areas going to Four Mile River. There are two points of access, one from Route 156 and one from the cul des sac on Capital Drive, which would only be used for emergency access. This property does have access to water and sewer. It is very unlikely the project would be completed by 2014, so there would not be a water and sewer demand that quickly. It will not be built all at once; it will be built in phases. They can work with the Water and Sewer Commission as far as timing of the buildings. There will be 69 units, all of them will be 2 Bedroom, and the majority of them will be two story. There will be a bonus room over the garage for a potential future use. They have come up with a new design for this project, which will minimize the black top on the site. It is based on sustainability now and in the future. The units will be located in pods, with a trail system that connects all of the pods. All units are set away from the parking. This property is less likely to be used for an industrial use due to its proximity to the Four Mile River. Affordable Housing should take precedent over other considerations. There will be a gazebo, picnic area, basketball court; there is also access to the walking trails across the street at Rocky Neck.

Attorney Tim Hollister representing the applicant stated there are several uses that could be residential that could be used in a Light Industrial area. Seaspray is in a Light Industrial Zone, as is 38 Hope Street. He discussed the Affordability Plan. There will be an administrator whose job it will be to determine if the applicant household is within income limits. There is an annual recertification process. If someone goes over the limit, they could then pay market rate rent. They will report annually to Zoning on compliance. The affordable units will be indistinguishable. There are minimum specifications that they must be built by. They will not be allowed to be sublet.

A DVD Presentation was given.

Norm Thibault of Killingly Engineering Associates of Danielson, Connecticut stated this is the third design on the site. They have put all of the units on the flattest area on the site. The units in front of the wetlands are the three story units. They are able to work with the natural grade of the sites. Water and Sewer is available. The Water and Sewer Commission has stated that 2014 is a critical date to be able to supply all of the units; the applicant does not believe that would be an issue. This is nice gravelly soil; they did 25 to 30 test pits. There will be rain gardens on site. That will take the roof water and infiltrate it into the soil. The plantings have been recommended by UCONN by the guidelines for rain gardens. Traffic Engineering Solutions has prepared a traffic report, which was entered as an exhibit.

Jim Chambers of Pequot Development Associates stated one of the pluses of this project is it's access to Route 156. They don't want to burden the Industrial Park with traffic. There will be white vinyl stockade fencing along the border with the Divine Wine Emporium; there will be fencing around the border with the industrial park. There will be a hemlock border along the border with the campground. There will be nice walkways, and ornamental trees throughout the walking areas.

**The following exhibit was entered:**

**Exhibit 10:     Lighting Plan**

There will be poles every 50 feet or so, there will be an adequate level of light on the roadways. The light will not bleed onto the neighbor's property.

Mr. Peck stated hemlocks have been diseased in this area.

Mr. Chambers stated this was designed by a landscaper. They don't believe that will be an issue. They could change the trees if they have to.

Mr. Salerno asked if the land in the Northeastern portion was going to be permanent open space.

Mr. Chambers stated they can't get to it, and yes it would be open space.

**Public Comment:**

Randy Conradi, a real estate agent, who lives in Stonington, stated this project give the town a unique opportunity to address the affordable housing issue. This site is ideal, as it has easy access to the highway. There will be additional income to the town. The property is not particularly suitable for industrial.

Valerie Votto, an Attorney from Old Lyme representing Birk Manufacturing stated it was a lovely presentation and is a nice development and her client is not against affordable housing projects, but they do not think this development is appropriate being right next to the business.

**The following exhibits were entered:**

**Exhibit 11:     Vicinity Map**

**Exhibit 12:     Pictures of Neighboring Site**

Her client has 86 employees, and at any given time there could be 40 cars parked in their parking lot. Six times a day 18 wheelers come to the business. They are concerned with the residential development so close to the property line. The fence will not address the noise from the tractor trailer trucks and the steam releases. There are other businesses, such as embalming supply, labeling, and beauty supply. There are a lot of combustibles on that street.

Norman Birk of 20 Smith Avenue, and the owner of Birk Manufacturing stated he is not against Affordable housing but this is not the place for it.

**The following exhibit was entered:**

**Exhibit 13:     Photos of interior of building.**

They have to get DEEP approvals, they treat their wastewater on site, and last year they accidentally mixed two chemicals, and produced a chlorine gas. They had DEEP, EPA, HazMat, police and fire at their business. If there was a neighborhood there they would have had to have been evacuated. He feels

responsible, he grew up in this town. A six foot fence won't do anything. He already has existing light poles and there are cars in his lot at night and he doesn't want to hear complaints.

Susan Spellman of 72 Old Farm Road, Groton is the owner of Salon Associates. They are a wholesale distributor and do not manufacture. They store, ship and receive chemicals in large quantities, which are hazardous. She has concerns for the safety of residential neighbors. This was a very nice presentation, and she appreciates the need for affordable housing. She has been advised by the FBI that her business could be a target for terrorists.

**The following exhibit was entered:**

**Exhibit 14: Handout from FBI**

She is concerned about the safety of people. Their loading dock would be right up by the fencing.

Richard Beck of 3 Capital Drive, is the owner of the Embalmer's Supply Company. He is here to stay. His business moved there in 2007. They have 13 employees, they have large trucks come in. They manufacture chemicals. One reason they moved there is because it is in an industrial park.

Mark Christensen of Grassy Hill Road, East Lyme stated the LUV study was paid for by the Town. It is not something to toss aside. If this was approved where would they find additional industrial land to create?

Dante Laterra, owns property at 12 Colton Road. This project is a nice design. Industrial land is minimal in East Lyme. Many 18 wheelers go in and out of the industrial park on a daily basis.

**The following exhibits were entered:**

**Exhibit 15: Memo from Charles Hand, and Memo from Dr. Michelle Martino**

Mr. Mulholland asked the applicant about the phases they would be building in.

Mr. Harris stated they would be building front to back in phases.

Mr. Thibault stated they would be building in three phases. They would be working their way to the north as required.

**The following exhibit was entered:**

**Exhibit 16: Certified copy of Zoning Regulations and Map**

Mr. Salerno asked what the nearest industrial building distance would be.

Mr. Thibault stated approximately 40 feet.

There was discussion of the extra bonus room over the garage.

Mr. Harris stated they are not building these as three bedroom units, but someone could convert the bonus room to a bedroom or media room, and recreation room.

Mr. Salerno asked about the walking trails.

Mr. Harris stated they will be pea stone. He disagrees with the assertion that this project is incompatible with the industrial park. They cannot assume there will be issues. 38 Hope Street is just as close or closer to Niantic Lumber. There are no complaints. There are existing residential uses in close proximity to the industrial park right now.

**The following exhibit was entered:**

**Exhibit 17: Aerial Photograph of area**

Mr. Salerno asked about the neighboring properties. They would now be subject to a 50 foot buffer.

Jeffrey McNamara stated he has a client who is adjacent to this parcel who would have to have a 50 foot buffer, and right now they do not.

Attorney Hollister discussed industrial zones exemptions and affordable housing.

**The following exhibits were entered:**

**Exhibit 18: Landscape Plan**  
**Exhibit 19: Proposed neighborhood**  
**Exhibit 20a: Renderings**  
**Exhibit 20b: Renderings**  
**Exhibit 20c: Renderings**  
**Exhibit 20d: Renderings**  
**Exhibit 21: Floor Plans**

**Motion (3) Mr. McPherson moved to close both Public Hearings.**

**Seconded by Mr. Donovan.**

**Motion Passed 6-0.**

**Respectfully Submitted,**



**Karen Miller Galbo**  
**Recording Secretary**