

*Karen Miller Galbo*

EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
FEBRUARY 20, 2003  
MINUTES**

The East Lyme Zoning Commission held a REGULAR MEETING on Thursday FEBRUARY 20, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Meeting at 7:40 PM.

PRESENT: Mark Nickerson, Ed Gada, Norman Peck, Shawn McLaughlin, Alternate William Dwyer and Alternate Robert Bulmer

Also Present: William Mulholland, Zoning Official

Absent: Athena Cone, David Chamberlain and Alternate Marc Salerno,

**Panel: Mr. Nickerson, Mr. Peck, Mr. Gada, Mr. McLaughlin, Mr. Bulmer and Mr. Dwyer**

**PLEDGE OF ALLEGIANCE**

**PUBLIC DELEGATIONS - None**

**ACCEPTANCE OF MINUTES**

1. January 9, 2003 Minutes of Regular Meeting – Tabled
2. January 15, 2003 Minutes of Special Meeting - Tabled

Mr. Peck will listen to the record of comments by Bruce Morton on the November 25, 2002 Public Hearing concerning water usage at the Walnut Hill Golf Course.

**NEW BUSINESS**

**1. Affordable Housing**

Mr. Nickerson opened discussion concerning Proposed Amendment to the Zoning Regulations – Affordable Housing District.

Mr. Mulholland noted that included in the members folder were affordable housing regulations from Westport. He indicated that he contacted the Regional Planning Agency and was informed that there wasn't much available in terms of affordable housing regulations in the State of CT, i.e. there are very

few towns that have such regulations. Mr. Mulholland noted that the Affordable Housing Amendment to the Regulations does refer to Special Permit and thus Section 25 and Section 24 are applicable.

Mr. Mulholland recommended adding to the proposal that all utilities be required to be underground. He noted this requirement in the subdivision and SU-E regulations.

Mr. Peck, noting General Permits, item 1, stated he understood all applications would be by Special Permit. Mr. Mulholland stated that legally the applicant may chose not to seek a Special Permit per the State Statute. The developer would elect to apply for a Special Permit under the Town's Regulations.

Mr. Bulmer referred to Designation of Affordable Housing District and noted line 3-“public water and sewer are available.” He recommended changing this to “town water and town sewer”. Additionally, he stated the phrase, “Whenever possible” should be deleted. He indicated his understanding of this section is that if an applicant does not comply with Section 8, he would be required to obtain a Special Permit.

Mr. Mulholland stated the phrase “whenever possible” is encouraging the developers to locate affordable housing in proximity to existing commercial districts and along public transportation routes.

Mr. Nickerson stated the Commission wants to write regulations with language that does not severely restrict developers to specific sites, as this would be counterproductive. The Commission wants to encourage affordable housing and where possible in proximity to or in commercial districts and along public transportation.

Mr. Bulmer stated his concern for a maximum height of 40-feet. He noted that the Affordable Housing District is a floating zone and is residential in nature.

Mr. Mulholland noted that Zoning Regulations in residential zone the maximum height is 30-feet. There are special regulations in commercial zone allowing a maximum of 45' on a large piece of land and with a related setback. In the CB Zone, multifamily housing height allowed is 40-feet. He also noted that the minimum site size is only 3 acres. In a CA zone, the maximum height is 30-feet, and 55-foot for hotels and offices by Special Permit and lot coverage restriction.

Mr. Peck suggested that any building over 30-feet should be restricted to 20% lot coverage. Maximum height of 40-feet. Additionally, he suggested setbacks of 60-feet and landscaped buffers of 35-feet in all cases regardless of height. Landscaped buffer may be included as part of open space requirement.

Mr. Bulmer recommended deleting under Special Permit Uses, #1 “...as from time to time may be amended,..” and replacing with “may”. The Commission concurred.

Mr. Bulmer requested clarification of “accessory uses” and suggested language as follows: “accessory uses such as...”. Mr. Mulholland stated this phrase is standard terminology meaning pools, patios, sheds, etc., i.e. incidental to a residence.

Mr. Bulmer also indicated concern with respect to density – 8 1-bedroom units/acre. He also noted that there is no maximum size of development indicated in the proposal and recommended maximum number of units per development for all multifamily dwellings, not just Affordable Housing.

Mr. Nickerson suggested increasing the open space requirement for recreational activities if the project exceeds a specific number of units or a specific number of acres.

Mr. Mulholland stated he was not certain that the Commission could set a maximum size development and would like to do some research to determine if it is possible and if other towns have set such a restriction on any zone.

Mr. Mulholland stated that it was his understanding that it is the Commission's objective to encourage affordable housing and to provide appropriate criteria for those types of developments, i.e. open space, setbacks, heights, etc.

Mr. Bulmer stated that his concern is that whatever the development, the affordable housing concept encourage something that is typically being built currently in town as long it does not destroy the integrity of an existing neighborhood.

Mr. Bulmer noted #3 under Affordable Housing Restrictions should read: "These restrictions may be enforced by the applicant."

Mr. Mulholland stated that if the applicant does not enforce the restrictions, it is understood that the Zoning Official and/or designated agency will enforce the restrictions. He added that it could be a condition of approval that the applicant must submit a report annually indicating the number of affordable units.

Mr. Gada stated that he would like to have time to read over the regulations from Westport, which was provided to the Commission.

Mr. Mulholland stated he would write up the suggestions for another discussion.

Mr. Peck inquired if 30% of the units were Affordable Housing units and 70% Fair Market Value, does the FMV portion of the development fall under the Affordable Housing Regulations. Mr. Mulholland stated that it is his understanding that all units would come under the Affordable Housing Regulations. He stated he would investigate this further.

Mr. Bulmer noted that per Statute 8.30g there are two types of Affordable Housing.

1. Assisted housing is housing which will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing and any housing occupied by persons receiving rental assistance....."
2. Set aside development is where 30% are low income.

Mr. Peck noted that the Commission does not want to be so restrictive that it is not profitable for a developer to build Affordable Housing. The philosophy is to encourage Affordable Housing. With

respect to open space he suggested 10% open space apply to Affordable part of a project and a larger open space percentage pertaining to the FMV portion of the development. Mr. Mulholland will check to see if this differentiation can be made.

Mr. Nickerson stated he was opposed to the 60 foot buffer being included in open space especially in a multifamily development.

#### Old Business

1. Subcommittee – Stormwater – nothing further.

Planning Commission – Mr. Mulholland will get schedules and send them to the members.

#### Chairman's Report

Mr. Nickerson inquired as to architectural review. Mr. Mulholland stated that the town must have an architect per state statute when requiring architectural review. He indicated work will begin to develop a Village District and thought is being given to an architectural review. Thought is being given to requiring elevations be submitted as part of the application.

Mr. Nickerson and Mr. Salerno will serve on an architectural subcommittee. Mr. Peck will give over his file from the first subcommittee.

**MOTION (6)** Mr. Bulmer moved to adjourn the Meeting at 9:30 PM  
Seconded by Mr. Gada  
Vote in favor: (6-0)

Respectfully submitted,



Anita M. Bennett  
Recording Secretary