

TOWN OF EAST LYME  
ZONING COMMISSION  
SEPTEMBER 6, 2012  
REGULAR MEETING MINUTES

FILED IN EAST LYME  
Sept 10, 2012 AT 8:30 AM  
*Brooke D. Hensler* ATC  
EAST LYME TOWN CLERK

Members Present:

Marc Salerno, Chairman  
Terence Donovan  
Matthew Walker  
Matthew Kane  
Norm Peck  
George McPherson  
William Dwyer, Alternate (Did Not Sit)  
John Hogan, Alternate (Did Not Sit)

Also Present:

Rose Ann Hardy, Ex-Officio (Entered Meeting at 8:00 p.m.)  
Ed O'Connell, Town Attorney  
Mark Zamarka, Town Attorney  
Bill Mulholland, Zoning Officer

CALL TO ORDER

Chairman Salerno called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

There were no public delegations.

PUBLIC HEARING

There was no public hearing.

REGULAR MEETING:

1. LANDMARK III REMAND PROCESS

Attorney Ed O'Connell summarized this matter which is on remand as a result of a Court decision on the Landmark III application from 2005. The Zoning Commission approved the application in part and denied the application in part. Landmark appealed to the Superior Court. There was a 104 page Memorandum of Decision, in which the Judge directed the Zoning Commission to adopt amendments to

the Zoning Regulations incorporating Landmark's proposed amendments. Attorney O'Connell reviewed the Draft Proposed Section 32.9. (Attached). Landmark wants a Public Hearing as soon as possible, and the Town should attempt to accommodate them as soon as possible. The Zoning Commission has to follow the Judge's ruling. He was not presenting them with the Draft Proposed Section 32.9 for approval tonight, but for them to consider if that Draft is appropriate for a Public Hearing.

There was discussion of Section 32.9. This would be a new Section added to Section 32. There was discussion of having to amend the entire Section 32, as the Section 32.9 may change parts of the whole Section (32). There were parts of Section 32.8 that would need to be changed.

Mr. Mulholland will look into that and get together with the Town Attorney to work on 32.8 and 32.9.

This will be on the agenda at the next meeting.

Chairman Salerno asked for a copy of what is proposed along with the whole section 32.

## **2. APPROVAL OF MINUTES OF AUGUST 2, 2012**

**Motion (1) Mr. Peck moved to approve the Regular Meeting and Public Hearing Minutes of August 2, 2012 as written.**

**Seconded by Mr. Donovan.**

**Motion Passed 5-0-1 (Mr. McPherson abstained)**

## **OLD BUSINESS**

### **1. PARKING SUBCOMMITTEE**

This sub-Committee did not meet. They scheduled a meeting for October 1<sup>st</sup> at 7:30 p.m.

### **2. SIGN SUBCOMMITTEE**

This sub-committee has not met. They will meet on October 4<sup>th</sup> at 6:30 prior to the Regular Meeting. Chairman Salerno reminded them to ask Mr. Kalal to attend.

### **3. OUTDOOR DINING BAR SUBCOMMITTEE**

This sub-committee has not met. Chairman Salerno asked them to schedule a meeting.

## **NEW BUSINESS**

- 1. APPLICATION OF THEODORE A. HARRIS, AGENT FOR JAG CAPITAL DRIVE, LLC FOR APPROVAL OF AFFORDABLE HOUSING DEVELOPMENT, AND A CONCEPTUAL SITE PLAN TO CONSTRUCT SIXTY NINE (69) RESIDENTIAL UNITS ON PROPERTY IDENTIFIED IN THE APPLICATION AS CONNECTICUT ROUTE 156 AND CAPITAL DRIVE, ASSESSOR'S MAP 09.0, LOT 19**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

2. **APPLICATION OF THEODORE A. HARRIS, AGENT FOR JAG CAPITAL DRIVE, LLC TO REZONE FROM ITS EXISTING ZONING DESIGNATION (LI-LIGHT INDUSTRIAL) TO AFFORDABLE HOUSING DISTRICT FOR PROPERTY IDENTIFIED IN THE APPLICATION AS CONNECTICUT ROUTE 156 AND CAPITAL DRIVE, ASSESSOR'S MAP 09.0, LOT 19.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

Chairman Salerno asked to add the following item to the agenda, there was no objection.

3. **REQUEST OF WAYNE FRASER, FOR CREST FORD FOR A MODIFICATION OF A PREVIOUSLY APPROVED SITE PLAN TO ALLOW THE EXPANSION OF THE PRESENT PARKING ON PROPERTY IDENTIFIED IN THE APPLICATION AS 222 FLANDERS ROAD, ASSESSORS MAP 26.1, LOT 24.**

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

4. **ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION**

Mr. McPherson asked to discuss the height restrictions in RU-40 and RU-80.

There was discussion of the height restrictions.

Chairman Salerno asked to discuss chickens. He wants to set up a sub-committee. He will chair the sub-committee, he asked Mr. Dwyer to join, as well as Mr. Donovan. He also would like to invite Mr. Christensen and Mr. Kalal to attend. He would like this on the agenda.

#### 5. **ZONING OFFICIAL**

Mr. Mulholland reported that the office has been very busy.

#### 6. **COMMENTS FROM EX-OFFICIO**

Ms. Hardy discussed the air conditioning at the High School, the Samuel Smith House, the football field at the High School, the new entrance to Flanders School, and a proposed stop light at that entrance.

#### 7. **COMMENTS FROM ZONING BOARD LIAISON**

Mr. Kane did not attend.

#### 8. **COMMENTS FROM CHAIRMAN**

There are a lot of sub-committees right now; it will be a busy fall.

Mr. Peck stated Page 5 of the Regulations, number 23 entitled Open Space Cluster Development should be Conservation Design Development.

#### 9. **ADJOURNMENT**

**Motion (2) Mr. McPherson moved to adjourn the meeting at 8:40 p.m.**

**Seconded by Mr. Walker.**

**Motion Passed 6-0.**

**RESPECTFULLY SUBMITTED,**

A handwritten signature in cursive script, appearing to read "Karen Miller Galbo".

**KAREN MILLER GALBO  
RECORDING SECRETARY**

## DRAFT – PROPOSED SEC. 32.9

### 32.9 GENERAL PROVISIONS

*Consistent with the goals of making the affordable housing application process more accessible and affordable to developers, and to promote affordable housing in East Lyme, an application for designation as an Affordable Housing District (“AHD”) shall consist of three stages (**Decision p. 87-88**): (1) a Conceptual Site Plan (“CSP”) pursuant to C.G.S. §8-30g, (2) an application for approval of a Preliminary Site Plan (“PSP”) and (3) an application for approval of a Final Site Plan (“FSP”). Said plans and applications shall be filed sequentially and at the appropriate times in the process, as more fully set forth in section 32.9.1.*

32.9.1 Decisions on Site Plan Applications. If an applicant submits an application for approval of a PSP in connection with an application for designation of an AHD, the Commission shall approve, approve with modifications, or deny said PSP. If the PSP is approved, or approved with modifications, the applicant *shall* file an application for approval of a FSP, which application shall include all information required for a Site Plan application under Section 24 of these Regulations. If an applicant submits an application for approval of a FSP in connection with an application for designation of an AHD, the Commission shall approve, approve with modifications, or deny said FSP. **(LM) (Per p.87 of Decision, deleted language requiring automatic approval of a FSP if it conforms to an approved PSP).**

32.9.2 Conceptual Site Plans – A conceptual site plan shall contain the following:

- a. An A-2 property survey **(EL, LM)**
- b. Topographical contours at 10 foot intervals **(EL, LM)**
- c. Location of wetlands, watercourses, and slopes in excess of 25% **(EL,LM)**
- d. The total number of proposed residential units and other structures and their arrangement on the property **(8-30g, EL, LM)**
- e. Areas designated for open space and/or recreational purposes **(EL, LM)**
- f. Location of and surface treatment of all proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks **(EL)**
- g. Location of proposed utility lines including water, gas, electricity, sewer and transformers **(EL)**

32.9.3 Preliminary Site Plans – *Concurrent with, or following the submission of a CSP, an applicant shall submit an application for approval of a PSP.* Such an application shall include all of the information required for a CSP, as well as the following:

- a. Preliminary design plans for all proposed buildings and structures **(LM)**
- b. Affordability Plan containing all of the information and documentation required by C.G.S. §8-30g **(LM)**
- c. Traffic impact report prepared by a licensed traffic engineer **(EL, LM)**
- d. Table showing the number of units and number of bedrooms for each unit **(LM)**
- e. *Written report prepared by a professional engineer addressing the surface water flow and/or drainage anticipated from the proposed development and the proposed means of its disposition, including appropriate sedimentation and erosion controls and detailing all necessary easements (i.e. storm water plan and erosion/sediment plans)*
- f. *If applicable, all necessary applications for permits or approvals from the Connecticut Department of Energy and Environmental Protection.*
- g. *If applicable, reports from agencies required to report to the Commission. **(Decision, p.87, 99-100)***
- h. *An impact study detailing the development's anticipated impact on the public health and safety of the Town, including, but not limited to, public safety and fire protection. **(Adapted from Cheshire affordable housing regulations; decision p. 99-100)***
- i. *A sewage disposal plan specifying how the project will be connected to and serviced by the Town's Municipal Sewer System or how sewer service will be provided. **(Decision pp. 36, 42, 45)***
  - i. *If sewer service is to be provided by the Town's Municipal Sewer System, the application shall be accompanied by an approval or a pending application to the Town's WPCA to extend and/or connect to the existing system.*
  - ii. *If sewer service is to be provided by a private, on-site system, the application shall be accompanied by copies of applications for appropriate permits or approvals from or pending with applicable state or local agencies. **(Adapted from Brookfield affordable housing regulations)***
- j. *A water supply plan specifying how the project will be connected to and serviced by the Town's water system. Any changes, alteration or expansion of existing systems shall provide the following: a detailed explanation of the proposed water system which includes a depiction of all storage tanks for domestic and fire protection and fire protection sprinkler systems. **(Decision pp. 50)***
  - i. *If water is to be provided by a private, on-site system, the application shall be accompanied by copies of*

*applications for appropriate permits or approvals from or pending with applicable state agencies.*

- ii. *If a private water company is to be the source of water for the project, a report from that company setting forth that company's willingness and ability to provide the necessary water and the impact on its capacities shall be provided with the application. The application shall include estimated amounts of daily water usage necessary for the project as well as calculations of water necessary to fight any fire in the project for a specified period of time. (Adapted from Brookfield affordable housing regulations)*

32.9.4 Final Site Plan – *Following approval, or approval with modifications, of a PSP, an applicant shall submit an application for approval of a FSP. Such an application shall include all of the information required for a conceptual site plan and a PSP, as well as any additional information required for site plan applications under Section 24 of these regulations. (LM)*

**KEY:**

- Italics: new, proposed language not contained in either the current East Lyme regulation or Landmark's proposed amendments.
- LM: language from Landmark's proposed amendment.
- EL: language contained in the current East Lyme affordable housing regulation.
- Decision: cites to specific pages of Judge Frazzini's 10/31/11 decision that support the proposed language.
- 8-30g: the Connecticut affordable housing statute.