

TOWN OF EAST LYME  
ZONING COMMISSION

MAY 2, 2013

PUBLIC HEARING

Members Present:

Marc Salerno, Chairman  
Matthew Kane  
Terence Donovan  
Norm Peck  
George McPherson  
William Dwyer, Alternate (Sat for Public Hearing)

FILED IN EAST LYME  
CONNECTICUT  
May 7, 2013 AT 9:50 AM PM  
B. D. J. [Signature] ATC  
EAST LYME TOWN CLERK

Members Absent:

Matthew Walker  
James Liska, Alternate  
Peter Lukas, Alternate

Also Present:

Victor Benni, Town Engineer  
Holly Cheeseman, Ex-Officio  
Bill Mulholland, Zoning Officer  
Brad Kargl, Water & Sewer Department

Call to Order

Chairman Salerno called the meeting to order at 7:30 p.m.

Pledge of Allegiance

Chairman Salerno led the assembly in the Pledge of Allegiance.

Mr. Kane will be the Secretary for the night, in Mr. Walker's absence.

Chairman Salerno sat Mr. Dwyer as a regular member for the Public Hearing.

Public Delegations

There were no public delegations.

1. Application of Timothy O'Reilly, for East Lyme Café, LLC dba Smokey O'Grady's for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 306 Flanders Road, Niantic, Connecticut.

Mr. Mulholland confirmed that the legal advertisement ran on this item.

Mr. Kane read a memo from Mr. Mulholland.

The applicant did not address the Commission.

Mr. Mulholland stated there have been no complaints. The signs that were up have been removed.

There was no public comment.

**Motion (1) Mr. McPherson moved to close the Public Hearing.**

**Seconded by Mr. Dwyer.**

**Motion Passed 6-0.**

**2. Application of Theodore A. Harris, Esq., Agent for Benchmark Senior Living for a Special Permit under Section 9.2.7 and 25.5 for an addition to an existing assisted living facility, identified in the application as 417 Main Street, Niantic, Connecticut.**

Mr. Mulholland confirmed the legal advertisement had run on this item.

Mr. Kane read a memo from Mr. Mulholland.

Attorney Ted Harris, 351 Main Street, Niantic presented the application. It is an application for a Special Permit for an addition to Crescent Point.

**Attorney Harris presented Exhibit 1 – Picture of Public Hearing Sign.**

Mr. Harris stated the development was designed to look like a country inn. It has a very residential feel. When the construction concluded it was the highest taxpayer in town. He recently called the Tax Collector and it is now number three in town. This addition will increase the number of units. There will be 12 new units within the addition, which will be an Alzheimer's Unit. The net increase is only 11 units, as one unit will have to be removed. The addition will be in the Northwest corner of the building. The same architect that designed the building has designed the addition. The area added will meet current height requirements. The units being added are smaller units, since they won't have cooking areas. There will be a common area in the addition, recreational facilities, kitchen, and dining room. This addition will have no impact on the number of employees at the facility. They are already overstaffed in the Alzheimer's unit right now. They have one more than they need currently. There will be no increase in employment.

**Attorney Harris presented Exhibit 2 – Regulatory Framework**

Mr. Harris stated they meet the standards from a regulatory standpoint. For parking they are required to have 31, but they will have 32.

The outdoor area will be changed, and there will be 700 square feet of additional impervious surface.

Jim Swift, Site Engineer stated the rear of the parcel borders a residential zone. They will maintain that 25 foot buffer. Runoff water will be kept on site; there is an underground storm water retention area. This won't change that. He is recommending they add to the underground filtration system. The proposed addition removed some parking spaces and sidewalks. They are balancing that out. They are going to take out the spruces in back that aren't doing too well and will add new ones. There is a complete line of arborvitaes called for on the plan. Right now there are fairly young maple trees on the Lake Avenue side. They do have a full erosion control plan. They can put arborvitaes or an evergreen hedge if the Commission preferred.

Mr. Mulholland stated there were junipers ripped out and never replaced, now is the time to repair that.

Mr. Swift stated the maples have done a good job there. He suggested evergreens 4 to 5 feet in height.

Bill Erickson, Architect of Lexington Massachusetts designed the original building. A seaside inn was the inspiration for the building. They are extending it out and continuing the roof line out. It is a two story structure, there will be an increase in the common area, and there will be an activity area, a country kitchen area where residents can cook with supervision. They are moving the outside garden space to the other side of the addition.

Mr. McPherson asked if they were planning on re-using the windows.

Mr. Erickson stated he was not sure if they will be able to use them again.

Scott York, 18 Lake Avenue stated the employees' park all along Lake Avenue, and in the grass behind the building. They do not have enough parking there. It has always been an issue. There have been dead trees. He has complained, and they replaced them with two foot tall trees. He has gotten 6 inches of water in his yard when it rains.

Mr. Peck asked when he moved there.

Mr. York stated 1997. He has a shed in back that he has had to replace twice because the water was so high. There is also a fence that is about to fall over onto the Children's Museum property. He doesn't feel it is an eye sore, but the resale value of his property has gone down.

Attorney Harris stated he made a point to drive down Lake Avenue over the last several months, cars do park on Lake Avenue, but the Children's Museum only has about 5 spaces.

Chairman Salerno asked if on street parking is allowed on Lake Avenue.

Mr. Mulholland stated yes.

Attorney Harris stated there are other businesses on that street.

Mr. Donovan asked what the applicant would do for parking if they had a special event for families to attend.

Attorney Harris stated they can't design parking just for an occasional event.

Mr. Donovan asked if they would be willing to add more parking.

**Mr. Harris entered Exhibit 3 – Site Picture**

Attorney Harris stated they could add parallel parking on the main driveway.

Chairman Salerno stated they do meet the parking requirements.

Attorney Harris stated they could add two spaces to the back of the lot; they would have to move some evergreens.

Chairman Salerno asked how many employees are there at one time.

Bill Coat of Benchmark stated they use a variable staffing model. The maximum is 15 to 20 employees.

Attorney Harris stated they can add 5 parallel spaces and two spaces in back.

Mr. McPherson asked about the ponding issue on Mr. York's property.

Mr. Swift stated he hasn't examined it, but he has never witnessed enough water to contribute to 6 inches on Mr. York's property. The drain going to the water basin is quite a bit below Lake Avenue. He has not seen an erosion problem. It is good sandy soil.

Mr. Donovan asked if they would address the problem.

Ms. Swift said if there is a berm between Mr. York and Benchmark's property they can level it off.

Mr. Mulholland stated typically the drainage is very good. Mr. York has testified to the problem. He is hearing testimony that they are willing to look at their drainage further, and if they find a problem they will be happy to correct it.

Mr. Swift stated that is correct.

**Mr. Harris entered Exhibit 4 – Site Plan with Additional Parking**

Chairman Salerno stated they want the employees parking in the employee parking areas, not on Lake Avenue.

Attorney Harris stated there are multiple users of that area.

Mr. Mulholland stated it is in the village. It is denser; there is a lot of activity downtown. This is reflective of that.

Chairman Salerno asked about the fence that is falling down.

Mr. Swift stated they will fix that.

Mr. Mulholland stated he can address that at staff level.

Attorney Harris stated there are 11 units in the addition. Some are dual units, with one bath, and two beds, but are considered one unit.

**Motion (2) Mr. McPherson moved to close the Public Hearing.**

**Seconded by Mr. Donovan.**

**Motion Passed 6-0.**

**Respectfully Submitted,**

A handwritten signature in black ink that reads "Karen Miller Galbo". The signature is written in a cursive, flowing style.

**Karen Miller Galbo  
Recording Secretary**