

Planning Commission Meeting Minutes

Tuesday April 21, 2015

FILED IN EAST LYME  
CONNECTICUT  
APR 28 2015 AT 11:35 AM/PM  
EAST LYME TOWN CLERK

Present: Frank Balantic, Secretary, Ernie Covino, Rita Palazzo, Brian Schuch, Chairman, Joan Bengtson, Michael Hess, Alternate \*(Sat as Regular Member.)

Also Present: Gary Goeschel, Planning Director, Rose Ann Hardy, Ex-Officio (arrived at 7:50 pm.), Mark Nickerson, First Selectmen (in attendance until 8pm.), Anne Thurlow, Alternate

Absent: Francine Schwartz, John Birmingham, Alternate

Mr. Schuch called this Special Meeting of the Planning Commission to order at 7:08 pm.

**Pledge of Allegiance**

The Pledge was observed.

**I. 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 VII) 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.*

There were none.

**II. Approval of Minutes**

**A. April 7, 2015 Meeting Minutes**

• **\*\*Motion (1)**

Mr. Covino moved to approve the Special Meeting Minutes of April 7, 2015.

Ms. Palazzo seconded the motion.

Vote: 5-1-0. Motion passed.

Mr. Balantic abstained from the Vote due to his absence from the April 7, 2015 meeting.

**III. Subdivisions and Resubdivisions**

There were none.

**IV. Zoning Referrals (CGS 8-3a)**

*Proposed changes in zoning regulations or boundaries shall be referred to the Planning Commission for a report that shall contain the findings of the planning commission on consistency of a proposed regulation or boundary changes with the Plan of Development and any other recommendations the Planning Commission deems relevant. Failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposals. The report of the Planning Commission regarding such proposal shall include the reasons for the commission's vote and shall be incorporated into the records of any public hearing held thereon by the Zoning Commission. A proposal disapproved by the Planning Commission may be adopted by the Zoning Commission by a vote of not less than two-thirds of all the members of Zoning Commission.*

- A. Petition of Timothy S. Hollister for Landmark Development Group, LLC and Jarvis of Cheshire, LLC to rezone 123.02 acres from RU-120, its existing zoning designation, to Affordable Housing District and for approval of a Preliminary Site Plan which proposes open space of 87 acres for property identified in the application as Calkins Road, East Lyme.

Mr. Goeschel reminded the Commission of the background information regarding this Application he had shared during the last meeting. The Application was remanded to Zoning by Court and because it is a request to rezone an area it first goes before the Planning Commission. The Zoning Hearing for this Application will occur on May 21<sup>st</sup>, 2015.

Mr. Goeschel handed out a memorandum regarding a similar application from the same Applicant dated October 1, 2013 (Exhibit 1), to supply the Commission with both history and guidance. Mr. Goeschel clarified that the application before the Commission is a new application and should not be confused with the previous one from 2013.

Mr. Schuch stated that he would like to compare this Application to the other developments in town in terms of parking; 1767 parking spaces are currently proposed for this development. What does this look like in terms of other developments we have in Town? Mr. Schuch tasked Mr. Goeschel with collecting this data for the next meeting. Mr. Goeschel added that Stop & Shop has 200 to 300 spaces.

Mr. Schuch directed the Commission to Plan SD7 (available in the East Lyme Land Use Office), which illustrates the road layout. The applicant plans to extend the road where Caulkins Road ends but it will not be a Town road. The applicant anticipates widening River Road and Route 1 (Boston Post Road), and installing a traffic light to accommodate the increased traffic. Mr. Schuch emphasized that there will be only one way into and out of the development. Mr. Covino asked if Route 1 is the only State road and Mr. Goeschel responded yes.

Mr. Goeschel explained that the sight line is much better on River Road which is why the Applicant is proposing that the traffic utilize River Road to access and leave the development. Mr. Schuch asked how the children living in the development would reach the public bus stop and added that quantifying this walking distance is important. Mr. Covino drew attention to the 2005 traffic report that is referenced in the application, asking how that can be adequate tool when it was completed ten years ago. Mr.

Goeschel stated that the Town is entering into a contract with its own Traffic Engineer to review this report.

Mr. Schuch noted the proposed sewer and water main that will be installed along Caulkins Road. Ms. Bengtson wondered how Flanders Four Corners would be affected especially when traffic is rerouted due to accidents. Ms. Palazzo pointed out the parents would be driving to pick up and drop off kids at the bus stop, which would establish a large queue of cars and traffic difficulty. Mr. Schuch felt that it would be helpful for Zoning if they quantified the walking distance for school children from both the rotary and further parts of the development. Ms. Bengtson questioned how emergency vehicles would access the development. Mr. Balantic stated that a single narrow access brings to mind issues of safety especially when considering significant weather events such as Hurricane Sandy.

Ms. Palazzo noted that this is steep land which also makes access more complicated. Mr. Schuch stated that the rezoning aspect of this application would result in a change from RU 120 to Affordable Housing District. Mr. Schuch and Mr. Goeschel discussed the affordable housing study that was completed several years ago. The study pinpointed ideal locales in Town for affordable housing in the appendix of the POCD and the property cited in this application was not one of them. Mr. Schuch felt it might be helpful to look at maps of the "ideal" locales at the next meeting. Chapter 3 of the POCD specifically addresses affordable housing and will also serve as good starting point.

The Commission discussed affordable housing and the percentage that would be affordable in this development. Mr. Nickerson clarified for the Commission and Mr. Goeschel that 3 out of the 4 units have to be affordable as they go; they cannot wait until the end to determine the number that is affordable. This is by State Statute because the developer could end up completing less units than initially planned. Mr. Nickerson added that the units have to be exactly the same adding that he would act as Ex-Officio since Ms. Hardy is not here. The Commission discussed the affordable housing that is currently available in Town.

The Commission discussed the lack of a bus route and proposed sidewalks. Mr. Goeschel stated that the Plans propose a 60 foot right of way and Mr. Schuch asked if the trees will be preserved or cut back. This is something important to consider in case a storm knocks down a tree and blocks the one entrance and exit.

Ms. Bengtson observed that the Plan entitled SD2 shows a clubhouse and pool; this would imply the existence of an association. She commented that it would certainly be nice to have affordable housing complete with a clubhouse and pool. Ms. Palazzo questioned how the maintenance fees would be divided. Mr. Covino felt that the development requires a great deal of maintenance and he questioned would be responsible for it and how can it be enforced.

Ms. Hardy arrived at 7:50 pm.

Mr. Goeschel briefly discussed the proposed stormwater basins and their locations. He also pointed out the 87 acres of proposed open space on the map. Mr. Schuch summed up the conversation so far this evening- circulation; how roads might change; density; stormwater basins and incentive housing. Ms. Bengtson observed that one of the plans is called phase 1; this would imply that there is going to be more.

Mr. Balantic stated that with respect to affordable housing, it shouldn't trump safety and ecosystem concerns. The Commission briefly discussed the Town's stance since 1967 that identifies Oswegatchie Hills as a unique and special parcel of land requiring protection. Mr. Covino and Mr. Balantic agreed that with so many issues it's easy to go off course; it is important to stay on task. Mr. Goeschel stated that it would be prudent to hold off on a final decision until we have received the traffic report. The Commission tabled this matter until the next regularly scheduled meeting.

**V. 8-24 Referrals**

- A. Extension of the Force Main Service within the Industrial Park Road right-of-way;** The extension is associated with the construction of a proposed medical office complex located at 11 Industrial Park Road, East Lyme, Connecticut.

Mr. Goeschel said that the applicant is here with plans. He added that in the past the Town has treated this issue as a referral and to be consistent, we are treating this request in the same way. Kyle Haubert of CLA Engineers, Inc. came forward to answer any questions the Commission may have. He supplied the Commission with an aerial location map (Exhibit 2) and two maps (Exhibit 3 &4), which detail the proposed work.

Mr. Haubert explained that a sewer force main service is necessary within the Industrial Park right-of-way to connect to the existing sewer system. The force main service (which will be owned by the Town), is approximately 340 linear feet and includes a flushing manhole and a shut-off valve located at the property line. The applicant will cover all costs to complete this project.

Mr. Haubert added that the pump will be on their site with a trench going across it. He noted that is the best option given the circumstances. The other option would require the removal of several oak trees as well as the "Bob's Discount Furniture" sign. He also added that this matter in terms of the effect on the Town's sewer system, is also going before the Water and Sewer Commission.

• **\*\*Motion (2)**

**Mr. Balantic moved to approve Extension of the Force Main Service within the Industrial Park Road right-of-way associated with the construction of a proposed medical office complex located at 11 Industrial Park Road, East Lyme, Connecticut as consistent with objective 2.1, 2.2, 6.1, and 6.4 of the East Lyme Plan of Conservation and Development.**

**Ms. Bengtson seconded the motion.**

**Vote: 6-0-0. Motion passed.**

**VI. Old Business**

There was none.

**VII. New Business**

- A. Application of Roger Dawson of 1314 East Las Olas Blvd. Fort Lauderdale Fl., 33301, Applicant/Owner; Application for a 1-Lot Resubdivision of approximately 3.97 acres Zoned RU-80 at 21 Upper Walnut Hill Road, East Lyme, Assessor's Map #54, Lot #13**

**and associated Waiver Request of the open space requirements under Section 7 of the East Lyme Subdivision Regulations. (Public Hearing scheduled for May 5, 2015.)**

Mr. Goeschel stated that he has included some handouts in the member packet. This matter will be tabled until the public hearing.

**VIII. Reports**

**A. Chairman**

Mr. Schuch had nothing to report.

**B. Ex-Officio- Rose Ann Hardy**

Ms. Hardy stated that she had nothing to report.

**C. Zoning Representative**

Ms. Palazzo attended the April 16<sup>th</sup> 2015 zoning meeting and she detailed the various renewals for outside dining that were approved by the Commission. She noted that the Commission tabled a request for a gazebo by Parks & Rec at Bridebrook Park.

**D. Sub-Committees**

- a. Sustainable Development and Climate Adaptation Subcommittee (F. Schwartz, Staff: G. Goeschel)

Mr. Goeschel said they plan on meeting in late May.

- b. Subdivision Regulations Bonding Review Subcommittee (B. Schuch, J. Bengtson, Staff: G. Goeschel)

Nothing to report.

**E. Staff/Communications**

Mr. Goeschel passed out literature on the CCM 2015 Testimony regarding tax fairness and Ms. Hardy clarified that in the past the formula has been population based while this Act proposes a different formula for distribution along with a statewide mill rate for car tax.

**ADJOURNMENT**

- **\*\*Motion (3)**

**Mr. Balantic moved to adjourn the Planning Commission Meeting at 8:48 pm.**

**Mr. Hess seconded the motion.**

**Vote: 6-0-0. Motion passed.**

**Respectfully Submitted,**

Brooke D. Stevens

Brooke D. Stevens,  
Recording Secretary

# Town of

**P.O. Drawer 519**

**Department of Planning &  
Inland Wetlands**

*Gary A. Goeschel II, Director of Planning /  
Inland Wetlands Agent*



# East Lyme

**108 Pennsylvania Ave**

**Niantic, Connecticut 06357**

**Phone: (860) 691-4114**

**Fax: (860) 860-691-0351**

## MEMORANDUM

**TO:** East Lyme Planning Commission

**FROM:** Gary A. Goeschel II, Director of Planning

**DATE:** October 1, 2013

**RE:** Petition of Timothy S. Hollister for Landmark Development Group, LLC and Jarvis of Cheshire, LLC to rezone 140 acres from its existing zoning designation to Affordable Housing District for property identified in the application as Boston Post Road, East Lyme Assessor's Map 31.0, Lot 4, and 23 Calkins Road, East Lyme Assessor's Map 32.0, Lot 1. (Zoning Public Hearing October 17, 2013).

---

The proposed application proposes to rezone 140-acres from its "existing zoning designation" to an Affordable Housing District ("AHD"). Upon review of the above referenced Zoning Referral with the 2009 Plan of Conservation and Development, as amended, I offer the following comments:

### **PETITION SUBMITTAL**

1. As part of a Petition by Landmark Development Group, LLC and Jarvis of Cheshire, LLC for approval of a Zone Change, the proposed petition would permit an AHD change at the above referenced location. However, the proposed Zone Change does not specify the existing Zoning designation(s) to be changed to AHD. Review of the East Lyme Zoning Map suggests the existing Zoning is RU-120 Rural Residential and R-10 Residential.
2. The map submitted with the applicant's Petition depicting the proposed Zone change lacks sufficient information to accurately identify the exact location and extent of the proposed zone change relative to the remainder of the Town, adjacent Zoning Districts, and the Niantic River.
3. Pursuant to the Connecticut General Statutes ("CGS") Section 8-30g (c) Any commission, by regulation, may require that an affordable housing application seeking a change of zone shall include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply. Section 32.9 of the East Lyme Zoning Regulations requires an application for designation as an AHD be initiated by a conceptual site plan in accordance with CGS 8-30g, an application for approval of a Preliminary Site Plan ("PSP"), or an application for approval of a Final Site Plan ("FSP"). In addition, an application for designation as an AHD cannot be approved without an approved FSP. The proposed Petition does not include any conceptual, preliminary, or final site plans.

## SITE DESCRIPTION

The subject property is approximately 236-acres of which 140-acres are proposed for the location of an Affordable Housing District. The subject properties are situated along the western shore of the upper Niantic River forming the eastern slope of Oswegatchie Hills. The northwest corner of the property slopes down to Latimers Brook. The approximately one mile of pristine waterfront is one of the longest reaches of undeveloped coastal estuary remaining in the State of Connecticut. The eastern slope, which drains directly into the Niantic River and Smith Cove, is generally very steep and the land is dominated by exposed bedrock and by Hollis soils, where bedrock is found at a depth of about 17 inches.

## HISTORY

The Oswegatchie Hills area has long been identified for preservation as open space beginning with the 1967 Comprehensive Plan for the Town of East Lyme prepared by E.H. Lord-Wood, Associates, which states: "The Oswegatchie Hills area represents a scenic hilltop with vistas of the ocean and the Niantic River worthy of protection. The area from the Connecticut Turnpike south to Pennsylvania Avenue and from the banks of the Niantic River to the crest of the Oswegatchie Hills should be maintained as open space to provide a place of passive recreation consisting of hiking trails, picnic areas, nature paths and camping areas."

In 1974, the Conservation Commission developed the Town's first Open Space Plan based on a study conducted by the New England Regional Commission in 1972. The objectives of this New England-wide project were "to identify and describe a variety of natural areas, and to establish a comprehensive data base from which town plans for the protection of such natural areas having major ecological and aesthetic assets could be developed". The areas specified in East Lyme included Oswegatchie Hills and Latimer Brook.

In 1977, the Planning Commission established a Land Use and Natural Resource subcommittee to "minimize pre-conceived ideas and explore any and all alternative ways of enhancing [the] Town through the long range protection and use of its natural resources." Building on the New England Regional Commission study, this committee developed a method of prioritizing properties for open space acquisition. The features which open space should possess in order of priority were as follows:

1. assist in protection of aquifers;
2. have active and/or passive recreational potential;
3. have special natural features
4. have agricultural value; and,
5. close to population.

Latimer's Brook was found to possess all of these features while Oswegatchie Hills was found to possess features 2 & 3. The findings of the subcommittee report were adopted without change into the 1978 Plan of Conservation and Development.

In 1982, East Lyme adopted as an amendment to the Plan of Development, The Coastal Area Development Plan which cited the severe constraints of the Oswegatchie Hills area for development because of steep slopes and bedrock soils. While concurring with the Plan of Development designation of a portion of this area as Proposed Open Space, the Coastal Area Development plan recommended that the zoning of the area be changed from one-acre residential to a more restrictive classification because of the development limitations related to slope and soils.

In 1985, the Town of East Lyme adopted its Water Pollution Control Facilities Plan (for pollution abatement). Oswegatchie Hills was specifically not included in the Sewer Shed Area.

The 1987 Plan of Development in Section 7- Open Space and Recreation, again lists preservation of Oswegatchie Hills and Latimer Brook as a recommendation. That same year, the State Legislature recognized the significance of Oswegatchie Hills by its designation as a "Conservation Zone" and creation of legislation



enabling the establishment of the Niantic River Gateway Commission tasked with developing minimum standards to preserve the area within the conservation zone

From 1987 forward, the Town of East Lyme has steadily maintained a two-pronged approach to preserving and protecting Oswegatchie Hills which includes efforts to purchase the property as well as refinements to its zoning designation and development standards. The first successful re-zoning of the property occurred in 1989 when the required lot size was increased from one acre to three acres and provisions were added to allow cluster development. The second re-zoning of the property occurred in 1999 with the creation of the Greenway Conservation District as recommended in the 1999 Plan of Conservation and Development. The new zone increased the minimum lot size from three acres to five acres based on a more in depth analysis of site conditions utilizing the Town's Geographic Information System (GIS), mandated a cluster design and established a 500-foot buffer to the Niantic River.

### **Lands of Unique Value Study**

#### **Chapter 1 Recommendations: Future Community Character, Open Space, and Future Growth**

In 2008, the Planning Commission, with assistance from the University of Connecticut's ("UConn") Community Research and Design Collaborative ("CRDC") began updating the Town's Plan of Conservation and Development. UConn's CRDC conducted a comprehensive town-wide land use study of East Lyme called a Lands of Unique Value ("LUV") Study. As Appendix A of the 2009 Plan of Conservation and Development ("2009 POCD"), the LUV Study provides the framework and guidance for the 2009 POCD in determining the most logical and reasonable locations for future land uses within the Town in an effort to balance conservation, preservation and development. The 2009 POCD recommendations for Future Community Character, Open Space, and Future Growth are continued protection of Oswegatchie Hills and to focus higher densities within the sewer district. In addition, the Open Space recommendations identify Oswegatchie Hills as a having unique values with development limitations, a Key Preservation Opportunity: Type 1, and a Preservation Opportunity Type 2. Preservation Opportunities Type 1 and 2 are defined as follows:

**"Type 1: Critical Preservation Parcels.** Development of these parcels would be detrimental to the town's natural and cultural systems. These parcels present significant legal and physical limitations to development. The presence of highly valued natural and cultural resources dominates site characteristics. Close proximity to surface water bodies makes these parcels key to maintaining a clean hydrological system."

**"Type 2: Important Preservation Parcels.** Development of these parcels would be detrimental to the town's natural and cultural systems. Some of these parcels present significant legal and physical limitations to development. Other parcels function as community open space in otherwise fully developed areas. The presence of highly valued natural and cultural resources dominates site characteristics."

Moreover, the Open Space Recommendations specifically identifies and recommends the continued protection of Oswegatchie Hills and states the following:

**"Protection of Oswegatchie Hills.** East Lyme's commitment to the preservation of Oswegatchie Hills has been made clear throughout the years. This commitment should become official, as the hills provide natural habitats, riparian buffer zones, and eco-corridors, in addition to a multitude of cultural benefits."

#### **2009 POCD Compatibility:**

*As part of the Petition for an AHD, the zone change would permit affordable housing units within an area currently zoned RU-120 Rural Residential, which is characterized by the Zoning Regulations as "Areas characterized by severe constraints on development due to natural factors such as steep slopes, shallow depth to bedrock and high erosion potential."*

*The proposed zone change from the RU-120 Zoning District to AHD Zoning District does not promote the preservation of Oswegatchie Hills or the highly valued natural and cultural resources that dominate the subject site.*

## CONSISTENCY ANALYSIS AND FINDINGS

### Chapter 1 Mission Statement, Vision, Objectives and Policies

#### 1.3 Objectives and Policies

**OBJECTIVE 1.1:** To maintain the traditional New England character of the community and enhance the village identities of East Lyme.

#### **POLICY:**

East Lyme offers an attractive residential environment and other quality-of-life factors, including expansive water views, extensive open spaces, a seaside village center, agricultural opportunities, recreational opportunities and quality public services. As such, the Town should maintain the unique character and personality of both Niantic and Flanders villages through the development of village area plans. Single family and two-family dwellings, small scale mixed-use, and senior housing, should be encouraged in the village districts. East Lyme should continue to provide for multifamily housing to meet need for a variety of housing types at affordable cost.

**2009 POCD  
Compatibility:**

*As part of the Petition for an AHD, the zone change would permit affordable housing units within an area currently zoned RU-120 Rural Residential, which is characterized by the Zoning Regulations as "Areas characterized by severe constraints on development due to natural factors such as steep slopes, shallow depth to bedrock and high erosion potential."*

*The proposed zone change from the RU-120 Zoning District to AHD Zoning District does not appear to promote an additional variety of housing to the residential inventory near the Village Centers as the access to the RU-120 Zoning District is more than a mile over existing streets constrained by narrow design limitations.*

### Chapter 3 Land Use

#### 3.1.2 Multi-Family Housing, page 28

Chapter 3, Section 3.1.2 Multi-Family Housing state "When planning for the location of future multifamily housing areas, the specific needs of the elderly community should be kept in mind. Areas planned for this type of housing should have easy accessibility to shopping and business centers and be located near bus routes...."

**2009 POCD  
Compatibility:**

*As the POCD recommends areas planned for this type of housing should have easy accessibility to shopping and business centers and be located near bus routes. It is uncertain, the proposed zone change would achieves this goal as it would permit multi-family type housing within the currently zoned RU-120 Zoning District that does not have easy accessibility to shopping and business centers as the map submitted with the proposed Petition does not depict a specific access. Existing access to the subject property is constrained by existing narrow roads and is over a mile to the center of Flanders Village. Additionally, it is not located near a bus route. Further, there are no proposed or existing sidewalks or pedestrian ways along Calkins Road, Boston Post Road (Route 1) or the Interstate 95 and 395 interchange. As such, accessibility to Flanders Village, a shopping and business center of East Lyme, is difficult.*

In addition, the 2009 POCD recommends permitting multi-family housing development in designated growth areas when such development is used to combat housing sprawl to rural areas of town and consideration should be given to the following as characteristics of development sites in deciding the placement of multifamily housing:

- generally free of major site development constraints, such as wetlands, bedrock soils, steep slopes and primary aquifers
- within the boundaries of, or readily connected to, the municipal water and sewer service area

- accessible to arterial roadways
- accessible to municipal services, particularly fire protection and schools
- removed by distance, topography or vegetation from existing large-lot single-family residential development.

**2009 POCD  
Compatibility:**

*The proposed zone change proposes an Affordable Housing District which would permit multi-family type housing within an area currently zoned RU-120 and partially within a municipal sewer service area. The proposed Zone change would be inconsistent with this section in that the subject area is not completely within the sewer service area. In addition, accessibility to arterial roadways becomes increasingly more difficult as areas become more rural and poses "severe constraints on development due to natural factors such as steep slopes, shallow depth to bedrock and high erosion potential." Moreover, the same would be applicable the accessibility to municipal services such as water service.*

## **Chapter 3 Land Use**

### **3.3 Mixed Use and Affordable Housing**

#### **3.3.1 Discussion**

According to the 2009 POCD, Chapter 3, Section 3.3.1 Discussion, states "The public recognizes the need and the value of more housing choices in East Lyme. The 2007 Community Survey, Appendix B of the 2009 POCD, found support for more rental, senior housing, accessory units, and two-family homes. Residents voiced their preference for affordable housing "where it would strengthen village centers and bring awareness that such residential development in Niantic and Flanders villages would provide pedestrian access to shopping, employment and Town facilities. Residents articulated their strong desire to accommodate affordable housing to reach the goal of 10-percent and their preference for well planned affordable housing development that is compatible with the community's New England character" and in harmony with existing neighborhoods.

**2009 POCD  
Compatibility:**

*The proposed zone change based on its proposed location, over a mile to Flanders Four Corners (the center of Flanders Village), would not strengthen village centers nor would it provide safe and convenient pedestrian access to shopping, employment and Town facilities which are located in Niantic and Flanders Villages as there is no existing pedestrian access along Boston Post Road (Route 1) and the Interstate 95 and 395 interchange into Flanders Village.*

#### **3.3.2 Strategies**

In addition to providing affordable housing options for residents, recommended strategies must also contribute to revitalizing villages and aging commercial strips. The smaller and more compact housing needed would be appropriate for areas of village and mixed-use development where access to utilities and public transportation already exists.

**2009 POCD  
Compatibility:**

*The proposed zone change based on the proposed location, more than a mile over existing roads to Flanders Four Corners (the center of Flanders Village), does not contribute to the revitalization of Niantic or Flanders Village and aging commercial strips. The POCD indicates the housing needed is of a smaller more compact design of mixed-use development where access to utilities and public transportation already exists. Moreover,*

*A district designed to provide for, encourage and accommodate affordable housing, as defined by the Connecticut General Statutes ("CGS")Section 8-39a and Section 8-30g, et seq. The CGS define affordable housing as follows:*

#### **3.3.2 Strategies**

##### **A. Voluntary Strategies**

##### **3. Incentive Housing Zones**

Rather than having to respond to developers' proposals for affordable housing, **the town could proactively determine where affordable housing would enhance an area and designate an overlay zone that encourages this development.** In 2007, the Connecticut General Assembly passed the *Housing for Economic Growth Program* (Public Act 07-4) to incentivize towns to plan proactively for affordable housing. It is a voluntary program in which **a town can determine the location, size, composition and design of the housing.**

The legislation authorizes the creation of Incentive Housing Zones ("IHZ"). As overlay zones for affordable housing, they only provide an additional option for the property and do not replace the underlying zoning. They can be mixed use as well as residential. This program was **intended to encourage smart growth rather than environmentally irresponsible sprawl.** It stipulates that the zone must have access to public transportation and existing or planned utilities and be located in a village or commercial center or a designated growth area. IHZ's must meet minimum density requirements: 6 single family units per acre of developable land, 10 townhouse units/acre or 20 multifamily units /acre.

**2009 POCD  
Compatibility:**

*Based on the location of the proposed Zone Change which, is more than a mile over existing streets to Flanders Four Corners (the center of Flanders Village), jeopardizes community character and does not promote smart growth as it does not have access to public transportation, existing or planned utilities, nor is it located in a village or commercial center, designated growth area, or IHZ.*

### **3.3.3 Recommendations**

#### **A. Recommended Locations for Incentive Housing Zone**

In East Lyme there is unused town-owned land **and under-used privately owned property, in Flanders and Niantic villages,** along RT 161 and I-95 that meet the program eligibilities. These are areas where **incorporation of a residential component would meet multiple town goals.** An Incentive Housing Zone would encourage the redevelopment of aging, auto-dependent commercial strips into more attractive mixed-use walkable village environments with ample pedestrian access to community facilities, shopping, recreation, public transportation and employment. This could be accomplished in both the Flanders 4 Corners area and Niantic Village.

The POCD recommends that Incentive Housing Zones be considered and pursued in the certain identified areas. More specifically, recommendation six (6) states **"Designate incentive housing zones in areas outlined as locations where the Town wants to encourage affordable housing."**

**2009 POCD  
Compatibility:**

*As the East Lyme Zoning Commission has adopted Incentive Housing Zones consistent with smart growth principles and the objectives of Public Act 07-4, the Town has identified where it wants to encourage affordable housing as well as where it would be most appropriately located and beneficial which, based on the 2009 POCD, is within a village or commercial centers of Niantic and Flanders where access to public transportation and utilities exist or are planned. Further, in November 2010, the East Lyme Zoning Commission adopted IHZ's and corresponding regulations as recommended in the 2009 POCD.*

### **Appendix E – East Lyme Affordable Housing Plan**

The East Lyme Affordable Housing Plan, Appendix E of the 2009 POCD, clearly identifies the need for and recommends providing for affordable type housing units. The plan seeks to satisfy multiple town goals while preserving those community characteristics that East Lyme residents value the most. Recommended strategies not only satisfy a quantified need for more diverse housing, but also contribute to the economic development goals of the town, the desire to improve village life and to preserve rural, open areas in the town. Proposed solutions adhere to "smart growth" principals of community development. The guiding principals state the following:

- **Do no harm.** Valued rural areas, open space and important habitats shall not be recommended for development. Utilize only the existing or planned utilities.
- **Focus on the needs of East Lyme residents and employees.** The purpose of this study is to address the needs of East Lyme residents, not those of New London County or the State of Connecticut.
- **Focus on redevelopment rather than new development.** Enhance and revive historic villages with architecturally compatible, infill development that adds life to East Lyme's community spaces. Maximize walkability and reduce auto-dependency for East Lyme residents.
- **Development must solve more than one problem at a time.** Wherever possible, identify solutions that will address not only the goal of creating affordable housing, but other economic, social and environmental concerns simultaneously.

**2009 POCD  
Compatibility:**

*The proposed zone change is in a location identified as a valued rural area, where development of the land would be detrimental to the town's natural and cultural systems. These parcels present significant physical limitations to development and the presence of highly valued natural and cultural resources dominates site characteristics and function as community open space in otherwise fully developed area. As such, the proposed location is not recommended for development. In addition, the proposed zone change appears to only promote new development verses redevelopment. Moreover, the proposed change appears to address the goal of creating affordable housing, but does not address other economic, social and environmental concerns simultaneously.*

## **Chapter 5: Open Space, Natural, Historical, and Cultural Resources**

### **5.1 Mixed Use and Affordable Housing**

#### **5.1.1 Discussion**

Therefore, based on the above findings, it is moved that the East Lyme Planning Commission finds the proposed zone change referenced above **CONSISTENT / INCONSISTENT** with the East Lyme 2009 Plan of Conservation and Development as amended.





# AERIAL LOCATION MAP

**CLA Engineers, Inc.**

CIVIL • STRUCTURAL • SURVEYING

317 Main Street Norwich, CT 06360  
(P) 860-886-1966 (F) 860-886-9165

*Proposed Medical Office Complex  
11 Industrial Park Road  
East Lyme, Connecticut*

DATE: March 24, 2015  
SCALE: 1 in = 400 ft  
SOURCE: CT ECO & OPM



FIGURE

1



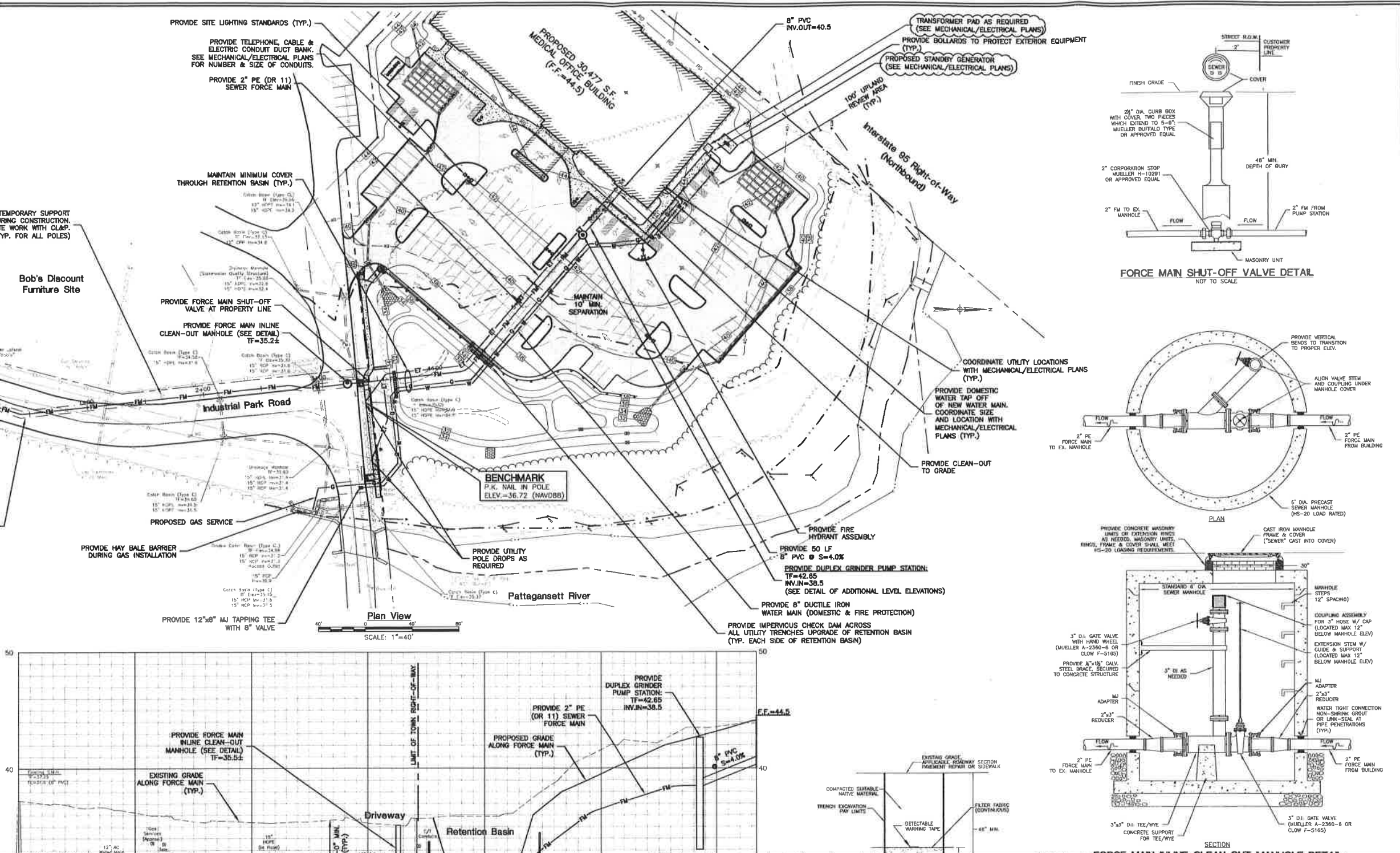


Exhibit 4

