

East Lyme Planning Commission

Regular Meeting

Tuesday, March 04, 2014

PRESENT: Brian Schuch, Rita Palazzo, Frank Balantic, John Birmingham, Alternate*Sat as Regular Member, Anne Thurlow, Alternate*Sat as Regular Member

ALSO PRESENT: Gary Goeschel, Planning Director

ABSENT: Joan Bengtson, Ernie Covino, Ex-Officio, Rose Ann Hardy, Francine Schwartz

Chairman Schuch called this Regular Meeting of the Planning Commission to order at 7:03 PM.

Pledge of Allegiance

The Pledge was observed.

FILED IN EAST LYME
CONNECTICUT
Mar 11, 2014 AT 10:05 AM/PM
Rita Palazzo, Clerk
EAST LYME TOWN CLERK

Additions to the Agenda

There were none.

II. Public Delegations

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item VI) and in-house proposals or general topics of discussion (Item VII) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.

There were none.

III. Approval of Minutes

A. Regular Meeting Minutes of December 3, 2013.

There were no corrections.

- ****Motion (1)**

Ms. Palazzo moved to approve the Planning Commission Meeting Minutes of December 3, 2013.

Mr. Birmingham seconded the motion.

Vote: 5-0-0. Motion passed.

IV. Public Hearings

- A. Pazz Construction, LLC, applicant/owner; Application for a waiver request from Section 23.58 of the East Lyme Subdivision to reduce a buffer along the northern property line for a proposed eight lot subdivision of property located at 233 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 39.0, Lot 6.

Mr. Schuch opened the Public Hearing portion of the Meeting at 7:08 PM. Mr. Goeschel called attention to Exhibit A- Application of Jason Pazzaglia for a waiver request; Exhibit B- Plans of 233 Upper Pattagansett Road prepared by J. Robert Pfanner and Associates; Exhibit C- letter dated 12.12.13 from the State Archeologist regarding the archeological site and historical sensitivity; Exhibit D- Legal ad published February 7th and February 14th 2014 in the New London Day giving notice of this Public Hearing; Exhibit E- letter from Mr. Goeschel to Mr. Pazzaglia dated January 1, 2014 regarding the Public Hearing notice; Exhibit F- A letter from Attorney Ted Harris dated 2-18-2014 to request a continuance of the Public Hearing; Exhibit G- letter from Kim White RS dated February 25th 2014 indicating suitability; Exhibit H- email from Zoning official B. Mulholland to Mr. Goeschel dated February 26th 2014; Exhibit I- letter from New England National clarifying the acreage of land that was transferred; Exhibit J- Indication of compliance with Zoning; Exhibit K- copy of the Conservation Easement; Exhibit L- copy of the warranty deed V 928 P 154 of the Land Records; Exhibit M- certificate of mailing dated February 14, 2014 provided by the Applicant; Exhibit N- Revised Plans dated February 27th 2014; Exhibit O- letter dated March 4, 2014 from Kim White RS to J. Robert Pfanner stating Lots 1-8 are now suitable in their current condition; Exhibit P- Memorandum from Town Engineer Victor Benni, dated March 3, 2013 regarding the drainage planning; Exhibit Q- photo of a sign placed on the property.

Attorney Ted Harris of 351 Main Street came forward to represent the Applicant and stated that he wanted to highlight two items, before Bob Pfanner took over to present his Plans for the design of the subdivision. He noted that there are some common driveways in the Plans, and submitted for the record a draft of a driveway easement which covers the common use of the driveways as well as maintenance. In addition, he noted that the open space is by way of a conservation easement which would be reviewed by the Town Attorney if the Application is approved.

Robert D. Pfanner of J. Robert Pfanner Associates 37 Grand Street came forward to detail the Subdivision Plans. He stated that the property in question is located at 233 Upper Pattagansett Road and consists of eight proposed lots, 4 of which are fronting on the actual road. Two lots are at the midpoint of the property and two lots are located to the rear of the property. An existing house is located on lot 5 and an existing barn is located on lot 7. Mr. Pfanner explained that they have proposed two different areas of open space which comprise 9.02 acres. He noted that 30% of land is required to be open space, and that their Plans have dedicated over 60% for open space. The total acreage of the subdivision is 14.85 acres.

Mr. Pfanner noted that an existing driveway is servicing the house in the middle and that they are proposing a shared driveway which will service lots 3, 4 and 5. The driveway will be shifted slightly from its current location. Lots 1 and 2 will have access off of Upper Pattagansett Road with their own driveways and lots 8, 7 and 6 will have a common driveway coming along the property line. There is an easement for public access to the dedicated open space and two large retention basins will be utilized for drainage. These basins which are tied together and equalize each other, will act as storage during a storm event and slowly would drain out afterwards. A smaller basin which is actually more of a rain garden, is located on lot 8. The overall site drainage is designed to maintain the 100 year storm and this is accomplished by oversizing the front basins, so that peak flow is maintained.

Mr. Pfanner explained that the existing house and its own existing septic system and well, will remain. South of the property line a planted buffer will be put in place and each of the lots will be serviced by their own well and septic system. Ms. Palazzo questioned what possibility exists for mud in the lot 8 rain garden. Mr. Pfanner explained that the rain garden will be protected during construction until everything is stabilized, at which time no runoff would occur. Mr. Goeschel clarified that the maintenance plan for the drainage structures are not public improvements. Mr. Pfanner confirmed that these structures will be privately owned.

Ms. Palazzo questioned how the homeowners will be informed that they are responsible for the drainage structure maintenance. Attorney Harris stated that the easiest way to accomplish this, is to record a covenant on the Land Records detailing the responsibility as well as a maintenance schedule. Attorney stated that they would also notate this information on the subdivision plans. Mr. Goeschel added that the Town Engineer is comfortable with the proposal and that the key here, is the maintenance. Mr. Pfanner noted that the subdivision utilities will be buried but that CL&P dictates where the transformers are located.

Attorney Harris stated that as noted in the Public Hearing Notice and the Application, they are requesting one waiver in conjunction with the Application and that it's a bit different from what you would normally see, because it is not a waiver that is provided for within the subdivision regulations. The waiver is provided for within the current zoning regulations which provides for conservation subdivision. The particular regulation involves a requirement for a 40 foot buffer around the perimeter of the development. Attorney Harris stated that this waiver is appropriate because the perimeter of the property is not going to be developed so nothing exists that would need to be protected by a buffer.

Attorney Harris noted that their Application is missing a decision from the Inland Wetlands Commission and that they expect to have that report sometime next week. He added that they will asking to continue this Hearing until the next Planning Commission Meeting, so that that Commission has the report and the Applicant can comment on it as needed.

Mr. Balantic asked what the buffer is actually reduced to and Attorney Harris stated that it depends how it is measured. The buffer is supposed to be 4 feet along the perimeter, and they have a driveway that ranges from 15 to 12 feet and the overall width of the driveway and planting area would encompass that 40 foot area. Attorney Harris noted that the driveway easement will detail the shared driveway info as well as the shared maintenance responsibility.

Mr. Schuch opened the Public Hearing for questions at 8:25 PM.

Joe Korineck of 221 Upper Pattagansett Road came forward to ask what would happen if his well went dry due to the addition of these new houses. Mr. Goeschel stated that he would have to check with the Ledge Light Health District but they have made the determination that the lots are suitable in their current condition. He added that as far as regulations go, we do not have a mechanism in place that gives any enabling legislation to the Planning Commission to regulate ground water.

Attorney Harris stated that in terms of the wells that they would drill, they require a permit from Ledge Light and one of the things they consider is the influence on other wells. He also added that if they did something that affected his well, there is potential liability there and that they would therefore proceed with caution. Mr. Goeschel added that Ledge Light can be asked to expand upon this issue. Mr. Pfanner cited the Hathaway Subdivision which is located directly across the street, and noted that those lots have a very similar layout and their wells did not influence each other.

Mr. Pfanner added that we are fortunate in our Town that most of our aquifers have quite a bit of water. He explained that the wells they would be drilling they are drawing water down very far, they are not drawing water from the surface. Mr. Pfanner stated that the chance of having influence on another well is very slim since the Town has such a great water supply. Mr. Schuch asked Mr. Pfanner if he has ever had a professional experience where such a scenario as Mr. Korineck is describing occur and Mr. Pfanner stated that he has never seen a well problem in this Town.

Attorney Harris added that he was involved in Nottingham Hills Subdivision and that to his knowledge no one in that subdivision has ever had problems with getting water in their well or having their well run dry. Mr. Harris explained that this property is located at the bottom of a very steep ridge and there is wide wetland main that runs north and south which provides for a good water supply. There was contemplation at one point of trying to drill wells for a community system in that wetland basin which is to the rear of the property. Attorney Harris stated that he would follow up with Ledge Light.

Mr. Korineck asked when the trees to the south side of the property will be planted. Mr. Pfanner said that those trees could certainly be planted in the early stages, once the grading and prep work has been completed. Mr. Korineck asked what kind of trees would be planted and Mr. Pfanner informed him that they will be evergreen trees which on average, will be 6 to 8 feet. Mr. Goeschel noted that the purpose of the buffer and these trees is to act as a screen. Mr. Korineck expressed concern about maintaining his privacy and Attorney Harris stated that the owner is willing to plant more trees where they make sense, in order to assist him in maintaining that privacy.

Attorney Harris also confirmed that these trees can be planted as soon as they initiate construction. Mr. Goeschel observed that this brings up a good point similar to the rain garden issue, that the homeowner that comes in understands that the buffer needs to be maintained, and that they don't chop all the trees down. Attorney Harris that the buffer stipulation can be added to the driveway easement and that he will have a suggestion for the Commission at the next Meeting.

Carol Migdalski of 207 Upper Pattagansett Road came forward and stated that Nottingham Hills Subdivision did adversely affect her well and water supply, and expressed concern on how seven more homes could affect the existing wells in the area. Ms. Migdalski stated that she is very concerned about the effect that new traffic will have on the area. She cited the circle between Scott Road and Post Road and explained that many people utilize this road for recreational activity.

Mr. Goeschel stated that we have a regulation that states that 400 vehicle trips a day will be classified as a low volume or rural road. 400 vehicle trips a day is approximately 20 homes. A traffic study is required in subdivisions of 25 or more homes and this subdivision is only 8 homes. Ms. Migdalski questioned the cumulative impact of several small subdivisions on the traffic. Mr. Schuch stated that her point about the one entrance and exit within the loop merits examining how the traffic has changed during the last fifteen years. Mr. Goeschel stated that we do not have the tools or manpower to conduct a traffic study.

Carla Cirone of 236 Upper Pattagansett Road came forward and reiterated that the traffic is dangerous because the road is busy, curvy and contains no sidewalks. She stated that the lack of sidewalks is a big concern that she hopes the Town will look at. She added that having eight houses where there once was one is changing the character and density of the area. She added that if she wanted to live in a crammed subdivision with lots of cars and houses, she would have moved to one. Ms. Cirone added that she felt that eight houses is a bit excessive and not in keeping with the otherwise countryside character.

Gary Evans of 1 Hathaway Road came forward and questioned the issue of drainage and asked what happens if these basins do clog and how do we make sure that these homeowners maintain them. Mr. Pfanner stated that the basins are at the lowest point on the lot because that is where everything drains to naturally, now. The basins are designed so that if there is a clog, and one overflows, there is an overflow out of that which would flow to the road but directly next to that is a catch basin, so it would flow along the edge and not across.

Mr. Evans also reiterated that the traffic is severe and crazy in the summer. He noted that he almost gets clipped coming out of his driveway on a daily basis due to the high speeds. He also questioned why well studies are not required for subdivisions. Mr. Goeschel stated that no legislation exists to enable ground water regulation. In terms of a traffic study, the Commission can deem that one is necessary. Mr. Evans said that it is a horrible street and that he has contacted the police on numerous occasions to no avail. Ms. Migdalski added that you would never want to have a baby stroller on that street.

Joe Korineck Jr. of East Hampton, CT came forward and stated that their neighbors have told them that the quality and quantity of their water has gone down with the addition of new houses. He also reiterated that the traffic is a significant problem. Mr. Korineck asked how much of the open space is wetlands. Mr. Pfanner stated that he can provide the exact number for the next Meeting. Attorney Harris stated that they would respond to some of the concerns they've heard at the next Meeting. Mr. Goeschel added that an open space narrative would help round out the Application.

Mr. Schuch continued the Public Hearing to the March 18, 2014 Meeting. The Planning Commission broke for a short break at 8:43 PM.

The Planning Commission Meeting resumed their Meeting at 8:47 PM.

V. Zoning Referrals

There were none.

VI 8-24 Referral

A. East Society Road Improvements

Mr. Goeschel called attention to his February 20, 2012 memorandum (Exhibit R) East Society Road 8-24 referral. He stated that the memo summarizes the improvements and provides a bit of background information in regards to 8-24. Mr. Goeschel emphasized that this is a multi-phase development and that this is part of phase 1. He added that the extension of East Society Road to the exit 74 area will serve as a convenient connection to the Dean Road area. The improvements that will occur:

- Re-build entire road to Town base standards, with a 24 foot width.
- Re-grade portions of the road.
- Provide for appropriate drainage.
- Repave entire road.
- Provide for street lighting
- Convey land, as may be required to the Town of East Lyme (at no cost).

Mr. Goeschel stated that the POCD supports these improvements.

- ****Motion (2)**

Mr. Balantic Resolved that pursuant to Section 8-24 of the General Statutes, The Planning Commission of the Town of East Lyme exercising its authority and having reviewed the proposal for the infrastructure improvements to East Society Road associated with the Gateway Master Development Plan referenced in the documents of today's Meeting, finds the aforesaid proposal consistent with the 2009 Plan of Conservation and Development; Specifically objective 7.1- to provide for the safe, convenient, and efficient movement of people and goods through and within Town, to promote safety access, with Chapter 4, as it relates to Economic Development, as well as Chapter 8, transportation and circulation.

Ms. Palazzo seconded the motion.

- ****Motion (3)**

- **Mr. Balantic moved to amend his motion to include the phrasing 2009 Plan of Conservation and Development as amended.**

Ms. Palazzo seconded the motion.

Mr. Schuch expressed concern in regards to anyone who has a property on this road. Mr. Goeschel stated that this was imbedded through the zoning process. Attorney Harris came forward and stated that these improvements were part of the site plan, which was approved by the Zoning Commission.

Vote: 5-0-0. Motion passed.

VII Other Business

A. New Business

- i. Expiration of Cove Landing Associates LLC, (aka Hathaway Farms) 18 lot re-subdivision of property located at Upper Pattagansett and Hathaway Road (Assessor's Map 35.0, Lot 25) approved August 13, 2002.

Mr. Goeschel stated that after reviewing current subdivisions under construction, as well as any bonds that the Town is holding, it came to his attention that this particular subdivision which was initially approved on August 13, 2002, should have expired on August 13, 2007. In 2007 the Planning Commission did not file a notice of expiration on the Land Records, nor did they indicate the expiration date on the filed plans. Mr. Goeschel noted that some improvements remain incomplete.

Mr. Goeschel stated that in discussing this with Town Council, Council recommended that he draft a letter alerting the Developer that they have thirty days to complete the improvements otherwise the Town will take necessary action to expire the subdivision. Mr. Goeschel stated that the bond consists of \$16,000 including roughly \$9,000 in interest. He added that the six or seven improvements needed to complete the subdivision include road monuments that need to be set, drainage easement lines to be set, paving of lot corners, planting trees along the pedestrian easement, and construction of detention basin on Lot 11.

The Planning Commission decided to discuss this matter further at their April 2014 Meeting, when the thirty days given to the Developer have passed.

B. Old Business

- i. Plan of Conservation and Development (POCD)- Discussion
 - a. Presentation by Ethan Morehouse, Intern, - Development of GIS consistency analysis tool.
 - b. Commercial Development Analysis

Mr. Morehouse presented an in depth look at the GIS project that him and Mr. Goeschel have been working on. Mr. Morehouse has tirelessly coded Town data to illustrate how the Town has grown, Zoning approvals by type and Planning Referrals of Zone Changes (Exhibit 1 and 2). He showed the Commission how he has been working to imbed the POCD within the GIS program so that the POCD becomes a kind of visual tool which will be more user friendly than sifting through a large volume of text. Mr. Goeschel stated that the potential this project has in assisting decision making is limitless. Mr.

Goeschel and Mr. Morehouse cited Springfield, Massachusetts as an example, stating that they utilize their GIS program to determine the best way to remove snow and that they map out the best route to take, which conserves both gas and time.

VIII Reports

- A. Chairman
- B. Ex-Officio- Rose Ann Hardy
- C. Zoning Representative
- D. Regional Planning Representative- Brian Schuch
- E. Sub-Committees
 - a. Sustainable Development and Climate Adaptation Subcommittee (F. Schwartz and G. Goeschel)
 - b. Subdivision Regulations Bonding Review Subcommittee (B. Schuch, J. Bengtson and G. Goeschel)
- F. Staff/Communications
 - a. Route 11 Greenway Authority Commission Update
 - b. Correspondence from the Commission for the Conservation of Natural Resources
 - c. Budget as presented to the BOS
 - d. Correspondence from the CT Federation of Planning & Zoning Agencies

Mr. Schuch stated that due to the late hour, the Reports could be tabled until the next Meeting. Mr. Goeschel noted that he included the Planning Commission Budget as it is being presented to the Board of Selectmen, within the Member packet.

Adjournment

- ****Motion (4)**

Mr. Balantic moved to adjourn the Planning Commission Meeting at 10:07 PM.

Ms. Palazzo seconded the motion.

Vote: 5-0-0. Motion passed.

Respectfully submitted,



Brooke Stevens,
Recording Secretary