

**EAST LYME PLANNING COMMISSION
SEPTEMBER 5, 2017 REGULAR MEETING MINUTES**

Present: Brian Schuch, Chairman
Joan Bengtson
Peter Lynch
Kirk Scott
Don Phimister, Alternate

FILED

Absent: Brenda Henderson
Rita Palazzo, Secretary
Sami Yousuf, Alternate
Michael Hess, Alternate

Sept 7 2017 AT 3:10 AM/PM
Karen Palazzo
EAST LYME TOWN CLERK

Also Present: Gary Goeschel, Planning Director
Marc Salerno, Ex-Officio
Jeff Torrance

Chairman Schuch called the meeting to order at 7:04 p.m.

I. ROLL CALL + PLEDGE OF ALLEGIANCE

Mr. Phimister was asked to be seated. A quorum was established.

The Pledge was observed.

II. CALL FOR ADDITIONS TO THE AGENDA

There were no additions to the Agenda.

III. CALL FOR PUBLIC DELEGATIONS

There were none.

IV. PUBLIC HEARINGS

There were none.

V. REPORTS

A. Communications. Mr. Goeschel reported he received a seasonal pamphlet.

B. Zoning Representative. There was no representative from Zoning.

C. Ex-Officio. Mr. Salerno reported the Board of Selectmen are waiting for the state budget.

He informed the Commission the downtown property on Main Street will need a little remediation before it can be made into a park.

D. Planning Director. Mr. Goeschel had nothing new to report.

E. Sub-Committees.

- **Walkability.** There was nothing new to report.
- **Sustainability.** Mr. Goeschel reported they will not go forward. We received a \$50,000 grant from CIRCA.

F. Chairman: Brian Schuch. Mr. Schuch had nothing new to report.

VI. APPROVAL OF MINUTES

A. April 4, 2017 Regular Meeting Minutes. Chairman Schuch asked for additions, deletions or corrections to the April 4, 2017 Regular Meeting Minutes.

MOTION (1): Ms. Bengtson moved to approve the April 4, 2017 Regular Meeting Minutes, as presented. Seconded by Mr. Lynch. Mr. Scott abstained from voting. (4-0-1) Motion carried.

B. July 11, 2017 Public Hearing and Regular Meeting Minutes. Chairman Schuch asked for additions, deletions or corrections to the July 11, 2017 Public Hearing and Regular Meeting Minutes.

MOTION (2): Mr. Scott moved to approve the July 11, 2017 Public Hearing and Regular Meeting Minutes, as presented. Seconded by Mr. Lynch. (5-0-0) Unanimous.

C. August 1, 2017 Public Hearing and Regular Meeting Minutes. Chairman Schuch asked for additions, deletions or corrections to the August 1, 2017 Public Hearing and Regular Meeting Minutes.

MOTION (3): Ms. Bengtson moved to approve the August 1, 2017 Public Hearing and Regular Meeting Minutes, as presented. Seconded by Mr. Lynch. Mr. Scott abstained from voting. (4-0-1) Motion carried.

VII. SUBDIVISION + RE-SUBDIVISIONS

A. Application of Anne K. Torrance, Applicant and Owner Kristen Clarke of Manchester, New Hampshire; 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 (Public Hearing Closed 8/1/17); 65-days to render a decision ends 10/5/17)

Mr. Schuch stated the Public Hearing has been conducted and closed on August 1, 2017. We have 65 days to render a decision.

Mr. Goeschel reported there is an error on the Agenda. The owner of the property is Kristen Clarke of Manchester, New Hampshire. Anne K. Torrance is the applicant.

Mr. Schuch reported the Public Hearing began on July 11, 2017. There were four notations and no public comments. On August 1, 2017 the public hearing was continued. A letter was received from the engineer. There was a site analysis and a letter from Mr. Benni. A set of plans and Exhibit B was received on July 27, 2017.

Mr. Schuch reported there were no public comments at the public hearings.

Mr. Goeschel submitted a letter to this Commission regarding this application. It was found that the proposed Subdivision meets the requirements of the East Lyme Subdivision Regulations. He recommends a \$4,000 bond (\$2,000 per lot) based on the steepness of the lot. The money will be used if for some reason the builder defaulted.

The Zoning Enforcement Officer indicated the subdivision meets all standards.

MOTION (4): **Mr. Schuch moved to approve the Application of Anne K. Torrance, Applicant and Owner Kristen Clarke 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, subject to the following administrative requirements and required modifications to the site plan and/or other material submitted in support of this application: a) an erosion and sedimentation control bond in the amount of \$4,000 (\$2,000/lot) shall be posted with the Town in a form acceptable to the Town of East Lyme and satisfactory to the Director of Planning and the Town Engineer prior to the start of any site work including but not limited to clearing, grubbing, filling and grading; b) The deeds as applicable, shall be submitted to the Director of Planning for approval; c) A revised site plan addressing the items in the 4/25/17 denial and information obtained the week of June 19th when the proposed property line**

between the lots was changed and the leaching system was identified for Ledge Light Health District review and potential approval shall be submitted to the health department prior to the filing of mylars on the land record; d) The southwestern upper leaching row is to be removed by a licensed septic installer and confirmed by Ledge Light Health District; e) A licensed installer is to install the new sewer line, septic tank and distribution line to the existing upper distribution box to ensure the house lot (#3) has a septic system that meets code for size and location; f) The existing office shall be removed to the satisfaction of the Zoning Official prior to the filing of mylars or conveyance of land; g) The above items shall be accomplished prior to the filing of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied. This approval is specific to the subdivision plan submitted as the application known as Application of Anne K. Torrance, Owner Kristen Clarke; 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. Any changes in the resubdivision plan shall require prior approval from the Commission and/or Director of Planning. Any change in the development plan layout other than those identified herein shall constitute a new application. The owner/ applicant shall be bound by the provisions of this Application and approval. Motion withdrawn.

MOTION (5):

Mr. Schuch moved to approve the Application of Anne K. Torrance, Applicant and Owner Kristen Clarke 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, subject to the following administrative requirements and required modifications to the site plan and/or other material submitted in support of this application: a) an erosion and sedimentation control bond in the amount of \$4,000 (\$2,000/lot)

shall be posted with the Town in a form acceptable to the Town of East Lyme and satisfactory to the Director of Planning and the Town Engineer prior to the start of any site work including but not limited to clearing, grubbing, filling and grading; b) The deeds as applicable, shall be submitted to the Director of Planning for approval; c) A revised site plan addressing the items in the 4/25/17 denial and information obtained the week of June 19th when the proposed property line between the lots was changed and the leaching system was identified for Ledge Light Health District review and potential approval shall be submitted to the health department prior to the filing of mylars on the land record; d) The southwestern upper leaching row is to be removed by a licensed septic installer and confirmed by Ledge Light Health District; e) A licensed installer is to install the new sewer line, septic tank and distribution line to the existing upper distribution box to ensure the house lot (#3) has a septic system that meets code for size and location; f) The existing office shall be removed to the satisfaction of the Zoning Official prior to the filing of mylars or conveyance of land; g) The above items shall be accomplished prior to the filling of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied. This approval is specific to the subdivision plan submitted as the application known as Application of Anne K. Torrance, Owner Kristen Clarke; 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. Any changes in the resubdivision plan shall require prior approval from the Commission and/or Director of Planning. Any change in the development plan layout other than those identified herein shall constitute a new application. The owner/ applicant shall be bound by the provisions of this Application and approval. Seconded by Ms. Bengston. (5-0-0) Unanimous

VIII. ZONING REFERRALS (Connecticut General Statute (CGS) 8-3a. Commission for a report that shall contain the findings of the Planning Commission on consistency of a proposed regulation or boundaries 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 the Zoning Commission.

There were none.

IX. MUNICIPAL REFERRALS (Connecticut General Statutes (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.

There were none.

X. OLD BUSINESS

A. Plan of Conservation and Development (POCD) 2020 Update.

This matter was tabled until the next meeting of this Commission.

XI. NEW BUSINESS

A. Orchards Bond Reduction.

Mr. Goeschel reported in June we received a request for a bond reduction for the Orchards.

Mr. Goeschel received an email dated September 5, 2017 from Town Engineer Victor Benni.

The Town currently holds over a \$2 million security bond to cover erosion control and public improvements. We require the bond to insure that the work is done, and we have money to complete the road if it is not done.

The Orchards has been used as an apple orchard. There was concern with pesticides being used. The land is now lots. Mr. Benni is asking for an as-built of the remediation area. He anticipates by the next meeting of this Commission to have as-built plans.

Mr. Schuch asked that this matter be kept on the next Agenda. He asked for a map of the area by this Commission's next meeting.

Mr. Goeschel reported they still have to cut in a detention basin. Mr. Schuch stated the neighbors are experiencing much traffic. Mr. Goeschel recommended allowing this to continue forward.

Mr. Scott asked who is responsible for remediation and how much would it cost to fix it? Mr. Goeschel replied the Homeowner's Association is responsible.

Mr. Schuch asked what are the regulations. Mr. Goeschel replied it is a public health code. It requires remediation of the lots.

ADJOURNMENT

MOTION (6): Ms. Bengston moved to adjourn the September 5, 2017 East Lyme Planning Commission Regular Meeting at 8 p.m. Seconded by Mr. Lynch. (5-0-0) Unanimous.

Respectfully submitted,

Frances Gheri, Substitute Recording Secretary