

FILED IN EAST LYME  
OCT 22, 2012 AT 12:00 PM

East Lyme Planning Commission  
Workshop Meeting Minutes of  
October 16, 2012

*Brian D. Schuch* ATC  
EAST LYME TOWN CLERK

Present: Brian Schuch, Chairman; Frank Balantic, Secretary; Rita Palazzo; Ernie Covino; Carolyn Nee, Joan Bengtson, and Alternates: Catherine Ladd, Sami Yusuf

Also Present: Gary A. Goeschel II, Director of Planning;

Absent: Alternate, Francine Schwartz

**CALL TO ORDER.** - Chairman Schuch called the October 16, 2012, Workshop Meeting of the East Lyme Planning Commission to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was observed.

I. **ADDITIONS TO THE AGENDA.** There were no additions to the Agenda.

II. **PUBLIC DELEGATIONS.** There were no delegations.

III. **ZONING REFERRAL**

A. **Landmark Development Group, LLC;** Remediation of Appeal from Superior Court for the Application of Landmark Development Group, LLC to amend the East Lyme Zoning regulations Section 32, Affordable Housing District. This application was previously referred for comment and as part of the remand from the Superior Court has been sent back to the Zoning Commission for adoption of the proposed text amendment as evidenced by the enclosed draft. The Zoning Commission has scheduled a public hearing for October 18, 2012.

G. Goeschel reviewed his comments with the Commission which were provided in a memo at the October 2, 2012 Meeting indicating the biggest change he noticed was the revision to Section 32.2. He indicated the other changes were of a application submittal or dimensional nature.

R. Pallazzo briefly spoke about her concern regarding land values and asked how does the proposed regulation preserve land values.

Chairman Schuch suggested the changes were primarily quantitative verses qualitative. Discussion continued and Mr. Schuch felt it was location and walkability to services that makes housing affordable even though it is not in the definition of "Affordable Housing."

E. Covino asked where is there 10-Acres within the Town.

Discussion regarding seniors, affordability and unit pricing ensued.

**Motion (1):** Pursuant to Section 8-3A of the Connecticut General Statutes, the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal to amend Section 32 of the East Lyme Zoning Regulations F. Balantic motioned to find the proposal to amend Section 32 of the East Lyme Zoning Regulations inconsistent with the 2009 Plan of Conservation and Development as amended, based on the findings in the Memorandum from G. Goeschel, Director of Planning to The East Lyme Planning Commission and William Mulholland dated October 2, 2012, and:

- 1) It's inconsistent with Objective 2 of the POCD as it does not Establish a coordinated, cooperative system of land-use decision making to ensure that development continues to meet high performance standards, specifically with regard to open space preservation, view corridor protection, environmental protection, sustainability;
- 2) It doesn't include such standards that would benefit all the townspeople by contributing to protecting our environment, maintaining property values, minimizing the impact of new development on existing land uses and limiting the growth of municipal service and maintenance costs.
- 3) It is inconsistent with Chapter 3 Section 3.3 as residential development in Niantic and Flanders Village would provide access to shopping.
- 4) It does not ensure strengthening of our Village Centers

**Second:** R. Palazzo

**Discussion:** The Commission held discussion regarding the language describing the reasoning in the motion for inconsistency with the POCD.

C. Nee suggested amending which Objective and POCD Section was referenced.

Mr. Balantic clarified that the proposed Regulations abandon Objective 1.1 & 1.2 and the deleted language in Section 32.2 of the proposed regulation further abandons Sections 3.1 and 3.3 as it abandons special controls and would not strengthen the Village centers and would risk oversight of adequate development.

**Motion Withdrawn:** F. Balantic withdrew his motion.

**Second Withdrawn:** R. Palazzo withdrew her second.

**Motion was Withdrawn.**

**Motion (2):** Pursuant to Section 8-3A of the Connecticut General Statutes, the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal to amend Section 32 of the East Lyme Zoning Regulations F. Balantic motioned to find the proposal to amend Section 32 of the East Lyme Zoning Regulations inconsistent with the 2009 Plan of Conservation and Development as amended, based on the findings in the Memorandum from G. Goeschel, Director of Planning to The East Lyme Planning Commission and William Mulholland dated October 2, 2012, as The deleted language (“to which Town water and Town sewer are available. Wherever possible, the district shall be located in proximity to existing commercial districts and / or along a public transportation route.”) in the proposed amendment to Section 32.2 abandons POCD Objectives 1.1, 1.2, Sections 3.1, 3.3 noting valued rural areas, open space, important habitats, and aquifers not recommended for development may be placed at risk due to inadequate oversight of development.

**Second:** C. Nee

**Discussion:** None

**In Favor:** Unanimous

**(6-0-0) Motion Carried**

- B. **JAG Capital Drive, LLC;** Application of Theodore A Harris, agent for JAG Capital Drive, LLC to rezone from its existing zoning designation (Light Industrial) to Affordable Housing District for property identified in the application as West Main Street/Capital Drive, Assessor’s Map 09.0, Lot 19. The zone change is part of an application by JAG Capital Drive, LLC for approval of an affordable housing development and site plan to construct sixty-nine units (69) on property at the subject property. The Zoning Commission has scheduled a public hearing on this application for November 1, 2012.

G. Goeschel provide the Commission with a memorandum regarding the proposed zone change and a consistency review with the POCD. He briefly highlighted his comments for the Commission.

Chairman Schuch indicated that we would not necessarily know what the character of industry will look like in 20-30-years and whether there would be your typical concerns such as noise when locating a residential zone adjacent to or within an industrial zone.

J. Bengtson expressed concerns regarding traffic and sightlines onto RT156, impacts to the wetlands and watercourses on the site as well as the hazard they may present to children as the watercourse is deep, and the potential hazardous truck traffic on Capital and Colton road.

F. Balantic noted Ted Harris' letter indicated the primary access would be from RT156 whereas G. Goeschel's memo indicated it would be through Capital Drive.

G. Goeschel indicated when he initially met with the applicant when the applicant applied for their wetlands permit, they were proposing to use Capital Drive. However, Mr. Goeschel indicated he stands corrected and told the Commission to omit that line in his memorandum.

F. Balantic stated he thought the site was an excellent opportunity and area for an affordable housing development to meet the Town's goal of 10-percent.

The Commission ensued in discussion regarding locating a residential use within an industrial zone.

**Motion (3):** Pursuant to Section 8-3A of the Connecticut General Statutes, the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal for a Zone Change, F. Balantic moved to find the proposal consistent with the 2009 Plan of Conservation and Development, Section 3.3 as it would contribute to a consistent effort to attain the goal of 10-percent affordable housing.

**Second:** C. Nee

**Discussion:** Chairman Schuch suggested indicated that although the proposal may be consistent with the Town's effort to achieve 10-percent affordable housing, he felt it should it was also inconsistent with the POCD in that proposes a residential use in an industrial zone.

**Motion Withdrawn:** F. Balantic withdrew his motion

**Second Withdrawn:** C. Nee withdrew her second.

**Motion was Withdrawn**

**Motion (4):** Pursuant to Section 8-3A of the Connecticut General Statutes, the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal for a Zone Change, F. Balantic moved to find the proposal inconsistent with the Section 3.3, Mixed Use and Affordable Housing, of the 2009 Plan of Conservation and Development as amended, in that such residential Affordable Housing development would not provide pedestrian access to shopping, employment and Town facilities and also finds the aforesaid proposal consistent with Section 3.3, Mixed Use and Affordable Housing, of the 2009 Plan of Conservation and Development as amended, in that it would help reach the Town's goal of accommodating 10-percent affordable housing.

**Second: E. Covino**

**Discussion:** F. Balantic suggested adding a comment regarding a residential use being located in an industrial zone and the potential impact that may have on future industrial uses. The Commission agreed to include a note in their report indicating the proposed residential use is being located in an industrial zone in close proximity to existing industrial uses and may impact future industrial uses.

**Further Discussion: None**

**In Favor: Unanimous**

**(6-0-0) Motion Carried**

**IV. IV OTHER BUSINESS**

**A. New Business - None**

**B. Old Business**

- i. POCD Discussion on updates – B. Schuch indicated the Chapter of the POCD are up on google docs.

**V. REPORTS**

**A. Chairman - None**

**B. Ex-Officio – None as the Ex-Officio was not present**

**C. Zoning Representative - R. Palazzo gave a report to the Commission about the matters pending before the Zoning Commission at their October 4, 2012 meeting.**

**D. Regional Planning Liaison – None**

**E. Sub-Committees**

- i. Sustainable Development and Climate Adaptation Subcommittee – None
- ii. POCD Chapter 4 – Economic Development Subcommittee –B. Schuch indicated the subcommittee has not met a second time. As such there was nothing to report.

**F. Staff/Communications - G. Goeschel provide the Commission with 2 planning articles, one from the APA Planning Magazine regarding multi-generational dwellings and quarterly News Letter from the Connecticut Federation of Planning and Zoning Agencies.**

**The Chairman Schuch called a 5-minute recess before entering into Executive Session.**

**VI. EXECUTIVE SESSION**

The Commission entered into Executive Session at 9:45pm to discuss personnel matters. The Commission exited Executive Session at 10:48pm.

**ADJOURNMENT**

**MOTION (2): Motion to Adjourn Palazzo moved to adjourn the East Lyme Planning Commission Workshop Meeting of October 16, 2012, at 10:49PM**

**Seconded: J. Bengtson.**

**In-Favor: Unanimous.**

**(6-0-0) Motion Carried**

**Respectfully submitted,**

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