

Planning Commission Regular Meeting Minutes

Tuesday August 2nd , 2016

Present: Brian Schuch, Chairman
Joan Bengtson
Peter Lynch
Rita Palazzo, Secretary
Brenda Henderson
Kirk Scott

Also Present: Gary Goeschel, Planning Director
Holly Cheeseman, Ex-Officio
Sami Yousuf, Alternate
Michael Hess, Alternate
Norm Peck, Zoning Member

FILED

Aug 3 2016 AT 1:30 AM/PM
(Caren Falbo, ATC)
EAST LYME TOWN CLERK

Absent: Anthony Arias, Alternate

Mr. Schuch called this Regular Meeting of the Planning Commission to order at 7:00 p.m.

I. Pledge of Allegiance

The Pledge was observed.

II. Call for Additions to the Agenda

There were none.

III. Call for 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 and in-house proposals or general topics of discussion 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. During delegations, the members of the Commission will not directly answer questions or make comment.

John Bialowans, Jr. of 61 Walnut Hill Road came forward to comment on his plans for 57 Walnut Hill Road (attached.)

IV. Reports

A. Communications

Mr. Goeschel said the only thing he had to impart was for interested parties to save the date for the August 30th, 2016 JLUS Public Workshop. This is the last opportunity for the public to weigh in; given the low outcome for the previous workshop notification postcards were sent to residents within a 10,000 mile radius of Stone's Ranch. The Workshop will be held at the East Lyme Community Center.

B. Zoning Representative

Ms. Henderson attended the last Zoning Meeting and apologized for not bringing her notes with her this evening. She recalled that the Band Shell Vote was postponed.

C. Ex-Officio: Holly Cheeseman

Ms. Cheeseman said the Board of Selectmen last met on July 6th, 2016. Joe Bragaw, Director of Public Works detailed the plan to purchase our streetlights and reconvert them with LED lights. The savings in electricity costs the LED lights will provide, will cover the cost of installation.

The Flanders Fire Department gave a presentation detailing the Engine 2 Replacement Rundown.

The Board of Selectmen approved the Samuel Smith House Lease.

The majority of the meeting dealt with appropriations which will be voted on at the Special Town Meeting tomorrow.

The Commission briefly discussed the streetlights and Ms. Bengtson asked if the Town would be given credit for both pumps at the firehouse or just one. Ms. Cheeseman said credit would be given for one pump.

D. Planning Director: Gary Goeschel II

Mr. Goeschel had nothing to report.

E. Sub-Committees

- **Sustainable Development and Climate Adaptation**

They have not met.

- **Walkability**

The Walkability Subcommittee had their first informal meeting this evening at 6:00 p.m. Mr. Schuch recognized Kevin, the Planning intern who worked very hard to map all of the sidewalks in Town. Ms. Bengtson asked that she be notified of the next meeting. Mr. Lynch suggested having the Board of Education weigh in on the discussion.

V. Approval of Minutes

A. July 7, 2016 Regular Meeting Minutes

- ****Motion (1)**

Ms. Palazzo moved to approve the Regular Meeting Minutes of July 7, 2016.

Mr. Lynch seconded the motion.

Mr. Scott pointed out that he is still listed as an alternate on the meeting minutes, when he is in fact now a regular member. The Recording Secretary added that Michael Hess is listed as present and absent; he was absent.

- ****Motion (2)**

Ms. Palazzo moved to approve the Regular Meeting Minutes of July 7, 2016 as amended.

Mr. Lynch seconded the motion as amended.

Vote: 6-0-0. Motion passed.

Mr. Lynch asked about Mr. Arias and Mr. Goeschel explained we are still waiting on his resignation letter.

VI. Subdivision Regulations

A. Subdivision Review

Mr. Schuch tabled this until the next meeting.

VII. Zoning Referrals

Proposed changes in zoning regulations or boundaries shall be referred to the Planning Commission for a report that shall contain the findings of the planning commission on consistency of a proposed regulation or boundary changes with the Plan of Development and any other recommendations the Planning Commission deems relevant. Failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposals. The report of the Planning Commission regarding such proposal shall include the reasons for the commission's vote and shall be incorporated into the records of any public hearing held thereon by the Zoning Commission. A proposal disapproved by the Planning Commission may be adopted by the Zoning Commission by a vote of not less than two-thirds of all the members of Zoning Commission.

A. Request for a Text Amendment to the East Lyme Zoning Regulations by the East Lyme Zoning Commission, to amend Section 25.3.3-1, Public Notice Signs, to add the following paragraph: "Notwithstanding the above section, applicants for annual special permit renewals for restaurant outdoor dining facilities in CA or CB Zones where alcohol is served shall not be required to post an on premises public notice advertising sign."

B. Request for a Text Amendment to the East Lyme Zoning Regulations by the East Lyme Zoning Commission, to amend Section 1.27 Farming (Definition), by adding the word "bees" after the word "poultry."

Mr. Goeschel noted that item A is a relatively benign request; it's more of a nuisance to be required to put a sign up every year notifying the public that the applicant is reapplying for an outside dining permit.

Regardless of the sign, the applicant is still required to apply for the special permit every year and this is an enforcement issue, and we have protocol to deal with this.

Mr. Schuch said that in the case of item B, the word "Bees" is straight forward and this is merely a clean-up of their regulations.

Ms. Bengtson asked if the agricultural category mentioned in this text includes rabbits. Mr. Goeschel replied that a rabbit is a furbearing animal and we can certainly recommend the addition of the word rabbit.

Mr. Goeschel and Mr. Schuch noted we are not in a position to tweak the request given that the public notice has already been published.

Ms. Bengtson asked what the definition of livestock is and if it includes rabbit.

The Commission reviewed the definition of "livestock" on page 11 of the East Lyme Zoning Regulations.

The Commission briefly discussed the various beach communities in Town who have their own Zoning Regulations, who would be immune to this decision.

Mr. Scott said he think this is a bad idea from an environmental standpoint, because the presence of more bees improves the environment; this change limits the raising of bees to farms.

- ****Motion (3)**

Mr. Scott moved that the Commission find the aforesaid Request for a Text Amendment to the East Lyme Zoning Regulations by the East Lyme Zoning Commission, to amend Section 1.27 Farming (Definition), by adding the word "bees" after the word "poultry" as inconsistent with Objective 3.2 of the 2009 POCD as amended, - *"To protect East Lyme's native ecosystems, biodiversity and maintain the quality of East Lyme's water courses."*

Mr. Lynch seconded the motion.

Mr. Schuch noted this issue is relevant to objective 3.2 because the amendment amounts to a reduction in bees.

Mr. Goeschel asked how one would measure what a farm is as opposed to merely having pets.

Mr. Scott said it would be helpful to know what the intention of adding "bees" is.

- ****Motion (4)**

Mr. Scott amended his motion to add the wording "in order to promote a healthy bee population bee hives should not be excluded from being part of the population."

Mr. Lynch amended his second.

Mr. Peck said the Planning Commission was given very little information and they should request more. The intention of the change is to actually allow more bees and encourage people to farm them. Many people already have bees, and they want to now make it a permit-able matter.

Mr. Scott said the change could actually have the opposite effect of its intent.

- ****Motion (5)**

Mr. Scott again amended his motion to read as follows:

The Commission finds the aforesaid Request for a Text Amendment to the East Lyme Zoning Regulations by the East Lyme Zoning Commission, to amend Section 1.27 Farming (Definition), by adding the word "bees" after the word "poultry" as inconsistent with Objective 3.2 of the 2009 POCD as amended, - *"To protect East Lyme's native ecosystems, biodiversity and maintain the quality of East Lyme's water courses."* In order to promote a healthy bee population bee hives should not be excluded from being part of the population. Based on the information given the amendment may have an adverse effect on bees and prevent their allowance in all areas of Town. Mr. Lynch again amended his second.

Vote: 6-0-0. Motion passed.

- ****Motion (6)**

Mr. Lynch moved that the Commission find the Request for a Text Amendment to the East Lyme Zoning Regulations by the East Lyme Zoning Commission, to amend Section 25.3.3-1, Public Notice Signs, to add the following paragraph: "Notwithstanding the above section, applicants for annual special permit renewals for restaurant outdoor dining facilities in CA or CB Zones where alcohol is served shall not be required to post an on premises public notice advertising sign" as consistent with the East Lyme 2009 POCD as amended.

Ms. Bengtson seconded the motion.

The Commission discussed the relevance of Objective 2.2 of the POCD to this request.

- ****Motion (7)**

Mr. Lynch amended his motion to read as follows:

The Commission find the Request for a Text Amendment to the East Lyme Zoning Regulations by the East Lyme Zoning Commission, to amend Section 25.3.3-1, Public Notice Signs, to add the following paragraph: "Notwithstanding the above section, applicants for annual special permit renewals for restaurant outdoor dining facilities in CA or CB Zones where alcohol is served shall not be required to post an on premises public notice advertising sign" as consistent with the East Lyme 2009 POCD as amended, specifically Objective 2.2- *"To support and cultivate a wide variety of economic activities that may be easily integrated into the community with little or no adverse impact on community resources."*

Ms. Bengtson amended her second.

Vote: 6-0-0. Motion passed.

VIII. Municipal Referrals (CGS 8-24)

No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3)

locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefore shall be recorded and transmitted to the legislative body of the municipality.

- A. **Request of the Town of East Lyme for the narrowing of Latimer Drive from Chesterfield Road (Route 161) to its intersection with Cavasin Drive. This section of the roadway is approximately 380' long and 40' wide, The Town proposes to narrow the road to 30' wide, taking 5' from either edge to maintain consistency with other Town roads in this area.**

Mr. Goeschel said this request was received today and Mr. Schuch noted they therefore have time to deliberate if necessary.

Mr. Schuch pointed out this is an unusual request; usually the request is to widen the road. He said we have to balance the request against the POCD.

The Commission discussed Victor Benni, Town Engineer's memorandum dated July 25th, 2016 (attached.)

Mr. Goeschel said this would be less road for the Town to plow salt and maintain.

Mr. Lynch said this would be a good opportunity to install a sidewalk.

- ****Motion (8)**

Mr. Lynch moved that the request of the Town of East Lyme for the narrowing of Latimer Drive from Chesterfield Road (Route 161) to its intersection with Cavasin Drive is consistent with the East Lyme Subdivision Regulations and offered the following comment: This is a nice opportunity to install a much needed side walk along the road.

Ms. Palazzo seconded the motion.

Vote: 6-0-0. Motion passed.

IX. Old Business

A. Plan of Conservation and Development: 2019 Update

The Commission discussed how integral it is to have the assistance of a professional for this endeavor and they also discussed incorporating the Side Walk Plan into the POCD.

XI. ADJOURNMENT

- ****Motion (8)**

Ms. Bengtson moved to adjourn the Planning Commission Meeting at 8:20 p.m.

Ms. Palazzo seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Brooke D. Stevens".

Brooke D. Stevens,
Recording Secretary

August 2, 2016

Good Evening Mr. Chairman or Other Planning Members:

My name is John Bialowans, Jr. of 61 Walnut Hill Road. We own 57 Walnut Hill Road (that is 44 acres in size).

I went through the Wetlands Commission for a driveway crossing over an intermittent watercourse (that is dry about 6 to 8 months of the year). We also had 2 soil scientists say "that there are no wetlands or wetland soils in that area". I got approval for the driveway crossing from the Wetlands Commission. I have one more item to meet completion, and that is to loam and seed the 10' apron of the driveway. I did one step better I have stabilized the whole site with woodchips. I didn't have any wash outs, damage to the wetlands, and most of all, damage to the Towns' road or property. I even have a letter from Victor (Town Engineer) that he has been watching this site closely. Victor even went on to say that the woodchips will break down in 2 years or so and grass will come in. Grass is already starting to grow and that's less than 1 yr old. What's sad about this is that the Wetlands Commission didn't even trust or consider the recommendations or comments of the EL Town Engineer – Victor. If I was Victor I would take that as a slap in the face... He's the Town Engineer – that's his job.

I have probably 20 times more loam on the site than needed and later will sell the rest. I hired Dave Coonrod to split 1 ac lot off the 44 acre lot. Dave has a very good handle on your planning regulations.

At this point I'm letting the Planning Commission know some of my intentions for this property: How many lots off a private driveway, re-subdivision of 1 lot, and alternative uses for this property. I'm letting Dave iron out a plan for this 1 lot for now. Dave will be talking with Gary G. on this subject and this could be a problem for Dave and us. Gary should excuse himself from giving, advising and putting demands on this project because Gary has made 3 offers to buy 57 Walnut Hill Road. I have approached the Wetlands Commission with this scenario, and they say it's "OK" for him to stay on. We and our attorney feel this is illegal / conflict of interest and should be addressed soon. They (the Wetlands Commission) said that the Town attorney should be notified about this situation. The Wetlands Commission has been harassing me on anything I do because of my complaining about our damage to our tributary 2 years ago from Centerplans' solar farm retention pond failures.

My last remark is that if I sell the property to someone – they could deal with the Wetlands & Planning Commission to do what the new owner wants with the property – I will just ask for them to pay for the 2 bonds I have totaling \$6,000.00.

Thank you for your time.

John Bialowans, Jr.

Town of East Lyme

P.O. DRAWER 519


NIANTIC, CONNECTICUT 06357



Town Engineer
Victor A. Benni, P.E.

860-691-4112
FAX 860-739-6930

To: Gary Goeschel, Director of Planning

From: Victor Benni, P.E., Town Engineer 

Date: July 25, 2016

Re: Latimer Drive – Proposal to Narrow Road Section
8-24 Municipal improvements

Please accept this Memorandum as a request to narrow a portion of Latimer Drive. According to Connecticut General Statute, Section 8-24, Municipal improvements, “No municipal agency or legislative body shall narrow any street until the proposal to take such action has been referred to the commission for a report.”

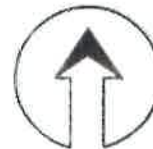
The section in question of Latimer Drive extends from Chesterfield Road (Route 161) to its intersection with Cavasin Drive. This section of roadway is currently approximately 380 feet long and 40 feet wide. We are proposing to narrow the road to a 30 foot width, 5 feet from each edge, in order to maintain consistency with most of the other town roads in this area that connect to Chesterfield Road (Route 161).

Narrowing this portion of Latimer Drive would prove to be a future savings in pavement management costs and the reduction in impervious area would provide a benefit to the CT DEEP stormwater management program. The proposed 30 foot road width will still provide ample area for parking along the edge of road.

I have enclosed a copy of a section of the Town GIS, delineating the area in question and a screenshot from Google earth (Street View) looking down Latimer Drive from Chesterfield Road (Route 161).



The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.



1:960
1"=80'



7/25/2016 2:07:35 PM



Google earth

feet 10
meters 3

Latimer Drive - Proposal to Narrow Road Section from 40' to 30' Width