

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, AUGUST 6th, 2009
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on Thursday, August 6, 2009 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada,
Norm Peck, Bob Bulmer, Alternate, William Dwyer, Alternate

ALSO PRESENT: Jane Dauphinais, Director, SE CT Housing Alliance
Paul Formica, First Selectman
William Mulholland, Zoning Official

ABSENT: Marc Salerno, Steve Carpenteri, Gregory Massad, Alternate

Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 9:29 PM after the previously scheduled Public Hearings. He noted that he had seated Mr. Bulmer, Alternate and Mr. Dwyer, Alternate at the table this evening.

Pledge of Allegiance

The Pledge was previously observed.

Public Delegations

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

There were no delegations.

Mr. Nickerson asked that they hear from Ms. Dauphinais on the Affordable Housing Plan.

Mr. Formica, First Selectman thanked them for the courtesy of moving this item up on the agenda. He noted that he had informed them a few months ago that they had received a \$50,000 grant for this item and that it also covers the cost of a consultant and the cost for the Commission of updating the regulations to include this Affordable Housing Plan. He said that they need more Affordable Housing in this community to be able to keep our younger people in this community. They have invested in having Randall Arendt come out to speak to them about better design in housing development and he hopes that all of this will continue to be an on-going effort. He then introduced Jane Dauphinais, Director of the Southeastern CT Housing Alliance.

Ms. Dauphinais passed out copies of the draft of the East Lyme Affordable Housing Plan and said that the guiding principles on this study and plan were to do no harm to the Town of East Lyme and to focus on the residents and employment needs and on redevelopment rather than new development. Households today are smaller. The housing prices in East Lyme have gone up 142% while the incomes have only risen 26%. On page 12 of the report they could see that the education budget has grown by 51% while the enrollment had declined by 3%, indicating that not all housing brings new students to the system. She noted that most important to zoning are the strategies and solutions and that incentive housing zones are voluntary for the Town and for the developer. This could be mixed use as well as residential and there has been effort on the part of the legislature to plan for smart growth initiatives. Also, in the Steering Committee for the POCD, they have cited parcel considerations for this type of incentive housing.

Under the incentive housing program, the State will pay Towns to create and use the zones. The State would pay East Lyme \$2,000 per housing unit allowable when you create the zone and another \$2,000 per unit when you permit a development within the zone. \$4,000 if the unit is a single family home. Wallingford and Old Saybrook have drafted and approved IHZ (Incentive Housing Zone) regulations and they are being

submitted to OPM for approval. The program was intended to encourage smart growth rather than less environmentally responsible sprawl. It stipulates that the zone must have access to public transportation and utilities and be located in a village or commercial center or a designated growth area. Areas identified in Town, in no particular order are: the parcel in back of the Community Center and UBS as it would provide walk-ability to the community center and its' services; the Gateway housing area as it provides for retail and other amenities. It was noted that they did meet with the developer and explained the program to him and it was emphasized that it would be optional that it be used in that way; the Niantic Village area for those aging areas to be revitalized and to put 'feet' on the ground and to motivate this area; and the campground on Rte. 156 in the Rocky Neck area. She said that they would also recommend that East Lyme adopt the deed restricted accessory unit requirement for approval of an Accessory Unit permit as this allows housing to be achieved without significant increases in density.

Mr. Nickerson thanked Ms. Dauphinais for the great report and asked what the next step would be for them. Ms. Dauphinais said that as a whole or as a sub-committee they should discuss the pros and cons amongst themselves and with some developers and property owners as they have to prove that they are meeting densities. After this, they would hire a consultant to draft up regulations for them. The language then goes to OPM to be certified and they will issue the incentive payments. She cautioned that all of this money has been frozen as there is no budget in place. However; this program does have the backing of the legislature and she has not heard that the funding has been cut.

Mr. Bulmer said that there was a section that required the developer to put in Affordable Housing and asked if it was still in.

Ms. Dauphinais said that there are different initiatives.

Mr. Bulmer asked hypothetically – what if there is no money for this program.

Ms. Dauphinais said that while it could very well be that way, that this program has survived so far. She added that the money should not be the sole reason to do this – the basic reason should be because this puts YOU in the driver's seat and YOU best know your Town.

Regular Meeting

1. Affordable Housing Plan presented by Jane Dauphinais

Mr. Nickerson asked that all members of the commission be involved in this plan. He asked that they form a subcommittee and asked for volunteers. He said that he would be on it. Mr. Gada and Ms. Carabelas also volunteered to be on the initial subcommittee that would work towards putting together a plan to move forward. He suggested that this subcommittee move quickly.

Mr. Mulholland said that they have already started acquiring other Town regulations.

2. Application of AHEPA 250 INC to amend Section 25.5 of the Zoning Regulations. Section 25.5 Table of Minimum Controls for Specific Special Permit uses. AHEPA 250 INC proposes to modify the density requirement for Section 202 Housing for the Elderly Multi Family/Multi Story by reducing the lot area requirement from 4000 square feet to 2800 square feet for each efficiency or one bedroom unit.

Mr. Nickerson noted that they had closed this Public Hearing and that they are considering a text amendment. He called for discussion.

Ms. Carabelas said that she was ready to make a motion.

****MOTION (1)**

Ms. Carabelas moved to approve the Application of AHEPA 250 INC to amend Section 25.5 of the Zoning Regulations. Section 25.5 Table of Minimum Controls for Specific Special Permit uses. AHEPA 250 INC proposes to modify the density requirement for Section 202 Housing for the Elderly Multi Family/Multi Story by reducing the lot area requirement from 4000 square feet to 2800 square feet for each efficiency or one bedroom unit.

Mr. Dwyer seconded the motion.

Ms. Carabelas said that the reason why she feels this should be approved is because it is for Section 202 HUD Housing and there is a need for it. She said that she has a mother and a brother who live in these units.

Mr. Dwyer said that while he does not have any relatives living in HUD housing that he does think that there is a very real need for it.

Mr. Peck said that he was in favor of this and noted that they still have the 10 acre minimum and the 30' height requirement.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson noted that this would publish on August 13, 2009 and become effective on August 14, 2009.

3. Application of Theodore A. Harris for GDS Capital Holdings LLC to amend the East Lyme Zoning Regulation Sections with regard to Mixed Use Development.

Mr. Nickerson noted that they had continued this Public Hearing.

4. Application of David Coonrod, Agent for the property owner at 48 East Shore Road for a Coastal Area Management review to demolish the existing dwelling and replace with a new single-family dwelling.

Dave Coonrod, LS representing the property owner said that they are tearing down an old house and putting up a new one. Niantic Bay is to the east. The new house will be put in the same place as the old house and will not be any closer to the water. They will put in silt fencing to keep erosion stable and there will be no impact to the coastal resources.

Mr. Mulholland said that they are looking here to see that they are taking all reasonable measures to mitigate any impact to the coastal areas.

Mr. Coonrod said that the grading will be the same as it is now once the new house is in.

Mr. Nickerson asked when they would be starting the work.

John Bonelli, General Contractor said that he expects to begin in the September – October time frame.

Mr. Gada asked who installs the silt fence.

Mr. Coonrod said that the developer or owner installs it and it is approved by the Town and has to remain in place during the building process.

****MOTION (2)**

Ms. Carabelas moved to approve the Application of David Coonrod, Agent for the property owner at 48 East Shore Road for a Coastal Area Management Review to demolish the existing dwelling and replace it with a new single-family dwelling.

Mr. Dwyer seconded the motion.

Ms. Carabelas said that the reason for approval is that all reasonable measures are being taken to mitigate impacts to the coastal areas.

Vote: 6 – 0 – 0. Motion passed.

5. Request of Theodore A. Harris, Agent for 38 Hope Street to amend the approved site plan to delete two parking spaces and to add two parking spaces.

Mr. Nickerson noted that this item has been withdrawn.

6. Approval of Minutes – Public Hearing I and Regular Meeting Minutes – July 9, 2009

Mr. Nickerson called for discussion on, or corrections to the Commission's Public Hearing and Regular Meeting Minutes of July 9, 2009.

****MOTION (3)**

Ms. Carabelas moved to approve the July 9, 2009 Public Hearing I and Regular Meeting Minutes of the Commission as presented.

Mr. Bulmer seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Gada

Old Business

1. Stormwater

Mr. Mulholland said that this is in progress.

2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Gregory Massad)

Mr. Nickerson said that they are making headway on this.

3. Subcommittee – Conservation Development by Design (Marc Salerno, Norm Peck & Rosanna Carabelas)

Mr. Peck reported that they have done a lot and that they are looking at potentially September for another meeting where they will bounce the regulation off some developers and Mr. Miniutti and then they hope to have something for them to consider by the end of the year.

New Business

1. Request of Theodore A. Harris, Attorney for Walnut Hill Properties LLC for a one-year extension on the Special Permits/Site Plan with respect to the Walnut Hill country Club.

Mr. Nickerson noted that Attorney Harris had left and asked that they take this up for discussion at their next meeting.

2. Any business on the floor, if any, by the majority vote of the Commission.

There was none.

3. Zoning Official

Mr. Mulholland reported that the CVS is coming along and that the size looks much different as the building gets finished. He also reported that Five Guys has been in to see him regarding their interest in being in our community. He said that he continues to be busy with inquiries.

4. Comments from Ex-Officio

There were none.

7. Comments from Zoning Commission liaison to Planning Commission

There was no report.

8. Comments from Chairman

Mr. Nickerson said that he did not have anything further to report.

9. Adjournment

Mr. Nickerson called for a motion to adjourn.

****MOTION (4)**

Mr. Peck moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 10:00 PM.

Mr. Bulmer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary