

**EAST LYME ZONING COMMISSION
PUBLIC HEARING III
Thursday, MARCH 16TH, 2006**

MINUTES

The East Lyme Zoning Commission held a Public Hearing on the Application of Terry Mitchell, agent for Ahepa 250, Inc. to amend the East Lyme Zoning Regulations to permit "non-profit subsidized elderly housing" in SU Zones, on March 16, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Pamela Byrnes, Norm Peck, Marc Salerno, Ed Gada

ALSO PRESENT: Joseph Barry, Alternate
Robert Bulmer, Alternate
Attorney Theodore A. Harris, Applicant
Attorney William McCoy, Applicant
Mr. George Mitchell, Applicant
Mr. Terry Mitchell, Applicant
William Mulholland, Zoning Official

ABSENT: William Dwyer, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Pamela Byrnes, Norm Peck, Marc Salerno, Ed Gada

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Mar 24 2006 at 3:10 AM
Ethel B. Williams
EAST LYME TOWN CLERK

Public Hearing III

1. **Application of Terry Mitchell, agent for Ahepa 250, Inc. to amend the East Lyme Zoning Regulations to permit "non-profit subsidized elderly housing" in SU Zones.**

Ms. Carabelas read correspondence items into the record regarding this application.

- Letter dated 3/16/06 to the EL Zoning Commission from Wm. Mulholland, Zoning Official – Re: Proposed Text Amendment to permit "non-profit subsidized elderly housing" in SU zoning district – noting that use would be by special permit. It would also modify existing setback and height requirements. Parking would be provided under a new provision in Section 22. Additional controls would be added to the table of minimum controls in Section 25.5, which would address density, floor area, elevators, and water and sewer. In addition, all requirements of Section 25, Special Permits, and Section 24, Site Plan Review, would apply.
- Letter dated 3/10/06, to Mark Nickerson, Chairman, EL Zoning Commission from the Planning Commission – Re: Notice of Decision. The Planning Commission found the application consistent with the Plan of Conservation and Development recommendation to provide a variety of housing types at affordable cost. The Commission also recommended that consideration be given to increase parking requirements to accommodate visitors and that elevators be required for two or more stories.
- Letter dated 3/1/06, to Rosanna Carabelas, Secretary, EL Zoning Commission from the SE CT Council of Governments Regional Planning Commission – Re: Proposed amendments to permit "non-profit subsidized elderly housing" in SU (Special Use) Zones. The Committee determined that the proposed amendments would not have any adverse inter-municipal impact.
- Email dated 3/1/06 to Wm. Mulholland from the Office of Long Island Sound Programs – Re: amendment to the SU of the EL Zoning Regulations zone to allow "non-profit subsidized elderly housing in SU zones." OLISP found the proposed amendments generally consistent with the goals and policies of the CT Coastal Management Act (CCMA). However, additional provisions to add vegetated buffer setbacks from resources areas (inland and tidal wetlands) should be considered.

Also, careful planning should be made with proper stormwater management controls to remove 80% total suspended solids and retain the 1st inch of rainfall on site.

Mr. Nickerson stated that the legal ad has been run. He introduced the presentation.

Terry Mitchell, President of Ahepa 250 apartments in Niantic, Waterford, and Groton. He stated that nationally, there are 74 buildings in 22 states, with approx. 4000 apartments. There are 4 buildings on the drawing board nationally, and 4 more under construction. They received a grant of \$6,466,000 to build the building in EL and would like to move forward.

Mr. Nickerson asked Mr. Mitchell what Ahepa stands for.

Mr. Mitchell responded that it stands for American Hellenic Educational Progressive Association, and was started in 1922.

Mr. Nickerson asked Mr. Mitchell if he is the President of the 72 buildings.

Mr. Mitchell replied that he serves on the National Board of Ahepa housing and that he is President of Niantic, Waterford and Groton.

George Mitchell, brother of Terry Mitchell, presented a facts sheet of FAQs.

Mr. Nickerson entered this facts sheet as **Exhibit A**.

Mr. Mitchell stated that the facts sheet discusses eligibility, i.e. age and income limits. Ahepa is administered under the US Dept of Housing and Urban Development regulations. The Ahepa National Corp is a co-sponsor along with the local chapter and the local corporation. The local chapter puts up the front money and acquires the property and the government provides the money. The Ahepa National Housing Corp. manages the buildings. When the building on 267 Roxbury Rd was first built, zoning was in place, but the zoning has since disappeared and the building is now non-conforming. There is nothing in the regulations which allows the building to exist. He stated that the building is now too high, too close to the road, and has too many people in it. He is requesting the Zoning Commission to relax the setback regulations to allow 135-foot setback. He also wants to put the special permit use back into the zone. He would also like to relax the height limitation from 30 feet to 40 feet, and he would like to relax the density limitation to a 4000 SF requirement for each unit. He would like to have the regulations changed for space requirement for 1 bedroom unit due to HUD limitations of 540SF per unit. He is asking for 75% parking requirement, which is 3 spaces for every 4 units.

Wm. Mulholland asked if the proposed 50 units will be on the same or adjoining property.

Mr. Mitchell submitted the site plan for the proposed unit.

Mr. Nickerson asked where the closest house is.

Mr. Mitchell stated that the closest house is across the street.

Mr. Nickerson asked if there was any visual blocking.

Mr. Mitchell responded no.

Ms. Carabelas requested a clarification concerning a general amendment that applies anywhere in town in an SU zone.

Mr. Nickerson responded yes as long as it qualifies for government subsidy. He submitted the site plan as **Exhibit B**.

Ms. Carabelas stated that she wanted to make it clear that they were not entertaining a specific development request.

Mr. Nickerson commended Ahepa 250 for encouraging affordable senior housing.

Ms. Carabelas asked if this technically contributes to the affordable housing count.

Mr. Nickerson replied yes, 100%.

Mr. Mitchell stated that the rent roll is set by the government. Subtract medical expenses from income and 30% of the remainder is rent. The rest of the rent is subsidized by HUD. This is a not for profit organization.

Mr. Nickerson stated that it qualifies 100% for affordable housing requirements to meet certain state standards.

Mr. Mitchell stated that this is a 40 year subsidized housing project.

Mr. Nickerson asked Mr. Mitchell how old his other building is.
Mr. Mitchell replied that the other building was built in 1992.

Mr. Nickerson asked if there were questions from the commission.
Hearing no one.

Mr. Nickerson asked the public if there was any comments in favor of the application.
Barbara Johnston, 35 Seacrest Ave, congratulated the Mitchells for this endeavor.

Mr. Nickerson asked the public if there were any other comments in favor of the application.
Hearing no one.

Mr. Nickerson asked the public if there were any comments opposing the application.
Hearing no one.

Mr. Nickerson asked the public if there were any neutral comments.
Hearing no one.

Mr. Nickerson asked if anyone would like to speak for the commission on the application.

Norm Peck stated that he wanted to make sure that the non-profit organization in the SU zone does not have an advantage over a profit organization, in regards to density, setbacks. There should be an equal playing field, except for the parking situation, which will require a lesser percentage need to park.

Mr. Mulholland stated that presently in SU zones, multi-family dwellings are allowed under Section 12.1.3, with dimensional requirements. He stated that per Section 25.5, in regards to multi-family SU density, the average number of dwelling units should not exceed two. There are several criteria in the multi-family SU. SU is different from SUE.

Mr. Peck stated that he doesn't feel there should be an advantage for the non-profit organization vs. the for-profit organization.

Pamela Byrnes stated that this should not be an issue, because a non-profit organization is creating an opportunity for people who can't deal in the market place fairly. That's why there is more flexibility.

Ms. Carabelas stated that she didn't think it was creating any competition for profit-making apartments, and agreed with Ms. Byrnes.

George Mitchell stated that there is no way to level the playing field. It's government subsidized and no one can compete with free housing.

Ms. Carabelas asked what happens at the end of 40 years, i.e. is it free to go to a for-profit use.

Mr. Nickerson stated that after 40 years the contract is paid for.

Mr. Mitchell stated that after 40 years they would reapply and go through the paces of affordable housing.

Ms. Carabelas asked if there is anything preventing you from changing it from affordable housing for the elderly to a profit making apartment building after 40 years.

Mr. Mitchell did not know.

Ms. Byrnes stated that this is a text amendment so that anyone coming in with a special proposal would have to go through the special use permit process. Therefore, an opportunity is being created for people to ask for an approval for a special permit.

Mr. Nickerson asked Mr. Mulholland why the zoning disappeared.

Mr. Mulholland said that there was a major modification in 1999, when that issue was dealt with. The group that was present at that time chose to make some major modifications and the zoning disappeared.

Mr. Nickerson stated that he might have a problem with the 40-foot height limitation if it was in another area of town.

Ms. Byrnes stated that this is not a guaranteed height, rather it can be requested but not necessarily approved.

Mr. Nickerson asked if there were any comments from the public.

Hearing no one.

****MOTION (1)****

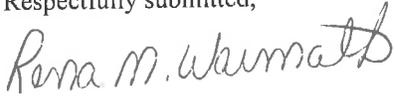
Ms. Byrnes moved to close the public hearing.

Mr. Peck seconded.

VOTE: 6-0-0 Motion Passed.

The Public Hearing was closed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rena M. Warmath". The signature is written in dark ink and is positioned above the printed name.

Rena M. Warmath

Recording Secretary (Pro-Tem)