

**Planning Commission Special Meeting Minutes
Thursday November 8th, 2018**

Present: Peter Lynch
Thomas W. Fitting Jr.
Lawrence Fitzgerald
Kirk Scott
Michelle Williams
Don Phimister
Kathryn Johnson, Alternate

FILED

NOV 15 2018 AT 9:20 AM/PM
Karen Miller
EAST LYME TOWN CLERK

Also Present: Gary Goeschel, Planning Director
Marc Salerno, Ex-Officio
Mark Zamarka, Town Attorney

Mr. Scott called the Planning Commission meeting to order at 7:03 p.m.

I. Public Delegations

There were none.

II. Reports

A. Communications

Mr. Goeschel said he has nothing to report and is working on the RFP Study.

B. Zoning Representative

The Zoning Commission meeting was cancelled.

C. Ex-Officio

Mr. Salerno discussed the new Purchasing Plan and shared the following:

- The Town employee UPSEU contract was passed.
- At the BOS meeting some bond authorization was reduced since it's not needed.
- They've received applications for the docks at Cini Park.
- Tuesday there will be an announcement regarding the Police Department building.

D. Planning Director: Gary A. Goeschel II

Mr. Goeschel had no report.

E. Sub-Committees

1. **Walkability-** Mr. Goeschel had nothing to report.
2. **Sustainability and Climate Adaptation-** Mr. Goeschel met with the consultant and they're halfway through the study; the final presentation will be on December 5th, 2018 at the Board of Selectmen meeting.

F. Chairman: Kirk Scott

Mr. Scott had no report and thanked the public for their attendance and comments during the previous public hearing meetings; he noted a lot of good information was shared.

III. Approval of Minutes

A. October 2nd, 2018 Regular Meeting Minutes

B. October 9th, 2018 Special Meeting Minutes.

Ms. Williams said the last page of the October 9th, 2018 Meeting Minutes the adjournment motion says "Mr. Williams" instead of "Ms. Williams."

MOTION (1)

Mr. Lynch moved to approve the Regular Meeting Minutes of October 2nd 2018 as presented and approve the Special Meeting Minutes of October 9th, 2018 as amended. Mr. Fitzgerald seconded the motion.

Motion carried, 6-0-0.

IV. Public Hearing

There was none.

V. Subdivisions and Re-Subdivisions

A. 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 presented the Commission with his memorandum dated November 8th, 2018.

Attorney Zamarka came forward to remind the Commission of what they're required to do in regards to this application:

- They're ruled by Connecticut Statute 8-26 and the decision must be supported by substantial evidence.
- Any finding made has to be supported by evidence in the record.
- It's the Applicant's burden to persuade the Commission.
- Because this application involved land jurisdiction of the Inland Wetlands Agency, the Planning Commission received their report and has to give it due consideration but is not bound by it.
- The Commission is required to make additional findings due to the environmental intervener request; first the Commission must determine if approval of the application is reasonably likely to result in unreasonable pollution.
- The pollution finding is a very demanding standard; if a reasonable likelihood of pollution is determined, the Commission must consider whether there are feasible and prudent alternatives.
- The Inland Wetlands Agency made a similar finding in their hearing but did not find that it was reasonably likely to result in unreasonable pollution.

Mr. Zamarka said that in response to the questions the Commission had at the previous meeting:

- Regarding the Application signature- Town Council thinks this is an insufficient deficiency.
- The ERT is a moot point- you can't require the Applicant to do something impossible to do.
- Regarding the length of the road- the IWA approved a 24 ft wide road and the Subdivision Regulations call for a 28 ft wide road; your regulations allow you to reduce the width for environmental purposes (6-10-15.)

Mr. Zamarka said the Commission has 65 days to render a decision so there is time to draft a proper resolution.

The Commission took several minutes to review Mr. Goeschel's memorandum.

Mr. Goeschel explained that his memo is a platform from which to work; he has included his findings which they may agree or disagree with as they see fit, changes may be made and so forth.

Mr. Scott said in terms of the intervener topic he thinks "unreasonable" is the key word.

Mr. Fitzgerald asked about Phase 2 of the Archeological Study which was not conducted, and Mr. Goeschel explained he included it as a condition in his potential resolution.

Mr. Goeschel discussed some of his findings:

- The project has been designed to protect the wetlands and watercourses.
- The proposed public utilities are being installed within existing upland areas.
- Mitigation measures exist to minimize potential impacts from the creation of new impervious surface on the site.
- Stormwater management structures are present to protect the wetlands and watercourses including catch basins and 2 bio-retention ponds which will also pre-treat and control runoff, promote groundwater recharge, and reduce thermal pollution.
- Town Engineer Victor Benni's memorandum (Exhibit K) verifies that the proposed drainage features will substantially result in a net balance of volume draining to the wetlands on site for the 2 through 100-year storm events, enhance stormwater runoff quality and recharge the groundwater.

Ms. Williams asked if it's in the Commission's purview to require maintenance of the catch basins. Mr. Goeschel explained a note is placed on the Site Plan to let the Homeowners Association know they are responsible for maintenance; this will also be noted in the Declaration recorded on the Land Records. He said the schedule for the maintenance of the basins has been reviewed by the Town Attorney and it will be up to the Homeowner's Association to enforce it.

Mr. Goeschel directed the Commission to the email he supplied from Brad Kargl, East Lyme Water and Sewer Utility Engineer he handed out at the beginning of the meeting. In his email dated November 8th, 2018 Mr. Kargl confirms that municipal water is available to the proposed subdivision.

Mr. Goeschel reviewed the criteria for granting the waiver:

- The waiver must be requested in writing.
- The property must be affected by conditions which are not generally applicable to other land in the area.
- Physical features of the property or its location must cause exceptional difficulty or unusual hardship.
- The granting of the waiver must not have a significantly adverse effect upon adjacent property, the environment, or public health and safety.
- The waiver can't be in conflict with the POCD.

Mr. Goeschel said the application meets Section 6-10-11 of the Regulations as follows:

- Land has been added which is not being used for the emergency access required.
- Open space far exceeds the 5% requirement.
- The proposed subdivision road doesn't exceed the maximum 2,000 feet.
- An emergency access way has been proposed.

Mr. Lynch said nowhere in here mentions safety and Mr. Goeschel said he would lean back on the Town Engineer's review.

Mr. Lynch asked if the street lights could be on the same side as the no parking signs. Mr. Goeschel said location is based on curvature and they might be installed on the east side; he said he can speak with the Director of Public Works and see if that can be conditioned.

Mr. Goeschel discussed the conveyance of excess open space. Ms. Williams asked about the conveyance in regards to a conservation easement. Mr. Goeschel explained it's for conservation purposes which will take care of accessibility and Mr. Zamarka explained that the easement runs with the land and Town Council can draft an appropriate conservation easement.

The Commission further discussed Mr. Goeschel's findings. The Commission discussed the Niantic Sportsmen's Clubs 'request for a note to be put on the plans that they shoot everyday from 9am. to dusk daily.

Ms. Williams said she wanted to review the material the Intervener submitted to make sure she's not missing anything related to the environmental impact. Ms. Williams and Mr. Goeschel briefly reviewed Mr. Trinkaus' letter (Exhibit SS.)

Mr. Goeschel said he has confidence in the Town Engineer and his assessment. Mr. Zamarka said (regarding pollution) there has to be a quantifiable probability that it will occur and be an unreasonable amount.

Mr. Scott said he thinks they should speak about the safety of the area. He said he did visit the site and he personally is not concerned about a lack of safety.

Mr. Goeschel discussed the traffic study and said the biggest issue here is actually a policing issue and that there needs to be more of a presence.

Mr. Lynch said he too visited the site and he doesn't have any concerns about the sightline; he said his only concern is the location of the bus stop. Mr. Goeschel said the location will be reviewed by the Board of Education upon acceptance of the road.

Mr. Salerno explained one of the intents of the CDD was to avoid long straight roads because of speed.

Mr. Zamarka said his office should review the language of Mr. Goeschel's resolution draft. He said if approval is the way the Commission chooses to go which it appears they do, the resolution should encompass everything.

The Commission tabled this item until the next regularly scheduled meeting on December 4th, 2018.

VI. Zoning Referrals

There were none.

VII. Municipal Referrals

There were none.

VIII. Old Business

There was none.

IX. New Business

A. Application of John Paul Mereen, LLS, CFM, Applicant, Agoritsa & Nickolaos Fokaidis, Owner; Application for a 2-Lot Re-Subdivision of 4.0 acres, Zoned RU-40 at 18 Society Road, Assessor's Map 21.1, Lot 63.

This item has been scheduled for Public Hearing on December 4th, 2018.

B. 2019 Planning Meeting Calendar

The Commission reviewed the proposed Planning Calendar (attached.)

MOTION (2)

Ms. Williams moved to approve the 2019 Planning Commission Calendar as presented.

Mr. Phimister seconded the motion.

Motion carried, 6-0-0.

Mr. Lynch said he would cover the November 15th, 2018 Zoning Commission meeting.

X. Adjournment

Motion (3)

Mr. Lynch moved to adjourn the Planning Commission Meeting at 8:48 p.m.

Mr. Fitzgerald seconded the motion.

Vote: 6-0-0, Motion passed.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

**Town of East Lyme
Planning Commission
Regular Meeting Schedule
2019 Proposed**

Meetings are held at the Town Hall, on the following listed Tuesdays at 7:00 PM unless otherwise noted.

2019 Calendar

**January 8, 2019
(Second Tuesday)**

February 5, 2019

March 5, 2019

April 2, 2019

May 7, 2019

June 4, 2019

July 9, 2019

August 6, 2019

September 3, 2019

October 1, 2019

**November 12, 2019
(Second Tuesday)**

December 3, 2019