

**Town of East Lyme
Planning Commission
Special Meeting Minutes
Tuesday, December 8, 2015, 7:00 p.m.
East Lyme Town Hall – Conference Room #1**

FILED IN EAST LYME
CONNECTICUT
12/14/2015 AT 2:00 AM (PM)
Cesley Blair
EAST LYME TOWN CLERK

Present:	Brian Schuch, Chairman Ernie Covino, Secretary Joan Bengtson Rita Palazzo Michael Hess, Alternate (seated) Kirk Scott, Alternate (seated)	Absent:	Brenda Henderson Peter Lynch Anthony Arias, Alternate
Also Present:	Gary Goeschel, Director of Planning Rose Ann Hardy, Ex-Officio		

Call to Order

Chairman Schuch called the December 8, 2015 Special Meeting of the East Lyme Planning Commission to order at 7:00 p.m.

I. Roll Call + Pledge of Allegiance

II. Public Delegations – none

III. Approval of Minutes

A. 20 October 2015 Special Meeting Minutes

Motion (1): Motion made by Commissioner Covino, seconded by Commissioner Palazzo, to approve the October 20, 2015 Special Meeting Minutes, as presented. Voice vote, 4-0-2. Voting in Favor: Commissioners Covino, Palazzo, Schuch, and Scott. Voting in Opposition: None. Voting in Abstention: Commissioners Bengtson and Hess. Motion carried.

IV. Subdivisions + Re-Subdivisions

A. Subdivisions Overview/Dashboard

Chairman Schuch stated that, unlike other Departments, they do not have a clear snapshot of the revenue they have generated or expenditures they have accrued for the Town over the years and would like to ensure that Director Goeschel and the Commission are aware of the resulting implications. Sub-divisions create lots, which, in turn, generate tax revenue. In his observation, the Town has not created very many sub-divisions over the past six years compared to the late-1990s to the early 2000s. With this in mind, he would like the Commissioners to review and discuss the past and current trends and begin planning for the future.

B. Nottingham Hills Status

Planner Goeschel provided a brief background of the project, which began approximately ten years ago. In 2008, the Town entered into a Compromising Agreement with New England National and Niantic Real Estate, which resulted in litigation against the Town of East Lyme for breach of contract. In February 2015, a Settlement Agreement of approximately \$650,000.00 was reached with Niantic Real Estate and New England National. Under the Settlement Agreement, the Town is required to undertake the completion of the Nottingham Hills Sub-Division Public Improvement Project, which includes such items as the roadway, drainage, guardrails, street trees and lights, etc., that would be part of the Town's right-of-way upon acceptance of the road. To date, the project has been completed with the exception of the streetlights, which will be either part of the Town's LED Project or an installation arrangement will be made with Eversource. The Town has an agreement with Niantic Real Estate regarding the cost of the installation of the streetlights. It is hoped that the Town will be able to return a portion of the unused bond funds to the Developer within the next week, thereby fulfilling the Town's responsibility of the Settlement Agreement. As part of the Agreement, the Developer, its heirs and partners will be unable to apply for any Land Use Permits with the Town for 20 years. Most Land Use Applications that are appealed are reviewed by the District Court, but, because the Developer claimed bankruptcy, all of the Land Use matters were reviewed by Bankruptcy Court, who provides as much leniency as possible in an effort to satisfy all of their existing debts. This made it difficult for the Town to push the Developer into completing any of the necessary improvements.

Discussion ensued regarding the Nottingham Hills Development compared with the Orchards Development. One of the main difference between this and the Orchards Development is that the latter is currently under construction and is moving forward whereas the Developer for the Nottingham Hills Development, like the Darrow's Hill Development Project (same Developer), ceased construction.

To date, the Nottingham Hill residents have raised no significant issues. The residents now receive trash pick-up and the road will be plowed. The Developers built the road up to the existing cul-de-sac, installed the binder course, curbing, concrete monuments along the west side of the street and the cul-de-sac. The lots continue to be owned by the Developer and, while he may sell them, he is unable to build on them.

Chairman Schuch briefly provided the Town's process of road acceptance and the Commission's role.

C. Acceptance of Peach Lane, Orchards at East Lyme

Director Goeschel recommended and the Commission agreed to table the item, pending the receipt of additional information from the Developer regarding the status of the Development.

V. Zoning Referrals [Connecticut General Statute 8-3a] – none**VI. Municipal Referrals [Connecticut General Statute 8-24] – none****VII. Old Business****A. Plan of Conservation and Development (POCD) – see item VII(B) below****B. East Lyme Subdivision Regulation Proposed Changes – Section 9 – Assurances for Completion and Maintenance of Improvements**

Due to recent legislative changes, a Sub-Committee was formed and, with the help of the Town Attorney, revisions have been made to Section 9 – Assurances and Completion and Maintenance of Improvements of the Town's POCD. Director Goeschel will send the relevant State Statutes to the new Commissioners. One of the changes include the Town's regulations regarding the acceptance of surety bonds, letters of credit, or passbook or statement savings accounts as well as cash for public improvements (Section 9-1-1). Changes were also made for Maintenance Bonds such that the Town may retain a percentage of the funds for one year to be utilized for any unexpected maintenance issue(s) that occur after the date that the public improvements are determined to be complete by the Commission or Town. The funds are currently held for up to two years from the date of acceptance of the improvements by the Town. (Section 9-8-1)

Discussion ensued regarding the different types of bond funds received. Director Goeschel is planning to request the Town Attorney's presence at their next meeting to address any legislative issues and answer any of questions the Commissioners may have.

VIII. New Business**A. 2016 Meeting Calendar**

Motion (2): Motion made by Commissioner Covino, seconded by Commissioner Bengtson, to approve the 2016 Meeting Calendar as presented.

Discussion: Chairman Schuch stated that the Planning Commission meetings will now be scheduled for the first Tuesday of the month only and, if necessary, a Special Meeting would be scheduled for the third Tuesday. Voice vote, 6-0, all in favor. Motion carried.

B. East Lyme Planning Commission Bylaws

Motion (3): Motion made by Commissioner Covino, seconded by Commissioner Palazzo, to amend Section IV – Agenda of the East Lyme Planning Commission By-Laws by moving Item IX – Reports by Chairman, Staff, Liaison, Sub-Committees to Item III and moving all subsequent items down. Discussion: The By-Laws will be revised and presented to the Commission for approval at their next Regular Meeting. It was noted that other Boards/Commissions also format their agendas in a similar manner. Voice vote, 6-0, all in favor. Motion carried.

C. 2016 Zoning Representative Schedule

Motion (4): Motion made by Commissioner Bengtson, seconded by Commissioner Covino, to accept the 2016 Zoning Representative Schedule, as presented. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

D. Election of 2016 Planning Commission Officers

Ex-Officio Hardy opened the nominations for Chairman and Secretary.

Motion (5): Motion made by Commissioner Covino, seconded by Commissioner Hess, to nominate Commissioner Schuch as Chairman of the Planning Commission. There being no additional nominations, Ex-Officio Hardy closed the nominations. Discussion: Commissioner Covino commended Commissioner Schuch on a fine job and thanked him for his efforts. Voice vote, 6-0, all in favor. Motion carried.

Motion (6): Motion made by Commissioner Palazzo, seconded by Commissioner Bengtson, to nominate Commissioner Covino as Secretary of the Planning Commission. There being no additional nominations, Ex-Officio Hardy closed the nominations. Discussion: Commissioner Palazzo commended Commissioner Covino, who, she felt, views items very clearly and specifically and has served the Commission well. Commissioner Bengtson agreed, stating that he is doing a wonderful job. Voice vote, 6-0, all in favor. Motion carried.

Ex-Officio Hardy congratulated Commissioners Schuch and Covino and returned the meeting to the Chairman. She wished everyone a Merry Christmas and departed from the meeting at 7:46 p.m. to attend another meeting. Chairman Schuch and Secretary Covino thanked the Commissioners for their vote of confidence and Chairman Schuch congratulated Secretary Covino.

IX. Reports

A. Chairman Brian Schuch – *none*

B. Ex-Officio Rose Ann Hardy – *departed from meeting*

C. Zoning Agenda + Zoning Representative

Going forward, the two Zoning Commission meeting dates that each Commissioner is required to attend will be noted on each month's Agenda.

Brian Schuch	_____	_____
Frank Balantic	_____	December 10
Rita Palazzo	_____	November 5
Ernie Covino	_____	_____

Francine Schwartz _____

Joan Bengston _____

November 19

D. Sustainable Development and Climate Adaptation – Update**(Staff: G. Goeschel) – none****E. Town Planner Gary Goeschel II**

The relevant subdivision regulations and POCD (revised 2010) will be provided to the Commissioners, upon request. The most recently recommended revisions by the Commission was submitted to the Board of Selectmen (BOS) and have not yet been adopted. Director Goeschel will send a copy of all of the revisions/recommendations that are currently under review by the BOS, to the Commissioners for reference. While the State requires municipalities to update their POCD every ten years in order to receive funding, the Commission agreed to update the Plan periodically, as necessary. He stated that the Commission may also form a sub-committee to which he would provide any necessary support for the purpose of reviewing and revising the POCD. Chairman Schuch noted the use of the document as an important resource and tool upon which their decisions are based.

He will be submitting a proposed budget to the Department of Finance on Friday, December 9 and will be reviewing it with the First Selectman and Finance Director in January 2016. A meeting of the Department Heads, who were requested to submit two budget options: (1) a flat budget and (2) a 5% reduction by First Selectman Nickerson, both of which should be broken down, is scheduled for Monday, December 14.

F. Communications

Notification letter, dated November 17, 2015 and received December 8, 2015, from the CT Department of Transportation regarding the submittal of an application to the CT Department of Energy and Environmental Protection (DEEP) for a General Permit for water resource construction activities for the replacement of the East Lyme/Waterford Bridge over the Niantic River located on Route 1 between Oil Mill and River Roads. The letter and its supporting documents will be sent to the Commissioners for review.

X. Adjournment

Motion (6): Motion made Commissioner Covino, seconded by Commissioner Palazzo, to adjourn the meeting at 8:01 p.m. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

Respectfully Submitted by:

Agnes Miyuki, Acting Recording Secretary for the Town of East Lyme

