## **Town of East Lyme**

PO Box 519 Niantic, CT 06357 (860) 691-4114 Fax: (860) 691-0351

Special	Permit #	#

Date Entered into SP Log

APPLICATION FOR SITE PLAN							
Date of Application:Zone:Affordable Housing							
Applicant's Name:Kristen T. Clarke, P.E.							
Applicant's Address: 20 Risingwood Drive, Bow, NH 03304	Telephone: <u>434-409-9515</u>						
0.07	Assessor's Map/Block/Lot: 39.0-10.2  Volume/Page: 1006/436						
Owner of Record:English Harbour Asset Management LLC							
Owner's Address: 1712 Pioneer Avenue, Suite 1939 Cheyenne, WY 82001	Telephone: 434-409-9515						
Application 32 Unit age restricted affordable housing  Details							
Signature of Owner: Kuslu Claube  ***********************************							
	MIT FEE:						
	PLAN FEE \$300.00						
	RM WATER \$200.00						
STA	TE FEE: \$60.00 X						
TOTAL DUE: CHECK #: 1225	\$ 360.00						
Date Approved: Date Denied:							
Approval subject to conditions below:  1.  2.  3.  Approval to become effective upon publication and date of entry into the land records of the Town of East Lyme affecting the premises as described in this application.							
Date: Attest East Lyme Zoning Chairman							

		ZONING PERMIT Pag	ge 2	
	ed on documentation le documentation on	provided by the applic		nsible to provide
Zone AHD	UseAffordal	ble Housing	Lot Coverage	
Height	Front Yard	ble HousingSide Yard	Rear Yard	
Primary Aquifer? YES NO _x Secondary Aquifer? YES NO _x CAM-within boundary? YES NO _x Review Requiredn/a Exemption n/a Flood HAZARD-FIRM Community Map Panel No O9011C0338d FIRM Zonex Site Plan Review Req. {CA-CB-CM} by Zoning Commission x ZEO N/A D.O.T. Traffic Generator Certification Required? YES x NO Soil Erosion and Sediment Control:				
******	*******	**********	*********	******
Application is:	APPROVED	DENIED		
Comments/Condi	itions:			
		4		
East Lyme Zonin	g Enforcement Office	or ·	Date:	



PAUL M. GERAGHTY\*
MICHAEL S. BONNANO
JOHANNA McCORMICK
MARK A. DUBOIS\*
PATRICIA A. KING\*\*
JONATHAN E. FRIEDLER\*

'Also Admitted in New York † Board Certified, Trial Advocate \*\*Se habla español †† Also Admitted in Massachusetts and North Dakota

July 13, 2020

Via email: billm@eltownhall.com William Mulholland Zoning Official Town of East Lyme 108 Pennsylvania Avenue Niantic, CT 06357

Re: 8-30-G Preliminary Site Plan Review Application 237 Upper Pattagansett Road

Dear Bill:

Enclosed please find my client, English Harbour Asset Management LLC's, Application for a Conceptual Site Plan Approval for a 32-unit Affordable Housing Project proposed to be built on my client's property located at 237 Upper Pattagansett Road. **Ex. A.** 

As you may recall this property was rezoned "Affordable Housing District" on April 7, 2011. **Ex. B.** We have reduced the number of units and revised the site plan necessitating the Zoning Commissions approval in our opinion.

The attached conceptual site plan, **Ex. C**, contemplates a total of eight (8) four (4) unit buildings consisting of five (5) 2 bedroom 2.5 bathroom townhouse style unit buildings totaling twenty (20) individual dwelling units, **Ex. D**, and three (3) single story 1 bedroom 1.5 bath buildings totaling twelve (12) individual dwelling units.

I would like to schedule a meeting with you to obtain you input on the building unit designs and site plan configuration so that we can make any necessary adjustments prior to bringing it before the Zoning Commission for review. Accordingly, and under present Covid-19 related circumstances, I would request a September meeting before the Zoning Commission so that we may maintain our timeline.

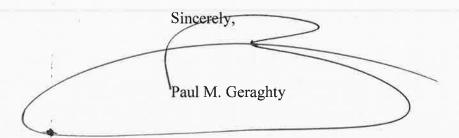
Please contact me to discuss once you have had the opportunity to review the enclosed documents.

Replies to New London only at:

38 GRANITE STREET, PO BOX 231 NEW LONDON, CONNECTICUT 06320 131 DWIGHT STREET NEW HAVEN, CONNECTICUT 06511

WWW.GERAGHTYBONNANO.COM

TELEPHONE (860) 447-8077 / FAX (860) 447-9833



# **EXHIBIT A**

## EAST LYME ZONING COMMISSION

## REGULAR MEETING

### APRIL 7, 2011

Members Present:

Marc Salerno, Chairman Steve Carpenteri Norm Peck Mathew Walker Ed Gada Bob Bulmer, Alternate James Liska, Alternate Bill Dwyer, Alternate AT 8:15 (QM.)

AT 8:15 (QM.)

- d OBlain arc

TOWN CLERK

Members Absent: Rosanna Carabelas

Also Present: Bill Mulholland, Zoning Officer Rose Ann Hardy, En-Officio Bill Scheer, Town Engineer

Chairman Salerno sat Mr. Bulmer as a regular voting member for the Meeting.

Chairman Salerno changed the order of the Agenda and moved the Application of the Town of East Lyme to item 1.

 Application of the Town of East Lyme for a Special Permit to modify and expand the existing town parking lot located on Hope Street, Assessor's Map 12.1, Lot 94, by adding an additional 59 parking spaces.

Mr. Salemo stated this is fantastic, the town is working hard, and the Westerly and Southerly sides will need a waiver, they have been trying for years to get shared parking, and this will double the spots downtown.

Mr. Bulmer stated he concurred with Mr. Salerno and this will be very attractive.

Motion (I) Mr. Bulmer moved to approve the application of the Town of East Lyme for a Special Permit and Coastal Site Plan approval to modify and expand the existing Town Parking lot at Hope Street, Niantic, Connecticut, with the following

A. Granting of waiver or exception to Section 24E-3 buffer strip. Eliminates the 6' buffer requirement along a portion of the southerly property line and a portion of the westerly property line.

Seconded by Mr. Carpenteri.

Motion Passed 6-0-0.

Mr. Mulholland stated this will be published next Thursday April  $14^{th}$ , and will become effective April  $15^{th}$ .

- 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.
- 3. 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.

Mr. Peck recused himself for Items 2 and 3, and Mr. Liska sat in his place.

Mr. Salerno ensured that all members that were seated had familiarized themselves with the Applications.

Mr. Salerno stated at the last meeting they had asked Mr. Mulholland to prepare Motions.

Mr. Mulholland stated he was directed to do resolutions in the affirmative, and he suggested that all of the members read through what was prepared.

Mr. Bulmer stated he thought he had asked for the Emergency Access Road to be paved.

Mr. Mulholland stated he did not see that in the Minutes.

Mr. Salemo stated they discussed that the Fire Marshal would have to approve the Emergency Access Road.

Mr. Bulmer stated he thought the secondary road should be paved.

Mr. Mulholland stated he is not sure that emergency access roads are treated as roads, and many are gravel.

Mr. Bulmer stated he also talked of backup power systems for the Water and Sewer Pumps.

Mr. Salerno stated they had reduced the units to 58, the duplexes were removed, the new plan reflects the additional conservation easement. They also agreed to reduce the bottom cut in the road.

Mr. Liska stated he is ok with that part of the road, it would be a nice place to walk or for kids to ride bikes.

Mr. Bulmer agreed with Mr. Liska, he has no problem with the way the road is.

Mr. Salemo stated they would not have to put the changes to the road in. The applicant testified that if they wanted to put in a subdivision per the CDD cluster regulations, they could get 58 units, he has determined that to be a little less at 54 or 55, but it is close to what would be approved by the CDD. This will have a condominium association, and the owners will own the units. This will also have community septic. This application is the first single family affordable housing plan. This probably won't be seen from the road. There are some concerns with traffic on that road, but the applicant's traffic engineer testified, and there was some anecdotal evidence from the public. In the past if you used traffic as a reason to deny you needed expert testimony rebuttal.

Mr. Gada thought the application was clear and concise.

Mr. Carpenteri stated he doesn't think it is bad the way it is. As far as affordable housing, this is the best one they have seen.

Mr. Liska stated Mr. Vleet covered the traffic issues. Mr. Bulmer had talked about the contingency plan for water and sewer, but they never agreed to do that, it was to be for DEP to approve.

Mr. Salemo stated they can put in any condition they want. If it is satisfactory to the Fire Marshal he would like to see the emergency access road not paved, as long as the width and surface are satisfactory to the Fire Marshal.

Mr. Gada stated we should let the Fire Marshal take care of it.

Mr. Bulmer stated he did not know if he wanted to leave it to him.

Mr. Walker thought gravel surface would be fine.

Mr. Mulholland stated the Fire Marshal would not approve unless it is passable by his vehicles.

Mr. Salerno wanted to add that the emergency access road by maintained. He asked if everyone was happy with 58 units.

Attorney Michael Carey stated in the Motion for the Zone Change, in the third paragraph after District, they should add "per the conceptual site plan revised to March 17, 2011."

Motion (2) Mr. Bulmer moved to approve the following Motion, which was read into the record by Mr. Mulholland.

Whereas on November 10, 2010, Theodore A. Harris, Agent for New England National, LLC (Applicant), filed an "Affordable Housing Application" entitled "Evergreen Ridge" with the East Lyme Zoning Commission consisting of a set of conceptual site plans for 7d total units for sale or rent of which 30% would be affordable housing units on approximately 48 acres, and an affordability plan. Said Conceptual Site Plan is entitled "Site Concept Study Proposed SU-E Housing Development".

Whereas the applicant has requested (1) the rezoning of the subject property of New England National, LLC (see Affordability Plan) identified in the application as "Lot 39 of East Lyme Assessor's Map 10-1" containing approximately 48 acres from its existing designation to an Affordable Housing District; (2) approval of a conceptual site plan for the construction of 74 units, 30% of which would be affordable housing units.

Whereas the commission, having determined that the application includes a conceptual site plan and zone change request has made the requisite referrals to the Planning Commission pursuant to general statutes 8-3a and the Water and Sewer Commission.

Whereas the East Lyme Zoning Commission held two (2) public hearings on the application and site plan and listened to numerous hours of testimony during those hearings. Approximately fifteen exhibits were submitted by the applicant and various agencies and individuals for consideration during the hearing process. In making its decision, the East Lyme Zoning Commission is considering and taking into account the testimony and exhibits submitted at the hearings on the application.

Whereas, for the purpose of this Affordable Housing Application, the East Lyme Zoning Commission will address this motion in two separate parts.

- A. The request for the approval of the Zone Change.
- B. The request for approval of a "Conceptual Site Plan".

# A. The request for the approval of the Zone Change.

Whereas, the Applicant, New England National, LLC is applying for a Zone Change for the entirety of its property that is the subject of this application, having been identified as Lot 39 on East Lyme Assessor's Map 10-1. Said property consists of approximately 48 acres.

Whereas, the East Lyme Zoning Commission, having thoroughly reviewed the proposed zone change, considered all the evidence submitted throughout the public hearings, having evaluated the evidence, finds that approval of the proposal is in keeping with the public interest.

Be it resolved, the East Lyme Zoning Commission hereby approves with the following conditions the application of New England National, LLC for a change of zone from RU-40 to an Affordable Housing District, per the conceptual site plan revised to 3/17/2011, and finds that the reasonable changes made to the density, conceptual site plan and zone change protect the public interest in health and safety and better promote Affordable Housing opportunities in the Town of East Lyme.

#### Conditions:

- Number of units will be reduced to 58 units consisting of all single family two bedroom units. The sixteen duplex units originally proposed are eliminated.
- 2. The Applicant shall apply to the East Lyme Zoning Commission for a formal site plan approval in accordance with Section 24 of the East Lyme Zoning Regulations. No zoning or building permits shall issue until such a site plan has been approved and the Applicant secures all required legal agreements and/or permits, including without limitation agreements, permits and approvals associated with the construction of on-site sewage disposal/septic systems and No such site plan shall be approved unless the project wells. includes affordable housing as proposed by this application. Said site plan shall provide specific and exact construction grade plans that provide sufficient detail and documentation as may be needed to assess such items as Road Construction, Drainage, etc. Such site plan shall also contain sufficient information to demonstrate that the affordable housing development will not adversely affect public health, safety, and welfare. Such information shall include, without limitation, a demonstration of the suitability of the site for on-site septic treatment; the availability of sufficient water for domestic and/or for fire suppression needs; a detailed storm water management plan; and a detailed traffic study. Said site plan shall also depict the provision of fire prevention facilities, including

issue until such a site plan has been approved and the Applicant secures all required legal agreements and/or permits including without limitation agreements, permits and approvals associated with the construction of on-site sewage disposal/septic systems and No such site plan shall be approved unless the project includes affordable housing as proposed by this application. Said site plan shall provide specific and exact construction grade plans that provide sufficient detail and documentation as may be needed to assess such items as Road Construction, Drainage, etc. Such site plan shall also contain sufficient information to demonstrate that the affordable housing development will not adversely affect public health, safety, and welfare. Such information shall include, without limitation, a demonstration of the suitability of the site for on-site septic treatment; the availability of sufficient water for domestic and/or for fire suppression needs; a detailed storm water management plan; and a detailed traffic study. Said site plan shall also depict the provision of fire prevention facilities, including without limitation underground tanks, as might be called for by the Are marshal.

- 3. All roads shall comply with Town Road standards, as contained in the East Lyme Subdivision Regulations for geometry, grades, crosssection, base construction and surfacing exclusive of width. All project roads shall be and remain private.
- Storm water management shall be designed in accordance with the 2004 DEP Connecticut Storm Water Quality Manual.
- Open Space shall be designated as conscrvation open space in perpetuity. Said open space shall consist of those lands described in <u>Attachment A</u>.

The Conservation easement shall be as defined in Section 47-42a of the Connecticut General Statutes which easement, shall be approved by the Town Attorney and will specifically allow the following activities:

The provisions of the preceding restrictions notwithstanding, the following uses and activities by Grantors, and their heirs, successors and assigns, and any work or activity otherwise prohibited by the preceding restrictions which is reasonably necessary or appropriate in connection with such uses or activities, shall not be prohibited by this Conservation Easement or considered inconsistent with the intent of this grant and are specifically permitted:

- An emergency back up power system shall be installed to provide power to the on site septic system and on site water.
- 2. The Commission finds that these modifications are essential to assure the Commission that before a site plan is approved and building permits are issued for an affordable housing project on this site, the applicant shall be required to present sufficient evidence to demonstrate that an affordable housing project ultimately approved for the site will not pose a substantial risk of harm to substantial public interests in health, safety, or other matters that the Commission may legally consider, e.g., clean water, protection of current and future water sources, adequate control and treatment of storm water and sewage, and traffic and fire safety, and that without the provision of such information, the Commission would be wholly unable to determine whether such public interests would be likely to be severely, adversely affected, and the need for such information therefore clearly outweighs the need for affordable housing. The protection of such public interests is only possible by way of these reasonable changes to the affordable housing

# The request for approval of a "Conceptual Site Plan"

Whereas, the East Lyme Zoning Commission, having thoroughly reviewed the proposed modified Conceptual Site Plan and having considered all of the evidence submitted throughout the public hearings, recognizing the need for and benefit of an increase of Affordable Housing in the Town, having weighed the public interest and adequately addressing the Commission's concerns:

Be it therefore resolved that the East Lyme Zoning Commission hereby approves, with the following conditions, the request for approval of a modified Conceptual Site Plan entitled "Evergreen Ridge 58 Unit Conceptual Site Plan Upper Pattagansett Road, East Lyme, Connecticut Prepared for New England National, LLC March 1, 2011 Rev. 3/17/11 J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors".

### Conditions:

- Number of units will be reduced to 58 units consisting of all single family two bedroom units. The sixteen duplex units originally proposed are eliminated.
- The Applicant shall apply to the East Lyme Zoning Commission for a formal site plan approval in accordance with Section 24 of the East Lyme Zoning Regulations. No zoning or building permits shall

without limitation underground tanks, as might be called for by the

- 3. All roads shall comply with Town Road standards, as contained in the East Lyme Subdivision Regulations for geometry, grades, crosssection, base construction and surfacing exclusive of width. All project roads shall be and remain private.
- Storm water management shall be designed in accordance with the 2004 DEP Connecticut Storm Water Quality Manual.
- Open Space shall be designated as conservation open space in perpetuity. Said open space shall consist of those lands described in <u>Attachment A</u>.

The Conservation easement shall be as defined in Section 47-42a of the Connecticut General Statutes which easement, shall be approved by the Town Attorney and will specifically allow the following activities:

The provisions of the preceding restrictions notwithstanding, the following uses and activities by Grantors, and their heirs, successors and assigns, and any work or activity otherwise prohibited by the preceding restrictions which is reasonably necessary or appropriate in connection with such uses or activities, shall not be prohibited by this Conservation Easement or considered inconsistent with the intent of this grant and are specifically permitted:

- a. The removal of dead, diseased or damaged trees or other vegetation when such removal is necessary for reasons of safety, to control the spread of disease, or to control obnoxious plant growth such as cat brier, poison ivy, wild grape, oriental bittersweet, or other invasive species, and when such activities are conducted in a manner which will otherwise not be harmful to the remaining plant life; and
- Activities associated with an approved inland wetlands permit, such as, but not limited to, wetland mitigation or enhancement, storm water management, or storm water discharges; and
- c. Use of the area for drainage and drainage structures, septic systems, wells and/or emergency access over existing access way to Upper Kensington Drive.
- Emergency access shall be provided from the development to Upper Kensington Drive. Said access shall be maintained and shall be satisfactory to the Fire Marshal. A crash gate shall be provided.

d. The removal of dead, diseased or damaged trees or other vegetation when such removal is necessary for reasons of safety, to control the spread of disease, or to control obnoxious plant growth such as cat brier, poison ivy, wild grape, oriental bittersweet, or other invasive species, and when such activities are conducted in a manner which will otherwise not be harmful to the remaining plant life; and

e. Activities associated with an approved inland wetlands permit, such as, but not limited to, wetland mitigation or enhancement, storm water management, or storm water

discharges; and

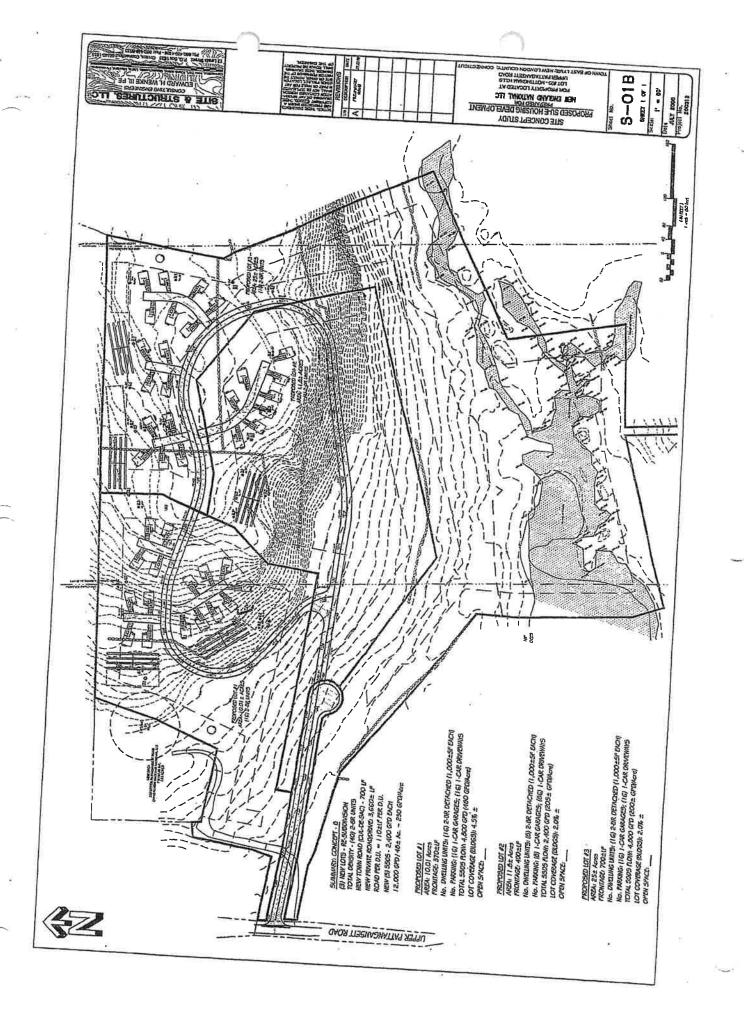
Use of the area for drainage and drainage structures, septic systems, wells and/or emergency access over existing access way to Upper Kensington Drive.

- 6. Emergency access shall be provided from the development to Upper Kensington Drive. Said access shall be maintained and shall be satisfactory to the Fire Marshal. A crash gate shall be provided.
- 7. An emergency back up power system shall be installed to provide power to the on site septic system and on site water.
- 8. The Commission finds that these modifications are essential to assure the Commission that before a site plan is approved and building permits are issued for an affordable bousing project on this site, the applicant shall be required to present sufficient evidence to demonstrate that an affordable housing project ultimately approved for the site will not pose a substantial risk of harm to substantial public interests in health, safety, or other matters that the Commission may legally consider, e.g., clean water, protection of current and future water sources, adequate control and treatment of storm water and sewage, and traffic and fire safety, and that without the provision of such information, the Commission would be wholly unable to determine whether such public interests would be likely to be severely, adversely affected, and the need for such information therefore clearly outweighs the need for affordable housing. The protection of such public interests is only possible by way of these reasonable changes to the affordable housing application.

Seconded by Mr. Liska.

Motion Passed 6-0-0.

Mr. Mulholland stated this will be published on April 14th and would be effective April



## **EXHIBIT B**

## Town of East Lyme

PO Box 519 Niantic, CT 06357 (860) 691-4114 Fax: (860) 691-0351

Special Permit #	
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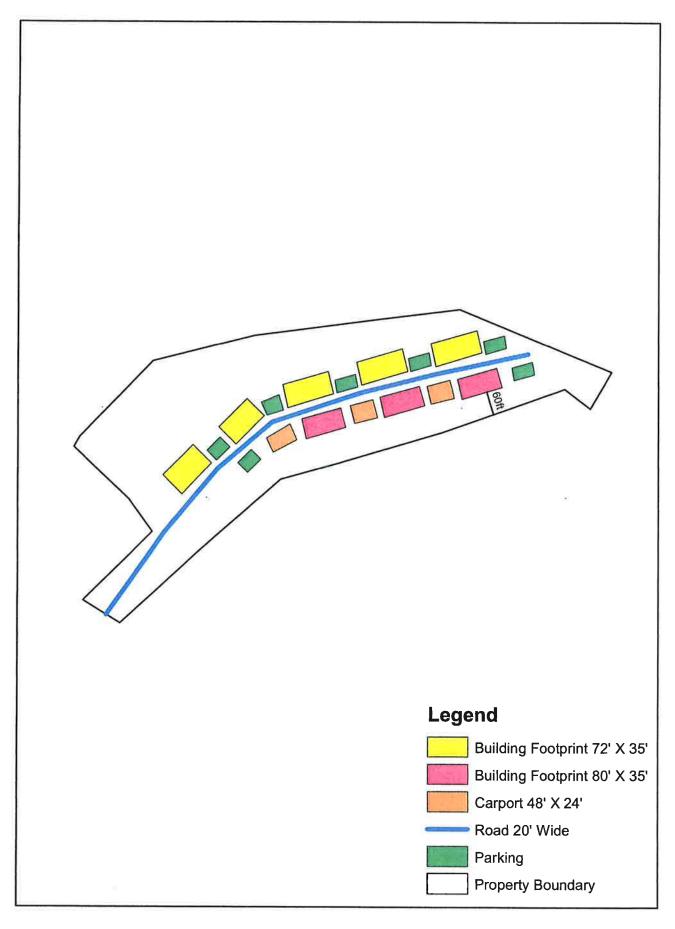
Date Entered into SP Log\_\_\_\_\_

APPLICATION FOR	SITE PLAN				
Date of Application:Zone:Affordable House	sing				
Applicant's Name: Kristen T. Clarke, P.E.					
Applicant's Address: 20 Risingwood Drive, Bow, NH 03304	Telephone: 434-409-9515				
Location of Affected Premises: 237 Upper Pattagansett Road	Assessor's Map/Block/Lot: 39.0-10.2				
Owner of Record:English Harbour Asset Management LLC					
Owner's Address: 1712 Pioneer Avenue, Suite 1939 Cheyenne, WY 82001	Telephone: 434-409-9515				
Application 32 Unit age restricted affordable housing					
	7				
Signature of Owner: Kush Clarke					
Signature of Applicant: Kuslen Claube					
**************************************					
0±0 ==	PERMIT FEE:				
ite Plan Attached: YES NO N/A	SITE PLAN FEE \$300.00				
	STORM WATER \$200.00				
	STATE FEE: \$60.00				
TOTAI CHECK					
Date Approved: Date Det	nied:				
Approval subject to conditions below:  1					
2.					
3.					
Approval to become effective upon publication and date of entry into the land records of the Town of East Lyme affecting the premises as described in this application.					
Date: Attest					
Date: Attest East Lyme Zoning Chairman					

ZONING PERMIT Page 2				
Approval is based on documentation provided by the applica accurate and true documentation on plot plan/site plan.	ant. Applicant is responsible to provide			
ZoneAHDUseAffordable Housing	Lot Coverage			
Height Front Yard Side Yard	Rear Yard			
Primary Aquifer? YES NO _x  Secondary Aquifer? YES NO _x	**			
CAM-within boundary? YESNO _x				
Review Required n/a Exemption n/a				
Flood HAZARD-FIRM Community Map Panel No. 09011C033	<sup>8G</sup> FIRM Zone <u>x</u>			
Site Plan Review Req. {CA-CB-CM} by Zoning Commission _	x ZEO N/A			
D.O.T. Traffic Generator Certification Required? YESx	NO			
Soil Erosion and Sediment Control:				
******************	39.1			
Application is: APPROVED DENIED				
Comments/Conditions:				
East Lyme Zoning Enforcement Officer	Date:			

# **EXHIBIT C**

# 237 Upper Pattagansett Road Conceptual Site Plan



# **EXHIBIT D**

