

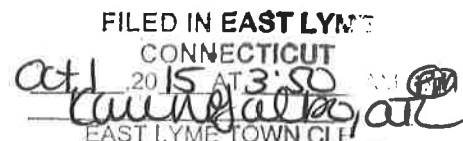
Planning Commission Special Meeting Minutes

Tuesday September 29, 2015

Present: Francine Schwartz, Rita Palazzo, Frank Balantic, Secretary, Brian Schuch, Chairman, Joan Bengtson

Also Present: Gary Goeschel, Planning Director, Michael Hess, Alternate, Anne Thurlow, Alternate (Sat as a Regular Member), Rose Ann Hardy

Absent: Ernie Covino, John Birmingham, Alternate



Mr. Schuch called this Regular Meeting of the Planning Commission to order at 7:11 pm.

I. Pledge of Allegiance

The Pledge was observed.

II. Public Delegations

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item VI) and in-house proposals or general topics of discussion (Item VII) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.

There were none.

III. Approval of Minutes

A. September 15, 2015 Public Hearing Minutes

- ****Motion (1)**

Ms. Bengtson moved to approve the September 15, 2015 Public Hearing Minutes.

Ms. Palazzo seconded the motion.

Mr. Balantic noted that the first page, last paragraph of the Public Hearing Minutes has the word "irreverent;" It should say "irrelevant."

Vote: 5-0-1. Motion passed.

Ms. Schwartz abstained from the vote due to her absence from the September 15th, 2015 Public Hearing Meeting.

B. September 15th, 2015 Regular Meeting Minutes

- ****Motion (2)**

Ms. Palazzo moved to approve the September 15th, 2015 Regular Meeting Minutes.

Ms. Balantic seconded the motion.

Vote: 5-0-1. Motion passed.

Ms. Schwartz abstained from the vote due to her absence from the September 15th, 2015 Regular Meeting.

IV. Subdivisions and Resubdivisions

There were none.

V. Zoning Referrals (CGS 8-3a)

Proposed changes in zoning regulations or boundaries shall be referred to the Planning Commission for a report that shall contain the findings of the planning commission on consistency of a proposed regulation or boundary changes with the Plan of Development and any other recommendations the Planning Commission deems relevant. Failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposals. The report of the Planning Commission regarding such proposal shall include the reasons for the commission's vote and shall be incorporated into the records of any public hearing held thereon by the Zoning Commission. A proposal disapproved by the Planning Commission may be adopted by the Zoning Commission by a vote of not less than two-thirds of all the members of Zoning Commission.

- A. Application of Theodore A. Harris for GDEL Residential B, LLC;** Application for a text amendment to the East Lyme Zoning Regulations Section 11.A.9.2.2 (C) to increase the number of units from 280 to 400.

The Commission discussed the September 17, 2015 Zoning Meeting they were invited to, which detailed the history of Gateway District.

Mr. Goeschel provided the Commission with the Planning Commission Memorandum regarding Gateway dated January 16th, 2008 (Exhibit 1), the Planning Commission Memorandum regarding Gateway dated May 17, 2007 (Exhibit 2), the Zoning Commission Memorandum to the Planning Commission dated March 6th, 2007 (Exhibit 3), Rocchi v. ZBA Town of Glastonbury handout (Exhibit 4), Gateway History Timeline (Exhibit 5), and the Gateway School Impact (Exhibit 6.)

The Commission discussed how the initial application did not limit the number of units.

Mr. Goeschel cited Exhibit 4 and said that similar cases create a body of law. Mr. Schuch said that the Commission cannot alter from the Commission's previous decision making unless a significant change has occurred.

The Commission discussed Exhibit 6, noting that it was not written on legal letterhead and had no date; they felt that something more official would support its accuracy.

Mr. Goeschel answered the questions that some of the Members had about Gateway. He said that less than 6 acres would be cleared for the 120 units.

Ms. Thurlow, Ms. Palazzo and Mr. Schuch discussed how several of the units have two bedrooms with a den; these units are being advertised as three bedrooms when they are supposed to be two.

Mr. Goeschel said that the number of bedrooms per unit is a Zoning limit, but that Zoning could choose to limit this if they so desired. Ms. Palazzo observed that the developer always intended to have three bedroom units.

The Commission had an in depth discussion regarding the tax assessment per building. Mr. Goeschel said that the Applicant told him that roughly 2.3 million would be the assessment for thirteen buildings and the clubhouse.

Mr. Schuch and Mr. Goeschel told of an article they found that states that \$18,000 is spent per student each year.

Ms. Hardy said that the number is definitely not that high, that we are consistently the lowest or next to lowest. She said that she could verify this information quite easily. Mr. Schuch said they would provide her with the spreadsheet that the reporter used.

Mr. Balantic discussed estimates of educating current and potential students in the Gateway District. He expressed concern that the cost of education would erode the gained revenue.

Mr. Goeschel discussed the economic impact analysis completed by the Applicant.

In regards to the 400 units, Ms. Hardy explained that the developer always contemplated doing 400 units. The division occurred so that the Applicant would do commercial before any more residential would be granted.

Mr. Balantic pointed out the 10 foot access driveway to where the commercial is supposed to be located, and said that he does not believe that Costco is coming. He said that if you assume there will be fifty kids living at Gateway and \$12,000 a head that cancels out the revenue from the residential.

The Commission discussed the parcels that Gateway currently owns.

Ms. Bengtson asked if there was still a cease and correct order.

Mr. Goeschel said that Gateway is one of the largest developments that East Lyme have ever seen. He observed that the trend has gone from subdivisions to apartments and multi-family residences. He suggested recommending to Zoning that they limit the number of bedrooms for the reasons that Mr. Balantic cited.

Ms. Bengtson said what if Costco doesn't happen and said that she is very uncomfortable. Mr. Balantic said that the location would remain Light Industrial.

Mr. Balantic said that when hearing Gateway's history at the September 17th, 2015 Zoning Meeting, he noticed that all the energy is towards the residential. He said the new road is necessary for commercial development.

Ms. Bengtson said the Applicant is already advertising the three bedrooms that have not been built yet and she thinks we need to present this to our Town Attorney.

Ms. Thurlow asked if there was pushback when the units went from 275 to 280 and Ms. Palazzo said there was a lot of wasted space in the development so that decision was easy.

The Commission discussed emergency access to the site.

Mr. Schuch said if you look back over the years at the Gateway proposals, they have been ruling on the residential rather than the commercial.

Mr. Goeschel said it is rightfully so that the Commission move cautiously and that as the Town Planner he promotes commercial growth in this district. He noted that the developer is saying that the only way to get the much needed road interconnection is through more units.

Mr. Balantic said the additional units would result in a long-term fiscal obligation and drain on the Town without what was promised. He said it would be a fiscal advantage to the developer to approve the additional units and perhaps they could be granted after the commercial.

The Commission took a five minute comfort break at 8:33 pm.

The meeting resumed at 8:37 pm.

Ms. Bengtson pointed out the last paragraph in the May 17th, 2007 letter (Exhibit 2.)

"It is further noted that the proposed allowed density for residential housing of 3 units/acre slightly exceeds the recommended density in the Plan of Conservation and Development..."

She said that this makes it a whole different ballgame.

Mr. Goeschel explained that the 2.9 units were rounded up and that a different POCD was utilized at that time. He added that he could look it up. He said that he wished the developer could hold off on this and come back with the request after Costco comes in.

Ms. Bengtson said that they need to decide by what is in front of them tonight; there is no commercial and there are no guarantees.

Ms. Bengtson expressed concern over whether new exit ramps would even get done given the State cutbacks. She said that there are too many unknowns.

Mr. Goeschel cited the DOT he attended two months ago; the DOT is making this a number one priority if Costco comes in.

Mr. Balantic said we are missing the important link, the commercial.

• ****Motion(3)**

Mr. Balantic moved that the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal, finds the Application of Theodore A. Harris for GDEL Residential B, LLC; Application for a text amendment to the East Lyme Zoning Regulations Section 11.A.9.2.2 (C) to increase the number of units from 280 to 400 as inconsistent with the 2009 Plan of Conservation and Development, as amended for the following reasons:

1. **Objective 1.2- Establish a coordinated cooperative system of Land Use decision making and the associated policy specifically, maintaining property values, minimizing impact of new development on existing land uses and in particular, limiting the growth of municipal service and maintenance costs.**
2. **Objective 2.1- Promote Compatible and Sustainable Economic Development.**

Policy- Promote compatible business in appropriate locations to foster local employment and opportunities, a favorable tax base, the provision of goods and services for local residents, and a year round and seasonal economy that improves the overall quality-of-life for East Lyme residents.

The Application would offset or erode the opportunity to cultivate a favorable tax base.

- 3. Objective 7.1- To provide for the safe, convenient and efficient movement of people and goods through and within the Town by developing a planned transportation system, which serves local traffic, through traffic and pedestrian movement while ensuring the preservation of community character.***

Without a clear plan that the originally proposed access road, north of the transformer station on Flanders Road, will be constructed, this plan clearly fails to meet Objective 7.1. Even if the road were constructed in the original location, a traffic study would be necessary in order to determine consistency with Objective 7.1.

- 4. The Application fails to move forward in a timely fashion on the goals and recommendations of Chapter 3 of the POCD- (*Land Use*), and Section 3.2 Commercial Development, specifically page 67, paragraph 1:**

Channel future commercial growth toward the route 161/ I-95 Interchange Area.

The Planning Commission has the following comments:

- 1. The Planning Commission concurs with the findings of the Planning Commission and Zoning Commission from eight years ago, that 280 residential units provide an adequate ratio of residential to commercial development so that the venture would be of financial benefit to both the Town and the developer. When the ratio becomes lopsided in favor of the residential, any benefit to the Town is mathematically eroded and in fact, becomes a deficit.**
- 2. Further eroding the financial value of the Gateway Development to the Town is the fact that the developer has not attained a position where they control the property on which many of the hypothetical junior stores would be built. Any subsequent developer will lose the economies of scale provided to the current developer in the originally envisioned development of the Gateway District.**
- 3. The Planning Commission recommends limiting the number of two bedroom apartments which include dens in the new buildings.**

4. The Planning Commission acknowledges that the developer has invested a significant amount in infrastructure however, it appears that the most basic investment in infrastructure was never accomplished; that being the purchase of the land upon which the originally proposed access road was to be built.
5. The developer should be compelled to apply infrastructure investment resources into the connecting road as required by the East Lyme Zoning Regulations 11.A.4.2, preferably using the originally proposed access on land north of the transformer station on Flanders Road (Route 161.)
6. The Zoning Commission should solicit actual student population numbers from the East Lyme School District.
7. The area now known as the Gateway District was formerly zoned as Light Industrial. The intensification of residential development runs contrary to the mixed use intended by the POCD for this area.
8. The Planning Commission contends that there should be no doubt in anyone's mind that the reason the Gateway District was permitted as a change to our Zoning Regulations was to permit increased commercial development in the Route 161/ I-95 Interchange Area. We should strive to achieve that first.

Ms. Bengtson seconded the motion.

Ms. Palazzo said that she did not agree with limiting the bedrooms. She thinks that it is an important factor to both the developer and the homeowner.

Ms. Bengtson said they are not selling the units, people are renting them. She said that the lack of the commercial component is what is important and she does not see good faith by the developer.

Mr. Schuch said that we do not want to do Zoning's job for them, so he is hesitant to include the comment.

Mr. Balantic said he was fine with omitting comment three and renumbering them; he included the comment since it seemed to be a topic of concern for some of the Commission Members.

• ****Motion (4)**

Mr. Balantic amended his previous motion striking comment three from the recommendation.

Ms. Bengtson amended her previous second.

Vote: 6-0-0. Motion passed.

VI. Municipal Referrals (8-24)

There were none.

VII. Old Business

A. Plan of Conservation and Development (POCD)

This will be tabled until the next Planning Commission meeting.

B. Status of Subdivisions

This will be tabled until the next Planning Commission meeting.

C. East Lyme Subdivision Regulation Proposed Changes- Section 9- Assurances for Completion and Maintenance of Improvements

This will be tabled until the next meeting.

VII. New Business

A. Planning Commission goes paperless

The Commission decided to go in a paperless direction, utilizing emails rather than correspondence sent to their homes.

B. Wilson and Newton at October 20th, 2015 Meeting

Cathy Wilson, Director of the Senior Center and Jeff Newton, Superintendent of Schools will be attending the next Planning Commission Meeting.

VIII. Reports

A. Chairman

Mr. Schuch had nothing to report.

B. Ex-Officio- Rose Ann Hardy

Ms. Hardy said that routine business may not be conducted at a Special Meeting and that she would report next time.

C. Zoning Representative

Mr. Schuch said the meeting was videotaped and watched, so we don't need to review it.

D. Sub-Committees

- a. Sustainable Development and Climate Adaptation Subcommittee (F. Schwartz, Staff: G. Goeschel)

Mr. Goeschel had a meeting about this today and more will be forthcoming.

E. Staff/Communications

Mr. Goeschel had nothing to report.

****Motion (5)**

Ms. Palazzo moved to adjourn this Planning Commission meeting at 9:23 pm.

Ms. Thurlow seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "B. Stevens", written in a cursive style.

Brooke D. Stevens
Recording Secretary

Town of

P.O. Drawer 519
Planning Commission



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357
(860) 691-4114
Fax (860) 739-6930

January 16, 2008

Mr. Mark Nickerson, Chairman
Zoning Commission
P.O. Box 519
Niantic, CT 06357

RE: Application of Theodore Harris for Gateway Development/East Lyme LLC to amend the Zoning Regulations to add new Sect. 11A.9 to allow development under a set of "Master Development Plan" regulations.

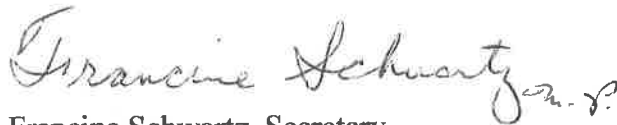
Dear Mr. Nickerson,

At its meeting on January 15, 2008, the Planning Commission found the above referenced application CONSISTENT with the recommendations in the Plan of Conservation and Development and Yale Charrette Report to channel future commercial growth toward the Rte. 161/I-95 interchange, to provide basic infrastructure for desired development, implement guidelines to control the character of development and allow flexibility for a variety of development strategies. In addition, the area west of the Pattagansett River within the GPDD meets the siting criteria for multi-family housing recommended in Sect. 3 of the Plan of Conservation and Development.

Attached are copies of the pertinent sections of the Plan of Conservation and Development and the Yale Charrette Report that provide the basis of this finding.

VOTE: 6-0-0

Sincerely,


Francine Schwartz, Secretary

Cc: Ted Harris

SECTION 4
COMMERCIAL LAND USE

- The type of commercial development taking place in the central areas is likely to be a combination of local/market-oriented, small businesses and businesses which cater to tourists and customers from Interstate 95. However, a trend toward more clustered shops or mini-centers (e.g., Midway Mall) is probable to make the most efficient use of increasingly scarce and costly prime sites.
- When the State of Connecticut rebuilds the Exit 74 southbound interchange, full access will be gained to the undeveloped and inaccessible commercially zoned land along Interstate 95. A community or regional shopping center would be a probable development.
- Outside the most intensely developed areas, strip commercial development will continue to expand along Route 161, West Main Street and Route 1.
- Further motel development and construction of fast food restaurants is probable in the Exit 74 interchange area.

Recommendations:

- Limit future commercial development to the existing commercial centers of Niantic and Flanders.
- Accommodate future growth by consolidation and deepening of existing zones and encouraging the use of a common service road along Route 161.
- Control commercial strip development by eliminating strip zoning where possible.
- Consider a historic preservation area in Flanders Village to be located at the intersection of Church Lane and Route 1.
- Preserve the Niantic River marine commercial areas by reserving these areas exclusively for marine-dependent uses.
- Provide incentive for the preservation of agricultural land to provide local crop supplies for associated businesses and tourism support.

1. Channel future commercial growth toward the Route 161/I-95 Interchange Area.

The preponderance of commercial development in the future should take place around the Exit 74 interchange adjacent to Interstate-95 in conjunction with new development or redevelopment in the Flanders Commercial District. As documented, a substantial amount of land is available in the Route 161 corridor for commercial growth. Removal of multifamily housing development as a permitted use would remove pressure for development of commercially zoned land for non-commercial uses. Additionally, the area is attractive for further commercial development because of its location with respect to major transportation corridors and accessibility to the central and northern areas of Town where most future residential development will take place.

There are several potential impacts involved in the intensification of commercial use in the Route 161 interchange area. One definite impact will be the increase in traffic congestion on Route 161. However, it is considered preferable to accept high traffic volumes here and to make the necessary roadway improvements within a limited area than to aggravate problems and trigger more extensive and costly improvements by permitting further strip development elsewhere. Strip development with multiple access points to separate properties should be discouraged and zoning regulations should encourage larger minimum lot size to maximize use of interior lots and shared driveways. Non-retail uses that are not dependent on road front visibility, should be encouraged to locate in the rear portion of developments. Retail uses should be encouraged to locate near the front of the parcel with parking located to the rear and side of the building. The front of the building should be landscaped and a landscaped berm provided next to the sidewalk to buffer the building from traffic headlights and glare.

A second concern is that a large portion of the Flanders Road commercial district overlies the Pattagansett aquifer. Careful application of the Town's aquifer protection regulations, as they currently exist and as they may be strengthened in the future, will be necessary in this area.

2. Establish a Planned Village District - North of Interstate 95.

A potential zone change involves the area bounded by I-95 on the south, Flanders Road to the east, Boston Post Road on the north and the Pattagansett River on the west. This area is zoned commercial arterial (CA) to depths varying from 400 to 700 feet along Flanders Road and Boston Post Road. The interior of the site is zoned light industrial (LI) and is generally open, flat land with good soils. The primary development constraint is that the site lies within the Pattagansett primary aquifer protection zone.

The location, topography, available municipal services and access to Interstate 95 make this site one of the most marketable on the Interstate-95 corridor. Consideration should be given to the establishment of a special district which would allow varied uses and encourage the development of clean, high-tech industrial uses, such as medical research, publishing, certain manufacturing types and other industries. The district could be designed so that the industrial buildings are constructed in a way that would be compatible to other uses in the district. Zoned as a planned village district, the Town would lay out a project design, site and architectural guidelines in advance to not only ensure efficient use of the land area, but promote continuity with the Flanders Village district and the historical area on Church Lane.

In tandem with specialized zoning for the above described area, the current Flanders commercial district should be rezoned as commercial business (CB) or given a new designation such as Flanders Village District (FVD) with regulations that encourage redevelopment to improve upon the village concept. New buildings, specifically at the intersection of Boston Post Road and Chesterfield Road, should be located near the front of the parcel to emphasize both visibility for new businesses and enhancements for pedestrians and vehicles trying to access the property (see Figure 4-2). Incentive-based zoning should encourage property owners to locate parking to the side or rear, build in an architectural vernacular which compliments historic structures nearby and use various landscaping alternatives to compliment both the site and the structure.



Figure 4-2 – View of potential redevelopment in Flanders Village at the site of the IGA entrance which encourages interaction with the community through location of buildings near sidewalks and street.

Flanders/Exit 74/Planned Development District

The Flanders Exit 74/75 business district is still in the growth stage and will see some major new growth in the near future. Located at the approximate center of the Town, it is an attractive location for businesses that require easy access to routes I-95 and I-395. One major problem for this area is vehicular access, traffic and related problems of pedestrian safety.

Rebuilding Exit 74 and rezoning the area to a planned commercial development area north of I-95 (see Figure 6-1) would help address the traffic problem. The new traffic flow design would take advantage of prime commercial property and improve traffic conditions in the Flanders area. The extension of East Society Road to the Exit 74 development area would also make a convenient connection to the Dean Road area and to Flanders. This area is well suited for hotel/conference center development to support adjacent high tech industry and the proximity to the growing casino and tourism business and bio-medical expansion in New London provides a distinct advantage for development. This area would also be a great location for other commercial or industrial development such as a "Technology Incubator" for new tech companies.

Recommendations

1. Evaluate what land-use strategy is best for the 100 acres of vacant land north of Interstate-95 at Exit 74 from recommendations in Appendix A. Then work cooperatively with the Zoning, Planning, Water and Sewer and Economic Development Commissions to develop guidelines and regulations for development of the properties (see Figure 6-1).
2. Improve access by negotiating with the state for improvements to the Exit 74 southbound exit and entrance ramp. Construction of a frontage road from Route 161 to East Society Road should be a priority whether funded by the state, the town or a developer. This will improve traffic congestion in the Flanders area and take advantage of the re-direction to a new Flanders business district.



Figure 6-1 - Exit 74 Planned Development District (PPD) - Maximum development of the area in harmony with available resources is critical to advantageous use of the properties. Arrangement of complimentary uses is important to long-term sustainability and the economy of the existing Flanders Village. Interconnection between both villages with sidewalks and bikepaths along Pattagansett River area will produce interconnectivity between the villages, new businesses and the residential core.

MULTIFAMILY HOUSING

During the 1980s, the pace and location of multifamily housing development was a major land-use issue in East Lyme. Concern was expressed in the 1987 Plan of Development that multifamily housing would:

Multifamily Development - Any use of land containing three or more dwelling units on the same lot.

1. Threaten East Lyme's predominantly single-family residential character.
2. Create a burden on the taxpayers requiring expenditures for municipal services (particularly education) which are not balanced by property tax receipts.
3. Use up land that should be reserved for commercial development.

At the time of the 1987 Plan's adoption, the rate of growth in multifamily housing developments represented a growing percentage of East Lyme's housing stock: from 5.9 % of total year-round housing units in 1975 to 8.6 % in 1984 (see Figure 3-4). It seemed clear that the pace of multifamily housing development was accelerating based on permits issued for 114 multifamily housing units from 1983 to 1986. Another trend that can be discerned from the data in Figure 3-4 is the dramatic shift in multifamily development from apartments in the pre-1975 period to the present preference for condominiums or single-family detached on common land.

Whether the development of multifamily housing has yet impeded commercial development by using up prime commercial sites is under question. There seems to have been an adequate supply of sites with the preferred direct road frontage and relatively easy topography to accommodate commercial development. Multifamily developments, on the other hand, have tended to locate on sites that are either on the fringe of commercial development or are of more difficult topography or are set back from the roadway, allowing commercial uses to occupy the road frontage. Recognizing this, the Zoning Commission amended the Zoning Regulations in June 1987 to only allow multifamily housing in commercial zones where it is part of a mixed use. Later the Zoning Commission allowed multifamily as a primary use in the commercial business district to support village business.

Since the adoption of the 1987 Plan of Development, multifamily construction slowed marginally. Within the last three years, multifamily housing has been increasing at a rapid pace. As Figure 3-4 indicates, 364 units have been approved or built since 1997, compared with 263 units built between 1985 and 1996. While 83% of these units are categorized as elderly housing, 67% of those units are designed as two or three bedroom detached condominium homes. These homes have the potential to be converted to standard family homes, but would still be classified as multifamily. The other units were approved as assisted housing for the elderly within one building complex. The 1998 approval of Windward Village, a 60-unit rental complex in Niantic, is one of the only major standard multifamily developments since the 1980s.

Changing demographics as a result of the employment profile produced by the Mohegan Sun and Foxwoods Casinos, and many other proposed expansions of the Southeastern Connecticut tourism-based economy, are expected to produce an increased demand for more affordable housing, including multifamily. Rental rates were rising during development of this Plan due to the decline in supply of residential rental property. The demand and rental rates in East Lyme are likely to increase in the near future with the profitability of constructing new multifamily units.

While multifamily housing can provide affordability for the elderly population, current trends in housing development for the elderly show homes selling for \$180,000 to \$200,000. When planning for the location of future multifamily housing areas, the specific needs of the elderly community should be kept in mind. Areas planned for this type of housing should have easy accessibility to shopping and business centers and be located near bus routes. Developments should include sidewalks and/or access to lighted and improved crosswalks. In developing new multifamily regulations, consideration should be given to allow alternative types of multifamily housing, such as PUDs (Planned Unit Developments) and

congregate housing, which could offer another type of affordable housing to senior citizens. Special permit controls should be re-evaluated for adequate site and road design to accommodate proposed density. These controls should also incorporate guidelines for design, which preclude elderly housing from being easily converted to multifamily housing. This would include house design and number of bedrooms, as well as stipulations for homeowners associations.

Incorporating the recommendations of the 1987 Plan of Development, design site plan standards for multifamily housing properties will need to be upgraded to ensure that neighboring residential properties are protected. An additional benefit of specific development standards is that they tend to relieve the Commission from making Special Permit decisions primarily on the basis of judgmental general standards and decisions are therefore more equitable and less prone to challenge.

Recommendations for Multifamily Housing

For purposes of this document, multifamily development is defined as any use of land containing three or more dwelling units on the same lot; this definition is consistent with East Lyme's Zoning Regulations. Ownership of the dwelling units is of no importance from a land-use perspective; both apartments and condominiums are considered multifamily housing.

1. Permit multifamily housing development in designated growth areas when such development is used to combat housing sprawl to rural areas of town. Methods such as transfer of development rights and special permit for multifamily housing in village districts are examples that could be used.
2. Consideration should be given to the following as characteristics of development sites in deciding the placement of multifamily housing:
 - generally free of major site development constraints, such as wetlands, bedrock soils, steep slopes and primary aquifers
 - within the boundaries of, or readily connected to, the municipal water and sewer service area
 - accessible to arterial roadways
 - accessible to municipal services, particularly fire protection and schools
 - removed by distance, topography or vegetation from existing large-lot single-family residential development.
3. Adopt upgraded standards for multifamily housing development:
 - DISTRICTS – commercial business districts, Residential/Multifamily or PUD Overlay
 - APPROVALS - Special Permit by Zoning Commission.
 - UTILITIES - Where public water and sewer are available, connection should be required.
 - LOT AREA - 20,000 square feet per unit except in commercial business districts where there is a mixed use.
 - EXCEPTIONS - As it is in the public interest to encourage higher standards of development and provision of amenities for multifamily residents, the Zoning Commission, as part of a special permit plan review, may reduce the minimum lot area per dwelling unit up to a maximum 4,000 square foot reduction (from 20,000 square feet to 16,000 square feet per unit) if the applicant chooses to provide the following options:

MAXIMUM REDUCTION IN LOT AREA PER D.U.

Provide for an enclosed, covered or underground parking space for at least 50% of the units	500 sq. ft.
Provide a landscaped earthen berm to screen parking spaces from eye-level view from public roads	500 sq. ft.
Provide an in-ground swimming pool having a minimum water surface of 600 square feet or 20 square feet per dwelling unit, whichever is greater.	1,000 sq. ft.
Provide a regulation tennis court for every 20 dwelling units, enclosed by a fence at least eight feet high.	1,000 sq. ft.
Provide an enclosed private balcony having a minimum area of 50 square feet for each dwelling unit.	250 sq. ft.
Provide an enclosed private patio having a minimum area of 400 square feet, suitably landscaped, for each dwelling unit.	500 sq. ft.
Provide a building architecturally compatible with neighboring properties approved by the Commission or a design review committee (when established)	1,000 sq. ft.

- SETBACKS - The present requirements should be increased and a provision should be adopted to permit them to be further increased at the Commission's discretion, when desirable as a buffer. Increase setbacks to a 50-foot frontage, 20-foot side setback and 30-foot rear yards on newly created roads for internal traffic circulation; all residential buildings shall be set back at least 20 feet from the edge of pavement; all accessory structures, attached or detached, shall be set back at least ten feet from the edge of pavement. The use of a PUD development following specific design standards would override these requirements.
- TYPES OF UNITS PERMITTED -

Townhouse: A townhouse is defined as an attached unit which has its own front door opening to outside. Typically each unit is two stories with a private front or rear yard (or both) in addition to the common open space.

Single-Family Detached: Designs specified under PUD regulations that would encourage specific single-family housing with common ownership of land.
- MAXIMUM NUMBER OF UNITS PER BUILDING - The present regulations in the commercial business zone have no requirement; eight is recommended.
- REQUIRED OPEN SPACE - Recommend 25-40 percent depending on design guidelines.

Area Study

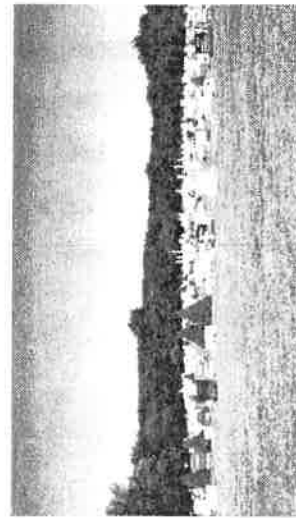
Flanders Village

Principles

1. Provide basic infrastructure to plan for desired development.
2. Implement guidelines to control the character of development.
3. Allow flexibility for a variety of development strategies.
4. Use the existing cemetery as a civic space and expand the amount of open space as a public amenity.



Existing Cemetery Road. A road running parallel to this with a bike path down the middle would provide local access to new development. The cemetery would become a central civic place.



Flanders Cemetery. An added park on the south side would create a new Village Green and provide a buffer to the cemetery.

Introduction

"Flanders Village" is a largely undeveloped region that extends north-south from Flanders Main Street (Route 1) to I-95 and west-east from the Pattagansett River to Route 161. The Flanders Cemetery occupies the center of the area.

Valuable sites have not been developed here because of a lack of road access. The proposal for this area is to provide a basic street and block infrastructure that would provide access and create parcels which would be flexible for a variety of development strategies over time. Such an infrastructure will allow the site to be marketed to a wide range of developers based on the needs of Flanders at any given time. All of the parcels created by a flexible infrastructure system are large enough to support many types of development.

Several strategies are illustrated for developing the resulting parcels. Housing is emphasized for a portion of each strategy. This would be an ideal location for elderly housing, first-time home buyers, mixed-use housing, single family housing, or a mixture of all these types. Increasing housing strengthens Flanders Village and puts people on the sidewalks at Flanders Four Corners.

The preserved open space and park provide an amenity for future residents and ultimately add value to the land.

Coastal Area Management

1. Accommodate future population growth by directing new residential development to non-coastal areas of the Town. Allow new residential development in the coastal area only in those areas recommended for residential use in the Plan of Development and only at a density consistent with the capabilities of the land.
2. Incorporate flexible development techniques and special controls-including cluster zoning, open space dedication, and non-infringement area requirements-into East Lyme's land use regulations to allow development to proceed while preserving and protecting sensitive ecologically valuable natural resources.
3. Discourage further structural alteration of the East Lyme coastline except when coastal structures are necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures. Control development in coastal flood areas in a manner that minimizes hazards to life and property; require strict adherence to the Flood Damage Prevention ordinance to prevent construction or reconstruction that would increase exposure to coastal storm hazards.
4. Encourage clustered residential development as a means of creating permanent open space and preserving environmentally sensitive areas.
5. The Planning and Zoning commissions should revise the new cluster provisions as a means to achieve the above objectives of minimizing impacts from road construction and improved allocation of open space dedication.
6. Protect natural resources areas such as wetlands, watercourses, and beaches by establishing Non-Infringement Area controls.

ZONING COMMISSION

Residential

1. Amend regulations as appropriate to ensure that increased density does not occur when water and sewer are available to the site.
2. Revised zoning regulations to prohibit inappropriate commercial uses in residential zones.
3. Rezone the northern rural area for decreased density and/or amend the zoning regulations to encourage minimum area of buildable land area.
4. Zone multi-family housing development for designated growth areas when such development is used to combat housing sprawl in rural areas of town. Consider methods such as transfer of development rights or special permits for multi-family housing in village business districts.
5. Consideration should be given to site characteristics and upgrade standards for multi-family housing (Recommendations area specified in POCD)

Commercial Zoning

1. Channel future commercial growth toward the Route 161/I-95 Interchange Area
2. Establish a Planned Village District – North of Interstate 95
3. Establish a new zoning district to serve as a transition between residential and commercial/industrial zones.
4. Adopt controls over the number and location of curb cuts for access to commercial development.

Basic Infrastructure Plan

Residential Road

A residential secondary road begins at Main Street and parallels the cemetery road continuing down to intersect the Frontage Road. A traffic light at the intersection with Main Street, in conjunction with other traffic calming techniques along the road, would discourage rush-hour traffic and provide safe crossing for students.

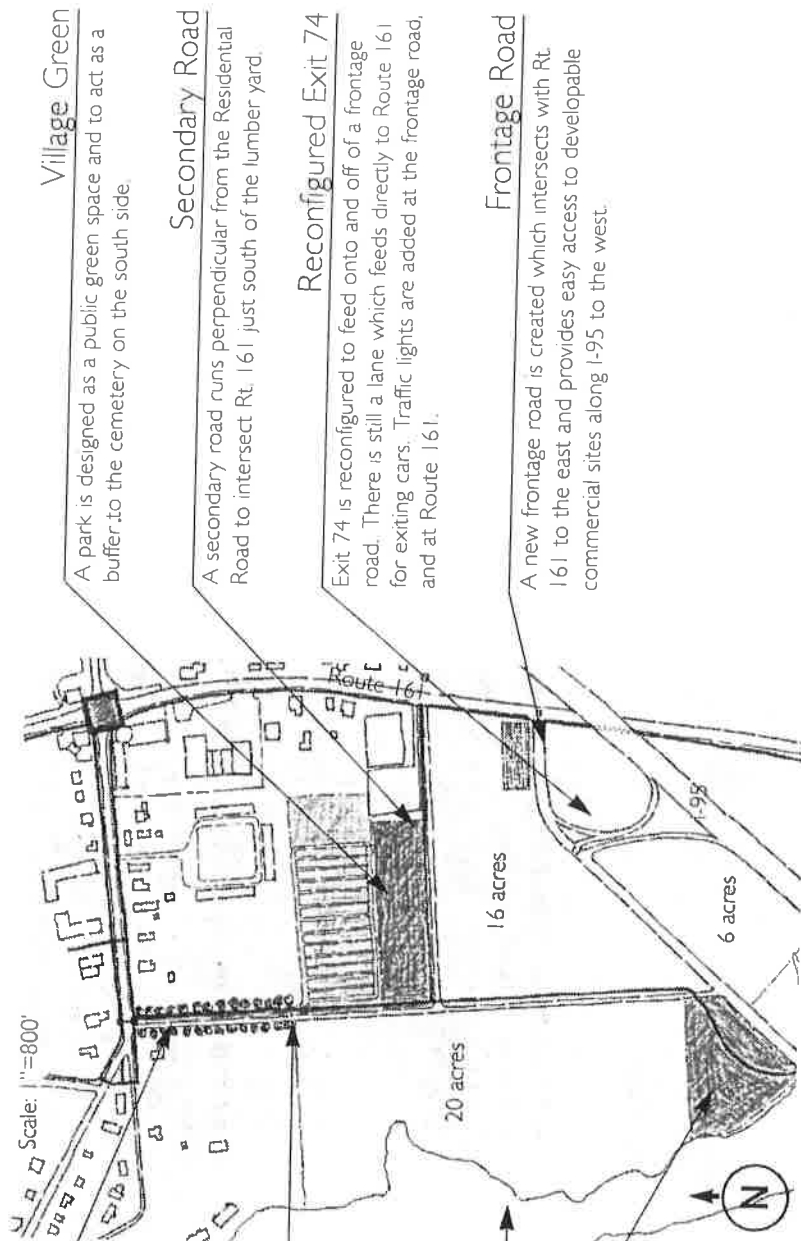
Bike Trail

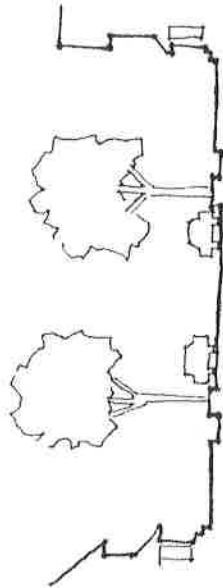
An alternate (to Rt. 161) bike/pedestrian path begins at the school campus, runs along the residential road and cemetery, and crosses under I-95 to continue along Industrial Park Road to the schools and Community Center on Society Road.

Pattagansett River

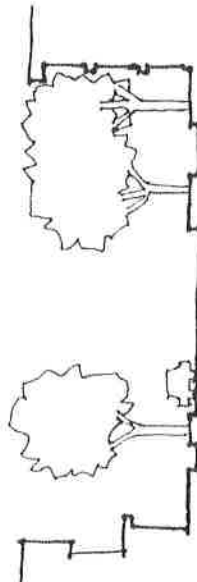
Preserved Green Space

A green space is set aside where the Frontage Road meets the Pattagansett River. It buffers the residential blocks from the Frontage Road and provides additional public park space.

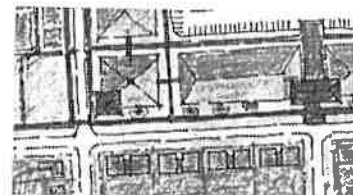




Section across a proposed residential street with single-family houses on both sides and on-street parking.



Section across the main proposed residential street showing slightly taller duplexes on the left and the technical college on the right. The bike trail runs through a wide green strip in front of the campus.



The campus forms an edge for the residential neighborhood and acts as a screen for the parking

Strategy I: Campus

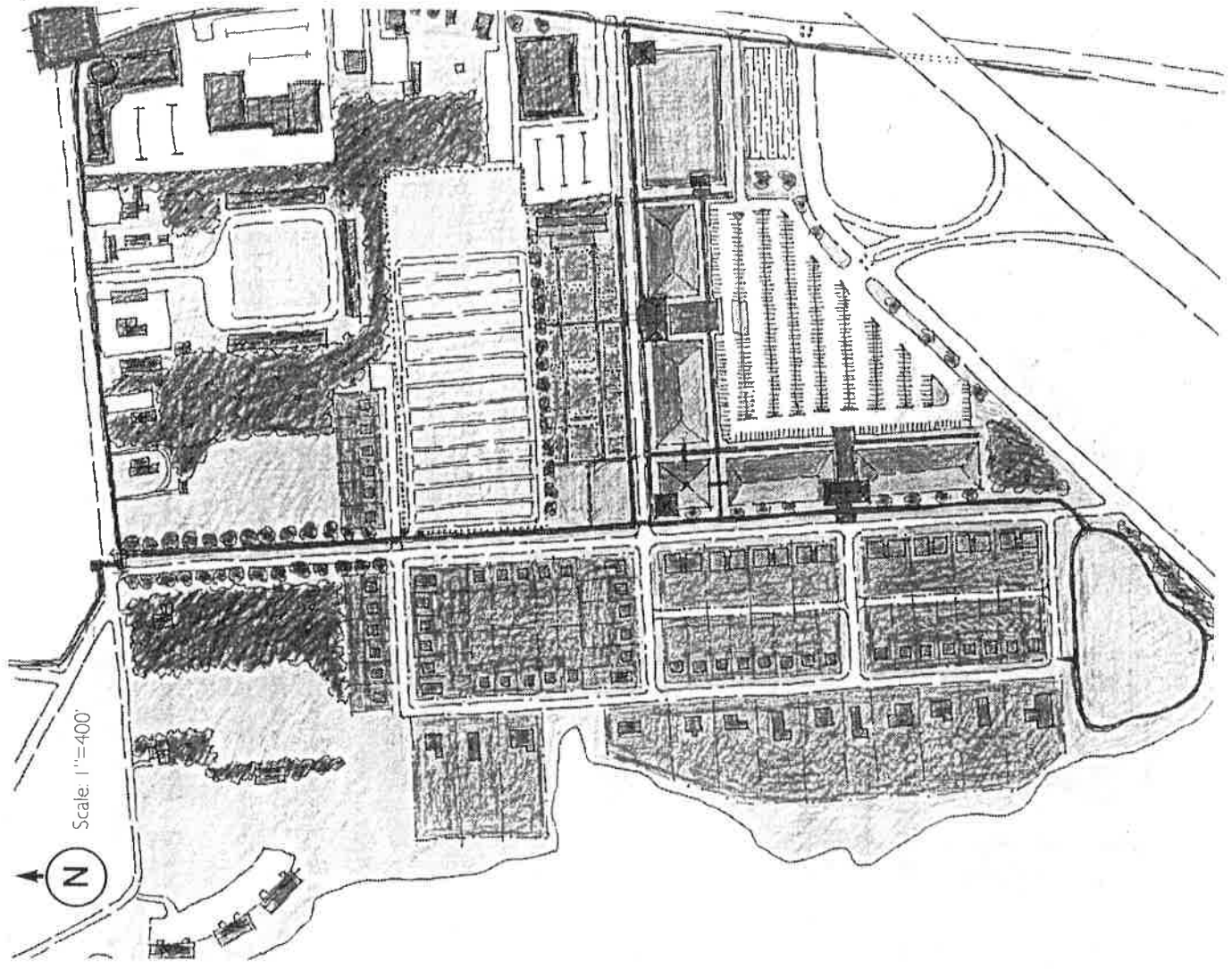
A campus strategy would allow for a variety of uses on the most commercially desirable site. One option, a technical/trade school, was proposed for the site during the charrette. This idea came up as a way to develop land that would be safe and non-toxic, increase the tax base, and provide training and job support which would potentially, in turn, attract employers to the area.

The school campus fronts the park and provides a strong edge along the residential roads while all cars and parking would access via the larger Frontage Road keeping traffic off the smaller streets. Vistas and walking paths lead through the campus integrating it with the neighborhood.

The campus itself defines a place. This along with the Cemetery/Green become components of making Flanders a more desirable place with a stronger image.

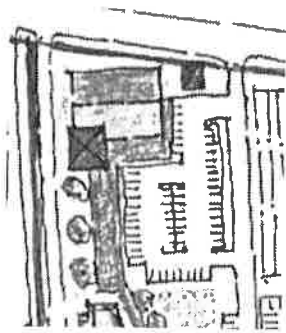
Campus

- The buildings form a strong edge to the residential street and to the park.
- The buildings buffer the residential neighborhood from the campus parking lots behind.
- The campus facades facing the neighborhood should be of a residential scale and material.
- Facades facing the parking and highway should be more open and relate to the larger scale of the road and open space.
- Vistas through the campus, along paths and axes, provide visual connections to the neighborhood and park.
- Beacons anchor the edges of the campus and link it with both the large scale of the nearby commercial area and the residential scale across the street.
- Flexible zoning could allow for a variety of uses such as an office park, a healthcare facility, assisted living units, a technical college, etc.



Housing

- Single-family houses for first time home buyers. The average lot is 50'x100'.
- Single family houses with larger lots (approximately 100'x100') backing Pattagansett River.
- Duplexes face the campus on 100'x100' lots. Their slightly higher density and massing establishes a stronger edge to the residential zone.
- Develop the park on the south side of the cemetery as a neighborhood park serving the housing; a playground, picnic area, landscaped flower beds, and green house would benefit all of Flanders.

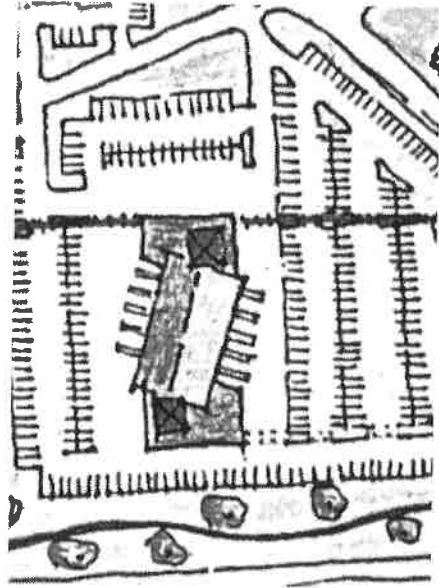


Strategy II: Tourist Center

Tourist Information

East Lyme is in need of a tourist information center near Exit 74 to both inform the tourists passing on to other regional attractions, such as the casinos, and also to direct tourists to destinations within East Lyme itself.

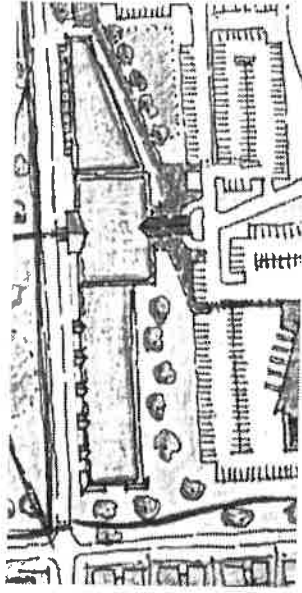
- A tourist center with its own parking is located at the entrance from Rt. 161.



Regional Transit Center

A transit center for the commercial site which could be utilized as a SEAT regional hub and a Park 'n Ride for the casinos.

- Access is from Rt. 161 and the Frontage Road. The complex would be highly visible from 161, linking it to Flanders Four Corners and the intersection.
- The center would provide parking for commuters or tourists going to the casinos.
- The terminal would house the ticketing and information offices for SEAT and the casinos as well as kiosks for refreshments and conveniences.
- A bermed buffer with trees and a fence separates the transit center from the adjacent residential neighborhood.



Major Hotel

East Lyme has several modest sized motels at Exit 74 which have high occupancy rates, but no facilities over 100 beds. The market is open for a larger hotel development such as a Marriott with accompanying recreational facilities and condos, or a health center and life-care community. (See Exit 74 South Economic Development).

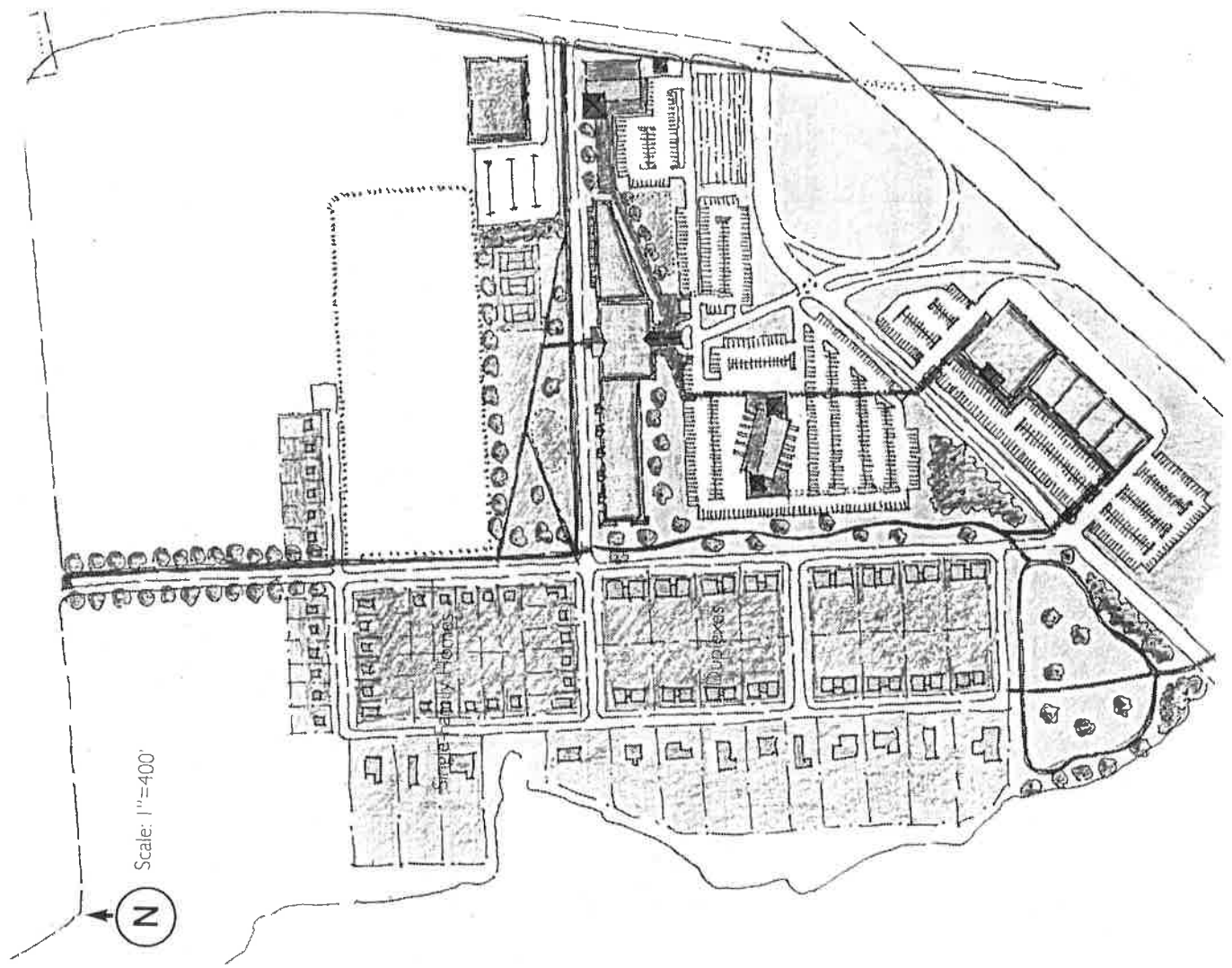
- The basic principles that hold true for the Campus proposal also hold true for a hotel development.
- The site and parking is easily visible from I-95.



Shopping Center

The parcel between I-95 and the new Frontage Road is approximately 6 acres and large enough to accommodate a small shopping center or a mid-size retailer such as Staples or Toys 'R Us.

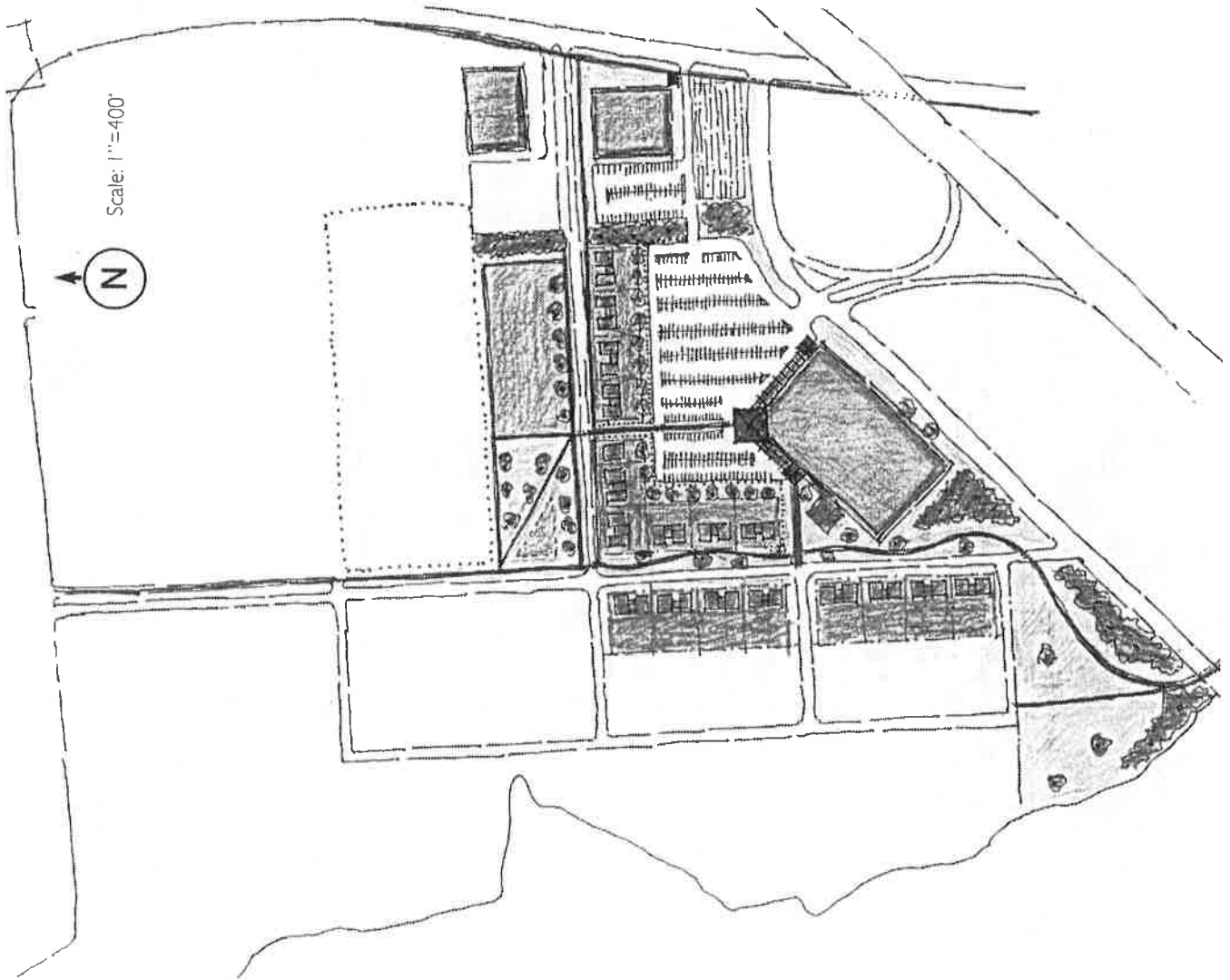
- The location offers high visibility from I-95 for advertising purposes.
- The residential zone is buffered from the site by the preserved green space and the frontage road.
- The site can still be linked to Flanders Village with sidewalks and beacons to attract local shoppers.
- The retail buildings should be decorated to appear attractive from the highway.



Strategy III: "Big Box" Retail

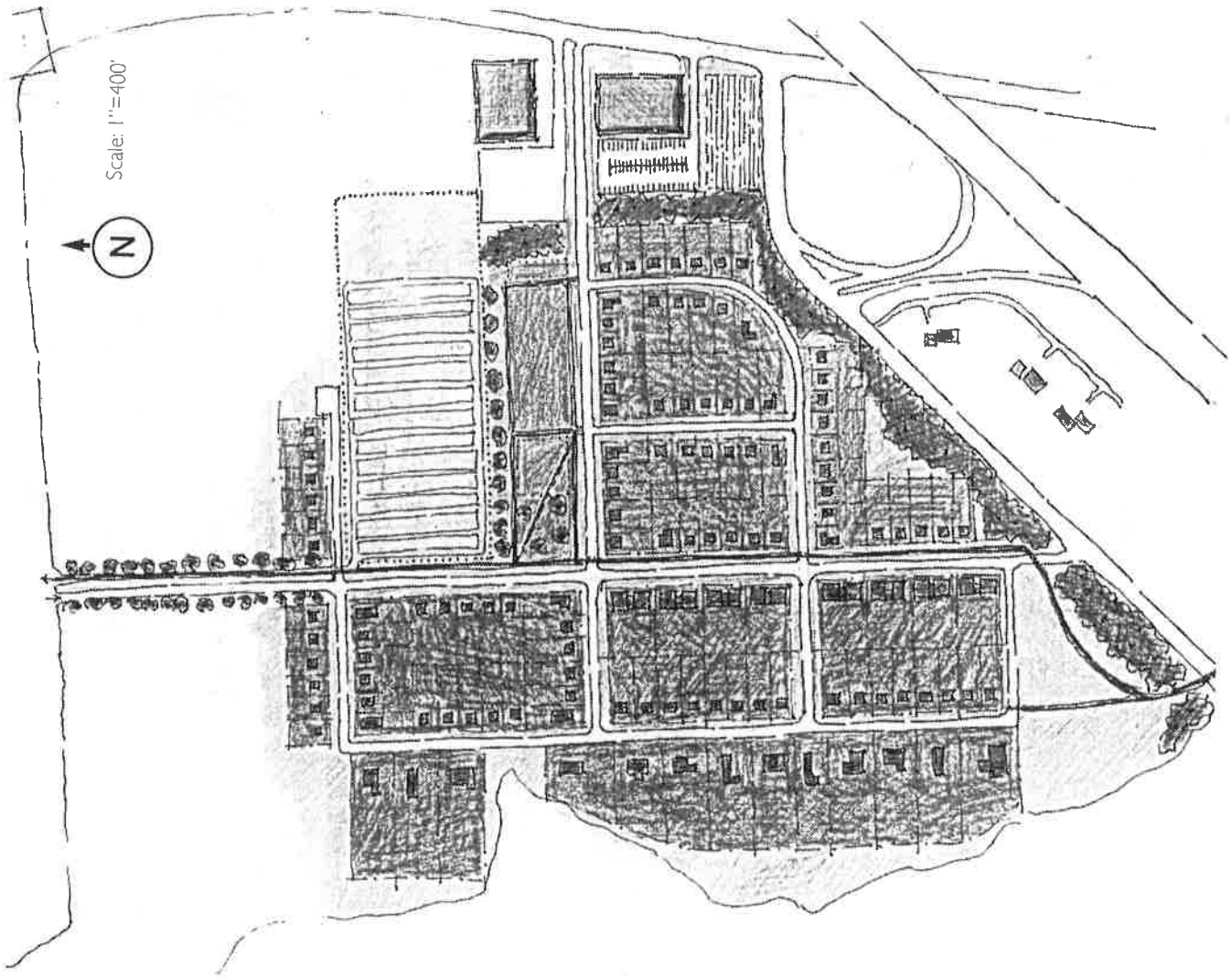
A legitimate and perhaps financially attractive use of the commercial site is for a larger scale retail store or group of smaller stores.

- The mass of the "Big Box" is located near the edge of the Frontage Road where it is clearly visible from the highway, far from the green and the cemetery.
- Parking lies behind and to the side of the store, and should include islands landscaped with trees to provide shade and a gentler transition to the residential zone.
- Pedestrians access the store via a landscaped walkway that enters from the park side. This helps connect the store to the neighborhood while avoiding an influx of traffic or noise.
- A beacon on axis with the landscape of the park connects the commercial area to the Cemetery and Green.
- A covered canopy along the store front provides shelter for pedestrians and further increases the scale of the entrance beacon.
- The retail building should be decorated to present an interesting and attractive facade—not just service entry—to passersby on the interstate. Any store here will serve as one of the images of the gateway to East Lyme.



Another alternative is to develop Flanders Village as an entirely residential neighborhood. Creating a new grid of streets and blocks will make Flanders into more of a town, providing residences within easy walking distance of the businesses and services along Flanders Main Street and at Flanders Four Corners.

- Streets are lined with sidewalks and trees. (See section drawing on pg. 34).
- Employ street lights, speed bumps, and other traffic calming techniques to insure that Cemetery Road will not become a shortcut for through traffic off of the interstate.
- Encourage on-street parking or back alleys with parking to avoid multiple curb-cuts and garages facing the street.
- Any of the previously mentioned housing types are appropriate here, especially elderly housing and affordable housing.
- Avoid cul-de-sacs in favor of roads that connect and have more than one outlet; this allows for a flexible system and encourages interaction and pedestrian links.
- Berm and landscape the neighborhood edge bordering the Frontage Road to buffer the area from the noise and traffic of I-95.



Economic Development

John Shapiro

Flanders Village Infrastructure

Flanders can expect to be subject to continued pressure for substantial development of all manner and type. Left to its own devices, this development would be fragmented, with sprawl along the major arterials, and underutilization of larger parcels behind the arterial frontage. The real estate value—hence tax revenue potential—of the area would not be maximized.

Alternatively, it is possible to use infrastructure investments, zoning stipulations and zoning incentives so as to, (1) create more development potential, and to (2) upgrade the image, hence value, of the area as a regional center.

Flanders is the best—though not the only—location for a number of uses. These include small-scale offices, large-scale offices, warehousing, recreation facilities, nursing homes/life care, and higher moderate-density housing aimed at more middle income categories.

“Flanders Village” emerges as the prime development site, owing to the size of some of the parcels located there, as well as the suitability of the land for development.

This area represents 100 acres of prime development land, provided:

- (1) access and visibility can be enhanced, and
- (2) development of adjoining parcels can be coordinated.

The access and visibility improvements should focus on creating more direct access to Interchange 74.

This could involve a reconfiguration of the exit and entry ramps to feed directly into a service road parallel to I-95. (An alternative configuration feeding directly onto a north/south road

into the quadrangle is far less preferable as it would syphon off traffic and value from Route 161 and Four Corners.)

Additional access improvements should focus on connections to Route 161 and Boston Post Road. (However, the Boston Post Road connection should discourage northbound traffic from the exit, for the same reason indicated earlier regarding a negative impact on Route 161 businesses.)

The Route 161/service road intersection would probably require a traffic light.

With this access improvement in place, the entire quadrangle takes on extraordinary value.

Flanders Village Development

Most likely, retail, hotel and office development would prefer sites along the service road and especially its intersection with Route 161.

Industrial/warehousing and recreation development would prefer sites anywhere else in the quadrangle.

Housing would prefer sites along the Pattagansett River/Wilson Hill and proximate to Boston Post Road, which can have a less commercial ambiance thanks to river/hill views and adjoining residences.

The ability to provide schools and shopping within walking distance, as well as highway accessibility, would make Flanders Village a suitable location for housing (especially rentals) aimed at more moderate income groups, first time home-buyers, or seniors looking for a smaller residence.

It is not, however, a desirable area for high-value housing. The prevailing strip development is simply not attractive.

A life care housing development would require the entire area. There is potential demand for and reason to promote life-care housing and/or other forms of retirement housing, with a concern with regard to protecting neighboring residences and environmentally-sensitive land. Frequently such housing development will be joined to recreational facilities. The same performance standards and/or PDD method of zoning should be employed.

In general, retail and hotel would generate the highest land value; followed by specialized housing such as nursing home/life care; followed by industry; with conventional housing last.

But much depends on site location and absorption questions; for example, whether a hotelier, major office tenant, life care housing provider, etc. is searching the regional market at a given moment, and what is the availability of comparable sites in the region.

There are two problems in terms of forwarding this plan. The first has to do with finding a way to pay for the roadway improvements noted. The second has to do with finding a way to coordinate development of properties under multiple ownership.

As any number of uses are possible and desirable, the challenge is to provide maximum flexibility as to use but with safeguards that one or another early development does not jeopardize build-out.

It would be disastrous, for example, if the critical Route 161 frontage was blocked by a gas station; or if a mini-storage facility were built in the eventually highest value southeast corner of the quadrangle; or if a large warehouse development were sited where the access road should eventually connect to an adjoining parcel.

(Please see Next Steps)

Planned Development Districts

The solution to both the infrastructure and coordinated development issues is to take advantage of a zoning tool commonly used in California and other growth areas: Planned Development Districts (PDD).

The PDD concept is to provide an overlay district in which a greater range of uses and densities is allowed than that otherwise permitted by the underlying zoning.

The added flexibility as to use and density is then tied to a requirement to arrive at a detailed plan, specifying rights-of-way for roads, restrictions on design and density by lots, etc. The plan can (and should) be backed up by mutual agreements, covenants or easements.

The added flexibility is further tied to a requirement to provide or share in the cost of the infrastructure improvements called for.

Depending on state enabling legislation and precedents, the required improvements may even be off-site, provided that there is sufficient nexus—e.g., that the improvements address the otherwise negative traffic or safety impacts of the proposed development.

Ostensibly, the PDD zoning would impose greater uncertainty, time for approvals, and costs upon property owners within the quadrangle. These costs are, however, far compensated by the enhanced value of the properties with the infrastructure and zoning enhancements contemplated.

To illustrate, reportedly, asking land prices for land in the quadrangle vary as follows:

- \$500,000 per acre proximate to Interchange 74 and Route 116.
- \$150,000 per acre for land proximate to Route 116.
- \$75,000 per acre for land proximate to Boston Post Road.
- \$20,000 per acre for land with no immediate prospect of access to any of these roadways.

Town of

P.O. Drawer 519
Planning Commission

May 17, 2007

Mr. Mark Nickerson, Chairman
Zoning Commission
P.O. Box 519
Niantic, CT 06357

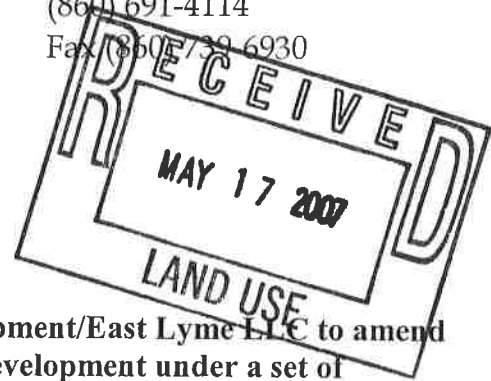


East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-6930



RE: Application of Theodore Harris for Gateway Development/East Lyme LLC to amend the Zoning Regulations to add new Sect. 11A.9 to allow development under a set of "Master Development Plan" regulations.

Dear Mr. Nickerson,

At its meeting on May 16, 2007, the Planning Commission found the above referenced application **CONSISTENT** with the recommendations in the Plan of Conservation and Development and Yale Charrette Report to channel future commercial growth toward the Rte. 161/I-95 interchange, to provide basic infrastructure for desired development, implement guidelines to control the character of development and allow flexibility for a variety of development strategies. In addition, the area west of the Pattagansett River within the GPDD meets the siting criteria for multi-family housing recommended in Sect. 3 of the Plan of Conservation and Development. This finding is made subject to the submission by the applicant of a fiscal impact analysis to ensure that the concept plan will generate increased tax revenue more than sufficient to offset increased costs of services. Because the area proposed for development is located over a major water supply aquifer it is recommended that the Approval Criteria in Sect. 11.A.9.5 include language to reflect the need to provide maximum protection to this resource.

Attached are copies of the pertinent sections of the Plan of Conservation and Development and the Yale Charrette Report that provide the basis of this finding along with a map showing the underlying stratified drift aquifer within the Gateway Planned Development District.

It is further noted that the proposed allowed density for residential housing of 3 units/acre slightly exceeds the recommended density in the Plan of Conservation and Development of 16,000 sf per unit which is equivalent to 2.7 units/acre.

VOTE 5-0-0

Sincerely,

Francine Schwartz

Francine Schwartz, Secretary

permit controls should be re-evaluated for adequate site and road design to accommodate proposed density. These controls should also incorporate guidelines for design, which preclude elderly housing from being easily converted to multifamily housing. This would include house design and number of bedrooms, as well as stipulations for homeowners associations.

Incorporating the recommendations of the 1987 Plan of Development, design site plan standards for multifamily housing properties will need to be upgraded to ensure that neighboring residential properties are protected. An additional benefit of specific development standards is that they tend to relieve the Commission from making Special Permit decisions primarily on the basis of judgmental general standards and decisions are therefore more equitable and less prone to challenge.

Recommendations for Multifamily Housing

For purposes of this document, multifamily development is defined as any use of land containing three or more dwelling units on the same lot; this definition is consistent with East Lyme's Zoning Regulations. Ownership of the dwelling units is of no importance from a land-use perspective; both apartments and condominiums are considered multifamily housing.

1. Permit multifamily housing development in designated growth areas when such development is used to combat housing sprawl to rural areas of town. Methods such as transfer of development rights and special permit for multifamily housing in village districts are examples that could be used.
2. Consideration should be given to the following as characteristics of development sites in deciding the placement of multifamily housing:
 - generally free of major site development constraints, such as wetlands, bedrock soils, steep slopes and primary aquifers
 - within the boundaries of, or readily connected to, the municipal water and sewer service area
 - accessible to arterial roadways
 - accessible to municipal services, particularly fire protection and schools
 - removed by distance, topography or vegetation from existing large-lot single-family residential development.
3. Adopt upgraded standards for multifamily housing development:
 - DISTRICTS – commercial business districts, Residential/Multifamily or PUD Overlay
 - APPROVALS - Special Permit by Zoning Commission.
 - UTILITIES - Where public water and sewer are available, connection should be required.
 - LOT AREA - 20,000 square feet per unit except in commercial business districts where there is a mixed use.
 - EXCEPTIONS - As it is in the public interest to encourage higher standards of development and provision of amenities for multifamily residents, the Zoning Commission, as part of a special permit plan review, may reduce the minimum lot area per dwelling unit up to a maximum 4,000 square foot reduction (from 20,000 square feet to 16,000 square feet per unit) if the applicant chooses to provide the following options: