

TOWN OF EAST LYME

ZONING COMMISSION

MARCH 17, 2011

PUBLIC HEARING MINUTES

Members Present:

Marc Salerno, Chairman
Norm Peck
Ed Gada
Rosanna Carabelas
James Liska, Alternate
Bill Dwyer, Alternate
Bob Bulmer, Alternate

FILED March 22, 2011
AT 8:50 AM.

L. Ables, ATC
TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer
Michael Carey, Town Attorney

Members Absent:

Steve Carpenteri
Matthew Walker

CALL TO ORDER

Chairman Salerno called the Public Hearing to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

There were no public delegations.

PUBLIC HEARING:

1. Continuation of application of Theodore A. Harris, agent for New England National, LLC for approval of affordable housing development, and a conceptual 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. Continued from March 3, 2011.

2. **Continuation of application of Theodore A. Harris, agent for New England National, LLC to rezone from its existing zoning 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. Continued from March 3, 2011.**

The Public Hearings for Items 1 and 2 were re-opened together.

Chairman Salerno sat Mr. Dwyer, Mr. Bulmer, and Mr. Liska as regular voting members for the Public Hearings.

Mr. Peck excused himself for the Public Hearings.

Chairman Salerno confirmed that the Alternates who were seated had made themselves familiar with the material of the Public Hearing applications.

Ms. Carabelas read a letter from Todd and Patricia Whitaker.

Attorney Ted Harris stated the application was filed under 8-30g Affordable Housing Development. It is not a formal site plan; if it is approved they must return for full site plan approval. They are aware of some issues raised by the neighbors regarding traffic on the road. This development wouldn't cause too much difference in the traffic on the road.

Mr. Harris entered Exhibit 13 – East Lyme Transportation Map from the Plan of Conservation and Development, and the Definition section of the Planning Regulations.

The road is a rural collector road, which means “a street intended to move traffic from residential and light residential streets, and which is intended to accommodate presently or at any future time traffic other than that of the immediate neighborhood.” It is expected that traffic will grow on this road.

As far as the roads inside the development, they have no objection to a condition that all roads meet Town Standards.

In regard to Water and Sewer that is ultimately viewed by the DEP and the Department of Health and they believe they can meet their requirements. If not, this development will stop because they would need their approval to construct the development.

Mr. Harris entered Exhibit 14 – Evergreen Ridge 58 Unit Conceptual Site Plan, dated March 1, 2011, and revised March 17, 2011.

This reduces the density of the development by 23%. Reduces the units from 74 to 58. They have totally eliminated the duplex units. They are now all single family homes.

These numbers are not that far out of step from what could be done with a regular subdivision as far as density.

He stated 8-30g is a neutral statute, and is designed to promote Affordable Housing, and it can override local zoning regulations. This development provides an alternative to what we have in Town now.

Mr. Bulmer asked what exactly would they be approving?

Mr. Harris stated a Zone Change and an Affordable Housing Development Concept.

Mr. Bulmer stated he is not comfortable with their definition of the other access road.

Mr. Harris stated it is a gravel based road right now.

Mr. Bulmer stated if this is implemented they would need a road for emergency access.

Mr. Harris stated there will be one emergency access road.

Mr. Salerno asked if there are emergency access road standards.

Mr. Harris stated they have worked with the Fire Marshal in the past, and would be willing to do that again.

Mr. Salerno asked where the emergency access would come out, and if there is a Right of Way between two lots.

Mr. Harris said yes, and it comes out on Upper Kensington Road.

Public Comments

Mark James – 200 Upper Pattagansett Road – Asked if their discussion on the density of the property included the overall 48 acres.

Mr. Salerno stated that yes it is for the overall density of the property.

Beijing Tan – 228 Upper Pattagansett Road – Concerned with traffic and safety. Would be better if the road is wider. He would like a more objective evaluation on the safety of the road.

Mr. Salerno stated the developer came with a Traffic Engineer and the Town does not have a traffic engineer.

Mr. Mulholland stated the Commission cross examines witnesses. They are testifying with their credentials on the record.

Attorney Mike Carey stated that anyone who comes here to testify as a professional is being paid by someone. The Commission won't disregard testimony just because the applicant is paying for them. Experts come here and sign reports and swear, and they are putting their professional reputation on the line. Professional witnesses are paid by whoever engaged them to work on the project.

Ms. Carabelas asked Mr. Vleet, the applicant's traffic engineer, if they had done a traffic study of the accidents in the area.

Mr. Vleet stated he had not.

Ms. Carabelas asked if he was planning on it.

Mr. Vleet stated no, that he is not aware of any significant incidents; there were many alleged, but unreported incidents.

Mr. Dwyer stated in the past when people were opposed to an application they have hired their own experts. It is not unheard of to hear an opposing view.

Mr. Vleet stated from a Traffic Engineer's prospective there is a low volume of traffic on this road. If they have to go to the State Traffic Commission they will have to be more comprehensive.

Ms. Carabelas stated when he was asked at the last meeting, he said he would look at accident history.

Mr. Vleet stated as this goes forward he will probably be looking at it.

Mr. Bulmer stated the area is very hilly, would they agree to no more than 10% grade on the roads?

Mr. Harris stated all of the roads will be constructed according the Town's standards.

Mr. Bulmer asked if there are power outages would they have a contingency plan for Water and Sewer.

Mr. Harris stated that would depend on the Department of Health.

Mr. Bulmer asked if they would agree that a back up plan will be submitted.

Mr. Harris stated he does not know what the requirements will be.

Mr. Liska stated the road is also designated as a scenic bikeway on the POCD.

Mr. Harris stated it does seem that it is a bikeway and a collector road.

Mr. Liska stated there were many comments about the high school student using the road for training.

Mr. Vleet stated there are many different uses on the roadway, but they cannot measure the amount of runners.

Mr. Salerno asked if they are going to be designating the remainder of the land as Conservation Open Space.

Mr. Harris stated yes, but they may need some of the area for drainage systems.

Mr. Salerno stated he wants to make sure the Open Space is forever, and there won't be any future applications for Affordable Housing for that part of the property.

Mr. Harris stated they could supply Mr. Mulholland with a plan of the area of open space.

Mr. Salerno asked when.

Mr. Harris stated next week.

Mr. Mulholland stated if they close the Public Hearing they can direct staff and the Town attorney to develop motions and they could incorporate those types of things into the motions.

Attorney Carey stated they cannot take anything from the Applicant once the Public Hearings are closed.

Mr. Mulholland and Mr. Harris discussed the location of the open space; they would be willing to have the open space within 50 feet of the emergency access road.

Mr. Salerno asked if there are any plans for clearing the land, or if they will be keeping it wooded.

Mr. Torrance stated most of the development area has already been cleared; you will not be able to see this development from anywhere.

Mr. Salerno asked if all of the units will have basements.

Mr. Torrance stated yes, and some will have walkouts.

Mr. Salerno recommended they look at the CDD regulations for maintaining the character of the area.

Ms. Carabelas asked if this is approved and the subsequential plans are not approved can the property go back to RU40, or do we have to have another Public Hearing to change it back.

Mr. Mulholland stated they would have to have another Public Hearing to change it back.

Mr. Salerno asked if there is sufficient buffer between this development and the property in the corner.

Mr. Torrance stated that property was originally part of the whole piece. There is a natural buffer that has been maintained.

Motion (1) Mr. Bulmer moved to close both Public Hearings.

Seconded by Mr. Gada.

Motion Passed

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Karen Miller Galbo".

**Karen Miller Galbo
Recording Secretary**