

Minutes of East Lyme Zoning Commission March 14, 2024, Special Meeting

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Date and Time: 3/14/2024 7:30PM to 9:40PM

Present: Members: Anne Thurlow, Chairman, Nancy Kalal, Secretary, Michael Foley, Denise Markovitz, Gary Pivo. Alternates: Sarah Susco (entered after roll call), Cathy Yuhas, James Liska. Ex-Officio: Roseanne Hardy. Staff: William Mulholland. Recording Secretary: Jessica Laroco. Town Attorney: Michael Carey.

Absent: Member: Norman Peck

Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Avenue

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1. **Call Meeting to Order & Pledge**

Chairman Thurlow called the March 14, 2024, Special Meeting to order at 7:30PM and led the Pledge of Allegiance.

2. **Attendance**

Ms. Thurlow called the roll and noted that Member Norman Peck was absent. She also noted Town Attorney Michale Carey was present.

3. **Public Delegations**

Lisa McGowan, 33 Spinnaker, noted again that Ms. Thurlow had lost the previous election.

4. **Public Hearing**

Ms. Thurlow seated Ms. Yuhas and asked Ms. Yuhas if she had watched the previous week's video and reviewed the materials for the continued Public Hearing.

Ms. Yuhas confirmed that she had.

**4-a Continuation of Application by Kristen Clarke P. E., for "Conceptual Site Plan approval for Conn. Gen. Stat. 8-30g (affordable housing)" of a 25-unit age restricted single-and multi-family affordable residential housing development to be located on the northerly side of Boston Post Rd on a parcel identified as 91 Boston Post Road, Assessor Map 31.0 Lot 2.**

Attorney Paul Geraghty spoke for the Applicant, his main points were:

- To introduce a letter from Art Carlson, President of the East Lyme (EL) Land trust (Exhibit MM), regarding Jeffrey Torrance's authority to describe how the subject parcel changed hands.
- To describe the proposed buildings, such as farmhouse style duplex buildings to complement the existing single-family residence on the property, which will be white with roof shingles, matching the existing residence, which is currently being renovated. Each unit will be approximately 1300 square feet, with two (2) bedrooms and two (2) bathrooms, they will be constructed in an area of open space, noting that part of the parcel had been cleared out from the existing property use.
- There will be a low-profile roof line and the chosen color scheme is intended to allow buildings to blend into the surroundings. They will be surrounded by mature oak trees and rock outcroppings.
- The proposed apartments will be roughly 1000 square feet with two (2) bedrooms and two (2) bathrooms as well.

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- The buildings will be serviced by an elevator and have sprinklers.
- A letter the Applicant to Wendy Brown-Arnold, Sanitation Professional, of Ledge Light Health District in addition to the application for site testing and supporting documentation (Exhibit NN).
- An explanation of a trip analysis report (Exhibit OO) in response to the concerns regarding an age restricted housing development as opposed to a multi-family housing development without age restrictions.
- The pro-forma calculations of a rental rate (Exhibit PP).
- The letter from the Applicant to William Mulholland regarding responses to Staff Reports previously read in the record (Exhibit QQ).

Mr. Mulholland asked the following clarifying questions and Attorney Geraghty responded:

Q. Is this application a conceptual plan?

A. Yes, under State Statute 8-30g, not under EL Zoning Regulations re: Affordable Housing.

Q. What section, specifically under 8-30g?

A. Not sure specifically, but it is under 8-30g.

Q. Does the 8-30g allow an application for a conceptual site plan, not a site plan?

A. Statute says a conceptual site plan is allowed. A site plan is a site plan. The purpose is to review and to open & close a Public Hearing.

Q. Does this require a final site plan under the Statute?

A. A final site plan application would be required in addition to all the other requirements such as Wetlands, Sanitation, Traffic, Zoning etc. The conceptual site plan is a working tool to allow developers to come to the Commission and staff for feedback. Nothing in the conceptual site plan allows for any physical work to begin at the site. He conceded that at this point the Applicant had submitted more than what was required but not enough for a final approval.

Q. Again, for the record, the approval of the conceptual site plan will not allow for a shovel in the ground, and the Applicant will be back for a final site plan approval?

A. Correct.

Q. In whose name is the title of the property held?

A. English Harbor Capital Management.

Q. Has that been filed in the Clerk's Office?

A. Yes.

Q. Is the property still in the name of Tytla?

A. No.

Q. If that is the case, who is authorizing the application?

A. The client, pursuant to the Satisfaction of Judgement, which was recorded on the Land Records and indicates that a Quit Claim Deed was recorded from the Land Trust to English Harbor Capital Partners because the Land Trust obtained the property from Mr. Tytla. It went to English Harbor Capital Partners who, through the court process, repaid the debt and satisfied the judgement that the bank had to pass title to the bank. The court had ordered an auction of the property and the owner had redeemed the property shortly before the auction.

Michael Carey, Town Attorney, noted that the section of 8-30g in question is 8-30g(c) and read the section.

Mr. Pivo agreed with Attorney Carey and noted that he understood it to refer to a town's zoning regulations requiring a conceptual site plan which would be in the affordable housing section, however, Attorney Geraghty says he is applying under 8-30g. He noted that an application under the town zoning regulations would initiate the application process, but it does not call for an approval or a denial by the Commission. Only a final site plan calls for that. He was concerned that the Commission does not have the authority to approve or deny the conceptual plan, and if the Commission does approve or deny, would that allow the Applicant to make an appeal at the state level under 8-30g.

Attorney Carey responded that should the Commission deny or approve with conditions that the Applicant does not agree with, they could appeal to the State under 8-30g. He noted that the Commission would be limited on appeal as the burden of proof shifts from the Applicant to the Commission.

Attorney Carey noted that on numerous occasions, Attorney Geraghty stated that the Applicant will come in with an application for a final site plan.

Attorney Geraghty again stated that the Applicant does intend to return with an application for a final site plan, but that an 8-30g application is not subject to the same regulations that any other application would that is not also an 8-30g application, including the EL Zoning Regulations regarding Affordable Housing. There are things the Commission must and may consider and things the Commission may not consider. He referred to his previous memo (Exhibit GG) regarding this.

Jeffrey Torrance, 197 Upper Pattagansett Rd, spoke regarding the title transfer of the subject property. His main points were:

- Property was intended, by Mr. Tytla's will, to transfer to the EL Land Trust.
- It was subject to three (3) different mortgages.
- The Land Trust approached different people and organizations to gauge interest including Mr. Fleischer of the Gun Club, and the neighbor Mr. Davis.
- It entered foreclosure judgement in December 2022-January 2023, with a sale date of June 6, 2023.
- Mr. Luich asked Mr. Torrance's children if they would purchase the property, which would require them to pay off the existing debts. With the Executor's Deed from the estate, with

the approval of the Probate Court, they were able to get a Quit Claim Deed from the Land Trust because the Land Trust had an interest, and Mr. Tytla's sister had an interest as well.

- The auction had to go forward, even though the debt was going to be paid, because of the timing.
- The estate took title, they put the money in escrow to pay off the debt, the bank was aware the money was in escrow, and they could redeem as the equity holder.
- He submitted the documents from the state regarding the court case (Exhibit RR).
- He noted that most of the proposed project is intended to be kept in open space.

Mr. Mulholland asked who controls the property now.

Mr. Torrance responded English Harbor Capital Management.

Ms. Thurlow asked Attorney Carey if it is legal to put conditions on an approval if it involves putting sidewalks on state property.

Attorney Carey responded that the burden would be on the Applicant to demonstrate that they had acquired the rights to build a sidewalk.

Ms. Thurlow asked for comments from the public in support of the application.

Beth Sabilia, Director the Center for Housing Equity and Opportunity (CHEO) in Eastern CT, 1 Montauk Ave, New London, which covers New London, Windham, and Tolland Counties. Locally there are several organizations which partner together with state organizations. She made the following points:

- CHEO acquires and uses data to guide analysis on housing. Currently there is a 10,000-unit deficit in affordable homes for low-income earners and those on fixed incomes.
- 24% of renters pay more than 30% of their income on housing costs.
- 22% of renters spend more than 50% of their income on housing costs.
- In East Lyme 46% of renters spend between 30-49% of their income and 15% pay more than 50% of their income on housing costs.
- 34% of CT residents are renters.
- The average wage to afford an average 2-bedroom apartment is \$32.93/hour. A minimum wage earner will need to work 69 hours a week to afford a 1-bedroom apartment.
- The national average for a monthly Social Security payment is \$1767/month or for a 40/hour week job, \$10.27/hour.
- She gave an example of a person whose rent jumped from \$1100/month to \$1800 in a year.
- She urged the Commission to think about the seniors and the need for affordable housing.

Ms. Thurlow asked anyone against the project to speak.

Donald Danila, 24 Pattagansett Dr, requested that his name be corrected for the record as it was misspelled in the previous week's meeting. He made the following points:

- He is a BOS appointed member of the Niantic Watershed Committee, and the East Lyme Commission for the Conservation of Natural Resources. He received authorization from both bodies to provide comments on the application. The following comments were submitted (Exhibit SS).
- The Niantic River Watershed Protection Plan is available through Wetlands Agent Gary Goeschel, or viewed online at CT DEEP website, under watershed management plans for the Niantic watershed.
- He completed a report on 10 years of water quality monitoring performed on the Niantic River Tributary streams which includes data from stations near the proposed development. This is available with Mr. Goeschel as well.
- Noted discrepancies in the Applicant's comments in the March 7, 2024 Minutes on page 2 and the Theroux document (Exhibit W), on page 3 and the Design Report (Exhibit K).
- Commercial use sod farm is inconsistent with affordable housing project, the concept of open space, the POCD, the Inland/Wetland Regulations, and it would result in undue pollution of Latimer Brook and the Niantic River by using herbicides, pesticides, and fertilizers. Sod farms necessarily require heavy doses of herbicides and pesticides to form pure dense growth of grass. Nonmigratory Canada Geese are the source of considerable e coli bacteria entering the waterway and would be attracted to the sod farm.
- The discrepancies in the application and the Natural Diversity Database Determination (NDDDB) (Exhibit W) in which the application (Exhibit K) states there are no endangered state or federal listed species or critical habitats in GIS database map. There are several species including the Northern Long Eared bat, the Wood Turtle, and the Smooth Green Snake. There are strict limitations of these projects because of these findings and a consultation with the CT DEEP would be required.
- He is concerned with the sediments entering Latimer Brook because of recent past large projects which have had instances of erosion and heavy sediment discharges into Latimer Brook or its main tributary or into the upper Niantic River.
- He agreed with Mr. Goeschel's comments (Exhibit Q).

Mr. Pivo asked to clarify that the timing of the proposed work being done would be critical regarding bat species protection.

Mr. Danila confirmed. He also noted that he is not against affordable housing but is for affordable housing, and any other development, to be done responsibly and with respect to the environment and other town issues.

Attorney Carey asked for Mr. Danila's credentials.

Mr. Danila responded that he has a Bachelor of Science Degree in Biological Sciences from Cornell University, a master's degree in biology from Rutgers University, 10 years as an environmental consultant dealing with power plants in NJ, 30+ years at Millstone Environmental Lab as a fisheries biologist, has testified for the MPDS permit hearing on behalf of the station, as well as in civil court.

Deb Moshier-Dunn, President of Save the River Save the Hills, Waterford CT, and a member of the Waterford Land Trust. She noted that had the Waterford Land Trust been aware of the

application property, they may have been interested in purchasing it. She made the following comments which were submitted into the record (Exhibit TT):

- Concerned with proposed developments within the Latimer Brook Watershed, the largest tributary to the Niantic River estuary, which are on the CT DEEP 2022 list of impaired waterbodies. They are impaired for habitat for marine life, other aquatic life and wildlife. It is also impaired for recreation due to e coli.
- Has been testing water quality in the brook and finding high nitrogen levels and very high bacterial levels after heavy rainstorms with higher levels of bacteria than would close the beach by the state.
- The brook has rising temperature levels, as well as increased nitrate concentrations due to increase in septic and stormwater sources along the brook.
- The increased must be reduced as much as possible using state of the art engineering and practices for stormwater and discharges.
- Advocating that: ELZC ensures that the stormwater from any new development be treated and cleansed prior to entering any tributary to the Niantic River. Implement true low impact development practices, not hybrids or half done greenwashed approached to cleansing water. All development plans focus on stormwater mitigation in all phases of development, not just the finished project. Requirements for the upkeep of stormwater mitigation applications. Updated septic requirements.
- Since the recent I-95 reconstruction project after rain events the Niantic River has had silt flowing down from Latimer Brook making the river brown. The subject parcel is designated #10 out of 69 properties that the town has determined with in the POCD as proposed open space, having 13 natural resource points that include water access, active and passive recreation, forest block greenway, unique geological and cultural/historical elements. The property appears on the open space vision as part of its 30% goal within the town and proposed footpath running through it along the Route 11 Greenway.
- Latimer Brook is stocked with several types of trout annually by CT DEEP. There are several types of other fish, amphibians, and reptiles who depend on this brook.
- Engineer Steve Trinkaus was hired, and his letter is included in this exhibit.
- The proposed septic location on the west side is downhill side of a retaining wall, raising questions on maintenance.

Henry Davis, 50 Brockett Rd, read from a 2/11/2015 settlement agreement, which does not apply to Kristen Clarke P.E. “for a period of 20 years they will not directly or indirectly under any circumstance or conditions whatsoever:

1. Purchase any new or additional property in the town of EL.
2. File any land use permit applications
3. Otherwise mediate any development in the town of EL whether individually or as a corporation, partnership, director, officer, clerk, principal agent, trustee, employee or any relation or capacity whatsoever.”

Additionally, in regard to the purchase of 91 Boston Post Rd, Mr. Davis read from a small claims suit from the New London Small Claims Court 12/22/2023 “in this complaint the plaintiff seeks damages in the amount of \$5000 as a result of the defendant’s violation of CT. Gen. Stat. 49-8 as more specifically detailed as follows: on 9/11/2012, the defendant’s predecessor recorded the mortgage in Volume 897 Page 711 of the Town of EL Land Records against property known as

91 Boston Post Rd now owned by the plaintiff "(Plaintiff is English Harbor Capital Partners, LLC, PO Box 452 East Lyme CT 06333, email attached to the plaintiff is [jtorra5608@gmail.com](mailto:jtorra5608@gmail.com) and the bottom of the document is signed by the plaintiff, Jeffrey Torrance). Given that this is a legal document related to the purchase of 91 Boston Post Rd he believes this is sufficient evidence that Jeffrey Torrance is connected to English Harbor Capital Partners, LLC, and has broken the 2015 settlement agreement with the Town of East Lyme. He recommends that further legal action should be considered before continuing the decision for preliminary site plan approval.

Mr. Davis also wondered how the connection to New England Forestry trails would happen as the property lines of 89 & 91 Boston Post Rd, it is clear that the only entry to the 200 acres of open space from 91 Boston Post Rd is by trespassing on the private property of 89 Boston Post Rd, owned by Andrew Davis. This should be a concern to the Commission as the question of how the 55+ residents will enjoy recreation has been brought up on numerous occasions.

Mr. Davis stated that he believes it is unethical for the professional engineer to be the applicant for the development of a property he or she owns while simultaneously conducting business as a hired professional engineer responsible for creating plans, traffic reports, and fulfilling other duties of a P.E. based on the National Society of Professional Engineers. There are numerous similar court cases in which the ethics board found it unethical to act this way without first taking all the necessary and reasonable steps to disclose all potential conflicts of interest.

Amy Stoddard, 4 Oriole Cir, indicated that the forest spoken of previously where the endangered bat may be living has been "leveled". She has pictures and video footage of the previously mentioned turtle, and a coyote pack. Ms. Stoddard reviewed the will of Mr. Tytla and noted that his intention was to belongings so that the debt on the property could be paid off and the land could go to the EL Land Trust.

Mr. Pivo asked if the "leveling" was a recent event.

Ms. Stoddard responded that she heard things happening recently and had been on site to feed a barn cat and that a "huge chunk of the forest had been cleared".

Attorney Geraghty responded to the commenters:

RE: D. Danila, the Applicant will contact the State about the bat and turtle and knows of the timing to do work on site with regard to manner and times of construction.

RE: Sod farm, Theroux Report refers to existing conditions, that there is forested area along the riverbank. He will "pretty much guarantee that the final application is not going to have a sod farm on it".

Mr. Mulholland noted that a sod farm would need zoning permits.

RE: B. Sabilia comments people 60+ own 40% of the housing stock in the U.S.

RE: D. Moshier-Dunn comments on septic design will have to meet current state regulations. Wherever there is development there is some level of consequence. It will be designed as

required by law. D. Moshier-Dunn comments on open space pieces, and developers are looking to recoup money on large parcels by putting large parts into open space.

RE: Trinkaus Report, Attorney Geraghty has not seen it yet, however, he disagrees with the opinion that there is not enough information to decide, he believes the Applicant has provided more than is required, and Mr. Trinkaus is making a legal statement that he is not qualified to make.

RE: H. Davis comments on small claim action, Mr. Torrance did file it, stating that in order to close on that transaction, the lenders attorney refused to deal directly with English Harbor Capital Partners, because they are not a law firm. They wanted something from a law firm confirming the money promised.

The following Q & A between Mr. Mulholland and Attorney Geraghty:

Q. Requested confirmation that the sod farm is off the table.

A. Would not confirm, although he did concede that he did not envision it as part of the final application.

Q. Would the final application need a Wetlands Permit.

A. Yes

Q. Would the final application be a Public Hearing.

A. Yes

Q. Clearcutting?

A. Not aware of clearcutting but the current house is being renovated. Mr. Goeschel and Mr. Carlson walked the property.

Q. Is there a (building) permit for renovation?

A. Unsure of the extent of the renovation but the home is being cleaned out

Q. Request for investigation.

A. Happy to do so.

Attorney Carey had no comments at this time.

D. Moshier-Dunn asked what percentage of the project is affordable housing and under what statute is the zoning commission going to make an approval of a conceptual design.

Attorney Geraghty answered 30% will be affordable and 8-30g would be the statute.

Tim May, engineer for the application, used the 2023 Stormwater Manual and discussed his usage of this for the conceptual plan. He noted that capturing the 1-inch rainfall which is 90% of



the contamination and explained how that would avoid the runoff going down into Latimer Brook. Additionally, he stated where the development will be located is as far away from Latimer Brook as possible. He addressed the parking which would be two (2) spaces per unit.

Mr. Mulholland noted that the final plan will provide much more detail and refinements.

Mr. Pivo asked if Mr. May would attend the March 21, 2024, Regular Meeting.

Mr. May confirmed that.

Mr. Pivo questioned quality control.

Mr. May confirmed that had already been factored into the plan.

#### **DECISION MOTION 1**

Mr. Foley moved to continue the Public Hearing to March 21, 2024, Regular Meeting.

Ms. Kalal seconded the motion.

Motion passed 6-0-0.

The Commission took a 5-minute break.

#### **5. Regular Meeting**

##### **5-a Approval of Minutes of Special Meeting of March 7, 2024.**

#### **DECISION MOTION 2**

Mr. Foley moved to approve the Minutes of the Special Meeting of March 7, 2024, with typos corrected.

Ms. Kalal seconded the motion.

Motion passed 6-0-0.

Ms. Thurlow read a memo from Town Attorney Zamarka reminding the Commission to carefully consider all evidence in the record and that the 8-30g statute requires the Commission to make specific findings. The memo gave the Commission the parameters, already explained in previous meetings, as to how they can decide.

**5-b Continuation of Application of Bride Lake, LLC, for site plan approval for the modification of the December 3, 2020, approval of an eighty (80) unit affordable housing multi-family residential development pursuant to Connecticut General Statute 8-30g increasing the total number of unit count to one hundred (100) multi-family units on the westerly side of N. Brode Brook Rd (20.24 acres) now bearing street number 94, Assessor Map 9.0 Lot 37-2.**

Ms. Thurlow asked for discussion.

Mr. Pivo asked about Ms. Thurlow's offer to speak with Mr. Mulholland and Mr. Cuningham regarding hiring another engineer to review the differing engineer's opinions.

Ms. Thurlow responded that it was determined to be a moot point since no additional evidence could be introduced because the Public Hearing was closed. It was legally not allowed and that had been confirmed by the Town Attorney.

Mr. Mulholland spoke with the engineers and the attorney and because no new information could be accepted, the conditions proposed will hopefully get to 100% stormwater quality, and the playground requested, and the trees along the frontage to be achieved prior to the occupancy of the last building.

Ms. Thurlow noted that she was for the motion because she believed an appeal could not be won in court and therefore it wasn't right to spend taxpayer money on a lawsuit that could not be won. Additionally, two (2) Town Engineers as well as the Applicant's engineer are completely satisfied with the stormwater management plan.

Mr. Pivo noted that he was not in support of the motion and believes that sufficient evidence exists to prove harm to public interest and that it establishes more than a mere possibility. He believed that the need to protect the brook outweighs the need for affordable housing in the price point that the six (6) affordable units would address, there is not a need for affordable housing in that price point. He argued that pedestrian safety and said the record and there is a danger to thousands of pedestrian trips which would occur every year. He expressed that he wanted the Applicant to resubmit an application with the proposed changes.

Ms. Markovitz stated that she was not in support of the motion but that she recognized that the Commission is hamstrung by the affordable housing statute.

Ms. Thurlow agreed with Ms. Markovitz and again stated that she trusted the Town engineers. She stated that the Applicant would have a case in court and additionally, because they had asked Mr. Pivo to recuse himself and he did not, the case for appeal was strong.

### **DECISION MOTION 3**

Ms. Kalal moved to approve the Application of Bride Lake, LLC, for site plan approval for the modification of the December 3, 2020, approval of an eighty (80) unit affordable housing multi-family residential development pursuant to Connecticut General Statute 8-30g increasing the total number of unit count to one hundred (100) multi-family units on the westerly side of N. Brode Brook Rd (20.24 acres) now bearing street number 94, Assessor Map 9.0 Lot 37-2 per the attached proposed resolution with conditions (Attachment 1)

Mr. Foley seconded the motion.

Mr. Foley, Ms. Kalal, Ms. Thurlow and Ms. Yuhas voted to approve.

Mr. Pivo and Ms. Markovitz were opposed.

Motion passed 4-0-2.

#### **6. Old Business**

Same status as last week

#### **7. New Business**

##### **7-a Zoning Official**

Nothing to report.

##### **7-b Comments from the Ex-Officio**

BOS has finished its discussions and reviewed presentations of all department head requests. All budget hearings have been recorded and are played regularly on public TV. They will now proceed to the BOF.

Ms. Thurlow asked if she had heard anything about two (2) of the town's wells being contaminated.

Ms. Hardy responded that she had not.

#### **7-c Comment from the Zoning Board Liaison to the Planning Commission**

Ms. Susco attended the 3/12/24 meeting and reported the following:

- Zoning referral of Eric Parker for change to Zoning Regulation 20.26 paragraph M (drive throughs)
- Zoning Referral of ZC for change to Zoning Regulation 34.11.2.1 (shall/may)
- Subdivision Regulations-changing the application submission procedure to allow for a certain timeframe for Commission to reply to submissions, and if they do not reply by the deadline then it is deemed favorable for the applicant.
- Possibly ending the archeological review requirement, EL is one of only a few towns who still require it and noted that developers may not want to spend large amounts of money required and then they would try to develop under 8-30g (instead). Mr. Goeschel is researching what other towns do.
- Amending bylaws and making them more granular regarding filling vacancies, they decided the current process is ok and would like to allow the public to be able to apply for vacancies.

Ms. Kalal is scheduled to attend the April 9, 2024, meeting.

#### **7-d Comments from the Chairman**

Café Sol looks wonderful as does the 326 Main St gas station remodel.

Ms. Markovitz wondered if there could be a discussion as to the start time.

**\*Task** Add this item to the upcoming agenda.

#### **8. Adjournment**

##### **DECISION MOTION 4**

Mr. Foley moved to adjourn the March 14, 2024, Special Meeting at 9:40PM.

Ms. Kalal seconded the motion.

Motion passed 6-0-0.

Respectfully submitted,

Jessica Laroco

Recording Secretary

**BRIDE LAKE, LLC  
AFFORDABLE HOUSING SITE PLAN  
MODIFICATION**

**March 14, 2024**

**POSSIBLE MOTION**

**APPROVAL OF AFFORDABLE HOUSING SITE PLAN MODIFICATION**

WHEREAS on November 14, 2023, Bride Lake, LLC (“Applicant”) filed an “Application for a Site Plan Modification of the December 3, 2020, approval of an eighty (80) unit affordable housing multi-family residential development pursuant to Connecticut General Statutes 8-30g, increasing the total unit count to one hundred (100) multi-family units on the westerly side of N. Bride Brook Road (20.24 acres) now bearing street number 94, Assessor Map 9.0 Lot 37.2” (“Application”) and;

WHEREAS, the Application was not submitted pursuant to §32 of the East Lyme Zoning Regulations but rather pursuant to Wisniowski v. Berlin Planning Comm., 37 Conn App. 303 (1995); and

WHEREAS, the Commission is required to make appropriate findings under the Affordable Housing Statute C.G.S. §8-30g; and

WHEREAS, the Commission received referral reports from Bill Scheer, Deputy Director of Public Works, and acting Town Engineer; Gary Goeschel, Inland Wetland Agent/Planning Director; and Ben North, Chief Operating Officer; and

WHEREAS, the Applicant has applied for and received from the East Lyme Water and Sewer Commission an allocation for 35,400 gallons per day of sewer treatment capacity; and

WHEREAS, the Commission held two (2) public hearings on the application during which it listened to numerous hours of testimony. Approximately 31 exhibits were submitted by the Applicant and various agencies and individuals for consideration during the hearing process. In making its decision, the Commission is considering and taking into account all of the testimony and exhibits submitted at the hearings on the Application; and

WHEREAS, for the purpose of this affordable housing application, the Commission will address this motion as follows:

A. The request for approval of an affordable housing development site plan modification to increase the total number of units from eighty (80) to one hundred (100).

**A. THE REQUEST FOR APPROVAL OF A FINAL SITE PLAN**

WHEREAS, the Commission finds and recognizes that there is a need for affordable housing in the Town of East Lyme, and that less than 10% of its available housing stock meets the statutory definition of affordable housing; and

WHEREAS, the Applicant is applying for approval of an Affordable Housing Site Plan pursuant to Wisniewski v. Berlin Planning Comm., 37 Conn. App. 303 (1995); and

WHEREAS, the Commission is required to make appropriate findings under the Affordable Housing Statute C.G.S. §8-30g; and

WHEREAS, the Commission finds that the Application complies with the requirements of §8-30g; and

WHEREAS, the Commission has determined, based on sufficient evidence in the record, that the Application does not pose a harm to the public interest in health, safety, or other matters that the Commission may consider and is in the public interest; and

**BE IT THEREFORE RESOLVED**, the Commission hereby APPROVES the Application of Bride Lake, LLC for approval of an Affordable Housing Site Plan Modification with the following conditions:

1. Applicant shall submit to the Zoning Commission Staff an As-Built Site Plan documenting the construction of the storm water infrastructure plan of one hundred percent (100%) retention and treatment of the water quality volume. Said plan shall be submitted prior to the granting of a Certificate of Zoning Occupancy (CZO) for the last completed building. Engineer of record will review the As-Built and certify that it conforms to this condition.
2. Applicant shall install modified landscaping along the property frontage on N. Bride Brook Road as represented and agreed to during the Public Hearing.
3. Applicant shall construct a “playground” on site as represented and agreed to during the Public Hearing.
4. All the above noted improvements shall be installed and completed prior to the final CZO for the last completed building.