

East Lyme Planning Commission Public Hearing Minutes
November 15, 2016

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

Also Present: Gary Goeschel, Planning Director
Bill Dwyer, Zoning
Ted Harris
Bob Pfanner
Jason Pazzaglia
John Bialowans, Jr.
Carol Murcko

FILED

Nov 22 20 16 AT 8:30 AM/PM
Karen Yalton, ATC
EAST LYME TOWN CLERK

Absent: Holly Cheeseman, Ex-Officio

Mr. Schuch called the East Lyme Planning Commission Public Hearing to order at 7:05 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 (Date of Receipt: September 6, 2016).

Ms. Palazzo reclused herself from the Public Hearing.

Mr. Goeschel stated this Public Hearing is continued from the October 4 meeting of this Commission. He listed the attached exhibits.

Mr. Goeschel reported we gave public notice in the Day newspaper, as required. The applicant is required to give notice to abutting property owners within 200'. Mr. Schuch asked how many abutting property owners were there? Mr. Goeschel informed him there were eight.

Mr. Pfanner reported for this subdivision we are proposing to split it into an additional lot with a shared driveway. He reviewed the area on a map by projector. It will have no frontage. Part of any design requirements are our drainage calculations. Two retainage basins are in the design. He showed where Darrow Pond is located. He informed the Commission that there are two subsurface septic systems. Approval from the Wetlands Commission was received last month. A new conservation easement has been added, although it was not required. It was created to allow expansion of the lot count. In all phases of this subdivision we left a lot of open space.

Mr. Pfanner stated the development was kept on a flat knoll. He showed that the wetlands had a natural buffer. The grade came down to 15%. The driveway will have to be paved. He showed the area that was blasted out. They are requiring a waiver. He showed the tree line and stated we have all vegetation along the pond.

~~The public was asked to speak~~

Mr. Bialowans of 61 Walnut Hill Road asked if this section is designated as a conservation easement, how can the septic system be so close? The rain garden is serving two houses. He asked how does Mr. Pazzaglia know whether or not there were saw mills on that property? Mr. Bialowans stated his relatives owned that property and he knew there were saw mills on that property during World War I and II. People lived in shacks. Some of that area was farmed. On January 11, 2006 a wetlands and archeological survey were done. He felt this should remain as one lot because of silt that will go into Mostowy Lake. Because of the steep area, water goes into Darrow Pond. He spoke to the Public Works Department on September 12, 2016 and was informed that no permit was issued for the second driveway. He felt this should be addressed and there should be no bond for it. He distributed his letter dated November 15 to this Commission Mr. Schuch listed Mr. Bialowans concerns:

1. The hatched area on the edge of the property is too close to the septic system;
2. The saw mill can affect the archeological dig;
3. The retainage basins are sized for two driveways;
4. The plan calls for a second driveway;
5. The wetlands bond is low; Mr. Schuch stated this is out of our scope.

Mr. Pfanner responded regarding the wetlands and stated the hatched area is a conservation easement. The wetlands is a small watercourse. The septic system is spaced far enough from the wetlands. Ledge Light approved the area. The septic system area had to be prepped there, and there was some erosion. When we submitted the application it was inspected when installed and again he saw some erosion. It met the requirements.

The retention basins have been sized and were submitted to the Town. We have a letter from Mr. Benni approving them. Mr. Schuch stated our regulations call for 100 year storm. Mr. Pfanner stated we have to compensate for the increase. Mr. Schuch reported

the hatched area is a conservation easement. Most of the wetlands are in the conservation easement.

Mr. Harris of 351 Main Street stated there was an archeological survey done on this site and a copy was filed with this application. He walked the site and to his knowledge no saw mill is there.

Mr. Schuch stated we issued a waiver in the original subdivision. Mr. Harris stated that a report was submitted with this application. There was correspondence with Nicholas Bellantoni retired State of Connecticut Archeologist and their office reviewed the archeological survey report and concurred with its conclusions. Mr. Schuch felt these were the people with the best expertise. Mr. Schuch stated no previous archeological survey reported on a saw mill.

Mr. Pfanner stated he personally did wetlands location and test hole survey work and there was no evidence of saw mills on that site. There was no evidence of anything historical.

Mr. Harris stated as to the engineering of the drainage it was designed by professional engineers and is acceptable by the regulations. The driveway bond would not be posted unless it was needed. There is no bond required for the driveway. This driveway was done and the recorded easement allows for passage of lots over that driveway. This was submitted for the record.

Mr. Lynch believed a gravel driveway is better because of its filtering system. Mr. Pfanner replied because it is so steep, regulations required that the driveway be paved. We take the fact that they are paved into account.

Mr. Bialowans stated the reason he brought up the retainage ponds is he had a problem with them. Two failed and caused a lot of damage to his property and others. All the silt that came off went into the sound. This property has failed once. How can you make another lot? The last storm was only 4". This is a lot steeper. Where will the water go? Will the silt go into the pond? Mr. Schuch replied there is a setback between the wetlands and the septic system. Mr. Bialowans stated he was informed by relatives that there were saw mills. Mr. Pfanner stated we are licensed by the State of Connecticut to do this work. Our work was reviewed by another engineer, and it has been designed properly. We have provided all our documentation.

Mr. Bialowans stated Centerplan had many engineers on that property. I am not criticizing your engineering license. He expressed concern on what may happen to Mostowy Lake. He felt retainage basins for a 100 year storm do not work.

Mr. Schuch thanked Mr. Bialowans for his input. Mr. Pfanner has done his diligence to meet the Town's regulations. If this meets the Town's regulations, we are compelled to accept it. We have heard from the applicant's surveyor, we have a Memo from the Town Planner with reference to the exhibits. We are now beyond the 45 day limit. Mr.

Goeschel had no additional comments. The applicant has to allow an extension. A maintenance plan for the catch basins will be shared by the two lots. This is a private improvement on two lots.

Mr. Schuch felt the retention ponds work is best when maintained.

Mr. Harris suggested having a maintenance plan as a condition.

Mr. Schuch suggested that this Commission review Mr. Goeschel's Memo and Mr. Bialowans' letter and requested that the applicant agree to an extension to December 7.

Mr. Goeschel stated the archeological study points to pre-historical archeological rock formation.

Ms. Bengtson felt no one has addressed farming on that land. Mr. Goeschel stated we have a letter from Ledge Light regarding this subdivision. Mr. Harris stated this property was woods, and there is no evidence that this area had been farmed. They had much larger areas to farm at that time. This area was too steep for farming. It was certainly logged at some point. Farm land is usually cleared.

Mr. Bialowans stated he knows there was barbed wire there, and it was an area for animals to roam.

Mr. Harris stated we are asking for the lot to be divided into two lots. The question is whether we have two lots on this property.

Mr. Goeschel stated Mostowy Road was part of this land.

The applicant was asked if he is willing to consent to an extension. Mr. Harris agreed to an extension. Mr. Schuch thanked Mr. Bialowans for his comments.

There was a consensus to close the Public Hearing at 8:10 p.m. and continued to December 7.

Respectfully submitted,

Frances Gheri, Substitute Recording Secretary

24 Darrow's Ridge Road
Pazzaglia
Updated as of Nov. 18, 2016

Exhibit ID	Title/Description	Submittal Date
A	Application of Jason Pazzaglia of 21 Darrows Ridge Road, East Lyme, CT Applicant/Owner, for a 1-lot resubdivision of approximately 5.29 acres Zoned R-40 at 24 Darrow's Ridge Road, East Lyme and a waiver of Section 23.5B of the East Lyme Zoning Regulations	8/25/2016
B	Pesticide Report indicating Lot 30 Darrow's Ridge has never been used for farming	8/25/2016
C	Waiver Request of from Section 23.5B of the Zoning Regulations	8/25/2016
D	Soils Report Darrows Ridge, Mostowy Road, Lot 12 Driveway Crossing, Niantic Real Estate, LLC, East Lyme prepared by Martina A. Castanho, CSS and Donald J. Fortunato, CSS dated January 11, 2006	8/25/2016
E	Letter from Frank J Dirrigl, Jr. PhD., Principal Archeologist of Triton Environmental to Theodore Harris, Esq. dated September 5, 2006, Re: Archeological Sensitivity Assessment Survey Re-Subdivision Darrow's Ridge, Phase V-East Lyme, CT (with attachments)	8/25/2016
F	Re-Subdivision Plan entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016	8/25/2016
G	CT DEEP Natural Diversity Database Areas Map, dated June 2016	8/25/2016
H	Memo from Ryan McCammon, RS, LLHD to J Robert Pfanner P.E and Robert Pfanner dated 9/19/16, Regarding Plan dated 8/23/16, indicating Lots 30-1 and 30-2 are not recommended suitable in their current condition.	9/19/2016
I	Memo from Ryan McCammon, RS, LLHD to J Robert Pfanner P.E and Robert Pfanner dated 9/27/16, Regarding Plan dated 8/23/16, revised though 9/23/16 indicating Lots 30-1 and 30-2 are recommended suitable.	9/27/2016
J	Re-Subdivision Plan entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016	10/4/2016
K	Memo from Victor Benni, PE Town Engineer to Gary Goeschel, Planning Director, dated October 4, 2016, Re: 24 Darrows Ridge Road Re-subdivision /Siteplan Review with 3 comments	10/4/2016

24 Darrow's Ridge Road
Pazzaglia
Updated as of Nov. 18, 2016

L	Letter from Theodore Harris, Esq. dated October 4, 2016, to Brain Schuch, Chairman Re: Request to Open and Continue the Public Hearing.	10/4/2016
M	Notice of Public Hearing published in September 22, 2016 and the September 30, 2016 editions of The Day newspaper.	9/7/2016
N	Plan entitled "Master Open Space Plan, Darrows Ridge Subdivision, Mostowy Road, Darrows Ridge Road, East Lyme, Connecticut, dated October 7, 2005, revised through August 18, 2016	8/25/2016
O	Subdivision Review Sheet from W. Mulholland, Zoning Official indicating Zoning is OK	11/9/16
P	Letter from G. Goeschel II, Dir. of Planning/Inland Wetlands Agent to Jason Pazzaglia, dated October 24, 2016, Re: Inland Wetland Application-24 Darrows Ridge Rd for a 1-lot re-subdivision and Inland Wetlands Permit#16-23 Approved: October 24, 2016 and Expires: October 24, 2021.	11/10/16
Q	Memo from G. Goeschel, Dir. Of Planning to the East Lyme Planning Commission, dated November 14, 2016, Re: Re-subdivision 24 Darrows Ridge Road, for a 1-Lot Re--subdivision of 5.29 acres	11/14/16
R	Certificates of Mailing Dated October 1, 2016	11/15/16
S	Picture of the Posted sign at 24 Darrow's Ridge	11/15/16
T	Letter from J. Bialowans, dated Tuesday, November 15, 2016	11/15/16
U	Deceleration of Common Easement and Maintenance, filed August 11, 2008 on the East Lyme Land Records Vol. 803, Pg. 717.	11/15/16