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**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, AUGUST 7th, 2008
MINUTES**

Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on Thursday, August 7, 2008 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Ed Gada, Steve Carpenteri, Norm Peck,
William Dwyer, Alternate, Bob Bulmer, Alternate

ALSO PRESENT: Paul Formica, First Selectman
Jane Dauphinais, Director, SE CT Housing Alliance
William Mulholland, Zoning Official

ABSENT: Rosanna Carabelas, Secretary, Marc Salerno, Gregory Massad,
Alternate

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 10:43 PM after the four (4) previously scheduled Public Hearings. He noted that he had seated William Dwyer, Alternate and Bob Bulmer, Alternate at the table.

Pledge of Allegiance

The Pledge was previously observed.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were none.

Mr. Nickerson said that Mr. Formica, First Selectman wished to speak on an Affordable Housing Incentive Zone.

Paul Formica, First Selectman said that he first learned about this opportunity from the Council of Governments (COG) and that it is an opportunity to apply for a grant under the OPM. It is not site or project specific. He said that Jane Dauphinais was also present this evening to explain this and that they are asking for \$65,000 to be used for technical assistance to get a housing plan consultant to be able to push this initiative forward. He noted that the ten-year POCD update is in progress now and that Affordable Housing is mandated by the State. The dollar value with this grant will only fund the plan and they hope to be able to fold it into the POCD update. He noted that they have the information on this as part of their meeting packet and that there is also a RESOLUTION in that packet and that they would need to endorse this as the Board of Selectmen has authorized him to move forward. What the resolution means is that they will consider the Town for one opportunity to have money to work towards the AH mandates. He introduced Jane Dauphinais to speak further on this.

Jane Dauphinais said that this is a result of a program that passed two (2) years ago with the General Assembly that gave \$4M to DECD and \$2M to OPM for this project and that it would be a source of revenue to fund the process.

Mr. Nickerson asked if they adopted the resolution if it would stop developers from putting developments in certain zones.

Ms. Dauphinais said no, it provides some minimum densities, etc and prevents developers from using CGS 8-30g as they could only use one of the other – CGS 8-30g or the incentive which would allow for 20% of the units to be Affordable rather than the current 30% as is part of CGS 8-30g. The incentive also applies towards 80% and not down to the 60%.

Mr. Peck asked if there were any negatives to this program.

Ms. Dauphinais said that she does not see any and that it seems to be a 'no brainer' that they have to have AH and that this will help to fund that expertise.

Mr. Dwyer said that it is not compulsory to go into that type of housing and that they could go into any other type so he only sees the reduction of the 30% to 20% AH as the benefit.

Ms. Dauphinais said that East Lyme has done fairly well with AH and that she feels that with any incentive on housing that they could get to the mandated 10% and that this is a way of being pro-active about it rather than defensive.

Mr. Nickerson asked who gets the incentives – the developer or the Town.

Ms. Dauphinais said that the Town gets the incentive payments if the zone is created.

Mr. Gada asked where the Town currently stands with AH.

Ms. Dauphinais said that the last time that she had checked that they are about 5%.

Mr. Gada asked what the best percentage is.

Ms. Dauphinais said that above 10% makes the Town exempt from the requirement of CGS 8-30g (burden of proof).

Mr. Peck said that at current, the developer can pretty much write his own area but if the developer uses an incentive zone – he asked if this give the Town any greater leverage.

Ms. Dauphinais said that they cannot use both – only the incentive or CGS 8-30g.

Mr. Nickerson thanked Ms. Dauphinais and Mr. Formica for presenting this to them.

Regular Meeting

1. **Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC for approval of an Affordable Housing development, site plan and coastal area management site plan review to construct one hundred residential units (100) on property identified in the Application as Assessor's Map 11.1, Lot 19; and –**
2. **Application of Theodore A. Harris, agent for Village Crossing of Niantic LLC to re-zone from its existing zoning designation (RU-40 Residential) to Affordable Housing for property identified in the Application as Assessor's Map 11.1, Lot 19.**

Mr. Nickerson said that they had just closed the Public Hearing on both of these applications.

3. **Application of Jeffrey A. McNamara for a text amendment to the East Lyme Zoning Regulations Section 4.1.3 "Nursery or Greenhouse provided they are not less than 100 feet from any lot line."**

Mr. Nickerson said that they had just continued this Public Hearing to their next meeting if the time has not already run out on continuations.

4. **Application of AHEPA 250 INC to amend Section 25.5 of the Zoning Regulations. Section 25.5 Table of Minimum Controls for Specific Special Permit uses. AHEPA 250 INC proposes to modify the density requirement for Section 202 Housing for the Elderly Multi-Family/Multi-story by reducing the lot area requirement from 4000 square feet to 2500 square feet for each efficiency unit and from 6000 square feet to 4000 square feet for each two-bedroom unit.**

Mr. Nickerson noted that they had just continued this at the request of the applicant.

5. **Approval of Minutes – July 10, 2008 - Public Hearing I & II Minutes; Public Hearing III, IV & V Minutes and Regular Meeting Minutes; July 25, 2008 - Public Hearing I Minutes and Special Meeting Minutes**

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing I, II and III Minutes of July 10, 2008.

****MOTION (1)**

Mr. Salerno moved to approve the July 10, 2008 Public Hearing I, II and III Minutes of the Commission as presented.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Bulmer, Mr. Dwyer

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing IV & V Minutes of July 10, 2008.

****MOTION (2)**

Mr. Carpenteri moved to approve the Public Hearing IV & V Minutes of July 10, 2008 of the Commission as presented.

Mr. Gada seconded the motion.

Vote: 3 – 0 – 3. Motion passed.

Abstained: Mr. Bulmer, Mr. Dwyer, Mr. Nickerson

Mr. Nickerson called for discussion on, or corrections to the Regular Meeting Minutes July 10, 2008 of the Commission.

****MOTION (3)**

Mr. Carpenteri moved to approve the Regular Meeting Minutes of July 10, 2008 of the Commission as presented.

Mr. Gada seconded the motion.

Vote: 3 – 0 – 3. Motion passed.

Abstained: Mr. Bulmer, Mr. Dwyer, Mr. Nickerson

Mr. Nickerson called for discussion on, or corrections to the Public Hearing I Minutes of July 25, 2008 of the Commission.

****MOTION (4)**

Mr. Bulmer moved to approve the Public Hearing I Minutes of July 25, 2008 of the Commission as presented.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Carpenteri, Mr. Dwyer

Mr. Nickerson called for discussion on, or corrections to the Special Meeting Minutes of July 25, 2008 of the Commission.

****MOTION (5)**

Mr. Bulmer moved to approve the Special Meeting Minutes of July 25, 2008 of the Commission as presented.

Mr. Gada seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Carpenteri, Mr. Dwyer

Old Business

1. Stormwater

There was nothing new to report.

2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Norm Peck)

There was no report.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

Mr. Nickerson said that they were waiting on Attorney O'Connell for some information.

4. Transitional Zones Subcommittee Northern Areas of Town & Scenic Roads – (Marc Salerno & Norm Peck)

There was no report.

5. Subcommittee – Rezoning - Northern Areas of East Lyme & Scenic Roads – (Marc Salerno, Mark Nickerson & Norm Peck)

Mr. Mulholland said that this was with the Town Attorney for review and that it would also be presented to the Town for review.

New Business

1. Request of Theodore A. Harris, Attorney for Walnut Hill Country Club for a one year extension of Special Permit/Site Plan for golf course, active adult community, and golf course accessory housing on the golf course.

Mr. Nickerson asked that Mr. Mulholland schedule this for an upcoming agenda.

2. Any business on the floor, if any by the majority vote of the Commission.

****MOTION (6)**

Mr. Gada moved to add to the agenda the resolution on the 'Housing for Economic Growth Program'.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

♦ Housing for Economic Growth Program

Mr. Nickerson noted that they are looking for \$65,000 and read over the resolution for the Commissioners.

He asked if they had any questions –

Hearing none – he called for a motion –

****MOTION (7)**

Mr. Carpenteri moved to approve the Certified Resolution of the local Zoning Authority which (1) endorses submission of the grant application for assistance under the Housing for Economic Growth Program referenced in Section 8-13(m-x) of CGS; and – (2) Certifies that it will consider the creation of one or more housing incentive zones. Such grant application will be attached to and made a part of the record.

Mr. Bulmer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

3. Zoning Official

Mr. Mulholland reported that they are still busy.

4. Comments from Ex-Officio

Ms. Hardy was not present to report.

5. Comments from Zoning Commission liaison to Planning Commission

There was no report.

6. Comments from Chairman

Mr. Nickerson said that he had sent a letter to the Editor of the Day as he felt compelled to respond to the letters regarding the Gateway and the water issue. He said that his letter stated what the facts were and that the decision of the Commission was based on the facts. He said that he also stated that they have been working on this project for some three (3) years now and that it has been very carefully considered and will continue to be. He added that Mr. Formica has also sent in a letter to the Editor on the water issue and what is being done and that he understood that Mr. Peck has also written a letter.

7. Adjournment

****MOTION (8)**

Mr. Carpenteri moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 11:00 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

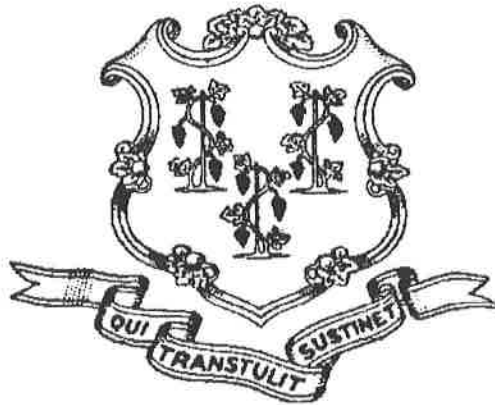
Respectfully submitted,

Karen Zmitruk,
Recording Secretary

State of Connecticut

Housing for Economic Growth Program

Application and Instructions for Technical Assistance Grant



**State of Connecticut
Office of Policy and Management
Robert L. Genuario, Secretary**

**Intergovernmental Policy Division
W. David LeVasseur, Undersecretary**

Revised 2008

Attachment - Zoning Regular Meetings 8/7/08

Instructions

OVERVIEW OF THE PROGRAM

PA 07-4, AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT, Sections 38 to 50 inclusive, (herein after "the Act") provides incentives to municipalities for creating Incentive Housing Zones (IHZ) in eligible locations, such as, near transit facilities, an area of concentrated development or an area because of existing, planned or proposed infrastructure that is suitable for development as an IHZ. Developable land excludes publicly and privately owned property slated for public uses, parks, recreation areas, dedicated open space land, other land where restrictions prohibit development, wetlands or watercourses and areas exceeding one-half or more acres of contiguous land where steep slopes or other topographic features make it unsuitable for development.

The Act authorizes the Secretary of the Office of Policy and Management to "make grants to municipalities for the purpose of providing technical assistance in the planning of incentive housing zones, the adoption of incentive housing zone regulations and design standards, the review and revision as needed of applicable subdivision regulations and applications to the Secretary for preliminary or final approval".

Incentive Housing Development (IHD) means a residential or mixed-use development that meets the following criteria – is located within an approved IHZ, is eligible for financial incentive payments, and sets aside lower cost units for a minimum of 20% of the households earning 80% or less of area median income (AMI) for 30 years. A unit is affordable if it costs no more than 30% of a person's annual income to live there.

The town's zoning commission must establish the IHZ as an overlay zone. The town receives the incentives only for IHDs that are developed in a state-approved IHZ.

Please submit completed applications (1 original and 1 copy) to Dimple Desai, Community Development Director, Office of Policy and Management (OPM), Intergovernmental Policy Division, 450 Capitol Avenue, MS#54ORG, Hartford, CT 06106-1379. If you have any questions, please call Dimple Desai, at (860) 418-6412 or email him at dimple.desai@ct.gov.

APPLICATION FORM

Applicant Information: Provide all requested information related to the municipality requesting the funds.

Applicant Representative: Provide the name of the organization that will be assisting and representing the municipality, if applicable. For example, a Regional Planning Agency, a Regional Council of Elected Officials, or a Regional Council of Governments. Provide a copy of the contract and scope of work, if Regional Planning Agency, Regional Council of Elected Officials or Regional Council of Governments is retained

I. **Business Information:** Provide all requested information.

- II. **Project Information** – The information will be used by OPM to determine whether or not the site meets the basic eligibility criteria of the Act.
- Project Title: Clearly identify the project title.
 - Intended Use of Funds: Identify intended use such as planning of the IHZ, adoption of IHZ regulations, drafting design standards, review/revision of applicable subdivision regulations, and or drafting of applications for preliminary or final approval.
 - Project Budget: Provide a detailed line item income and expense budget for the project. Provide backup documentation showing how the budget was derived. Currently, the funding is limited to \$50,000 per community regardless of the number of zones proposed.
- III. **Local Approvals**: Submit the required resolutions from the municipality’s legislative body and the local zoning authority. These certified resolutions should be signed by the municipal Clerk and embossed with the corporate seal. The application must be signed subsequent to the adoption of the resolution by the local legislative body.

IV. Project Plan: Submit a detailed project plan which:

- Lists proposed use of the grant funds, attach detailed line item project budget. Specifically identify the activities to be conducted with grant funds and who will be conducting these activities. Also, identify the reports or deliverables to be generated. If consultants or other entities are conducting these activities, identify the consultants including the consultant selection process and provide a copy of consultant’s contracts.
- Describe the way in which the use of the grant funds will facilitate the creation of a housing incentive zone. Identify the location/s, if known, that will be considered for the IHZ and whether it meets the definition of the “**eligible location**” as defined in the Act and indicate that each location is consistent with the Connecticut Conservation and Development Policies Plan. Attach a site map showing the location/s that identify acreage, any constraints such as wetlands, buffers, open space, public amenities such as water & sewer, any other impacts to the community, etc.
- A time schedule for (a) the use of the funds; and (b) the establishment of the IHZ. Identify and explain the management plan that will be used to undertake the project.
- Provide an estimate of the number and type of housing units in the proposed IHZ

The grant payment schedule will be determined by OPM in consultation with the applicant.

Please be sure to include all the required documents when you submit the completed application **(1 original and 1 copy)** to:

Dimple Desai
Community Development Director
Office of Policy and Management
Intergovernmental Policy Division
450 Capitol Avenue, MS#54ORG
Hartford, CT 06106-1379
Phone - (860) 418-6412
Fax – (860) 418-6486
Email - dimple.desai@ct.gov

State of Connecticut
Office of Policy and Management
Home Connecticut Technical Assistance
Grant Application Form

Name of Applicant: Town of East Lyme

Address of Applicant: P.O. Drawer 519, Niantic, Ct 06357

Applicant Representative: NA

Name and Title of Authorized Official: Paul Formica, 1st Selectman

Name of Project Manager: Bill Scheer

Telephone Number of Project Manager: 860 691-4101

1. BUSINESS INFORMATION

1a. Federal Employer Identification Number: _____

1b. Grantee's Fiscal Year: From 7/1 To 6/30

2. PROJECT INFORMATION

2a. Provide the following:

- Project Title: East Lyme Affordable Housing Program
- Intended Use of Funds: Planning and Regulatory work
- Project Budget
 - Provide a line item income and expense budget for the project. Budget should delineate state funding from non-state funding.

3. LOCAL APPROVALS

3a. Submit a certified resolution adopted in the last 60 days by the Town's legislative body (or, in the case of a town where the town meeting is the legislative body, the Board of Selectmen):

- Authorizing submission of this grant application;
- Identifying the individual who can sign the grant application and administer the grant.

3b. Submit a certified resolution of the local zoning authority (1) endorsing the application for assistance; and (2) certifying that it will consider the creation of one or more housing incentive zones.

The certified resolutions should be signed by the City or Town Clerk and embossed with the corporate seal.

4. PROJECT PLAN

Submit a detailed project plan which describes (1) the proposed use of the grant funds; (2) the way in which the use of the funds will facilitate the creation of a housing incentive zone; and (3) a schedule for (a) the use of the funds; and (b) the establishment of the housing incentive zones.

My signature below, for and on behalf of _____, indicates
Name of Grantee
acceptance of the following and further certifies that:

1. I have the authority to submit this grant application;
2. I have read, understand, and will comply with the General Grant Conditions;
3. I understand that funding associated with this grant application is one-time in nature and that there is no obligation for additional funding from the Office of Policy and Management or the State of Connecticut;
4. I understand that should this grant application be approved, such state funds shall be expended no later than June 30, 2009;
5. I understand that requests to extend the grant end date shall be submitted in writing to the Office of Policy and Management no later than thirty (30) days before the grant end date of June 30, 2009;
6. I understand that unexpended funds shall be returned to the State of Connecticut within sixty (60) days of the grant end date;
7. I understand that if this organization meets the requirements of the State Single Audit Act, Sections 4-230 through 4-236, as amended, of the Connecticut General Statutes, the organization is required to submit a State Single Audit, at its own expense, no later than six (6) months after the end of the audit period. If this organization is not required to submit a State Single Audit, the organization is required to submit a final accounting of the grant expenditures within sixty (60) days of the grant end date; and
8. I hereby certify that the statements contained in the responses to this application and accompanying documents are true to the best of my knowledge and belief and that I know of no reason why the applicant cannot complete the project in accordance with the representations contained herein.

Authorized Official

Title

*Date: _____

* The application must be signed subsequent to the adoption of the resolution by the local legislative body.

Motion

Certified Resolution of the Local Zoning Authority

(To be completed by the City or Town Clerk)

The Local Zoning Authority of the Town/City of East Lyme

met on August 7, 2008 and adopted a resolution by the vote of

6 to 0 which:

- (1) Endorses submission of the grant application for assistance under the Housing for Economic Growth Program referenced in section 8-13(m-x) of CGS; and
- (2) Certifies that it will consider the creation of one or more housing incentive zones. Such grant application is attached to and made a part of this record.

Attested to by:

Name: _____

Title: _____
(City/Town Clerk)

Date: _____

to be filed out by Town Clerk

East Lyme Letterhead

July ??, 2008

Dimple Desai
Community Development Director
Office of Policy and Management
Intergovernmental Policy Division
450 Capitol Avenue, MS #54ORG
Hartford, CT 06106-1379

RE: Application for Technical Assistance for East Lyme HOME Program

Dear Mr. Desai,

I write to request Technical Assistance funding under the Housing for Economic Growth Program. Please find enclosed our completed application and documents.

The Town is requesting \$65,000 for the purposes of developing an Affordable Housing Plan which will become a part of our 2008-9 Plan of Conservation and Development. The funds will also be used to identify appropriate sites in East Lyme, make appropriate changes to zoning regulations and hopefully, draft an Incentive Housing Zone regulation and application to the CT Office of Policy and Management.

The Town of East Lyme is eager to plan proactively for a housing stock that serves the needs of our diverse community. We look forward to working with the Office of Policy and Management to formulate an effective Plan. If you have any questions about the application please feel free to contact me at 860 739-6931.

Sincerely,

Paul Formica
1st Selectman

East Lyme HOME Program

Project Plan

The funds will be used to incentivize the development of affordable housing by developing

- A Housing Plan that is consistent with East Lyme's Plan of Conservation and Development and can be incorporated into the POCD. This Plan will examine the need for housing diversity and choice in East Lyme, identify strategies and location(s) with access to infrastructure and transportation. This Plan will include a public component of education, information meetings, outreach and input.
- An analysis of land for the development of an Incentive Housing Zone. Where appropriate, predevelopment analysis will include soil tests, engineering, conceptual design
- An amendment of Zoning Regulations to reflect the Housing Plan. These regulations will direct the allowable uses, density and design standards for development of an Incentive Housing Zone.
- Development of an Incentive Housing Zone application to the CT Office of Policy and Management.

Schedule for the Use of the Funds

Development of the Housing Plan	September 2008 – January 2009
Public Information Meetings	December 2008 – January 2009
Pre-Development	January – February 2009
Zoning Regulation Amendment and Preparation of Incentive Housing Zone Application	March – May 2009

Project Budget

Housing Plan Consultant	\$20,000
Pre-development Testing	25,000
Regulatory/Legal	20,000
Total Incentive Housing Zone Program Grant	\$65,000