

Feb 8 20 11 AT 9:50 A.M.

EAST LYME PLANNING COMMISSION
REGULAR MEETING VOL PAGE
Tuesday, FEBRUARY 1st, 2011
MINUTES

Esther B. Wilhauer
TOWN CLERK

- PRESENT: Mike Bowers, Chairman, George McPherson, Secretary, Francine Schwartz, Brian Schuch,
- ALSO PRESENT: Attorney Theodore Harris, representing the applicant Gary Goeschel, Planning Director
- ABSENT: Mark Manglinkx, Chris Sandford, Frank Balantic, Alternate, Brian Bohmbach, Alternate, Joan Bengtson, Alternate

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 7:31 PM after the previously scheduled Public Hearing.

Pledge of Allegiance
The Pledge was previously observed during the Public Hearing.

I. Additions to the Agenda

Mr. Bowers noted that they had two items to add to the agenda under New Business: Village Master Plans and Sidewalk & Transportation Plan.

****MOTION (1)**

Mr. McPherson moved to add under New Business: Village Master Plans and Sidewalk & Transportation Plan.
Mr. Schuch seconded the motion.
Vote: 4 – 0 – 0. Motion passed.

II. Public Delegations

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item VI) and in-house proposals or general topics of discussion (Item VIII) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.

Mr. Bowers called for Public Delegations.
There were none.

**III. Approval of Minutes – Public Hearing I Minutes of January 4, 2011
Regular Meeting Minutes of January 4, 2011**

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of January 4, 2011.

****MOTION (2)**

Ms. Schwartz moved to approve the Planning Commission Public Hearing I Minutes of January 4, 2011 as presented.
Mr. Schuch seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of January 4, 2011.

****MOTION (3)**

Mr. Schuch moved to approve the Planning Commission Regular Meeting Minutes of January 4, 2011 as presented.

Ms. Schwartz seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

IV. Pending Applications

1. Application of the Town of East Lyme Planning Commission – for Subdivision Regulation Amendments and Changes

Mr. Bowers said that they had just closed this Public Hearing. He asked Mr. Goeschel if he had any comments.

Mr. Goeschel said that he is comfortable with the changes and the amount of time that they have had the information out there for public comments. It seems that there has been a lack of comment or interest from the public and developers although the changes comprise a lot of input from various areas and from other Towns.

****MOTION (4)**

Mr. McPherson moved to approve the application of the Town of East Lyme Planning Commission Subdivision Regulation Amendments and Changes as revised; effective today, February 1, 2011.

Ms. Schwartz seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

V. Current Subdivision Approval/Construction Reports

1. Darrow's Ridge Phase I and Phase III

Mr. Goeschel reported that the lights are in and working although the poles had been painted with a brown wood grain finish and encased in cardboard. When they took the cardboard off, some of the paint came off with it. Mr. Torrance is in the process of obtaining paint that matches to have this fixed.

VI. Zoning Referrals (CGS 8-3a)

1. Request of Theodore A. Harris, Agent for New England National, LLC Owner, Application to re-zone property identified in the application as Upper Pattagansett Road, East Lyme Assessor's Map 39.0, Lot 10-1 from RU-40 residential to an Affordable Housing District. Zone change is part of an application by New England National, LLC for approval of an Affordable Housing development and site plan to construct 74 units on the subject property.

Mr. Bowers noted that Attorney Theodore Harris was present to explain this to them.

Attorney Theodore Harris said that he would first explain why this application was made as an affordable housing development. Most of the Affordable Housing around the Town is in the form of either flats or townhouses and the basis for this one was to provide single family homes which are distinct from the others being built or offered. He noted that even though they do define Affordable Housing as being near the village centers that the goal here was to provide single family housing which is something that has been pulled out of the affordability factor. Obviously, the village center does not afford the space for an affordable single family home. These are designed to provide the young family with a 1600 sq. ft. to 1800 sq. ft. single family home. There would be a DOH community septic and water is available on the site. The site is 48 acres. This would provide for what is a definitive need in Town.

Mr. Bowers asked if this would be similar to a condo association but for Affordable Housing.

Attorney Harris said that was correct. He added that the 1985 condo law is very loose in definition and in this instance the house would be the 'unit'. 30% of the units would be sold as Affordable which would provide for something other than the multi-family units that are currently available.

Mr. Bowers asked if they were proposing private roads and if the income calculation includes the homeowners' fee.

Attorney Harris said yes.

Mr. Schuch asked if it would be similar to Spinnaker.

Attorney Harris said yes, it would be the free-standing homes however it would not have the age restriction which Spinnaker has.

Mr. Bowers asked the location.

Attorney Harris pointed it out on a plan noting that it is 48 acres and that it ties into the Nottingham Hills subdivision.

Mr. Bowers asked Mr. Goeschel if he had any comments.

Mr. Goeschel said that while he would not argue with the need for Affordable Housing that he would say that if it is going to be a single family home that it should be separate and own the land around it rather than be part of a common interest community.

Attorney Harris said that they have the rights to all of the area around it and the use of the land.

Mr. Bowers said that they wanted to center all Affordable Housing in the Town in areas where all of the amenities were readily available.

Attorney Harris noted that the median income in the Town recently went up to \$80,000 so the people in this range do own a car, they do drive and that the goals to just stay in the Town centers do not always allow for the variety in housing that is not only necessary but desirable.

Mr. Goeschel said that he would find this inconsistent with the POCD, particularly Section 3 which sites mixed use Affordable Housing. He also noted that the IHZ – Incentive Housing Zones and overwhelming information that they received from the public was that they wanted areas clearly defined. What is being presented here is inconsistent as it would be allowing Affordable Housing in a Ru-40 zone.

Attorney Harris said that the Incentive Housing Zone is different from Affordable Housing as under CGS 8-30g you would get more Affordable units and cover more income areas than the IHZ. He said that he does not see where the intent was to say that a single family home would have to be built in a village center.

Ms. Schwartz said that she thinks that the single family concept is a good one however all the elements of the POCD do not go along with it and the location in an RU-40 zone is a problem.

Attorney Harris noted that the Orchards is a condominium development and that the unit that it is sold by is a 'house' in a condominium community.

****MOTION (5)**

Mr. McPherson moved to find the Request of Theodore A. Harris, Agent for New England National, LLC Owner, Application to re-zone property identified in the application as Upper Pattagansett Road, East Lyme Assessor's Map 39.0, Lot 10-1 from RU-40 residential to an Affordable Housing District **INCONSISTENT** with the goals and objectives of the POCD as outlined in a memo from Gary Goeschel to William Mulholland, Zoning Official. Said zone change is part of an application by New England National, LLC for approval of an Affordable Housing development and site plan to construct 74 units on the subject property.

Ms. Schwartz seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

VII. 8-24 Referrals (Municipal Improvements)

There were none.

VIII. New Business

1. Planning Commission Liaison to Zoning Commission Schedule

Mr. Bowers asked for volunteers for February.

Mr. Schuch said that he could do the February 17th meeting.

Mr. Bowers said that he would do the February 3rd meeting and that he would put the listing together and get it to the Recording Secretary.

2. Request of Theodore A. Harris, Agent for the applicant for a one year extension of Conditional Approval for Phase II of the Walnut Hill Chase Subdivision.

Attorney Harris explained that this is a 24 lot subdivision in two phases. Phase I was fully bonded last fall and has 11 lots. The remaining 13 lots comprise Phase II and have conditional approval. They are asking for a one year extension. They are allowed extensions for 10 years which would end in 2018.

****MOTION (6)**

Mr. Schuch moved to approve the request of Theodore A. Harris, (Agent for the applicant) for a one year extension of Conditional Approval for Phase II of the Walnut Hill Chase Subdivision.

Mr. McPherson seconded the motion.

Vote: 4- 0 – 0. Motion passed.

3. Village Master Plans – Niantic & Flanders

Mr. Goeschel said that they will be pulling this information from the POCD and the LUV Study and that he has been working with Mr. Giannattasio and Peter Miniutti on this. There may be a UCONN grant available to them to help cover the design costs. They would develop subcommittees comprised of staff members and two people each from the Planning and Zoning Commissions. This would also require public forums and would have to be well publicized.

Mr. Bowers suggested that Mr. Goeschel email this information to the Commissioners to review.

4. Sidewalk & Transportation Plan

Mr. Goeschel said that he has quite a bit of information on this and the CAD plan and that he would need to look a where sidewalks would be feasible and where they would not be. They will also want to determine which neighborhoods they should be in and/or which subdivisions. He noted that Mr. Formica is also trying to get a train stop back in this Town.

IX. Old Business

There was none.

X. Reports

1. Chairman

Mr. Bowers noted that Mark Mangelinkx was in the process of moving to Rocky Hill and has resigned his position on the Planning Commission. They will have to move an Alternate (Republican or Independent) and put out the word that they are looking for another member who would come in as an Alternate.

2. Zoning Representative

Mr. McPherson reported that Village Crossing was the only item on the agenda for Zoning and that one of the meetings was cancelled. Regarding Village Crossing they had come up with an agreement that needs to be approved by the Attorney – the number of units would go from 99 to 75 and none would be built on the hill.

3. Regional Planning Commission Representative

This group only meets once per year.

4. Subcommittees

- **Sustainable Development and Climate Adaptation – (Gary Goeschel, Francine Schwartz, Mark Mangelinkx)**

There was no report.

5. Ex-Officio – Jack Hogan

Mr. Hogan was not present and there was no report.

6. Staff/Communications

Mr. Goeschel said that they had combined the Planning Commission budget with the Planning Department and made it one item using the Planning Department number. They still have the various items that they would need.

ADJOURNMENT

****MOTION (7)**

Mr. McPherson moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:50 PM.

Mr. Schuch seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

