

TOWN OF EAST LYME
ZONING COMMISSION
AUGUST 14, 2014
SPECIAL MEETING MINUTES

Members Present:

Marc Salerno, Chairman
Matthew Kane
George McPherson
Matthew Walker
Terence Donovan
Norm Peck
William Dwyer, Alternate
Peter Lukas, Alternate (Sat for Item 3)
James Liska, Alternate

FILED IN EAST LYME
CONNECTICUT
Aug 18 20 14 AT 8:55 AM/PM
TULLY, J. P. CLERK
EAST LYME TOWN CLERK

Also Present:

Holly Cheeseman, Ex-Officio
Attorney Mark Zamarka
Rita Palazzo, Planning Representative

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

There were no public delegations.

1. EXECUTIVE SESSION (PENDING LITIGATION – JAG CAPITAL DRIVE)

Attorney Zamarka was present during the Commission's Executive Session.

There was no consensus reached at the Executive Session.

Motion (1) Chairman Salerno moved to exit the Executive Session at 7:55 p.m.

Seconded by Mr. Donovan.

Motion Passed 6-0.

2. SCHEDULE PUBLIC HEARING REGARDING JAG CAPITAL DRIVE APPLICATION

Chairman Salerno asked Mr. Mulholland to schedule a Public Hearing regarding the JAG application being re-opened at the next available meeting.

3. REQUEST OF GATEWAY DEVELOPMENT/EAST LYME, LLC FOR A DETERMINATION AS TO WHETHER A PROPOSED RELOCATION OF THE ENTRANCE AT FLANDERS ROAD SUBSTANTIALLY CONFORMS TO THE MASTER DEVELOPMENT PLAN FOR THE GATEWAY DISTRICT

****Mr. Peck recused himself for this item.**

Peter Lukas sat for Mr. Peck.

Mr. Mulholland stated he received two correspondence on Gateway. They wanted them read into the record. This is not a Public Hearing, and there will be no testimony. They are in his file in his office.

Mr. Walker read a letter from Attorney Ted Harris dated August 11, 2014.

Mr. Walker read a memo from Mr. Mulholland dated August 14, 2014.

Chairman Salerno stated this was originally approved in 2008. This is discussion on the conceptual site plan. The reason they do this is to alleviate any issues when they come to them with the final site plan.

Attorney Harris stated they are here to request determination if the shift in the entrance on Flanders Road remains consistent with the original site plan as approved by the Zoning Commission. They did this earlier with the square footage of the Costco. This is for a 375 foot shift to the southerly entrance drive. This is important as far as moving this development forward. The anchor store is a central factor in this site. It is a traffic generator, and other commercial development will follow. If the Commission agrees that it is not a substantial change then permitting will start with the DOT. There is very little frontage on this site. This developer has bought all but one of the parcels in this development. They are on the eve of signing a lease with a large format tenant. They no longer control the parcel where the original entrance was designed. They are proposing to change the point of access to the development. The new location is as good or better and it does interface with all of the same roads in the development. They could go back to the original design in the future.

Mr. Mulholland stated they had asked for traffic information at the last meeting on Gateway.

Fred Greenberg, Traffic Engineer for BL Companies stated they did a study in 2008 for the Master Development Plan. They did another traffic study and found that traffic hasn't really changed since then. If the bridge over Flanders Road isn't widened it would limit the ability to develop phase 2.

Mr. Mulholland asked if the Commission approved this would they only be able to go forward if the ramp is completed.

John Mancini, a principal in BL Companies stated there was a Corridor Study done on 95 from the Q Bridge to the Rhode Island Border. They targeted the most critical areas of the highway. Exit 74 was designated as one of the most likely to have a project. They have created a frontage road idea. Other improvements have to occur to fix the interchange. The key is the frontage road. They have met with

DOT several times. This is step one. The design of the exit ramp, the land, the permit will all be done by the developer. The off ramp will go onto the frontage road.

Mr. Mulholland asked if it is a temporary ramp.

Mr. Mancini stated it is a small piece of a temporary ramp. Originally the State was just going to replace the deck over Flanders Road. They have done a newer evaluation and steel needs to be replaced.

Mr. Mulholland asked what the guaranty is that the temporary ramp will be replaced by a permanent ramp.

Mr. Mancini stated the OSTA permit will require that. OSTA will hold a bond on it.

Mr. Mulholland asked when the permitting for the ramp will take place.

Mr. Mancini stated they will begin immediately.

Mr. Mulholland stated they originally designed the entrance further up the road. Why are they now saying this is a better design?

Mr. Mancini stated the new ramps will help them.

Mr. Donovan asked why they are moving it.

Attorney Harris stated they don't control that parcel at this time. With a widened bridge this proposal is a better entrance.

Mr. Mancini stated they are giving the State a significant right of way to build the frontage road and the on and off ramps.

Mr. Donovan asked if phase 2 will happen if they don't acquire the parcel of land that they don't own.

Chairman Salerno stated whoever owns that parcel will have to build according to the Master Development Plan if they want to develop it.

Mr. Mulholland stated the plan is in place, it is irrelevant who owns it.

Mr. Donovan asked if the utilities go through the property.

Mr. Mancini stated they go down the frontage road and then back.

Mr. Donovan asked if this will still be boulevard style?

Mr. Mancini stated yes.

Mr. Mulholland stated this is conceptual. The Commission will have final site plan approval.

Chairman Salerno stated he had requested the traffic study. He was worried the change would prohibit phase two from happening. The key is getting the road there.

Mr. Walker stated he has confidence in this proposal. The modification of the entrance is minor. DOT improvements to exit 74 are long overdue.

Chairman Salerno stated Mr. Donovan had mentioned the boulevard, and they have assured us it will still have the boulevard feel.

Mr. McPherson echoed Mr. Walker and Chairman Salerno's comments.

Motion (2) Mr. McPherson moved to approve the request of Gateway Development/East Lyme, LLC for a determination as to whether a proposed relocation of the entrance at Flanders Road substantially conforms to the Master Development Plan for the Gateway District.

Seconded by Mr. Kane.

Motion Passed 5-1-0 (Nay-Mr. Lukas)

****Mr. Peck returned for the remainder of the meeting.**

****Mr. Lukas stepped down for the remainder of the meeting.**

4. APPROVAL OF MINUTES OF JULY 10, 2014

Motion (3) Mr. Peck moved to approve the Regular Meeting Minutes of July 10, 2014.

Seconded by Mr. Walker.

Motion Passed 5-0-1 (Mr. Donovan abstained)

OLD BUSINESS

1. ZONING REGULATIONS REVIEW

This sub-committee will meet on September 11th at 7:00 p.m.

NEW BUSINESS

1. ANY BUSINESS ON THE FLOOR, IF ANY, BY THE MAJORITY VOTE OF THE COMMISSION

There was no business on the floor.

2. ZONING OFFICIAL

Mr. Mulholland stated Mr. Smith's building is moving forward.

Mr. Donovan asked about the umbrellas at Dad's.

Mr. Mulholland stated they were there before the Regulations were put into effect.

Mr. McPherson asked if Mermaid Liquors is moving.

Mr. Mulholland stated yes.

3. COMMENTS FROM EX-OFFICIO

Ms. Cheeseman stated there was a Special Town Meeting and the purchase of 30 Scot Air Packs for the Niantic Fire Department was approved. They had a Regular Meeting immediately after the Special Town Meeting and there was a presentation of possible acquisition of land, they authorized the First Selectman to enter an agreement with DOT. They accepted and sent to a Town Meeting a Grant for an architectural survey at the Samuel Smith House. They also had a presentation to realign Mostow Road.

Chairman Salerno asked if the water will be hooked up next week.

Ms. Cheeseman stated Mr. Formica said anyday.

4. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

There were no comments.

5. COMMENTS FROM CHAIRMAN

Chairman Salerno welcomed everyone back. He asked if a member is going to vote no on an item that they voice their concerns prior to the vote. There may be an issue that other members have not considered. He can't require that members voice their concerns, but he thinks it would be helpful.

Mr. Peck suggested he send out a memo on that.

Chairman Salerno stated it is fine if members vote no, but the applicant may want to know why there is a no vote.

6. ADJOURNMENT

Motion (4) Mr. McPherson moved to adjourn the meeting at 9:32 p.m.

Seconded by Mr. Donovan.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**