

EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, September 4th, 2003
MINUTES

The East Lyme Zoning Commission held the Theodore A. Harris Public Hearing to amend Section 25.5 (Multi-family SU-11) on September 4, 2003 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

Acting Chairman Bulmer opened the Public Hearing and called it to order at 7:34 PM.

PRESENT: Robert Bulmer, Acting Chairman, Shawn McLaughlin,
Ed Gada, Norman Peck, William Dwyer, Alternate,
Marc Salerno, Alternate and Acting Secretary

ALSO PRESENT: William Mulholland, Zoning Official,
Andrew Manter, Alternate
Rose Ann Hardy, Ex-Officio, Board of Selectmen
Attorney Theodore Harris, Applicant

ABSENT: Mark Nickerson, Chairman, David Chamberlain

PANEL: Robert Bulmer, Acting Chairman, Shawn McLaughlin,
Ed Gada, Norman Peck, William Dwyer, Alternate,
Marc Salerno, Alternate and Acting Secretary

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Sept 8 20 03 at 3:00 AM
PM
Esther B. Williams
EAST LYME TOWN CLERK

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

1. **Application of Theodore A. Harris to amend the East Lyme Zoning Regulations by adding new text to Section 25.5 (Multi-family SU-11). Section 25.5 #11 presently reads "Utilities: No Multi-family development shall be approved unless there is provided public sanitary sewers and clear evidence of safe and satisfactory means of providing water supply." Add after sewers, "or evidence from the applicant that the premises is capable of supporting a septic system in compliance with Department of Environmental Protection and/or The Department of Health Regulations."**

Mr. Bulmer stated for the record that he had seated Mr. Dwyer and Mr. Salerno, both Alternates. Mr. Salerno would also be the Acting Secretary.

Mr. Bulmer noted that the Legal Ad had run on August 22, 2003 and September 1, 2003 in the Day.

Mr. Salerno read into the record:

1. Memorandum dated September 4, 2003 from William Mulholland, Zoning Official to the Zoning Commission – Re: Section 25.5 – Multi-family SU-11 – noting that the proposal would affect only the special use zone and would be subject to DEP and/or local health department approval.
2. Letter from the applicant Theodore A. Harris to William Mulholland dated July 1, 2003 noting the language to be added in bold face type.
3. Letter from the Planning Commission, George McPherson, Secretary to Mark Nickerson, Chairman EL Zoning Commission, dated August 25, 2003 finding that the proposed change is *inconsistent* with the Plan of Conservation and Development.
4. Letter from Marcy L. Balint, Sr. Coastal Planner, State of CT - DEP, to EL Zoning c/o William Mulholland ZEO, dated August 19, 2003 noting that the proposed amendment is generally consistent with the policies and standards of the CT Coastal Management Act but that an exception be added to the proposed

wording which disallows the use of septic for SU-11 multi-family development within all coastal boundary areas in East Lyme.

5. Letter from Hugh McKenney – SECCOG Regional Planning Commission to Mark Nickerson Chairman EL Zoning Commission, dated August 20, 2003 noting that the proposed amendment would not have any adverse inter-municipal impact.

Attorney Theodore Harris, 351 Main Street, Niantic, the applicant, said that the thrust is to allow on-site septic to be used for multi-family SU projects. Use under 5000 gallons would have to be approved by the State Department of Health and over 5000 gallons would require DEP review. In either event, various departments would thoroughly review the availability of water prior to any permit being granted. He is proposing this change not for greater density development but due to the recent new golf course where it is almost impossible to design a subdivision that would co-mingle with the gold course by following subdivision requirements for square lots and roads. The only way to design this to have homes meandering throughout the golf course is to have flexibility under the SU zone. This flexibility would also allow for the septic to be put where it would be best suited so that the land could be better developed for road design and home design and use. He then passed out a Comparison review of Multi-family Regulations (Attached at end of minutes) showing the CB, CA, SU-E and SU Zones and the density and sewer requirement. He noted in particular that the SU Zone has a minimum lot size of 20 acres and the smallest density (two units per acre) but still requires sewers. In looking at this he feels that they certainly have the ability to have on-site septic as the standards for design would be according to the State Department of Health and the local Sanitarian. Also, it seems that the main concern of the letter from the Planning Commission was the possibility of increasing the density where it otherwise would not be increased in the other zones that it was an overlay to. The intent was not to do this and he presented a modification to the proposal to allay the concerns brought up by the Planning Commission (Attached at end of minutes). This states that they cannot have a greater density than the underlying zone would allow to begin with. In Summary, the proposal as amended is to allow on-site septic in the SU Zone to allow for flexibility for large and smaller projects in line with the underlying zone. The probable use would be for single family detached townhouses or the like with common recreational facilities.

Mr. Bulmer asked when he spoke of multi-family buildings if he was talking about a building with more than one family.

Attorney Harris said that the regulations differ with the zone. The SU Zone runs the full gamut while SU-E is limited to single family. On the golf course he could see the townhouse type and would not object to limiting it to this type of entity.

Mr. Mulholland suggested that they review Section 12.1.3 especially Section 12, which states the permitted uses under the special permit. This includes condos, apartments and park and recreational structures for use by them. It essentially entails the common ownership of the land. These are floating zones and this has been a part of the regulations for at least 20 years.

Mr. Bulmer said that he thinks that on the surface that this appears simple but there could also be some underlying ramifications. He proposed that they continue this public hearing so that the Commission could further review this proposal and its modification and for Staff to review the modification also. Once this was done they would also hear public comments.

Attorney Harris agreed, saying that he felt that it would be appropriate for all parties involved that this public hearing be continued.

Mr. Mulholland said that it would also give Staff the time to re-review this and make sure that they have all the information that they need.

Mr. Bulmer adjourned this Public Hearing at 8:02 PM and continued it until September 18, 2003 at 7:30 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

COMPARISON OF MULTI FAMILY REGULATIONS

CB ZONE

DENSITY

1,200 sq ft /unit (efficiency)
2000 sq. ft/unit (2 B/R)

Min. Lot Size: 10,000 sq ft

SEWER REQUIREMENT

Yes

SUE ZONE

DENSITY:

6,000 sq ft/unit
10,000 sq ft/unit

Min. lot size 10 acres

Yes

No

SU ZONE

DENSITY:

20,000 sq ft/unit

Min. lot size 20 acres

Yes

CA ZONE (ELDERLY):

DENSITY:

2,200 sq ft/unit (1 B/R)
2,400 sq ft/unit (2 B/R)

Min. lot size 15,000 sq ft

Yes

Yes

* Attachment - Zoning Comm. PH I - Sept. 4, '03

PROPOSED MODIFICATION TO REGULATION CHANGE,
MULTI FAMILY SU (SECTION 25.5)

The following should be added to Section 25 "Multi Family SU" item 2 entitled "Density" (bold face added):

The average number of dwelling units per acre in a development shall not exceed two. **If the premises shall be served by on-site septic system(s), the average number of units per acre shall not exceed that which would be allowable based on the minimum lot size of the underlying zone which shall be the subject of an SU development.** In computing the number of acres in the parcel of land proposed for development for the purposes of this paragraph, the number of square feet in the buffer area pursuant to subparagraph (7) following, shall be excluded.