



**CITY
OF
NORWICH**

Mayor Benjamin P. Lathrop

September 29, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen Continuing Legislative Committee on Planning and Economic Development
Legislative Office Building
Hartford, CT 06106-1591

Dear Chairmen Coleman and Feltman;

The matter of a vote taken on July 10, 2008 remains of particular concern to officials in the City of Norwich as well as its residents. On that date the Continuing Legislative Committee on Planning and Economic Development voted by a 3-2 margin to approve the application of Messrs. Abele and Donner of Norwich to override the negative recommendation of the State Office of Policy Management received by the City on June 13, 2008. A careful analysis of the record of the meeting will reveal there were significant questions about the position of Norwich Officials on the matter. Despite that, a vote was taken. In hindsight, we would have preferred that the Committee had tabled the matter and asked City officials to attend a rescheduled meeting to address your concerns.

Notice had been tendered by Norwich Officials on June 2, 2008 indicating the City would not seek nor would pass on the opportunity to have a public hearing on the matter. This decision was based upon a planning review by staff. In part, documents supporting the decision to waive the opportunity for a joint public hearing to be held locally were the 2003 City of Norwich Plan of Conservation and Development, Norwich Department of Public Utilities infrastructure plans and City of Norwich Zoning Regulations.

A more comprehensive document citing items reviewed, relative to the waiver of the local hearing, is attached for your review. One must keep in mind that the subject of the request at the time of staff review was the potential extension of public infrastructure, not a specific project. In light of these factors, we believe staff's findings were appropriate.

Within the past week, the subject at hand has taken on additional significance, due in no small part to the neighborhood reaction to the proposed active adult community project. In light of the recent level of local concern, I am requesting on behalf of the City that when your committee next convenes you allow a motion to be made and rule favorably on having this vote reconsidered. I look forward to your response and appreciate your consideration in the important matter.

Sincerely,

Benjamin P. Lathrop, Mayor
Enclosure(s)

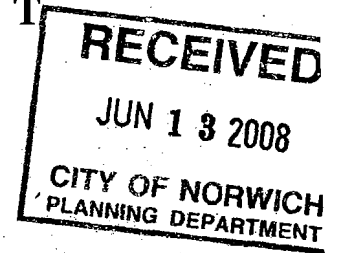
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STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT
INTERGOVERNMENTAL POLICY DIVISION

June 9, 2008



Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio (Tony) Guerrero
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-5 of the Regulations of Connecticut State Agencies, the Office of Policy and Management (OPM) hereby submits its Findings and Recommendations on the Norwichtown Development, LLC application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

Under State statutes, the Continuing Committee has thirty (30) days from receipt of OPM's recommendation to act on the proposed interim change application. My staff and I are available to meet with you at your convenience during this period, if you should have any questions.

Sincerely,

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Peter Davis, Director of Planning & Neighborhood Services
Alan Bergren, City Manager
Benjamin P. Lathrop, Mayor
Gregory A. Sharp, Murtha Cullina LLP
James Butler, Southeastern Connecticut Council of Governments

Findings and Recommendations

Norwichtown Development, LLC.

Request for an Interim Change to the Locational Guide Map Conservation and Development Policies Plan for Connecticut, 2005-2010

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, Norwichtown Development, LLC requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Norwichtown Development LLC., requests that the C&D Plan designation for a 59.9-acre parcel bounded by Scotland Road on the East, and Hansen Road to the West, be changed from "Rural" to "Neighborhood Conservation" (see attached maps). In accordance with state regulations, the City of Norwich was afforded the opportunity to request a joint public hearing with OPM and the Continuing Committee regarding this application. The City opted to waive its right to a public hearing.

Background

The request is a result of Norwichtown Development's desire to develop an "Active Adult Community" on the subject property. The easterly third of the property, adjacent to Scotland Road is subject to a recorded conservation easement and is not part of the requested change in designation. The current zoning designation is R-80, which according to the City's zoning regulations requires an 80,000 square foot minimum lot size (approximately 1.8 acres) or 0.5 units per acre. The applicant has indicated that under Special Regulations the property would be eligible for development of a greater density if its use were restricted to an "Active Adult Community." The Density Standards for an Active Adult Community would allow up to 8 units per acre.

The applicant asserts that in order to facilitate this development it is necessary to extend public water and sewer to this parcel. The current Rural Lands designation would prohibit the use of state funds supporting the introduction of such infrastructure to this area. Thus, the applicant is requesting a change to a Neighborhood Conservation designation whereby the extension of infrastructure would be consistent with the C&D plan.

Recommendation

OPM recommends that the Continuing Committee **not approve** Norwichtown Development's request to change the sites' C&D designation from "Rural" to "Neighborhood Conservation." In order to provide this site with access to public water and sewer, it would require the extension of public water and sewer approximately 5,000 feet. Nearly 2,500 feet of this would go through areas designated as Rural and Conservation areas, which are not addressed in this application, before reaching the subject property. OPM's concern is that such an extension would facilitate further intensive development in these areas that are not subject to a change under this

application. In doing so, the potential exists for further requests for changes to the C&D Plan's Locational Guidemap requiring the action of OPM and the Continuing Committee.

In addition to potential impacts on other areas, OPM questions the necessity for the change at this time. The applicant indicates that the City's zoning regulations require that Active Adult Communities be connected to public water and sewer. However, Section 7.6.4(h) of the Norwich zoning ordinance states:

"Sanitary Requirements. All such buildings shall be connected to public water and sanitary sewerage systems, or private sewerage systems which meet the requirements of local and state department of health."

OPM is not aware if the applicant has investigated the potential of on-site alternatives for water and sewer in this area such as a community septic system or alternative treatment technologies. The use of such technologies, when constructed properly, can provide for the type of development density the applicant seeks. Such alternatives could negate the need to extend public utilities to the subject parcel, yet still accommodate cluster type or "Conservation Development" techniques that are supported in the C&D Plan for Rural Lands.

The City of Norwich has waived its right to a public hearing with regard to this application. As a result, OPM must make this recommendation based solely on the information presented by the applicant. OPM is not aware of any previous approvals issued at the local level, including a willingness or capacity to service this area with public water and sewer. Further OPM is not aware of any measures that may be in place to limit development densities that may be achieved in the additional areas not subject to this application, through the introduction of this infrastructure. Similarly, OPM is not aware of any provisions for open space preservation or "Conservation Development" techniques that may be planned on site. The City's plan of conservation development does encourage development of elderly housing yet also encourages the maintenance of low-density development within this particular area (known as the "Plain Hill" area). Additionally, the plan suggests that subdivision design should be done in accordance with the natural carrying capacity of the land, which is consistent with the current designation of Rural Lands.

In light of these issues, OPM recommends that this area remain designated as Rural Lands. There are significant areas in Norwich designated for growth where the use of state funding for infrastructure and development of this nature would be more appropriate. Neighborhood Conservation areas are typically already developed, dense residential areas with existing infrastructure. Generally, state policy for these areas is to promote infill development where the infrastructure to support it exists. Considering the low-density zoning of the area, OPM believes a change from Rural to Neighborhood Conservation would not be appropriate for this area.

NORWICH TOWN
Development, LLC
Proposed Interim Change



**Conservation and Development
Policies Plan for Connecticut
2005-2010
Locational Guide Map**



Legend

- Towns
- Tribal Settlement Area

Streets

- Interstate
- U.S. Route
- State Highway
- Local Road
- Rail

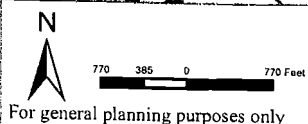
Conservation Policies

- Existing Preserved Open Space
- Preservation Area
- Conservation Area
- Rural Lands
- Aquifer Protection Area
- Historic Districts

Development Policies

- Regional Center
- Neighborhood Conservation
- Growth Area
- Rural Community Center

Proposed Change





CITY OF NORWICH
Department of Planning & Development
23 Union St.
Norwich, CT 06360
(860) 823-3766

Peter W. Davis
Director

Michael Schaefer
City Planner

September 22, 2008

TO: Alan Bergren
City Manager

From: Peter W. Davis 
Director Planning & Development

Subject: Waiver of Public Hearing; Norwichtown Development, LLC

Relative to my decision to notify the State of Connecticut that the City would be waiving our right to a local hearing, I offer the following:

- The request for a determination on the necessity of conducting a local hearing on the matter of the developer's request to modify the State's Conservation & Development Policies Plan was referred to me for review and comment by the Mayor and City Manager's offices. I also received a copy of the same State documents addressed to the Chair of the Commission on the City Plan.
- In part, my job description requires that I review and comment on planning & zoning matters to various City agencies.

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- The proposed change to the State C & D Plan would permit the developer to submit an application to the City for consideration of a proposed Active Adult Community, which would in part include the extension of utility infrastructure (water & sewer) to the proposed site.
 - Planning and NDPU staff had been working with the developer on the matter of modifying the State C & D Plan.
 - Our City of Norwich Zoning Ordinance allows for the proposed level of development in accordance with the regulations for an Active Adult Community, unanimously adopted by the City Council in early 2007.
 - Our zoning ordinance requires that Active Adult Community be served by municipal water & sewer, or a community system. The applicant chose to design the project to be served by municipal water and sewer instead of an on-site community system. Accordingly, the need for the request to modify the State C & D Plan.

- Our zoning ordinance requires that any application for a proposed Active Adult Community be subject to a public hearing conducted by the Commission on the City Plan. There are extensive public notification requirements as part of the special permit application process. In fact, the public notice requirements for Active Adult Community applications exceed any other public notice requirements in our current zoning ordinance.
- I thought that it would not be prudent to place the issue of the proposed change to the State C & D Plan in front of the Commission on the City Plan in order that the City avoid the appearance that there was a pre-determined opinion of the Active Adult Community proposal before the public hearing date was set. There is also the threat of ex parte communication occurring under such circumstances.
- The Commission on the City Plan, with a large amount of public and City support, recently approved a development within the same neighborhood that consists of 600 residential units, a golf course resort, including a large community facility and a significant road extension that opens up approximately 70 acres of commercial land for development. This project also included major infrastructure upgrades from Rte 97 to Canterbury Turnpike and Lawler Lane at the developer's cost, in order to serve the project. During these hearings, there was no negative comment entered into the public record relative to the proposed infrastructure improvements. In fact, the improvements were embraced by every level of City government.
- Extension of water & sewer utility infrastructure to the rural areas of the City is a stated goal of The 2003 Plan of Conservation and Development. The 2003 Plan update was unanimously adopted by the City Council in 2003.
- For approximately four years, City staff and administrators have been working together with Norwich Public Utilities and the Fire Service to develop a plan for the extension of public water infrastructure into areas of the City that are under-served. The primary driver of this effort has been the development of multi-family housing in such areas. I considered this an opportunity to ~~further extend municipal infrastructure, at the developer's cost, to an under-served area that is~~ experiencing increased development pressure.
- Relative to the proposed housing density level, there are public health and resource protection values associated with the extension of public water and sewer service to areas such as the proposed development site.
- After objectively reviewing these factors, I drafted letters for the Mayor and Chairman of the Commission on the City Plan to waive our right to a local public hearing. After a brief discussion with the Mayor and the Chair of the CCP, they deferred to my advise on the matter. I also submitted a similar letter to the State under my signature.

Based upon the circumstances and the facts available to me at the time, I feel that I responded appropriately to the State's request.