

Board of Selectmen  
**SPECIAL MEETING**  
October 5, 2015 – 6:00 PM  
Lyman Memorial High School

**Public Hearing Minutes**

**Members Present:** First Selectman Joyce Okonuk, Selectman John Bendoraitis, and Selectman Linda Finelli.

**Also Present:** Catherine Marrior and Edward O’Connell for the Law Firm of Waller, Smith and Palmer, Town Planner Phil Chester, Town Engineer Brandon Handfield, Registrar Cathe McCall, Ron Goldstein, Bruce Goldstein, Corey Sipe from The Chronicle, Administrative Assistant Linda McDonald and others. Audience: Approximately 75

J. Okonuk called the meeting to order at 6:03 p.m. and opened the public hearing on the sale of a 6.7 acre parcel of town-owned land at 37 West Town Street in the amount of \$100,000.00 (one hundred thousand dollars) for the purpose of constructing active adult housing.

J. Okonuk stated “In 2007, the Connecticut State Legislature became concerned that some municipalities were selling lands owned by the municipality without first giving notice to their citizens. The legislature felt the citizens need to be assured that they have an option to hear the details and comment on all land sales. The legislature decided to address this problem by enacting a statute (Connecticut General Statutes Sec. 7-163e) which requires that a public hearing be held in advance of any “final approval” of a proposed sale of town-owned land. In towns where the legislative body is the Town Meeting, which is Lebanon, the statute requires the Selectmen to conduct a public hearing on the proposed sale of municipal land and prior to final approval of such land” by the Town Meeting, residents have an opportunity to ask questions and hear details. This is the reason why we are conducting two meetings tonight, this meeting which starts at 6:00 p.m. and the Special Town Meeting at 7:30 p.m.

The purpose of this Public Hearing is to provide information to our residents about the proposal to sell 6.7 acres of town-owned property, adjacent to the Lebanon Senior Center, for the purpose of having a private developer build and manage 55 and above Active Adult Housing. The selectmen are really excited about this project. As many of you may know, the Selectmen have been discussing Senior Housing options with the Planning and Zoning Commission (PZC) for many years. We have also discussed the Senior Housing with the Commission on Aging and the Board of Finance. These discussions were reflected in minutes of meetings, articles in the Chronicle and Norwich Bulletin and several times in Lebanon Life (the town’s newspaper) and the town’s website. The process has been transparent. We feel confident that the proposal before you this evening makes the very best use of the land adjacent to the Senior Center and I would like to tell you why:

The proposal to build Senior Housing is finally addressing a long-needed void in our community.

Nearly 33% of Lebanon residents are over the age of 55. Most of the folks in this age bracket are long-term residents, raising and educating their children here in town, paying taxes on their homes, and contributing to our town by serving on boards, commissions, schools, scouts, athletics and of course, our churches. But there comes a time for most of us, when due to the loss of a spouse, illness, or some physical limitation we decide to “downsize” our home to something smaller, easier to manage, and usually less expensive.

For years our residents have found themselves in that very position. Unfortunately, as there is very limited rental housing in Lebanon, and even more limited senior options, our residents were forced to sell their homes

and move into other nearby communities that did offer this type of amenity. They didn't want to leave the town that many had lived in 30, 40 or more years, but unfortunately had no choice.

Although town officials met and answered questions with multiple developers, Paradise Agency from Colchester was the only developer that came forward with a proposal that the Selectmen felt met the community's expectations for this type of housing and as such, worthy of Town Meeting consideration and action. Town officials did site visits of multiple properties owned and managed by Ron and Bruce Goldstein of Paradise Agency. We met with the residents in these communities and toured their rental homes, and heard very good feedback from each of these people that we met. Paradise Agency has the experience of developing and managing active adult senior housing as evidenced by their properties in Colchester and other surrounding towns and their subsidized senior housing right here in Lebanon on Dr. Manning Drive.

To recap the process, on behalf of the community, the Selectmen went to Hugh Trumbull Adams asking for his assistance to purchase the land that houses the Senior Center. Mr. Adams provided \$300, K for the land purchase, which was then approved by Town Meeting in 2006, and the Senior Center was built. Of the 24 acres purchased, we are here tonight to discuss and approve the sale of 6.7 acres of the 24 for the purpose of building active adult housing. Although the initial offer on the land was lower, following negotiations, Selectmen are here to recommend the town sell the land, the 6.7 acres for the agreed upon price of \$100,000, with a restriction that the new owner develop at least 8 units of age-restricted housing within 2 years. If the developer does not fulfill this requirement, the land goes back to the ownership of the town and so does the money.

The developer has worked closely with town officials to bring about a design that is functional, attractive, and accessible and with an architectural style that makes it a good fit near the Senior Center and also the center of town. Although some renderings will be here tonight, specific design details for the structure, landscaping and driveway will be reviewed and approved by the Planning & Zoning Commission (PZC) as part of the process after the land is sold and approved by tonight's meeting. Senior Housing will increase the grand list in Phase I alone by at least \$1,000,000 and provide the town's general fund with \$100,000 due to the sale of the land.

The location is ideal. Most of you have been down the driveway that leads to the senior center and you can see from that location that it is within walking distance of the senior center and the Lebanon Green. The land sits south of the Senior Center. It is not visible to West Town Street or the Lebanon Green.

Once Town Meeting approves the 6.7 acre parcel be sold, the remaining 17 acres will still house the Senior Center, paved and overflow parking areas, other open space that is presently being hayed, a small pond/swamp area, and the gardens and shed of the Center that will remain part of the town ownership. There are no plans, no discussions or any intention to do anything with the remaining town land surrounding the senior center except for leaving it for passive recreational use. The remaining land is not part of this discussion tonight nor has it been part of this discussion relating to this senior housing project.

As told residents at the PZC public hearing two weeks ago, visitors to our town think we have a "gem". But the secret to keeping it a "gem" is "balance". We have worked very hard as various boards of selectmen since I came here in 1991 to make sure we balance our development, open space, farmland preservation and improvements to town facilities and our schools. As a town we have involved a vast number of residents in our long-term planning, appreciating their suggestions, insight and concerns. We have tried to meet the needs of our community and I think we have been successful, except in the area of Senior Housing."

J. Okonuk said the details of the building proposal would be presented this evening first by Town Planner Phil Chester followed by Town Engineer Brandon Handfield but, prior to that, Selectmen John Bendoraitis and

Linda Finelli would like to address the meeting. She asked that the audience hold questions or comments until the speakers finished, and then anyone wishing to speak could come up to the podium and that questions/comments be limited to 3 minutes so that everyone may have a chance to speak.

Selectman J. Bendoraitis addressed the audience as selectman and past member of the senior center building committee. He said the Manning property deed restriction that the town accepted at town meeting in March 2006 stated "The Town of Lebanon by acceptance of this deed covenant on behalf of itself and its heirs and assigns forever that the premises conveyed herein shall be used for the purpose of a senior citizens center for recreational purposes and for housing for senior residents of the Town of Lebanon." J. Bendoraitis contended that the sale of the portion of the property under discussion for the purpose of constructing age-restricted housing is in keeping both with the deed restriction and is one of the potential future uses alluded to in 2006. He continued that the future need for more elderly housing was referenced in the 2000 Plan of Conservation and Development (POCD) which is the master planning document to guide the town's actions and that the POCD said that Lebanon has the lowest percentage of renter occupied housing of the six abutting towns. The 2010 POCD said essentially the same thing. J. Bendoraitis, speaking as a member of the Board of Selectmen, said he believes the proposal before the audience tonight is in keeping with the one legacy of direction that started with the 2000 POCD, was repeated in the 2010 POCD and talked about at the meeting in 2006 when the town bought the property. He urged everyone to vote in favor.

Selectman L. Finelli addressed the audience stating she agrees wholeheartedly with the other selectmen and is in favor of the project because Lebanon is a town of very few businesses so the majority of the revenue is borne by the residents. She concluded by saying that this is a wonderful project to bring in revenue for the town and suggested that the residents vote in favor of it.

Town Planner Phillip Chester then addressed the audience stating, "This project has been in the works for several years. It can be traced to 2000, when the town officially recognized that the senior population was the town's fastest growing demographic group. The 2000 POCD or town Master Plan states that "It is likely that more elderly housing will be needed in the future, and that efforts should begin now to identify and reserve land suitable for that purpose". The plan also acknowledges that finding rental housing is problematic in that Lebanon had the lowest percentage of rentals than any of its six abutting towns.

We know that since 1990, or over the past 25 years, Lebanon's senior population has grown by 100% whereas the town's overall population has grown by only 23%. And we know that during this same period no new housing has been constructed for this age group. 25 years ago less than 17% of Lebanon's population was age 55 or older. Today this age group represents a third of Lebanon residents and is expected to grow in the next decade. As was previously mentioned, the majority of these residents raised their family in town, and more and more are looking for alternatives to maintaining a private home and caring for land, especially as they get older. They have few, if any, options to downsize in town and this project will provide a housing alternative for some.

The town's 2010 master plan also identifies the growing senior sector and the need for the town to take action with regard to senior housing. It states that the town should acquire land to encourage the private development of senior housing.

In 2006 the town authorized the purchase of the former 24-acre Manning property that runs between West Town St. and Doctor Manning Dr. As noted, this land was purchased with funds provided by the town's benefactor Hugh Trumbull Adams. Mr. Adams passed away in 2009, and Oliver Manning is with us tonight. Oliver and his wife Lucille, sold the land to the Town specifically for the purposes of providing a senior center,

senior housing and for recreation use. The plan to sell the land tonight for senior housing tonight accommodates all three of these uses.

In 2007 the town constructed the Senior Center on this property, and last year the Board of Selectmen solicited companies that specifically develop and manage senior housing, asking that they construct up to 16 single-story units on the land adjacent to the Senior Center. Unlike Stone Ridge Estates, which provides only government-subsidized studio and 1-bedroom units, the housing for this site would be 2-bedroom market rate apartments. Housing that is just over 1,000 square feet, built on a single level with a garage and with private decks so residents can enjoy the view to the south. A development that town officials believe meets a current and growing resident need, is environmentally sensitive and is reasonable.

As noted, the Selectmen chose the 6.7 acre site because it abuts the Senior Center and is within walking distance to Lebanon Green. They also chose the site because it is isolated from the rest of the parcel; leaves the open space around the Senior Center intact; contains no wetlands, ponds or watercourses; and, because it is not visible from Lebanon Green.

This spring, the Planning and Zoning Commission voted to rezone the property to Rural Senior Residence District. The stated purpose of the Rural Senior Residence District is to allow for variations in density and residential use types which would not otherwise be permitted elsewhere in order to meet the special housing needs of those age fifty-five (55) years and older and to permit flexible site design so that housing may be constructed in harmony with the natural site features as a special permit.

Last month the Board of Selectmen received approval from the PZC to subdivide the property, and last week the PZC voted unanimously to recommend the sale of the property to Town Meeting as they deemed it to be consistent with the town's POCD."

Town Engineer Brandon Handfield introduced himself and said the original site was 23.9 acre and currently contains the existing senior center site and the recently sub-divided parcel. He described the parts of the senior center facility (parking lot, driveway to West Town Street, etc.). The proposed development will consist of one building which will contain eight age-restricted apartment units with attached garages. A paved private access drive will connect to the access drive serving the senior center facility. As part of the sub-division approval, the new parcel has an easement over a portion of the access drive to the senior center property that leads to West Town Street. The new facility contains twenty parking spaces (2.5 spaces per unit) and has all necessary utilities including storm water drainage, domestic water supply well, sub-zero disposal system and erosion and sediment controls. There is landscaping and screening proposed between the proposed housing and the senior center.

The architectural plans show townhouse style units structurally independent and separated by a firewall. Each unit is approximately 1,000 square feet of total living area on a single story with 2 bedrooms, one bath, kitchen, dining and living rooms with laundry, exterior deck and attached garage.

Regarding the environmental aspects of this development, B. Handfield said as shown on Department of Energy and Environmental Development mapping the site and surrounding area are not located in a Natural Diverse Habitat Area.

B. Handfield reported that, in response to concerns and comments regarding traffic on West Town Street brought up during the 9/21/15 PZC meeting, the town will be seeking funds to evaluate traffic conditions of the road and determine what measures can be employed to address speeding and other issues that may be identified during that study.

The public was invited to speak at this time.

Albert Manning of 39 West Town Street is concerned that this is a wet lot with wetlands in the corner and a pond. He said the proposed septic system down the hill is a problem and there is no reserve field. The traffic speeds on the senior center driveway. He doesn't think this is the greatest proposal for senior housing as the deed restriction says it is for the benefit of seniors, but nothing in the deed restriction says it is for the benefit of Lebanon seniors who need it.

Amy Smith of 197 Scott Hill Road said her calculations show that the yearly income to the town would be \$20,000 (in taxes) but the additional town services that would be required by this might max that out. She believes that Lebanon does have a problem in that the percentage of those over 55 living in town is high but the housing development here is not the solution. She disagrees that this housing is a step in the right direction without being subsidized with the units truly being affordable for seniors. She said it has to be made so it helps Lebanon residents and this project doesn't begin to address the problems that were previously stated.

Mrs. Jon Ritz of 37 West Town Street acknowledged the importance of senior housing in the community and is proud of the town for coming together to discuss this matter. Putting herself in the shoes of a senior, she said she might be excited about this development but might be concerned for friends and neighbors who need senior housing as well. She would have to assume that more senior housing would have to be developed somewhere else and might not be as nice or affordable. She said the goal is to bring the senior community together and give everyone a place to live and feel they belong. She doesn't see how this proposal solves this and it will cause more problems and division within the community. She said another larger location with access to a main road, to the town center, more spread out, offering a wide range of housing options and serving more Lebanon seniors would be best.

Edna Pelto of 124 Card Street stated she is one of the people who would like to live in one of the units proposed. She asked what the water supply to the units would be. J. Okonuk responded that it would be a private drilled well. E. Pelto said she believes half of the people who would want to live there will be single individuals who have lost their spouse and want to downsize. She agrees that it won't solve all of the problems of places for seniors to live but it is a good idea to start. She believes many of the traffic concerns are overstated and this development doesn't mean there will be lots and lots of fire calls. She thinks the majority will be Lebanon residents who want to stay in town.

Diane Malozzi of 54 Burnham Road said she has heard different ways this development has been reference; 55 and over, senior housing, active adult housing. He said there is confusion as to how the units would be run and what will happen to the units when they are no longer needed by seniors, will they become low income units? Phil Chester responded there is a development agreement between the town and developer and there are zoning regulations that specify 55 and over. The developer doesn't want to violate that. Often the enforcement is self-regulated and the town can require proof that the units will be 55 and over, privately managed and affordable housing is unlikely. The restrictions are in the deed of the land sold.

Diane Malozzi said, according to HUD, the facility manager or community, in order to qualify for 55 and over exemption, at least 80% of the units must have at least one occupant 55 or over and must publish and adhere to policies that demonstrate the intent to operate and be part of the interview process. She asked is that true and has that been done?

Edward O'Connell, Town Counsel, responded there is a restrictive covenant in the deed which would be running from the town to the purchaser. It specifically says; "The parcel shall be used for the purpose of a senior citizen center, for recreational purposes and housing for older persons. i.e.: housing for at least one person 55 years of age or older and at least 80% of the occupied units and that it adheres to a policy that demonstrates an intent to house persons 55 years or older."

Michelle Kersey residing on Club House Road asked if this development would be held to the same restrictions as other residences in the Village District close around the Lebanon Green. Phil Chester responded that the PZC implemented village district zoning to protect the character of the Green, specifically anybody proposing anything on the public road. He said this is not visible from the road and it was specifically re-zoned for senior rural residential use. The town has worked with the developer to get the specific type of development that it wants. A special permit is also required and the PZC will be holding a public hearing to meet with the applicant to zone in on the specifics of the design.

Dori Bruce of 87 Kingsley Road said she has spent the past decade doing housing law, elderly and disabled. She said if the developer doesn't keep to a strict adherence to ensure that at least one person is 55 or over, they will lose the ability to be exempted from Fair Housing State and Federal law. She said it is a lovely idea but it needs more thought.

Julie Valvo of 649 Goshen Hill Rd asked 1) since the property attaches to Dr. Manning Drive, that isn't the road into the unit, 2) how will 8 units will benefit the 2,000 seniors living in town, 3) What is phase two? 4) In the future when more senior housing is needed will more land around the Green be sold for that? and 5) how the equipment used to build the units will affect the pavement on West Town Street?

B. Handfield responded that phase one logistically ties into the access drive of the senior center and provides better access to the senior center. Phase II would also be a long drive to Dr. Manning Drive. Because this is a private development, if Phase II is connected to Dr. Manning Drive, it would be not be a public thru access from Dr. Manning Drive to West Town Street. The construction project will have heavy trucks and equipment accessing it from West Town Street. There are appropriate controls that need to be implemented by that contractor and will need to be approved by PZC during their special permit process. Any damage associated with this project will be taken up with the contractor. Phil Chester said PZC is open to looking at other areas should a developer comes forward. The town of Lebanon has not seen a senior housing project in 25 years.

Susan Davis of 97 Geer Road said she was on the 2010 POCD committee and worked on the housing section and was all for this type of development because it is really needed. She said the person who sold this property was specific in what it was to be used for. There are not a lot of places in town that the town would be able to do this.

Jonathan Ritz of 37 West Town Street said if he was in the state at the time of the town buying the land, he would have objected to the town buying the land on the grounds that he doesn't believe that the town should be buying land to sell again to a private developer. He said some of the things are being proposed to the residents by mere assurances and the residents don't have any of this in writing. He believes the best thing to do is to keep the land in public hands. He said it was expressed at the PZC meeting for the re-zoning of the land that there are private landowners with better parcels of land near the Green that would like this kind of zoning and got favorable nods from the entire board.

Kathy Russi of 6 Geer Road believes that almost every road in Lebanon has high traffic and road work has to be addressed. She said she wants to be as independent as possible and having a campus area with senior housing is a start. She would like to remain in the community where she has raised her children.

Kathy Pellerin of 665 Waterman Rd commented she has lived in town for twenty years and has a great love for the town. She said, at some point, in order to live independently she will need to down size. She is for the option of senior housing. To clarify, this is not HUD housing. She expects to pay a fair price if she is fortunate to go into this housing.

Kim of 242 East Hebron Turnpike asked if an affordability study been done on market rate for Lebanon residents 55 and over? J. Okonuk responded she has received many inquiries from residents interested in signing up for this housing and they were told that the developer estimates the cost of the rent for one of these units will be up to approximately \$1,200.00 per month including heat.

There were no further comments or questions from the public and the public hearing was closed at 7:20 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Joyce R. Okonuk". The signature is written in a cursive, flowing style.

Joyce R. Okonuk, First Selectman

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.