

East Lyme Zoning Commission
PUBLIC HEARING I

May 5th, 2005

May 13 2005 at 3:00 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

Present: Mark Nickerson, Chairman, Ed Gada, Shawn McLaughlin, Pamela Byrnes, Norman Peck and William Dwyer, Alternate

Also Present: William Mulholland, Zoning Official
Attorney Jeff McNamara, 94 Pennsylvania Avenue
Barbara Johnson, 35 Seacrest Avenue
Bob Gadbois, 358 Boston Post Road

Absent: Rosanna Carabelas, Marc Salerno, Alternate, William Henderson, Alternate

Mark Nickerson called Public Hearing I to order.

1. **Application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations, Section 32, Affordable Housing District.**

Ed Gada read into the record a memo dated February 18, 2005 from Jeffrey A. McNamara to William Mulholland regarding John Faniola. As a formal application, a proposal of proposed amendments to the Zoning Regulations for the Affordable Housing District was submitted with the memo and a request to schedule a public hearing.

Ed Gada read into the record a memo dated May 5, 2005 to the East Lyme Zoning Commission from William Mulholland regarding the Affordable Housing District. The letter informed the Commission that the applicant has applied to amend Section 32 of the Zoning Regulations for greater flexibility to enable a project submission. Mr. Mulholland writes the existing regulation was adopted in August of 2003. The state requires that each town have 10% of its housing stock as affordable and East Lyme currently only has 4%.

Mr. Gada read into the record a memo dated May 4, 2005 from Wayne Fraser, First Selectman to Mark Nickerson. The memo offered his support for this affordable housing proposal.

Mr. Dwyer read into the record a letter dated April 6, 2005 to East Lyme Zoning Commission, from Marcy L. Balint, Senior Coastal Planner, State of Connecticut regarding Affordable Housing. The memo states that OLISP finds the proposed amendment consistent with the policies and standards of the Connecticut Coastal Management Act (CCMA).

Mr. Gada read into the record a letter dated April 21, 2005 addressed to Rosanna Carabelas, Secretary of East Lyme Zoning Commission from Gene Lohrs, Chairman of the Southeastern Connecticut Council of Governments Regional Planning Commission. The memo informed the Town of East Lyme's Zoning Commission that after their review of the information submitted, they conclude that the creation of language to allow a floating zone of this nature could have adverse inter-municipal impact based on its possible location and proposed high density.

Mr. Gada read into the record a letter dated May 5, 2005 hand-delivered to the East Lyme Zoning Commission, from the Town of East Lyme Planning Commission. The letter states that after their regular meeting held May 3, 2005, the Commission moved to find this proposed amendment by Attorney McNamara consistent with the plan of development goal to provide for multi-family housing to meet a portion of the regional need for a variety of housing types at affordable costs.

However, the plan should be subject to the following a) building setbacks should be increased to be more in line with other multi-family buffer requirements with the provision for a waiver if there will be no adverse impacts to adjoining uses. They suggest a building setback of 100 feet with a 50 feet vegetative buffer; b) the provision to waive requirements for Section 32.7 if 100% of the units are affordable should be deleted.

Mr. Nickerson stated the legal ad was run correctly in The Day on April 18, 2005.

Mr. Nickerson read into the record a letter dated May 5, 2005 addressed to him regarding this affordable housing proposal from Meg Parulis, Director of Planning. The letter was in support of this application and its intent. Mr. Nickerson marked the letter and its attachments Exhibit 1.

Attorney Jeffrey McNamara, 94 Pennsylvania Avenue, handed out to the Commission the existing regulations, proposed changes, and a summary of his proposal. Mark Nickerson marked Attorney McNamara's hand-outs Exhibit 2.

Attorney McNamara summarized his recommended changes. The first change is in Section 32.2 and 32.4.1 asking for the lot to be on at least 5 acres instead of 10 acres. Another change was to add 32.3.2 Program 202 Elderly Housing - Supportive Housing for the Elderly as Administered by the U.S. Department of Housing and Urban Development under Section 202 of the Housing Act of 1959. Under section 32.4.2 the maximum height for multi-family dwellings be changed to forty feet instead of 30 feet. Under section 32.4.3. an addition of a heading A. Developments which do not exceed the minimum 30% Affordable Units, and new categories B. Developments which have 100% Affordable Units, and C. Program 202 Elderly Housing. Also the sentence stating in no case shall the number of units per building exceed fifty-four was added under this section. Under section 32.4.5. the change of setbacks from less than 150 feet to 40 feet from the street line and from 100 feet to 20 feet from any other property line was made. The sentences - Where the property line is the boundary of the Affordable Housing District, a minimum setback of 100 feet shall be required. The Commission may waive this requirement if no adverse impact will result - was added.

Attorney McNamara reinforced the need for more affordable housing because the town is only at 3.7% and the State requires 10%. Also, he said by making these changes to Section 32 more applicants will probably come under Section 32 and the Commission will also have two layers of protection. First the Commission will have discretion if that district is appropriate for Affordable Housing as well as the Commission will have final approval of the site plan because a Special Permit under Section 25 will need to be obtained. This amendment will allow an existing Affordable Housing project to expand in Flanders. It is in a commercial area, which is close to public transportation and serviced by sewer and water. This amendment will also allow elderly housing to also expand.

Mr. Mullholland added that this amendment will allow the elderly housing project on West Main & Roxbury Street to expand.

Attorney McNamara said his applicant's intent is to build 100% affordable housing and the amendments will make it more attractive to future projects to include affordable housing.

Mr. Dwyer asked if the State regulations supersede these. Attorney McNamara said the State's regulations do, but applicants would prefer to come in at a local level.

Mr. Mullholland added the Commission originally adopted these regulations in 2003 because the Town does support affordable housing and prefers that applicants work with them.

Mr. Gada asked if this amendment was accepted, how many units could be added to the existing affordable housing project. The two options Attorney McNamara's applicant has are to add twenty or twenty-four units.

Mr. Mulholland stated HEPA (Roxbury Road) has shown interest in expanding. With the current regulations, they are at their maximum and if these amendments are adopted they can go 100% affordable and probably could add three more buildings, approximately one hundred 100% affordable housing units.

Mr. Dwyer said he has not heard any complaints from the residents living in the affordable housing at the HEPA project on Roxbury Road.

Attorney McNamara would even prefer the Commission reducing the proposed 5 acres to 4 acres in the proposed amendments in Section 32.2 and 32.4.1.

Mr. Peck asked for confirmation of the setback feet from the street, property and existing units. Attorney McNamara confirmed the feet would be 100 feet from other than affordable housing property lines.

Mr. Mullholland said there will always be 100 feet from other property lines, 20 feet from existing units and 40 feet from the street line. The only scenario which would allow 40 feet is if a road runs through the affordable housing project.

Mr. Nickerson stated the amendment would allow, although not probable, a 40 foot building with a height of 40 feet.

Mr. Mullholland re-stated that the 40 foot buffer will be allowed only when there is a private street through the project. Currently, the buffer requirements for a single home is 30 feet height with a 50 foot distance from the street.

The Commission discussed the buffer and the minimum footage requirement, the possibility and type of application that the buffer would be required and /or the waiver allowed by the Commission's approval.

The Chairman reminded the Commission that this discussion should be continued during the Regular Meeting.

Attorney McNamara questioned the Zoning Official if his applicant's project would be non-conforming if the setbacks are left the same. Mr. Mullholland was not sure.

Mr. Nickerson asked if anybody else in the audience would like to address the Commission in support of the application.

Mr. Nickerson asked if anybody in the audience would like to address the Commission against the application.

Barbara Johnson, 35 Seacrest Avenue did not support Attorney McNamara's zoning amendments. Ms. Johnson feels that creating a floating zone affects the whole town as well as the discussed proposed set backs requirements. Ms. Johnson said the public should have been heard before the Commission discussed it. She was not against affordable housing but informed the Commission most of the senior housing existing in the Town is not affordable. She felt the Town did not need a floating zone.

Mr. Nickerson informed the audience that the Town already has a floating zone and the amendment only refers to the State's and Town's required affordable housing. This change doesn't create a floating zone and that only the wording will be revamped.

Bob Gadbois, 358 Boston Post Road, feels the Commission should stand by the current regulations and not change the regulations to suit specific new projects.

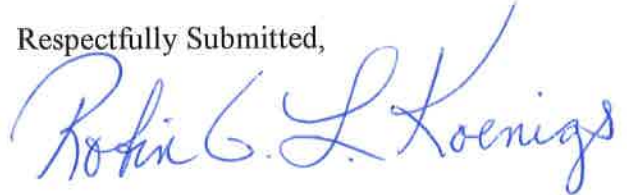
*****MOTION (1)**

Ed Gada moved to close Public Hearing I.

Pamela Byrnes seconded.

Vote: 6-0-0. Motion passed.

Respectfully Submitted,



Robin G.L. Koenigs, Recording Secretary