

A Landmark Decision—But It May Not Amount to Much

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Last night, East Lyme Zoning Commission approved changes to regulations in accordance with a court order resulting from a suit brought by Landmark Development, but the changes may be more cosmetic than substantive.

East Lyme Zoning Commission approved changes to regulations regarding affordable housing last night. The changes were made in accordance with a [court order following Landmark Development's successful appeal of the board's partial acceptance and partial denial of its application](#) for an affordable housing development in Oswegatchie Hills.

Landmark proposes to construct 840 housing units, of which 252 would be affordable housing units adjacent to Caulkins Road in East Lyme. While the court remand was a victory for Landmark, attorneys for the town said the changes were mostly semantic.

The most substantive difference reduces the buffer zone between new housing developments and existing housing developments from 100 feet to 25 feet. The Zoning Commission, however, opted not to change the 150 feet buffer zone between new developments and tidal wetlands and watercourses as Landmark had suggested.

This particular rule doesn't actually apply to Landmark's proposal, which would construct new housing more than 1,000 feet from any coastal or wetland area. Wetlands and coastal areas are regulated by Inland-Wetlands and Watercourses Commissions and typically fall within the purview of Connecticut Department of Energy and Environmental Protection and the state's Coastal Area Management Act, and not the Zoning Commission, which may have little to no jurisdiction in this area.

However, Superior Court Judge Stephen Frazzini, who remanded the case back to the Zoning Commission with orders to make adjustments to the regulations, had noted that affordable housing developments were still subject to existing environmental, developmental, health, and public safety regulations and all of those concerns could be handled at the discretion of the zoning commission.

Save the River, Save the Hills, and Friends of Oswegatchie Hills, two nonprofit organizations that are intervenors in this case, are opposed to Landmark's housing development plans based on the

possible impact that a high density housing estate would have on the environmentally fragile Niantic River and the surrounding area.

Other Changes Coming

The new rules will require affordable housing developers to submit conceptual, preliminary, or final site plans. That's a change from previous regulations that required plans to be submitted in stages but, as the final site plan must include all the same elements as a preliminary plan and with much greater detail, developers will still need to cover all the same bases as before. The change should, however, make it less costly for developers, who could save money by exercising their option to submit fewer site plans.

Open space, and whether the town needed to increase its open space requirements for high-density developments, was an issue raised at the public hearings held prior to this decision. As the topic was not included in the public notices posted regarding the proposed regulations changes, the Zoning Commission could not make any decision on that score. The Zonng Commission does, however, plan to take up that issue at a later date.