

**Planning Commission Regular Meeting Minutes  
Tuesday June 5th, 2018**

**Present:**

Kirk Scott  
Peter Lynch  
Thomas W. Fitting Jr.  
Lawrence Fitzgerald  
Kathryn L. Johnson, Alternate (\*Sat as Regular Member)

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

**Absent:** Rita Palazzo  
Brenda Henderson  
Don Phimister, Alternate

Mr. Scott called the Planning Commission to order at 7:12 p.m. and sat Ms. Johnson as a regular member for this evening's meeting.

FILED IN EAST LYME  
CONNECTICUT  
June 19, 2018 AT 9:37 AM/PM  
*Brenda Henderson* ATC  
EAST LYME TOWN CLERK

**I. Pledge**

Mr. Scott led the Pledge.

**II. Additions to the Agenda**

**MOTION (1)**

Mr. Lynch motioned to add correspondence from Rita Palazzo, Planning Chair, to tonight's Agenda.

Mr. Fitzgerald seconded the motion.

Vote: 5-0-0, Motion passed.

**MOTION (2)**

Mr. Lynch motioned to add the filling of Commission vacancies to tonight's Agenda.

Mr. Fitting seconded the motion.

Vote: 5-0-0, Motion passed.

Mr. Goeschel read Ms. Palazzo's letter dated June 5th, 2018 into the record. Ms. Palazzo has resigned from the Planning Commission effective June 6th, 2018. Mr. Scott noted vacancies will not be able to be filled tonight since the resignation date is effective tomorrow.

**III. Call for Public Delegations**

There were none.

**IV. Reports**

**A. Communications-**

Mr. Goeschel had no communications to report.

**B. Zoning Representative**

Ms. Palazzo attended the Zoning Commission meeting but is not in attendance this evening.

**C. Ex-Officio: Marc Salerno**

Mr. Salerno said there is a Board of Selectmen meeting tomorrow and noted there will be two public hearings:

1. Demolition Delay Ordinance which would allow Historic Properties up to 90 days to review and/or obtain something of historic significance prior to demolition.
2. After some historical research the Smith Harris House has decided to change their name to the Brookside Farm Museum; this will help combat confusion with Smith Acres and the Samuel Smith House.

Mr. Salerno also noted the Town Budget has passed.

**D. Planning Director: Gary Goeschel**

Mr. Goeschel said he is going to the Land Use Law Academy this Friday, and had nothing else to report.

**E. Sub-Committees**

1. Walkability
2. Sustainability and Climate Adaptation

The Subcommittees have not met yet.

**F. Chairman**

Mr. Scott had nothing to report.

**V. Approval of Minutes**

**A. Minutes of May 3rd, 2018 Regular Meeting Minutes**

Mr. Fitzgerald noted he is listed as absent during the May 3rd, 2018 meeting minutes, but he actually was in attendance.

**MOTION (3)**

**Mr. Lynch moved to approve the Regular Meeting Minutes of May 3rd, 2018 as amended.**

**Ms. Johnson seconded the motion.**

**Vote: 5-0-0, Motion passed.**

**VI. Public Hearing**

**A. Application of James Bernardo, LS, Agent, for Edward J. Watson, Applicant/Owner;** Application for a 2-Lot Re-subdivision of approximately 11.11- acres Zoned RU-40 at 31 Walnut Hill Road, East Lyme Assessor's Map # 48.0 Lot #63.

Mr. Goeschel noted there would be a brief overview of this proposal by Mr. Bernardo; the Inland Wetlands Agency has not yet acted, so the Planning Commission cannot render a decision until they have done so and furnished a report for this Commission. The Inland Wetlands Agency will be meeting again on June 11th, 2018.

Jim Bernardo, Land Surveyor, of Spithead Road in Waterford came forward representing the applicant, and detailed the proposal:

- 3 Lot Re-Subdivision even though only creating two new lots.
- Abutters Cranberry Brook Subdivision.
- IWA will be doing a site walk and Saturday but will not be holding a public hearing due to the low potential impact.
- Site has existing house and pool served by a well.
- Lot 1 will be a typical frontage lot- 1.79 acres (almost twice the amount the zone requires.)
- Lot 2 is the existing house lot- 2.89 acres and will be a rear or flag lot.
- Lot 3 is another rear or flag lot- 6.3 acres and will have a right-of-way over the other two lots for access.
- 2.6 acres of Lot 3 will be a conservation easement which will fill the open space requirement, and adjacent to Cranberry Meadow Brook.
- Open space is also continuous with the open space created for the Cranberry Brook Subdivision.
- Each lot will be served by an onsite well and septic system.

Mr. Bernardo supplied the Commission with a map which addresses some of the drainage concerns the Town Engineer had and added the following:

- Each lot will have a rain garden.
- Re-grading of the driveway will occur to satisfy the Town's requirements.

Mr. Goeschel listed Exhibit A thru J associated with this the proposal:

- A. Application for subdivision, Edward J. Watson, Applicant/Owner, dated 3-9-2018
- B. Correspondence from Dr. Brian Jones, State Archeologist to Mr. James Bernardo, LS dated February 26, 2018.
- C. Aerial photograph showing terrain and approximate house locations.
- D. Natural Diversity Data B Areas Map dated December 2017
- E. Pesticide Report from Phoenix Environmental Laboratories, Inc. dated February 28, 2018
- F. EL Subdivision Review Sheet from B. Mulholland dated 4/3/18, indicating the proposal complies with Zoning.
- G. Correspondence from G. Goeschel to James Bernardo, LS Re: Public Hearing Notice, dated April 20, 2018
- H. Legal Notice filed in the office of the Town Clerk on May 7, 2018 and published in the May 24, 2018 and June 1, 2018 editions of The Day newspaper.
- I. Subdivision Plan entitled "Site Context Map, property of Edward J. Watson for property located at 31 Walnut Hill Road, East Lyme, Connecticut, sheets 1 through 4, dated March 28, 2018 prepared by James Bernardo Land Surveying, LLC, 102A Spithead Road, Waterford, CT 06385

- J. Memo from V. Benni, PE Town Engineer to G. Goeschel II, Dir. Planning/Wetlands Officer dated June 5, 2018, with 2-comments

Mr. Scott asked for clarification as to where the driveway is going.

Mr. Bernardo explained this is a conventional subdivision which could yield 9 lots; their proposal is for 3 lots.

Mr. Bernardo detailed the condition and vegetation of the site.

The Commission discussed the open space requirement and Mr. Bernardo said the conservation easement can be increased if deemed necessary by the Commission.

Mr. Scott called for Public Comment.

Bob Fararo of 3 Cranberry Lane came forward and asked if there will be public access to the conservation easement or if it will be considered private property.

John Bialowans of 61 Walnut Hill Road came forward with some concerns:

1. Did the Town change the policy regarding a registered letter? His was mailed on June 1st, 2018 but this proposal was filed on May 21st, 2018; why did it take so long to be notified?
2. The Inland Wetlands Agency has no concern of abutting property owners.
3. Which approval occurs first, Wetlands or Planning? Lot 1 has wetlands and drains down on his cousin's property.
4. Should it be treated as one piece of land? He was told he had to combine his to do something similar on his property.
5. The letter from the Town should start from the beginning and not be a plain letter simply saying there will be a public hearing.
6. He has some concerns about the wetlands since he knows the property very well.

Eric Brouder of 10 Cranberry Lane came forward to ask why there will be no public hearing for the Inland Wetlands. He tried to develop property that had wetlands 14 years ago and there was a public forum.

Mr. Goeschel clarified the Inlands Wetlands meeting is a public forum, they're not having a public hearing.

Mr. Brouder said the neighbor to the south of his property always has a wet yard and is a mess in the spring, and asked where the Tomasik piece is in relation to the wetlands on that site.

Mr. Goeschel said the Town has not changed its policy regarding registered letters- no more than 15 days and no less than 2 days prior to a public hearing.

He said in regards to the IWA and abutting property owners, the IWA has not yet determined whether a permit will be granted.

He explained that State Statues require that the applicant either go before Inland Wetlands first or submit the subdivision application simultaneously.

Mr. Goeschel explained the differences between this application and Mr. Bialowans' and noted the procedural aspects of this application have followed Town regulations. In regards to the wetland questions Mr. Brodeur asked the Inland Wetlands Agency can address those questions.

Mr. Bernardo suggested they see if the Cranberry Meadow open space is open to public access so that it can be continuous with that.

Mr. Goeschel clarified the application says 2 lot subdivision since there is an existing lot; in the 9 years of the staff doing this, this is how the legal ads are published.

Mr. Bialowans said to look at the website for the Planning and Inland Wetlands Agendas- one says 3 lots and the other says 2 lot subdivision.

Mr. Bernardo said he would take a walk around Tomasik property to see if there are any areas of concern.

Mr. Goeschel said they will revise the Inland Wetlands Agenda so it says 2 Lot subdivision.

**MOTION (4)**

**Mr. Lynch moved to continue the Public Hearing.**

**Ms. Johnson seconded the motion.**

**Vote: 5-0-0, Motion passed.**

A Special Planning Commission Meeting will take place on June 26th, 2018.

**B. Application of Robert Fusari, Real Estate Service of Connecticut, Inc, Applicant/ Owner;** Application for a 23-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 explained that Real Estate Service of Connecticut, Inc. had to withdraw its planning application for Twin Valley Lakes dated March 26, 2018 for procedural issues. This item had to go before the Inland Wetlands Agency first (or simultaneously) and the application was resubmitted.

**VIII. Zoning Referrals (CGS) 8-3a**

**Commission 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 the Zoning Commission.**

There were none.

**IX. Old Business**

**1. Plan of Conservation and Development (POCD): 2020 Update**

Mr. Goeschel had nothing to report and added he may take this item off the Agenda until the end of the year.

**X. New Business**

There were none.

Mr. Goeschel said they have thirty days to fill the Planning Commission vacancy.

**XI. Adjournment**

**Motion (5)**

**Mr. Lynch moved to adjourn the Planning Commission Meeting at 8:25 p.m.**

**Mr. Fitzgerald seconded the motion.**

**Vote: 5-0-0, Motion passed.**

Respectfully Submitted,

Brooke Stevens, Recording Secretary