

TOWN OF EAST LYME
ZONING COMMISSION

FILED IN EAST LYME
CONNECTICUT
August 20 15 AT 12:00 AM PM
Desly Blais
EAST LYME TOWN CLERK

AUGUST 13, 2015

SPECIAL MEETING MINUTES

MEMBERS PRESENT:

MATTHEW WALKER, CHAIRMAN
TERENCE DONOVAN
WILLIAM DWYER
GEORGE MCPHERSON
NORM PECK

MEMBERS ABSENT:

MATTHEW KANE
SHAWN SINGER, ALTERNATE
JAMES LISKA, ALTERNATE
PETER LUKAS, ALTERNATE

ALSO PRESENT:

ED O'CONNELL, TOWN ATTORNEY

ALSO ABSENT:

BILL MULHOLLAND, ZONING OFFICIAL

CALL TO ORDER

Chairman Walker called the Special Meeting to order at 6:37 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

1. PETITION OF TIMOTHY S. HOLLISTER FOR LANDMARK DEVELOPMENT GROUP, LLC AND JARVIS OF CHESHIRE, LLC UNDER CONNECTICUT GENERAL STATUTES SECTION 8-30G TO REZONE 123.02 ACRES FROM RU-120, ITS EXISTING ZONING DESIGNATION, TO AFFORDABLE HOUSING DISTRICT (SECTION 32 OF THE EAST LYME ZONING REGULATIONS) AND FOR APPROVAL OF A PRELIMINARY SITE PLAN (SECTION 32.9 OF THE EAST LYME ZONING REGULATIONS) WHICH PROPOSES OPEN SPACE OF 87 ACRES FOR PROPERTY IDENTIFIED IN THE APPLICATION AS CALKINS ROAD, EAST LYME, AND FURTHER IDENTIFIED IN SECTION 9 OF SAID PETITION AS BOSTON POST ROAD, (EAST LYME ASSESSOR'S MAP 31.0, LOT 4), 23 CALKINS ROAD, (EAST LYME ASSESSOR'S MAP 32.0, LOT 1) AND QUARRY DOCK ROAD (EAST LYME ASSESSOR'S MAP 27.0, LOT 14).

Chairman Walker stated this Special Meeting is regarding the decision on the Landmark application. The application was submitted pursuant to Judge Frazzini's memorandum of decision, and was remanded

back to the Zoning Commission. The application is for rezoning of 123 acres and approval of the Preliminary Site Plan for 840 units, 30% of which is proposed to be affordable housing. The Inland Wetlands Agency report was issued on July 27th and they found sufficient evidence in the record that the application involved regulated activities that required a wetlands permit. They recommended that this Commission require the applicant to apply to the Inland Wetlands Agency. There were numerous hours of testimony, and approximately 60 exhibits. Throughout this process it has become apparent that this Commission is leaning a certain direction. There are a multitude of concerns. It appears they will either approve with conditions or modifications, or they will deny this application. He does not anticipate a decision tonight, but does anticipate one next Thursday.

Mr. McPherson stated they were approved for the zone change in their last application.

Mr. Peck stated within the sewer district.

Mr. Dwyer stated he would go along with that again, within the area of the sewer district.

Chairman Walker stated there is not sufficient evidence to do otherwise. He also stated the coastal impact concerns we have relative to the Preliminary Site Plan are because of the roads leading in. There is no question this property has been subject to the extensive efforts of many people. We need to focus on what we can sink our teeth into.

Mr. Donovan state we saw evidence that there are wetlands in the area of the buildings.

Chairman Walker stated some of the buildings are allegedly on wetlands.

Mr. Donovan asked if that affects the zone change.

Chairman Walker stated there are conditions that could be put in that the applicant shall include more accurate depictions of the wetlands and relocation of the buildings. We would like experts to provide solutions.

Mr. Dwyer stated building 4 and 5.

Mr. McPherson stated it could be more buildings, we don't know because the wetlands aren't delineated.

Mr. Donovan stated they were delineated, but there was evidence that showed more.

Attorney O'Connell stated the applicant will be more detailed with the Final Site Plan. The Regulations require that. The exact nature of the basins are appropriate for the Final Site Plan. They will have to provide that because of how the Regulations are set up.

Mr. McPherson asked about staff input on that.

Chairman Walker stated the applicant doesn't need details on sewer or traffic for the Preliminary Site Plan.

Attorney O'Connell stated that would be submitted with the Final Site Plan.

Mr. Donovan stated the point of access/egress is a public safety issue. Mr. Donovan stated most of his concerns are in the draft submitted by Attorney Zamarka. If they go to Inland Wetlands would they then have to do a new Preliminary Site Plan application?

Attorney O'Connell stated not if it is approved with conditions.

Chairman Walker stated we want the applicant to apply to the Inland Wetlands Agency, accurately depict the wetlands on the proposed development; the applicant needs to submit an application for a CAM review, and plans for roadway access.

Mr. Donovan asked if we can ask for a different traffic study.

Attorney O'Connell stated no.

Chairman Walker stated we could put a condition on that they have to demonstrate a second point of exit.

Mr. Dwyer stated the applicant claims the boulevard gives them a second exit.

Mr. Donovan asked what would happen if it is blocked at the end.

Mr. Dwyer agreed with Mr. Donovan.

Chairman Walker stated that is out of our purview.

Attorney O'Connell agreed with Mr. Walker, that will be addressed with the Final Site Plan.

Chairman Walker stated the Fire Marshal will have input on that.

Mr. Donovan asked if we can ask them to come up with another means of egress.

Attorney O'Connell stated they will determine at the Final Site Plan stage whether the proposal complies with traffic regarding emergency access/egress.

Chairman Walker asked about environmental concerns.

Mr. Dwyer stated the Trinkaus report details those concerns.

Attorney O'Connell stated the Trinkaus report summarized concerns. If they all agree he can put those in the final draft.

Mr. Dwyer stated the Highland Soil report also.

Chairman Walker stated regarding storm water the Trinkaus and Highland Soil report are central to our concerns.

Mr. Donovan stated the studies are on record. He asked if the applicant has access to those.

Attorney O'Connell stated he heard what you heard at the Public Hearing.

Mr. Peck suggested all units be served by sewer, all storm water runoff plans be presented at the Final Site Plan and should demonstrate handling of the runoff while taking care of 100 year storm. He also suggested we would like to have Mr. Trinkaus review their storm water runoff system.

Attorney O'Connell stated the Town has an engineering staff.

Mr. Peck stated Trinkaus has done a lot of work already. He suggested all units be served by sewer, storm water runoff plan, a guarantee of the maintenance of the system with a perpetual bond, Inland Wetlands approval, a certified wetlands map, and the building moved per the certified wetlands map.

Mr. McPherson suggested moving or removal of the building.

Attorney O'Connell stated he doesn't think they can require only sewer.

Mr. Peck stated Mr. Trinkaus stated non-public sewers were dangerous.

Attorney O'Connell stated he will look into that.

Mr. Peck stated Mr. Trinkaus knows more about the Judge on that subject.

Attorney O'Connell stated he will look at the Regulations. If they don't require guarantees or perpetual bonds on other approvals he doesn't think they would want to single out this applicant. He will look into that.

Chairman Walker asked about the 100 year storm.

Attorney O'Connell asked if that is required of every other applicant.

Mr. Peck stated this is a highly sensitive location and every other location is different.

Attorney O'Connell stated he will look into that.

Chairman Walker asked about having Trinkaus review the applicants design, or the Town looking into it, or a third party looking into it.

Attorney O'Connell stated a satisfactory review by a licensed engineer firm or the Town Engineering Department. They should be careful on that.

Mr. McPherson stated there were concerns about the cuts and fills on site.

Attorney O'Connell stated that will be addressed in the Final Site Plan with the modes and methods of construction.

Mr. Dwyer stated the road goes through an environmental area.

Attorney O'Connell stated if they direct him to the Trinkaus report he will fill in those conditions on the final draft.

Chairman Walker stated the concerns of Trinkaus, the concerns articulated by the public. He thinks it would be wise to suggest that Attorney O'Connell work on a more final resolution with additional concerns from the Trinkaus report and the Highland Soils report. If they are leaning toward approval with conditions the conditions should be pretty stringent. The applicant will have to do due diligence to move to the next phase regarding egress, sewer, water, and the Inland Wetlands permit.

Motion (1) Mr. Donovan moved to adjourn at 7:30 p.m.

Seconded by Mr. McPherson.

Motion Passed 5-0.

Respectfully Submitted,

**Karen Miller Galbo
Recording Secretary**