

TOWN OF EAST LYME

ZONING COMMISSION

MARCH 21, 2013

REGULAR MEETING MINUTES

Members Present:

Marc Salerno, Chairman

Norm Peck

Terence Donovan

Matthew Kane

George McPherson

William Dwyer, Alternate (Sat for Meeting)

Members Absent:

Matthew Walker

James Liska, Alternate

Also Present:

Bill Mulholland, Zoning Officer

Attorney Mark Zamarka

Attorney Ed O'Connell

Holly Cheeseman, Ex-Officio

CALL TO ORDER

Chairman Salerno called the meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

Mr. Dwyer sat as a Regular Member in place of Mr. Walker.

PUBLIC DELEGATIONS

There were no Public Delegations.

- 1. DISCUSSION AND VOTE REGARDING SETTLEMENT PROPOSAL OF THE LAND USE APPEAL PRESENTLY PENDING IN THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF NEW LONDON ENTITLED "LANDMARK DEVELOPMENT GROUP, LLC AND JARVIS OF CHESHIRE, LLC v. EAST LYME ZONING COMMISSION," DOCKET NUMBER KNL-CV13-6015986.**

Attorney Zamarka stated this is a regular agenda item regarding the settlement proposal. Landmark and Jarvis objected to one section of the text amendment regarding the 150 foot boundary. We met in Executive Session and the Commission asked him to draft a Resolution. He also provided the text

FILED IN EAST LYME
CONNECTICUT

March 26, 2013 AT 9:40 AM/PM
Brenda D. Stevens ATC
EAST LYME TOWN CLERK

amendment without the objectionable section. The Zoning Commission needs to review these and discuss them. This is not a public hearing, so the Commission is not required to entertain members of the public.

Mr. Donovan read the Settlement Agreement into the record (Attachment A)

Mr. Kane read the Resolution into the record (Attachment B)

Mr. Salerno stated the new Text Amendment (Attachment C) strikes Section 32.4.11. They have talked about this before and the consensus is that it is not needed. They feel there is sufficient protection with the CAM Act to protect the wetlands.

Motion (1) Mr. McPherson moved to adopt the Resolution.

Seconded by Mr. Donovan.

Motion Passed 6-0.

2. APPLICATION OF THE TOWN OF EAST LYME, FOR A COASTAL AREA MANAGEMENT REVIEW FOR REPLACEMENT OF THE TOWN BOAT LAUNCH RAMP AT PROPERTY IDENTIFIED IN THE APPLICATION AS GRAND STREET, NIAN TIC.

This item was moved up on the Agenda.

Mr. McPherson read a memo from Mr. Mulholland.

Victor Benni, the Town Engineer for the Town of East Lyme presented the application. The planks have deteriorated. They are proposing a complete rebuild. It is 20x60 total length. The Plans were done by Docko, Inc. There are three methods for possible repair. All surfaces will be concrete, the panels will be embedded in the stone. There is coastal water on site, developed shore front on site and adjacent, shellfish bed are adjacent, and shore land is on site. DEEP has approved the project. The Army Corps of Engineers has approved the general permit. A turbidity curtain is possible, they also may use giant sand bags to do the work dry.

Mr. McPherson asked how long the job would take.

Mr. Benni stated if it is done fast it will take a month. They will try to accomplish it in the winter.

Mr. Dwyer asked if they have decreased the angle.

Mr. Benni stated the angle of the boat launch will be the same.

Mr. McPherson asked if they are replacing the walls as well.

Mr. Benni stated there are no funds now to replace the walls. The adjacent marina has asked that they not start the work after March 1st.

Motion (2) Mr. McPherson moved to approve the application of the Town of East Lyme, for a Coastal Area Management (CAM) Site Plan Review for the replacement of a damaged boat launch at property identified in the application as Grand Street, Niantic.

Reasons:

- 1. Application is consistent with all applicable goals and conditions of the CAM Act.**
- 2. Applicant has taken all reasonable measures to mitigate any adverse impacts on the proposed activity on both coastal resources and future water dependent uses.**

Seconded by Mr. Dwyer.

Motion Passed 6-0.

- 3. APPLICATION OF THE TOWN OF EAST LYME FOR A COASTAL AREA MANAGEMENT REVIEW FOR EXPANSION OF AN EXISTING PARKING LOT AND CONSTRUCTION OF A PUBLIC RESTROOM FACILITY, AT PROPERTY IDENTIFIED IN THE APPLICATION AS CINI PARK, 22 MAIN STREET, NIAN TIC.**

Mr. Peck read a memo from Mr. Mulholland.

Mr. Salerno read a letter from DEEP.

Mr. Mulholland stated they will apply the FEMA standards through his office.

Mr. Benni stated this is the public parking lot. It is by the mouth of the Niantic River, with commercial fishing, and a fishing pier. Coastal resources are on site, general coastal resources are on site, beaches and shorefront are on site, shellfish beds are on site and adjacent, and shore lands are on site. This is a proposal for expansion of the existing parking lot. It is primarily a seasonal use.

Mr. Dwyer asked about the existing lobster pots.

Mr. Benni stated the pots will be piled close to the docks. The main fleet is the fishing boat, and they do not have as much to store. There will be a stone filter strip around the edge, which will have 6 inch deep stone. There are no current water quality treatments at this site. The contractor will ring the edge of the area with silt fence and hay bales if necessary. Soil will be removed from the site. There are several trees that they will re-purpose throughout town. This entire lot flooded for Sandy.

Mr. Salerno asked if there will be outdoor showers as well as bathrooms.

Mr. Benni stated there are no plans at this time for outdoor showers. They are planning 2300 feet of pipe for Water and Sewer hookup to Main Street.

Mr. Peck asked if there will be Black Hawk designated parking.

Mr. Benni stated that has not come up for discussion yet.

Mr. Mulholland stated they are trying to get this done in April.

Mr. Peck asked if artifacts from the old bridges are being displayed.

Dave Putnam stated there is a big gear out there, and Mr. Formica has been working on that being represented when the work is done, part of the plan is to preserve it.

Motion (3) Mr. Donovan moved to approve the application of the Town of East Lyme, for a Coastal Area Management (CAM) Site Plan Review to expand an existing parking lot and construct a public restroom facility at property identified as 22 Main Street, Niantic, aka Cini Park.

Reasons:

- 1. Application is consistent with all applicable goals and conditions of the CAM Act.**
- 2. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.**

Seconded by Mr. Dwyer.

Motion Passed 6-0.

- 4. APPLICATION OF KEITH B. NEILSON, P.C. FOR DOCKO, INC., FOR A COASTAL AREA MANAGEMENT REVIEW FOR SHORELINE PROTECTION IMPROVEMENTS AT PROPERTY IDENTIFIED AS 297 OLD BLACK POINT ROAD, NIAN TIC.**

Mr. Dwyer read a memo from Mr. Mulholland.

Keith Neilson of Docko, Inc. presented the application. The bank has eroded, and stones have slipped down the embankment.

Mr. Neilson presented Exhibit A – Site Plan.

The work will be done upland. The access will be from the driveway, they will use a geotextile fabric, they will use top fill and grass seed to restore the area to its pre-storm condition. No stones will be less than four feet. Smaller stones will be used to fill the voids.

Mr. Mulholland stated all of the work will be done landward.

Mr. Neilson confirmed all work would be done landward side.

Motion (4) Mr. Donovan moved to approve the application of Keith Neilson, Docko, Inc., for William C. Stone, for a Coastal Area Management (CAM) Site Plan Review to place stone, boulders and fill on the shore over an area approximately 20,000 square feet for protection of the toe of the slope against storm induced coastal erosion and damage at 297 Old Black Point Road, Niantic.

Reasons:

- 1. Application is consistent with all applicable goals and conditions of the CAM Act.**
- 2. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.**

Seconded by Mr. McPherson.

Motion Passed 6-0.

5. APPLICATION OF THEODORE A. HARRIS, FOR ANNETTE STAVOLA-LEISURE FOR A COASTAL AREA MANAGEMENT REVIEW FOR REPAIR OF STORM RELATED DAMAGE AN ADDITION TO AN EXISTING SINGLE FAMILY HOME, AT PROPERTY IDENTIFIED IN THE APPLICATION AS 34 SHORE ROAD, NIANTIC.

This item will be rescheduled to the next meeting.

6. REQUEST OF WAYNE FRASER, FOR PAT QUINN, OWNER, ACES HIGH FOR A WAIVER OF SECTION 12.2.3 OF THE EAST LYME ZONING REGULATIONS FROM 100' TO 50' FOR THE CONSTRUCTION OF A 50'X30' STORAGE PAVILION AT PROPERTY IDENTIFIED IN THE REQUEST AS 301 CHESTERFIELD ROAD, EAST LYME.

****Mr. Peck recused himself for this item.**

Mr. McPherson read a memo from Mr. Mulholland.

Wayne Fraser of 22 Gurley Road presented the application.

Mr. Fraser presented Exhibit A – Picture.

Mr. Fraser stated this is a 90 acre site. They are proposing to build a pavilion similar to the one at the Town Hall to store equipment in.

Mr. Mulholland asked if there will be activities in the pavilion.

Mr. Fraser said it will be strictly for storage, it will be an open 30x50 pavilion.

Mr. Salerno stated they are asking us to exercise the waiver because they need an additional 20 feet.

Mr. Mulholland stated the buffer is just for this building.

Motion (5) Mr. Dwyer moved to approve the request of Wayne Fraser, for Pat Quinn, Owner, Aces High for a waiver of Section 12.2.3 of the East Lyme Zoning Regulations from 100' to 80' for the construction of a 50'x30' storage pavilion at property identified in the application as 301 Chesterfield Road, East Lyme.

Seconded by Mr. McPherson.

Motion Passed 6-0.

7. APPROVAL OF MINUTES OF MARCH 7, 2013.

****Mr. Peck returned for the remainder of the meeting.**

Motion(6) Mr. Peck moved to approve the Public Hearing and Regular Meeting Minutes of March 7, 2013.

Seconded by Mr. McPherson.

Motion Passed 6-0.

OLD BUSINESS

1. PARKING SUBCOMMITTEE

Mr. Salerno stated they will have another meeting. He discussed on street parking in a CB zone. He asked Mr. Mulholland to schedule a public hearing.

2. SIGN SUBCOMMITTEE

Mr. Donovan stated they have nothing to report. Mr. Walker needs to schedule a meeting.

3. OUTDOOR DINING BARS SUBCOMMITTEE

Mr. Mulholland will have their new suggestions typed up and they will present them at the next meeting.

4. POULTRY SUBCOMMITTEE

They will meet on April 4th at 6:30 prior to the Regular Meeting.

NEW BUSINESS

- 1. APPLICATION OF HARRY AND TRIFONAS LOGINIDIS D/B/A FAMILY PIZZA FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 233 MAIN STREET, NIAN TIC.**

Mr. Salerno asked Mr. Mulholland to schedule this for a public hearing.

- 2. APPLICATION OF LEO ROCHE FOR STRIVE LLC D/B/A BLACK SHEEP FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 247-2 MAIN STREET, NIAN TIC.**

Mr. Salerno asked Mr. Mulholland to schedule this for a public hearing.

- 3. APPLICATION OF CRAIG TAFT, FOR CTRP ENTERPRISES, LLC D/B/A BURKE'S TAVERN FOR A RENEWAL OF SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 267-283 MAIN STREET, NIAN TIC.**

Mr. Salerno asked Mr. Mulholland to schedule this for a public hearing.

4. APPLICATION OF NICK & RITA FOKAIDIS D/B/A VILLAGE PIZZA AND GRILL FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 53 WEST MAIN STREET, NIANTIC

Mr. Salerno asked Mr. Mulholland to schedule this for a public hearing.

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

Mr. Dwyer asked about signs on the Green that advertise businesses in New London.

Mr. Mulholland will look into it.

Mr. Peck asked about our alternates.

Mr. Salerno will email Mr. Liska. They do need another alternate, and that is now up to the Board of Selectman to appoint one.

6. ZONING OFFICIAL

Mr. Mulholland stated they have been very busy.

Mr. Salerno and Mr. Mulholland will be attending the Board of Finance meeting on Monday and they will again be asking for the \$5000.00, and anyone else who wants to speak should come to the meeting.

7. COMMENTS FROM EX-OFFICIO

Ms. Cheeseman stated there was a Special Town Meeting and they approved a Simulcast system, the Easement money from Amtrak to improve the parking lot, the Grant money for the ATV's and the Jet Ski to access the new beach. There was a public hearing regarding the Samuel Smith House purchase by the Sportsmen's Club. They discussed the Capital Improvement Plan, they appointed a new member to the Board of Finance.

8. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

The liaison was not present.

9. COMMENTS FROM CHAIRMAN

Mr. Salerno stated there is a meeting scheduled for April Vacation and he will not be present.

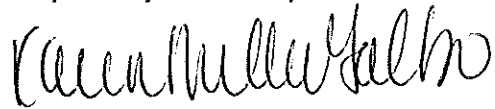
10. ADJOURNMENT

Motion (7) Mr. McPherson moved to adjourn the meeting at 9:09 p.m.

Seconded by Mr. Peck.

Motion Passed 6-0.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Karen Miller Galbo". The signature is written in a cursive, flowing style.

**Karen Miller Galbo
Recording Secretary**

Attachment A

SETTLEMENT AGREEMENT

This agreement is made this ____ day of _____, 2013 between Landmark Development Group, LLC and Jarvis of Cheshire, LLC ("Landmark") and the East Lyme Zoning Commission ("Commission"). In furtherance of the agreement the parties state as follows:

RECITALS

WHEREAS, on June 2, 2005, Landmark filed with the Commission an "Affordable Housing Application" ("Application") entitled "Riverview Heights (A Residential Community)" consisting of a set of plans for 840 total units of which 252 would be affordable housing units, a drawing of the proposed units, an affordability plan and proposed amendments to Section 32 of the East Lyme Zoning Regulations ("Regulations"), regarding Landmark Development's proposed residential development adjacent to Caulkins Road; and

WHEREAS, the Application included proposed text amendments to Section 32 of the Regulations ("Affordable Housing District"); and

WHEREAS, the Commission approved the Application in part and denied the Application in part, including the proposed text amendments to Section 32 of the Regulations; and

WHEREAS, Landmark appealed the decision of the Commission to the Superior Court; and

WHEREAS, trial to the court on Landmark's appeal began in October, 2010, and concluded in January, 2011; and

WHEREAS, on October 31, 2011, the Honorable Stephen F. Frazzini issued a Memorandum of Decision ("Decision") that remanded the Application to the Commission ; and

WHEREAS, on June 1, 2012, Landmark submitted to the Commission a letter requesting that the Commission adopt further modifications to Landmark's proposed text amendments to Section 32 of the Regulations as submitted with the 2005 Application; and

WHEREAS, on October 18, 2012, the Commission held a public hearing on the proposed text amendments and considered testimony presented during the hearing. Exhibits were submitted by Landmark, the Commission, and individuals for consideration during the hearing process; and

WHEREAS, on December 6, 2012, the Commission adopted a text amendment to Section 32 of the East Lyme Zoning Regulations, which was published in the New London Day on December 13, 2012, and which included the following provision:

“Section 32.4.11: TIDAL WETLANDS: A 150’ non-disturbed buffer shall be required from tidal wetlands and watercourses.”

WHEREAS, on December 21, 2012, Landmark filed an administrative appeal against the Commission in the Superior Court for the Judicial District of New London which challenged the above provision (“Appeal”); and

WHEREAS, upon further consideration, the Commission authorizes the removal of said Section 32.4.11 in full and final settlement of all claims relating to this Appeal; and

WHEREAS, the Commission and Landmark agree that the text amendment to Section 32 of the Regulations shall now read as set forth in Schedule A attached hereto and made a part hereof.

NOW, THEREFORE, the parties agree as follows:

1. Upon the Commission's formal approval of the settlement as set forth above, the Commission shall file a motion for court approval of the settlement pursuant to C.G.S. §8-8(n) and Practice Book §14-7A.
2. Upon court approval of the settlement, Landmark shall withdraw this Appeal.

Dated:

LANDMARK DEVELOPMENT GROUP LLC
JARVIS OF CHESHIRE, LLC

By: _____

Timothy S. Hollister
thollister@goodwin.com
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919
Phone (860) 251-5000
Fax (860) 251-5318
Juris no. 057385
Their Attorney

Dated:

EAST LYME ZONING COMMISSION

By: _____

Edward B. O'Connell, of
Waller, Smith & Palmer, P.C.
52 Eugene O'Neill Drive
New London, CT 06320
(860) 442-0367
Juris no. 065975
eboconnell@wallersmithpalmer.com
Its Attorney

Attachment B

RESOLUTION OF THE EAST LYME ZONING COMMISSION ADOPTED ON MARCH 21, 2013

RESOLVED, that the East Lyme Zoning Commission agrees to settle the land use appeal presently pending in the Superior Court for the Judicial District of New London entitled "Landmark Development Group, LLC and Jarvis of Cheshire, LLC, v. East Lyme Zoning Commission," bearing the docket number KNL-CV13-6015986-S, on the following terms and conditions:

1. Section 32.4.11, as adopted by the East Lyme Zoning Commission ("Commission") as part of a text amendment to Section 32 of the East Lyme Zoning Regulations ("Regulations"), shall be removed, and the text amendment to Section 32 of the Regulations shall now read as set forth in Schedule A attached hereto and made a part hereof.
2. The reasons for the settlement include the following:
 - a. Upon further consideration, the Commission has determined that the record does not contain sufficient evidence that Section 32.4.11 is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider, or that such public interests clearly outweigh the need for affordable housing, there being sufficient safeguards in the already existing land use regulations.
3. The Commission's attorney is hereby authorized to execute and deliver such documents as may be required to implement this settlement in the Superior Court and appear in Superior Court on behalf of the Commission in proceedings related to this settlement.

Attachment C

SCHEDULE A

PROPOSED AMENDMENTS TO EAST LYME ZONING REGULATIONS

Section 32 of the Zoning Regulations of the Town of East Lyme shall be amended to read as follows:

SECTION 32: - AFFORDABLE HOUSING DISTRICT

32.1 GENERAL DESCRIPTION AND PURPOSE: A district designed to provide for, encourage and accommodate affordable housing, as defined by the Connecticut General Statutes Section 8-39a and Section 8-30g, *et seq.*

32.2 DESIGNATION OF AFFORDABLE HOUSING DISTRICT: An Affordable Housing District (AHD) may be proposed for and located on parcels of land, or combinations of adjacent parcels of land, containing at least ten (10) acres.

32.3 PERMITTED USES: The following uses of buildings and/or land and no others shall be permitted subject to site plan approval in accordance with Section 24:

32.3.1 An affordable housing development, as defined in Connecticut General Statutes Section 8-30g. The development may consist of single-family or multi-family dwellings arranged on single or multiple lots within the District.

32.3.2 Accessory uses customarily incidental to the above permitted uses.

32.4 DIMENSIONAL AND BULK REGULATIONS

32.4.1 LOT SIZE: Lots for single-family dwellings shall contain no less than ten thousand (10,000 square feet). Lots for multi-family dwellings shall contain no less than ten (10) acres.

32.4.2 HEIGHT: The maximum height of single-family detached dwellings shall be thirty (30) feet.

32.4.3 MULTI-FAMILY UNIT DENSITY: The maximum number of multi-family dwelling units permitted on any lot shall be as follows:

1 bedroom: 5,445 square feet / unit (8 units / acre)

2 bedrooms: 7,260 square feet / unit (6 units / acre)

3 or more bedrooms: 8,712 square feet / unit (5 units / acre)

On lots to which public sewer and water facilities are not available, the maximum density of multi-family dwelling units shall be one unit per ten thousand (10,000) square feet of land.

- 32.4.4 FRONTAGE: Each lot and/or land area shall have not less than fifty (50) feet frontage.
- 32.4.5 SETBACKS: No new building or structure shall be placed less than one hundred fifty (150) feet from the street line or less than one hundred (100) feet from the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses.
- 32.4.6 BUFFERS: A suitable landscaped buffer strip not less than one hundred (100) feet wide shall be provided along the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses, in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line.
- 32.4.7 BUFFER AREA: There shall be provided a landscaped side or rear yard buffer area of at least one hundred (100) feet in width adjacent to the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses, in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet.
- 32.4.8 GROUPING: The minimum distance between any two (2) structures shall be twenty-four (24) feet, unless the Commission finds that the design of the proposed development would be benefited by closer spacing.
- 32.4.9 YARDS
 - Front Yard: 25 feet
 - Side Yard: 25 feet
 - Rear Yard: 50 feet

32.4.10 LOT COVERAGE: The total lot coverage of all buildings and structures on any lot shall not be greater than thirty (30) percent of the lot area.

32.5 OFF-STREET PARKING: Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 22 of these regulations. Spaces within garages shall count towards the required minimum number of spaces.

32.6 OPEN SPACE: For any affordable housing development, an area equal to ten (10) percent of the total lot area shall be set aside as open space. Buffer strips required pursuant to Section 32.4.6 shall be included in the computation of open space.

32.7 AFFORDABLE HOUSING RESTRICTIONS

Prior to the issuance of any building permit for a development approved pursuant to this Article, there shall be recorded in the East Lyme land records a document entitled "Affordable Housing Development Restrictions," executed by the owner of the AHD; dated, witnessed, and acknowledged in the manner required for deeds; containing a real estate description of the AHD and containing substantially the following language in accordance with General Statutes Section 8-30g *et seq.*:

Not less than thirty (30) percent of the dwelling units of a development in the AHD will be conveyed by deeds containing covenants or restrictions ("deed restrictions") which shall require that such dwelling units shall be sold or rented at or below prices which will preserve the units as housing for which persons pay thirty (30) percent or less of their annual income, where such income is less than or equal to eighty (80) percent of the median income. Such restrictions shall remain in force for at least forty (40) years after the initial occupation of the proposed development.

Within the AHD herein described, not less than fifteen (15) percent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty (60) percent of the median income. The remainder of the dwelling units conveyed subject to the deed restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty (80) percent of the median income.

"Median income" means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which East Lyme is located, as determined by the United States Department of Housing and Urban Development.

32.7.1 The owner of the land and buildings within the AHD may, during such forty (40) year period, change the designation of which units within the AHD shall be maintained as affordable, provided that the minimum thirty (30) percent set aside shall be maintained, and the AHD as a whole shall continue to comply with the provisions of these restrictions.

32.7.2 These restrictions may be enforced by the applicant or by the East Lyme Zoning Enforcement Officer or the East Lyme Housing Authority, or any other suitable town agency selected by its Board of Selectmen.

32.8. PHASED APPROVAL: The applicant may request an approval of the development plan to be completed in stages. The minimum amount of land to be included within any single stage of development shall be five (5) acres. Each stage shall be capable of independent existence without the completion of succeeding stages. Buffer requirements shall not apply to the common line between stages of development. Each phase must contain the required percentage of affordable units.

32.9 GENERAL PROVISIONS

An application for designation as an AHD may be initiated in three ways: (i) a conceptual site plan in accordance with General Statutes Section 8-30g; or (ii) an application for approval of a Preliminary Site Plan ("PSP"); or (iii) an application for approval of a Final Site Plan ("FSP"). The Commission shall have the discretion to hold a public hearing on an application for approval of a PSP and/or on an application for approval of a FSP. An application for designation as an AHD cannot be approved without an approved FSP.

32.9.1 PRELIMINARY SITE PLAN: The purpose of a PSP is to require the submission to the Zoning Commission of information sufficient to allow it to evaluate a development plan for under the standard of §8-30g, and to allow an applicant to defer, until approval is granted, completion of details and specifications that will define what is to be built but are not essential to §8-30g analysis. Therefore, a PSP submitted with an application to rezone an eligible parcel or parcels of land as an AHD shall contain the following:

32.9.1.a An A-2 property line survey.

32.9.1.b Topographical contours at ten (10) foot intervals.

32.9.1.c Location of wetlands, watercourses, and slopes in excess of twenty-five (25) percent.

32.9.1.d General layout of all proposed buildings and structures.

- 32.9.1.e Areas proposed for open space and/or recreational purposes.
 - 32.9.1.f Sewage disposal and water supply locations and system, ownership, operation, and maintenance.
 - 32.9.1.g Preliminary storm water management plan;
 - 32.9.1.h Coastal zone resources information.
 - 32.9.1.i Traffic impact statement or report.
 - 32.9.1.j Preliminary design plans for all proposed buildings and structures.
 - 32.9.1.k A table showing the number of units and number of bedrooms for each unit.
 - 32.9.1.l An Affordability Plan containing all of the documents and information required by General Statutes Section 8-30g.
 - 32.9.1.m A list of all coordinate permits and approvals needed by the applicant before beginning construction
 - 32.9.1.n. Soil types from the New London County Soil Survey.
 - 32.9.1.o. A statement describing any impact on public health and safety, including emergency services.
- 32.9.2 FINAL SITE PLAN: An application for FSP approval shall contain all of the information required for a PSP, as well as any additional information that may be required for site plan applications under Section 24 of these Regulations. An application for FSP approval shall also demonstrate that (a) public water and sewer can serve the entire development, or (b) community septic and water can serve the entire development, or (c) a combination of public and onsite or community water and waste disposal can serve the entire development.
- 32.9.3 DECISIONS ON SITE PLAN APPLICATIONS: If the applicant submits an application for approval of a PSP in connection with an application for designation of an AHD, the Commission shall either approve, approve with modifications, or deny said PSP at the time it acts on the proposed AHD designation. If the PSP is approved, or approved with modifications, the applicant shall file an application for approval of an FSP, which application shall include all information required under Section 24 of these Regulations for a site plan application. If the FSP

conforms to the PSP as approved, and includes all information required by section 24 of these Regulations, the Commission shall approve the FSP. If the applicant submits an application for approval of an FSP in connection with an application for designation of an AHD without having first obtained PSP approval, the Commission shall either approve, approve with modifications, or deny said FSP at the time it acts on the proposed AHD designation.