

**Planning Commission Regular and Public Hearing Minutes  
Tuesday July 11th, 2017**

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

Absent: Don Phimister, Alternate

Also Present: Gary Goeschel, Planning Director

Mr. Schuch called the Planning Commission to order at 7:04 p.m.

**I. Pledge**

Mr. Schuch led the Pledge.

**II. Additions to the Agenda**

There were none.

**III. Call for Public Delegations**

There were none.

**IV. Public Hearings**

**A. Application of Anne K. Torrance, Applicant/Owner; Application for a 2-Lot Re-subdivision of approximately 2.05-acres Zoned RU-40 at 197**

**Upper**

**Pattagansett Road, East Lyme, Assessor's Map # 35.0 Lot # 30.**

Mr. Goeschel briefly listed Exhibits A-Q which are available for review in the Planning Commission office.

Mr. Goeschel stated he received a letter from Total Design RTS regarding driveway dimensions, which he has asked Town Engineer Victor Benni to review. The Commission has 35 days to act on this application.

Jeffrey Torrance of 197 Upper Pattagansett Road came forward to speak and stated that updated plans were submitted to Ledge Light Health District which they need to review. He added that the Town Engineer needs to review the stormwater calculations and that the plans presented today improve on the driveway runoff.

**FILED**

July 17 20 17 AT 2:00 AM/PM  
*(Caren Hulme, Clerk)*  
EAST LYME TOWN CLERK

Mr. Torrance pointed out the site on a Town map and explained that the 1978 milk house being removed while the barn will be converted to a house.

There was no public comment.

At 7:20 p.m. the Public Hearing was continued until the next regularly scheduled Planning meeting.

**B. Application of Robert Fusari, Real Estate Service of Connecticut, Inc., Applicant/Owner: Application for a 25-lot re-subdivision of approximately 97.3+ Acres, Zoned RU-40 at Spring Rock Road and Green Valley Lakes Road, East Lyme, Assessor's map 14.0 Lot 45, together with a waiver request from Section 6-10-11 of the East Lyme Subdivision Regulations.**

Mr. Goeschel presented the exhibits to the Commission:

**Exhibit #**

- A Twin Valley 25-Lot CDD Resubdivision Planning Application and plan set titled Twin Valley 25-Lot CDD Re-Subdivision, prepared for Real Estate Service of Connecticut, Inc., Green Valley Lakes Road, Map 14 Lot 45, East Lyme, CT**
- B Statement of Waiver Request**
- C DEEP Natural Diversity Letter**
- D Indigo to Public Works**
- E Legal Opinion of Buffers**
- F Site Traffic Assessment**
- G Phase 1A Archaeological Assessment**
- H Legal Notice for Publication of July 11, 2017 Public Hearing**
- I Certified Notice to Applicant of Public Hearing**
- J SCCOG letter dated 7/3/17 to Gary Goeschel, Director of Planning in response to referral**

- K** Lower Connecticut River Valley letter dated 7/10/17 to Brian Schuch, Chairman in response to referral
- L** Staff Review of William Mulholland, Zoning Official
- M** Letters from the public received 7/10 and 7/11 concerns about the subdivision application
- N** Certificate of Mailing
- O** Pictures of Sign for Subdivision
- P** Letter of Notice to E Coffee, Old Lyme Town Clerk 6/26/17
- Q** Referral to SECCOG 6/28/17
- R** Referral to LCRCOG 6/28/17
- S** Referral to Inland Wetlands Agency 6/26/17
- T** LLHD K White Memo 6/30/17
- U** Left Blank
- V** Memo of V Benni 6/9/17
- W** Letter Waldo & Associates LLC

**\*Exhibit U was a duplicate.**

**The entire file is available for review in the East Lyme Planning office.**

Attorney Harris of 351 Main Street came forward representing the Applicant. Mr. Harris explained this is the last portion of the Green Valley Lakes Subdivision that was started in the 1970s, and actually consisted of several phases.

Mr. Harris presented the certificate of mailings for the record, along with a photo of the sign posted on the premises.

Mr. Harris gave a brief history of the "road to nowhere" that serves no practical purpose to the subdivision design which is why, they are requesting a waiver.

Mr. Harris said the Inland Wetlands Hearing is still open and asked that this Hearing be continued after their presentation in case changes need to be made.

Joe Wren, P.E., came forward to detail the Application and pointed out the site on a map for the Commission.

Mr. Wren gave an extremely in depth presentation and made some of the following comments:

- We are proposing building a road and creating lots and not seeking approval for building the homes themselves and the individual site plans; this Application deals with the infrastructure needed to support these lots.
- No buildings are within 100 feet of the wetland.
- 30% of open space is required and our design actually allows 60%.
- Half the acreage is proposed as open space with a total of 97 acres; 68 acres will be open space.
- The proposed road has a cul-de-sac at the end.
- The width of the road was reduced to 24 feet (the normal width is normally 26-28 feet.)
- The property is less impervious and dense than the existing neighborhoods.
- There is an emergency access driveway.
- Each lot has a rain garden.
- Conservation Design Development provides the best layout and preserves more of the wetlands.
- The Conservation Design and open space ratio actually allows them the option of 28 lots but they chose not to take advantage of the bonus lot option.
- The plan has been approved by Ledge Light Health District.
- The site will not be clear cut and built on at the same time.
- The individual site plans will have to be reviewed and approved by Land Use as each lot is developed.
- There will be a homeowner's association for the development.

Mr. Wren detailed the catch basins, outlet hoods and traffic report.

Mr. Goeschel read the SCCOG letter (Exhibit J) into the record and Mr. Wren discussed the report from the ACS Archeologist and Exhibit W, letter from Waldo & Associates LLC was presented to the Commission.

The Commission took a small comfort break at 8:44 p.m.

The Meeting reconvened at 8:54 p.m. and Ms. Palazzo said she is concerned about the cul-de-sac; there have been previous problems in other developments where there has not been enough room for bus traffic and the like.

Mr. Wren replied that the space is larger than required by regulations and this allows larger vehicles to make the turn without backing up.

Ms. Palazzo asked why there are no proposed sidewalks and Mr. Lynch asked if there could be.

Mr. Harris said the regulations do not require sidewalks. Mr. Fusari said there are no sidewalks because there are none in the whole neighborhood.

Ms. Palazzo said the I-95 entrance and exit are congested and wondered about the noise and traffic potential.

Ms. Palazzo asked when the traffic study was done and Mr. Wren replied between April and May.

Mr. Lynch asked if the homeowner's association would be responsible for the catch basins and Mr. Wren said yes.

Mr. Schuch called for public comment:

1. Matt Anderson of 29 Green Valley Lake Road
  - Cited and discussed Zoning Regulations Section 23.
  - Would like a buffer next to his house since the road and lot are so close to his property, and he respectfully asks for that.
  - In terms of the extra open space the Applicant is so-called generously giving, its property they can't develop as well as wetlands.
  - Worried about safety of his daughter.
  - Doesn't fit character of neighborhood.
2. Kristen Chantrell of 13 Green Valley Lake Road
  - Her property abuts the development.
  - No more of 50% of open space can have water and would like to see the Tables.
  - Would like a conservation easement; no one wants to see 25 new homes outside their window.
  - Would like a larger buffer to protect the existing homes.
  - Concerned about narrow width of road and lack of sidewalks.
  - Hoping can add stop signs in this new neighborhood.
3. Attorney Jason Westcott representing the Lepkowskis' of 27 Green Valley Lake Road
  - Existing property owners should be protected from the road and not just the back yard.
  - There was no anticipation there would be an intense development of this area; flood in the 1970s washed out bridges and land was deemed undevelopable and foreclosed on.
  - He contests the expert reports presented tonight since their authors are not in attendance to answer questions.

The Applicant said he would do his best to ensure their experts were at the next meeting.

4. Diane Lepkowski of 27 Green Valley Lake Road
  - This application is on its fourth wetland meeting so obviously not cut and dry like the Applicant is presenting.

- How much open space is not wetlands or unusable?
- Calculations of open space abutter are wrong and the Applicant was called out about this at a previous wetlands meeting.

Mr. Wren responded that the 69.3 acres open space figure is the updated figure- and that one sheet will be updated.

(#4. Comments continued)

- Concerned about narrow road.
- They don't care about the existing homeowners.
- Neighborhood currently doesn't have a homeowner's association so why is one needed now?
- Are they going to test for the high sensitivity archeological areas before approval; DEEP only has two biologists, this is private property, and DEEP does not physically tour every site.

5. Brian Lepkowski of 27 Green Valley Lake Road

- On March 17, 2014 met with Gary Goeschel because was concerned with the private property abutting their property.
- He was assured that for 40 years there was no road or plan of anything shown and largely believed that nothing of this nature could be supported; this is why they felt safe living there.

6. Carolyn Nee of 8 Wynn Circle

- Hopes any new development will be consistent with the existing neighborhood.
- What is the acreage of the current lots as opposed to the proposed lots?
- Would prefer road width of 30 feet with no sidewalks, so still safe.
- What is the purpose of the home owners association and how would that work?
- Concerned about the sound impact of the highway and hopes that will be considered.
- What do 25 new homes do to our education system?

7. Mark Lepokowski of 13 Rose Lane

- The clear cutting line of the lots seems alarming in terms of sound pollution.
- No sidewalks are proposed because there is no room; people would probably have to park on sidewalk if driveway was at capacity, and had two cars parked in it.
- Look at the distance and density of the existing homes as compared to the proposed lots.
- How will the existing wetland inhabitants navigate the road?

8. Gary Barwikowski of 22 Green Valley Lake Road

- Wants that "road to nowhere" built.
- Was also told the property was not viable to be developed.
- The State recommends a road width of 28 to 30 feet; does not want car lights shining in his living room because of that turn.
- That area is home to a plethora of animals.

Mr. Harris said the Town Attorney has looked at the 40 foot buffer along the road, and it is not required; it is solely for the lot.

Mr. Wren's responses:

- This is not an enclosed roadway so Zoning Regulations Section 23 does not apply to this area.
- In terms of the buffer, that is lot to lot. The 40 foot wooded buffer is there and the Applicant has offered to plant evergreens there.
- The homeowner's association is needed to maintain items outside the purview of Public Works- without it, the quality of the water basins would not be maintained; this was not a concept in the 70s which is why there isn't one in the existing neighborhood.

Mr. Wren reviewed the open space calculations in detail; 18.359 acres provided verses 14.587 acres required.

Mr. Schuch asked if there was a map showing where the open space is located and Mr. Wren displayed one for the audience.

Mr. Wren's responses continued-

- 24 feet is a standard road width.
- Not a through road so 30 feet is not required.
- No purpose for going down this road unless going to a home; it's a dead end road.
- The application is 25 building lots and a road that meets Town standards.
- Lots do not get cleared until the lot design is approved and the lot is sold; this is not an immediate process. The lines have to be shown because we are required to show a full build-out and what it would look like.
- Only three of the lots have wetlands and they are covered by the conservation easement.
- This is not a rushed application; everything has been at the Town Hall for three months and has been working on this process since January.
- One of the guidelines of conservation by design development is a narrower road.
- Water quality basins are not included in the open space calculation and are on the homeowner's property, not the Town's.
- No evidence as to why the road has to be 30 feet- 24 feet is the most common.
- Stop signs are not required by subdivision regulations.
- This is a plan consistent with the Town's regulations.
- We will do our best to have our experts here if the Commission wishes it.
- What is in the existing neighborhood is great but was done in the 1970s and doesn't meet today's regulations. If these proposed building lots were developed in the same manner, they would not be approved.
- A 30 foot road width is not feasible for dead end servicing for 24 or 25 homes.
- If sidewalks were installed there would be the added cost to the Town, to maintain them.
- The school impact is not immediate and there is plenty of time to plan for this.
- 2 1/2 to 4 years before this neighborhood will be built out.
- Only clearing for the infrastructure and the rest would be approved later.

- The Town Engineer and Fire Marshal factor in emergency vehicles and cars parked on the street.
- The average lot size is an acre.
- There has been much testimony regarding wildlife on the property- this is the purview of the Inland Wetlands Agency.

Mr. Wren reviewed the buffer points on site and explained that there is no noise buffer subdivision regulation.

The Applicant and Mr. Barwikowski discussed the lights shining in the living room situation. Mr. Fusari said he did not know about this issue and will whatever he can to alleviate this problem. Mr. Wren suggested additional landscaping on the corner.

Mr. Goeschel asked Mr. Wren to show where the 2 bonus lots could have fit, for illustration purposes.

Mr. Scott asked for more clarification regarding lot size.

Mr. Goeschel reviewed some zoning regulations for the Commission.

Mr. Goeschel explained the house size depicted on the maps is to show suitability of the lot and not the actual plan.

- **\*\*Motion (1)**

**Ms. Bengtson moved to continue the Public Hearing until the next regularly scheduled Planning Commission meeting.**

**Ms. Palazzo seconded the motion.**

**Vote: 6-0-0. Motion passed.**

The Applicant requested that the Public Hearing commence in hour earlier.

### **Adjournment**

- **\*\*Motion (2)**

**Ms. Bengtson moved to continue the rest of the agenda until the next meeting and adjourn the Planning Commission Meeting at 10:54 p.m.**

**Mr. Hess seconded the motion.**

**Vote: 6-0-0. Motion passed.**

Respectfully Submitted,

Brooke D. Stevens,  
Recording Secretary