

Town of

P.O. Drawer 519

**Department of Planning &
Inland Wetlands**

*Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent*



East Lyme

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September 15, 2020

Matt Walker, Chairman
East Lyme Zoning Commission
Town of East Lyme
P.O. Box 519
108 Pennsylvania Avenue
Niantic, Connecticut 06357

RE: Zoning Referral - Application of Landmark Development Group, LLC and Jarvis of Cheshire, LLC c/o Timothy Hollister, Shipman & Goodwin, LLP; Application to amend the East Lyme Zoning regulations Section 32, Affordable Housing District.

Chairman Walker:

The East Lyme Planning Commission at its meeting of September 1, 2020, found the above referenced text amendment, INCONSISTENT with the 2009 East Lyme Plan of Conservation and Development, as amended for the following reasons:

1. It does not encourage Affordable Housing in the IHZ or within our downtown Villages;
2. We cannot adequately know the impact of the proposed regulation without knowing the residential make-up of the development (i.e. Elderly vs market rate),
3. The proposed language eliminates the need for A statement describing any impact on public health and safety, including emergency services.
4. The reduction in engineering standards may result in unintended environmental consequences particularly in relation to storm water management
5. The proposed regulation Sec. 32.4.2 proposes increases in building heights which, as AHD's may be located in low density areas, such building heights may not be in keeping with the traditional New England Character as defined in the POCD Objective 1.1.
6. Reducing the setbacks and buffer requirements may create negative environmental impacts.
7. The current Zoning Regulations Section 32.9.1 permits a Preliminary Site Plan, the purpose of which is to require the submission to the Zoning Commission of information sufficient to allow it to evaluate a development plan for under the standard of 8-30g, and to allow an applicant to defer, until approval is granted, completion of details and specifications that will define what is to be built but are not essential to the 8-30g analysis. The proposed regulation is essentially the same.

If you have any further questions regarding this letter or the POCD, please do not hesitate to contact the Director of Planning, Gary A. Goeschel II, at (860) 691-4105.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Williams" followed by a stylized flourish or initials.

Michelle Royce-Williams, Secretary
East Lyme Planning Commission

cc: William Mulholland, Zoning Official
file

Town of

108 Pennsylvania Ave
Niantic, Connecticut 06357

Department of Planning &
Inland Wetlands & Watercourses
Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent



East Lyme

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MEMORANDUM

To: East Lyme Planning Commission

From: Gary A. Goeschel II, Director of Planning

Date: September 1, 2020

Re: **Zoning Referral - Application of Landmark Development Group, LLC and Jarvis of Cheshire, LLC**
c/o Timothy Hollister, Shipman & Goodwin, LLP; Application to amend the East Lyme Zoning regulations Section 32, Affordable Housing District.

The above application proposes to amend Section 32 - Affordable Housing District of the East Lyme Zoning Regulations to replace Preliminary Site Plan/ Final Site Plan with "Master Plan" procedure as used in the Gateway Planned Development District (GPDD). In addition, the proposed text amendment also proposes to change the maximum building height of single-family detached dwellings from 30-feet to 35-feet. It also proposes a building height of 40-feet for Townhouse or Garden style dwellings and a 50-foot building height for Multi-family Dwellings serviced by an elevator.

Further, the application proposes adding the following language to section 32.4.5 Setbacks:

"...or (2) is designated as open space, in which case the Commission may require setbacks of not less than twenty-five (25) feet from the adjacent boundary line."

And the following language to Section 32.4.6 Buffers:

"...or (2) is designated as open space,...."

And the following language to Section 32.4.7 Buffer Area:

"(1) is already zoned for multi-family residential uses, or (2) is designated as open space, in which case the Commission may provide for a buffer strip of not less than twenty-five (25) from the adjacent boundary line. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous tree and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet.

Upon review of the above referenced Zoning Referral with the 2009 Plan of Conservation and Development, as amended, I offer the following:

FINDINGS:

1.3 Objectives and Policies

OBJECTIVE 1.1: To maintain the traditional New England character of the community and enhance the village identities of East Lyme.

POLICY:

East Lyme offers an attractive residential environment and other quality-of-life factors, including expansive water views, extensive open spaces, a seaside village center, agricultural opportunities, recreational opportunities and quality public services. As such, the Town should maintain the unique character and personality of both Niantic and Flanders villages through the development of village area plans. Single family and two-family dwellings, small scale mixed-use, and senior housing, should be encouraged in the village districts. East Lyme should continue to provide for multifamily housing to meet need for a variety of housing types at affordable cost.

POCD COMPATIBILITY

As the proposed amendment proposes to increase building heights, it is critical building sitting, orientation, massing, architectural design etc..., be considered relative any expansive water views and extensive open spaces.

OBJECTIVE 1.2: Establish a coordinated, cooperative system of land-use decision making to ensure that development continues to meet high performance standards, specifically with regard to open space preservation, view corridor protection, environmental protection, sustainability, and landscaping and building design treatments consistent with East Lyme's New England setting.

POLICY:

All boards and commissions with authority over land-use decisions must coordinate their efforts toward these objectives. East Lyme should define and develop improved standards for landscaping, building and site design that incorporates energy and resource conservation, promotes sustainability, and enhances town character and protects existing residential neighborhoods. Such standards would benefit all the townspeople by contributing to protecting our environment, maintaining property values, minimizing the impact of new development on existing land uses and limiting the growth of municipal service and maintenance costs. Commissions must ensure that the regulations under which they operate also support these objectives.

POCD COMPATIBILITY

The Policy that supports Object 1.2 states "Commissions must ensure that regulations under which they operate also support these objectives." These objectives are "protecting our environment, maintaining property values, minimizing the impact of new development on existing land uses and limiting the growth of municipal service and maintenance costs." As such, would the proposed amendment protect our environment, maintaining property values, minimize the impact of new development on existing land uses and limiting the growth of municipal service and maintenance costs?

- **Protecting our Environment:**

The proposed amendment does not appear to adversely impact the environment nor protect it as both multi-family and elderly housing are permitted uses within the town.

- **Maintaining Property Values:**

It's difficult to ascertain whether the proposed amendment would maintain or adversely impact property values. However, according to Section 3.1.2 of the POCD, 83-percent (329 units) of the 397 multi-family units built between 1997 and 2000 are classified as detached condominiums. Of these units, 67-percent are designed as two or three bedroom detached condominium homes which have the potential to be converted to standard family homes, but would still be classified as multifamily. According to the POCD, multifamily housing can provide affordability for the elderly population. Interestingly, Section 3.1.2 of the POCD points out that rental rates were on the rise rising during development of the 1999 Plan due to the decline in supply of residential rental property and speculated that the demand and rental rates in East Lyme are likely to increase in the near future with the profitability of constructing new multifamily units.

- **Impact of New Development on Existing Land Uses and limit the growth of municipal service and maintenance costs:**

The proposed amendment does not appear to exacerbate or minimize the impact of new development on existing land uses as "Ownership of the dwelling units is of no importance from a land-use perspective; both apartments and condominiums are considered multifamily housing." However, ownership is important in limiting the growth of municipal services and maintenance costs as multi-family uses verse elderly housing uses typically generate more traffic, wastewater, refuse and school children whereas elderly housing may generate the need for increased emergency services or transportation needs as well as other community services.

Secondly, the proposed amendment proposes a Preliminary Site Plan/ Final Site Plan that would follow the "Master Plan" procedure as used in the Gateway Planned Development District (GPDD). As such, a "Master Plan" procedure would establish a consistent, coordinated, cooperative system of land-use decision making to Affordable Housing applications that ensure that development continues to meet high performance standards, specifically with regard to open space preservation, view corridor protection, environmental protection, sustainability, and landscaping and building design treatments consistent with East Lyme's New England setting.

Chapter 3 Land Use

3.3 Mixed Use and Affordable Housing, page 76

"Residents voiced their preference for affordable housing where it would strengthen village centers and bring awareness that such residential development in Niantic and Flanders villages would provide pedestrian access to shopping, employment and Town facilities." Residents also articulated their strong desire to accommodate affordable housing to reach the goal of 10-percent and their preference for well-

planned affordable housing development that is compatible with the community's New England character."

The proposed regulation would provide for affordable housing within East Lyme. However, Section 32.2 does not direct the residential development to the village centers. As such, valued rural areas, open space and important habitats not recommended for development may be subject to development. In addition, such housing may also be proposed in industrially zoned areas of which 178±-acres of the 1,110-acres zoned for industrial use, are presently occupied by industrial uses. There are a number of health and safety concerns associated with locating residential development adjacent or in close proximity to industrial uses.

Further, the Affordable Housing Study prepared for East Lyme by the SECHA (Southeastern Connecticut Housing Alliance), Appendix E of the POCD, recommends enhancing and reviving historic villages with architecturally compatible, infill development that adds life to East Lyme's community spaces and maximizes walkability and reduces auto-dependency for East Lyme residents by focusing on redevelopment rather than new development. Although the proposed language does not prohibit redevelopment or affordable housing within our village centers, the proposed regulation does not direct, focus, or require redevelopment in village centers where such development has been identified to be beneficial. Several years ago, the Zoning Commission adopted Incentive Housing Zones to take a proactive approach to the need for affordable housing and promote affordable housing development in our Village Centers.

Therefore, I offer the following resolution:

BE IT RESOLVED:

Pursuant to Section 8-3A of the Connecticut General Statutes, the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal to amend Section 32 of the East Lyme Zoning Regulations, referenced above, **FINDS** the aforesaid proposal **CONSISTENT/INCONSISTENT** with the 2009 Plan of Conservation and Development, as amended based on the above findings (with the following comments and or recommendations):

1.

2.

3.

4.

Etc....
