

East Lyme Planning Commission Public Hearing Minutes
December 6th, 2016

Present: Brian Schuch, Chairman
Rita Palazzo, Secretary
Peter Lynch
Brenda Henderson
Joan Bengtson
Sami Yousuf, Alternate (*Sat as Regular Member)

Also Present: James Liska, Zoning
Attorney Ted Harris
Bobby Pfanner
Jason Pazzaglia
John Bialowans, Jr.

Absent: Holly Cheeseman, Ex-Officio
Gary Goeschel, Planning Director
Kirk Scott

FILED
DEC 12 20 16 AT 8:45 AM/PM
Kellen Galbo, Clerk
EAST LYME TOWN CLERK

Mr. Schuch called the East Lyme Planning Commission Public Hearing to order at 7:01 p.m.

I. **Pledge**

Mr. Schuch led the Pledge.

II. **Public Hearing**

Re-Subdivision 24 Darrows Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrows Ridge Road, East Lyme, Connecticut.

Mr. Schuch sat Alternate Sami Yousuf as a Regular Member for the duration of the evening.

Ms. Palazzo recused herself from the Public Hearing.

Mr. Schuch said the Commission is looking to wrap up the Public Hearing tonight and called for any further comment.

Mr. Pfanner and Mr. Harris presented Exhibit V (Connecticut Testing Laboratories Results-attached) and Exhibit W (the December 1st, 2016 Pesticide Site Plan- an addition to the previous Site Plan), for the record.

Mr. Pfanner and Mr. Harris stated that nothing was detected in regards to the testing of the soils.

Mr. Lynch said he spoke with the Town Historian and there are stories of the site being farm land.

Mr. Pfanner presented the Commission with Exhibit Y, Y1 and Z for the record; aerial shots of the site from 1934, 1951 and 1970 (attached.)

Mr. Harris reviewed the waiver request with the Commission and referred to Mr. Goeschel's memorandum dated November 14th, 2016 (Exhibit Q.) He said the request and re-subdivision are consistent with the POCD, and urged it be approved by the Commission.

Mr. Schuch said Mr. Goeschel provided a draft motion if the Commission chooses to use it.

Mr. Lynch asked if the property could be terraced closer to the gravel driveway.

Mr. Schuch brought attention to the erosion sedimentation bond and Mr. Harris explained the bond covers the period of time during construction; Mr. Harris noted there is an existing 100 ft buffer.

Mr. Lynch asked who would maintain the pond; Mr. Schuch said that's a fair question but outside the scope of this hearing.

John Bialowans Jr. Of 61 Walnut Hill Road came forward and said he never received answers regarding:

1. One rain garden serving two homes
2. A driveway permit off of a private road
3. The close proximity of the septic system and wetlands

Mr. Bialowans said he has a lot of reservations about this property being redeveloped and detailed some of his concerns (Exhibit X- attached.)

Mr. Harris explained a driveway permit is not required because this is not a Town road and that this application has received a wetlands permit and Ledge Light septic approval; the archaeological study is not needed because nothing was found ten years ago and it is not believed that anything new will be found now.

Mr. Pfanner reviewed the site and septic system plans for the Commission.

Mr. Pfanner clarified that they are asking for the permit in order to construct and in regards to terracing, the slope is too steep, would require 40 or so feet of fill and would likely result in greater erosion. He explained they tried to take advantage of the natural terracing on the site with the location of the houses.

MOTION (1)

Mr. Schuch moved to close the Public Hearing at 7:36 p.m.

Mr. Lynch seconded the Motion.

Vote: 5-0-0. Motion carried.

Respectfully Submitted,



Brooke Stevens
Recording Secretary

Exhibit V

Client Name: Pazz Construction	Date Extracted: 11/21/16
CTL Lab No.: 1116312	Date Analyzed: 11/22/16
Job/PO No. NA	Analyst: SM
Report Date : 11/23/16	

EPA METHOD 8081A

Date Samples Rec'd: 11/21/16

Matrix Type:	S	S
CTL Sample #:	17483	17484
Field ID :	Sample 1	Sample 2

Parameters-ug/kg	RL				
Aldrin	25	ND	ND		
a - BHC	50	ND	ND		
b - BHC	50	ND	ND		
d - BHC	50	ND	ND		
Lindane	20	ND	ND		
Chlordane	50	ND	ND		
4,4' - DDD	50	ND	ND		
4,4' - DDE	50	ND	ND		
4,4' - DDT	50	ND	ND		
Dieldrin	5	ND	ND		
Endosulfan I	100	ND	ND		
Endosulfan II	100	ND	ND		
Endosulfan Sulfate	100	ND	ND		
Endrin	50	ND	ND		
Endrin Aldehyde	50	ND	ND		
Heptachlor	10	ND	ND		
Heptachlor Epoxide	20	ND	ND		
Methoxychlor	50	ND	ND		
Toxaphene	300	ND	ND		

RL= Reporting Limit ND= Not Detected

Matrix Types: W = Water/Aqueous S= Soil/Solid O= Oil/Hydrocarbon

X-

December 6, 2016

Good Evening Mr. Chairman & Other Planning Board Members,

My name is John Bialowans Jr. of 61 Walnut Hill Road. I would like to make some comments on 24 Darrow's Ridge Road.

1. I did not receive an answer for 1 rain garden serving 2 houses.
2. Mr. Torrance is a smart man and he would have made 2 lots in the beginning of this project. I wonder how many big lots, if any, were re-subdivided into 2 lots later -on? Did they have the same type of topography, ledge, steepness, environment issues, damage already done to Mostowy Lake, and the silt fence has failed already – and will continue to fail. They will probably say like Centerplan solar farm did “unusual circumstances.”
3. Pfanner Assoc. said they did the work from the beginning of Darrow's Ridge. They take a lot of information in like terrain, steepness, environment issues to determine where the roads, lots are going. They try to design the work to give the developer the most for the buck. Now, Pfanner says that this 5.29 ac of land can be re-subdivided with all the issues that could happen with these two lots being developed, and already has.
4. I did not get an answer about the driveway permit off of a private road? Did the other houses, already built, get a driveway permit?
5. I also did not get an answer for the January 11, 2006 Wetlands survey and the September 5, 2006 Archeological Assessment survey? How can they be used now – they're 10 year old surveys? I couldn't use 2 year old surveys !
6. How could you prep a septic system area not knowing if there is a 1 lot re-subdivision of this 5.29 ac parcel of land? That sounds pretty fishy to me..... Would like to have an answer to this question. What were they trying to get away with?

7. Did not get an answer about the septic system being so close to an intermittent watercourses and 100 ft wetlands upland review area?

Lot 30-1 using 1" = 40'

- a. Wetland flagging 85 through 95. Wetlands numbers too close to septic area
- b. 100' Wetlands Upland Review Area is in septic system area

Lot 30-2 using 1" = 40'

- a. Wetlands numbers 95 through WC 6 / WC 12 through WC 15 too close to septic area
- b. 100' Wetlands Upland Review Area is in the septic system area

I have the same situation on our own property and I was told the system had to be 100' away from the intermittent watercourse and outside the 100' Upland Review area..... Can everyone do this or regulations don't apply here???

8. During the time I was speaking at the podium, Pfanner, jumped up and went to the podium and started speaking over me. To me (also other people in the room) thought his actions were very unprofessional, and goes to show the Planning Commission, that something is being hid, rushed through or not following the regulations completely.
9. I thought regulations are there for all people to follow, and those retention ponds will never be maintained by the homeowners. And there's another problem with this 1 lot re-subdivision...example: the solar farm on Grassy Hill Road, Walnut Hill Road. There is always run-off into the wetlands every time it rains, even after 1 inch of rain going into the retention ponds, then into the wetlands and then into our damaged intermittent watercourse from previous retention pond failures.
10. I'm just expressing my concerns, worries and experience on a very hard lot to be re-subdivided, avoiding more environmental problems to Mostoway Lake that has already happened, and will continue during construction, and when the job is finished. We have the same situation on our property (I fixed it already) and would like to speak out to see how this 1 lot re-subdivision is handled with all these problems that it already has and will continue to have after just one big rainstorm that will come. Example: look at the solar farm project failures.

Ps

I couldn't speak at the Wetlands meeting because it was on the agenda (which should be changed!). I don't know how a public hearing can be closed when questions that were raised-up have not been answered completely. Another thing I noticed is how one individual can make 3 professional people get all wound-up... I'm just using common sense on this project.

Thank you for your time,

John Bialowans, Jr.

University Libraries
MAGIC

Exhibit Y

Neighborhood Change in Connecticut, 1934 to Present

Want to compare 1934, 1990, 2004, 2006, 2008, and 2012 using a transparency tool? [Check out our Connecticut Aerial Photography Interactive Map Interface](#)

 Attention ArcGIS and other GIS software users! The 1934 Aerial Photography layer is available via [MAGIC's WMS](#).

Use the search box below to locate an address in Connecticut.
Toggle map layers

CT Towns

Find Address



1934 versus
2016
var
in

Map data ©2016 Google Imagery ©2016, Ches/Spot Image, DigitalGlobe, U.S. Geological Survey, USDA Fairchild Survey, 200 m

Exhibit Y1

DPE-3H-139

85-51



3-1-70 1776

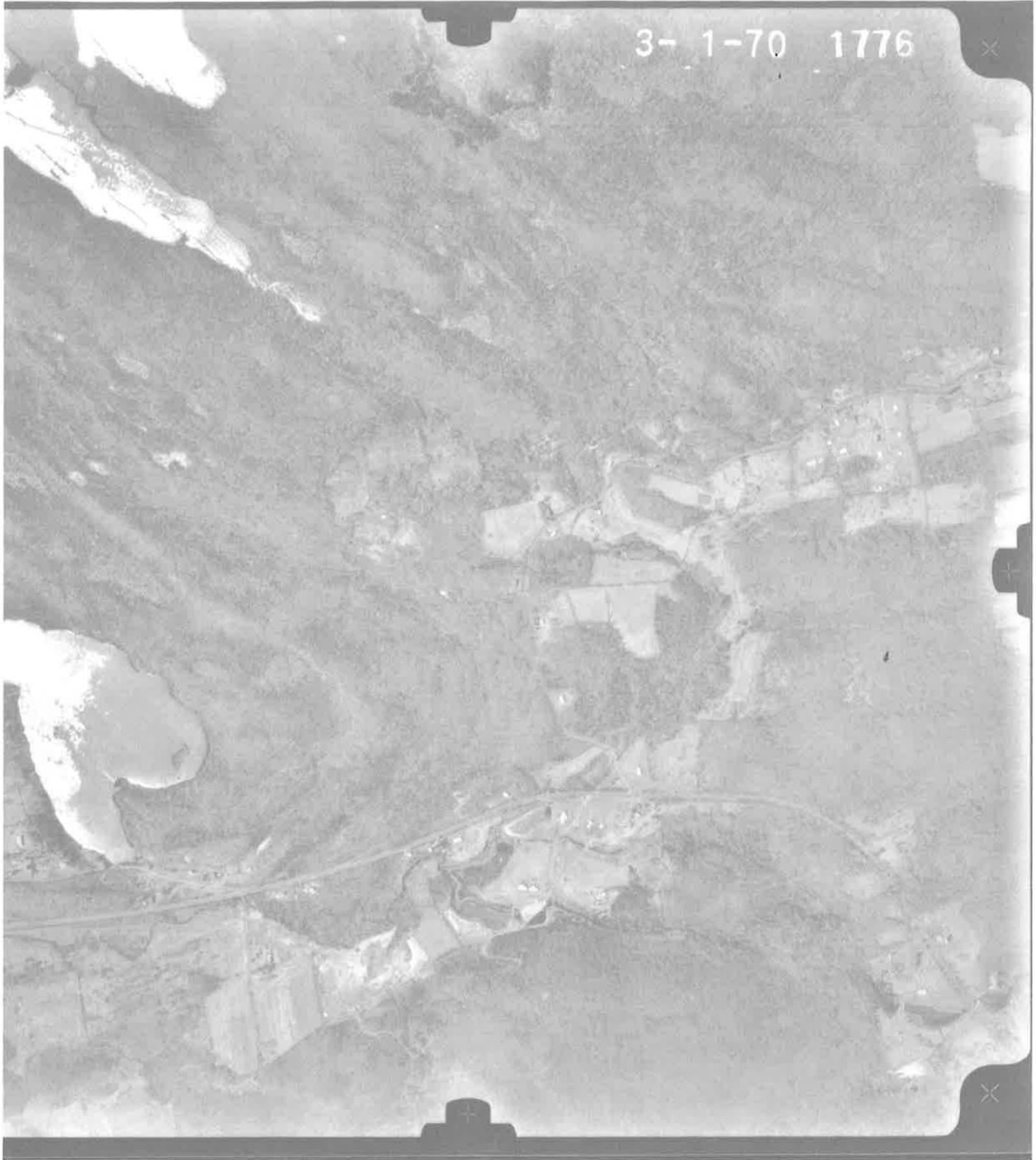


Exhibit Z

Tuesday, Nov. 15, 2016

Good Evening Mr. Chairman and other Planning Commission Members,

My name is John Bialowans Jr. of 61 Walnut Hill Road. I have some comments to make about this re-subdivision:

1. Rain garden for 2 houses
2. How does Jason know if there wasn't any farming or sawmills on that property – because there were. Also, he wasn't even thought of yet.
3. Mr. Torrance did whatever he wanted to do on this subdivision – and the Town let him, and they cannot deny that fact. The Town was nervous about another lawsuit from Torrance, and he stuck up for his rights as a taxpayer.
4. January 11, 2006 – Wetlands Survey done
5. September 5, 2006 – Archeological Sensitivity Assessment Survey done
6. These studies are over 10 years old. How can they still be allowed, when other taxpayer's studies and reports are no good after 2 years???
7. It looks like different regulations are used for different taxpayers (meaning Wetlands & Planning)
8. This parcel of land should stay as 1 lot because of the steepness, the terrain – and already has put silt into Mostowy Lake and damaged their silt fence already for years.
9. These lots are going to be always harmful for erosion, sedimentation and pollute Mostowy Lake,
- ✓ 10. Is there a driveway permit and bond for these lots?? (Marilyn at the Engineering Dept. 9-12-16 says "no permit was issued")

Thank you for your time,

John Bialowans, Jr.

September 12, 2016

Good Evening Mr. Chairman and Other Board Members,

My name is John Bialowans, Jr. of 61 Walnut Hill Road. I have concerns, the Wetlands and Planning Commissions should have, about this driveway at 24 Darrow's Ridge Road. I'll list the concerns about this driveway that should be looked into further before any action is taken:

1. No driveway permit was taken on this lot (I called Marilyn at the Engineering Dept. at 8:30 AM, Monday 9-12-16) to ask about the driveway permit and who took it out. She said No permit was taken out, or maybe it could be in the construction permit. Never received a call if she found one at all.
2. Is there an alternative entrance to this lot – not to be in the wetlands buffer? (it has 5 acres)
3. A cease and desist order should be given on this lot for not getting a driveway permit, and the driveway is 400 ft long? Partly in the 100 upland review area Pfanner said it was done during the construction permit of this development. This one lot re-subdivision should be held to regulations now.
4. Was an Archeological survey done?
5. Was a Biological & Pesticide survey and report done on this lot?
6. There were sawmills working on this land and sheds – oil, grease, spills, etc.
7. Was a topography mapped and survey done?
8. Were all the requirements of the Planning Commission executed for a 1-Lot re-subdivision done yet?
9. Was an impact study on the wetlands done?
10. Was a soil scientist hired, and a report given and wetlands marked?
11. Are wetlands precautions taken and maintained?
12. Another site walk should be taken because Gary said No one showed up 9-10-16 at the Town Hall. He did mention one woman called and cancelled out.
13. EVERYONE should be treated the same – then there are no conflicts and problems later, on actions taken now for past mistakes made on this one lot re-subdivision and all other items.

Thank You,

John Bialowans, Jr.