

**East Lyme Planning Commission  
Regular Meeting  
February 5, 2019  
7:00 PM**

**Present:** Kirk Scott-Chairman, Lawrence Fitzgerald-Secretary, Peter Lynch, Michelle Williams  
**Absent:** Thomas Fitting Jr., Don Phimister, Kathryn Johnson, Alt.  
**Also Present:** Gary Goeschel, Planning Director

K. Scott called the meeting to order at 7:05.

FILED

**I. ROLL CALL AND PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

Feb 6 2019 AT 3:00 AM/PM  
*[Signature]*  
EAST LYME TOWN CLERK

**II. ADDITIONS TO THE AGENDA-none**

**III. CALL FOR PUBLIC DELEGATIONS**

Delores Albright- 9 Seaback Rd. expressed concerns about a subdivision at 44 Lovers Lane, item on the agenda.

Alan Buckels, 11 MacKinnon Pl. expressed concerns about a subdivision at 44 Lovers Lane, item on the agenda.

G. Goeschel stated that the town had inadvertently posted a notice for a public hearing and waiver request for the 44 Lovers Lane application. He informed the Commission that if they feel a public hearing is required they can schedule one for their next meeting. Because the item was on the agenda and was not a public hearing there could be no comments concerning the application.

**IV. REPORTS**

**A. Communications**

G. Goeschel informed the Commission that there is a resident who would like to serve on the commission

**B. Zoning Representative**

G. Goeschel stated that the Zoning Commission approved allowing marijuana dispensaries in town, at this point there are no applications.

**C. Ex-Officio:** Mark Salerno was not in attendance. G. Goeschel reminded the members of the public safety referendum.

**D. Planning Director:** Gary A. Goeschel II.-no report

**E. Sub-Committees**

• **Walkability**

G. Goeschel and D. Phimister met and discussed sidewalk walkability. D. Phimister will look at the plan and evaluate where the best locations for sidewalks would be and determine the length and cost of each location. The information/cost will be submitted for the capital plan

• **Plan of Conservation and Development (POCD) Steering Committee**

M. Williams updated the members on the first meeting of the POCD committee.

She stated they have established an internal calendar to take them through the deadline for filing the document at the end of the year. The committee plans on getting feedback from other boards and commissions. The next meeting is February 20, 2019. There will also be public forums to get input. All meetings of the POCD committee will be the 3<sup>rd</sup> Wednesday of the month.

- **East Lyme Subdivision Regulations-no report**

**F. Chairman: Kirk Scott-no report**

**V. APPROVAL OF MINUTES**

- a. **December 4, 2018 Regular Meeting Minutes**
- b. **December 13, 2018 Special Meeting Minutes**
- c. **January 8, 2019 Regular Meeting Minutes**

**MOTION: (Lynch/Fitzgerald) to approve minutes of December 4, 2018, December 13, 2018 and January 8, 2019.**

**Vote: Approved-December 13, 2018 and January 8, 2019 unanimously.**

**December 4, 2018 minutes tabled due to lack of quorum of attendees at the December 4, 2018 meeting. Vote: In favor- Scott, Fitzgerald, Lynch. Opposed-none. Abstaining-Williams**

**VI. PUBLIC HEARINGS-none**

**VII. SUBDIVISIONS/RE-SUBDIVISIONS-(PENDING)**

**VIII. ZONING REFERRALS [Connecticut General Statute (CGS)8-3a]**

**A. Request of Brom Builders, Inc; Application for a text amendment to the East Lyme Zoning Regulations Section 5.3.1.3 for Floodplain Management Regulations.**

G. Goeschel informed the Commission that the Zoning Commission will be holding a public hearing next month. He recommends the members table the discussion until after the Zoning Commission's Public Hearing. The changes are extensive and the initial comments from DEEP indicates there are a number of blanks in the application that will need to be filled in. At this point East Lyme's zoning regulations do not allow flood vents in basements in AE flood zones. They are permissible under FEMA but not East Lyme zoning. G. Goeschel needs to evaluate the application to see the effects on town flood zones.

The Commission took no action.

**IX. MUNICIPAL REFERRALS [Connecticut General Statute (CGS)8-24]-none**

**X. OLD BUSINESS-none**

**XI. NEW BUSINESS**

**A. Application of J. Robert Pfanner, LS, Agent for Left Rail Properties, Owner;**

**Application for a 4-Lot Subdivision of approximately 6.58 ±-acres of land Zoned RU-40 at 44 Lovers Lane, East Lyme, Assessor's Map# 30.3 Lot# 93.**

G. Goeschel stated the Town published a legal notice for a public hearing on this application when the application did not require the Town to hold a public hearing, the applicant withdrew the previous application. The applicant has subsequently re-filed the application. As such, the Commission must determine whether it is in the public interest to hold a public hearing or not on this application. If a hearing is to be held, the Commission must find that it is in the public interest to do so. Otherwise, we cannot hold a public hearing on the application. If we don't hold a public hearing, then the commission has 65 days to render a decision.

J. Robert Pfanner, applicant stated the property has never been part of a subdivision and the property has not changed since the 1800's.

Robert D. Pfanner stated the property on Lovers Lane is proposed as a CDD subdivision. The existing house is going through extensive renovation. They are proposing 4 new lots, one fronts on Lovers Lane and the others are non frontage using a shared driveway. The existing house will have its own drive way as well as the lot fronting Lovers Lane. The other three lots will have a shared drive way. There will be no sewers and all the lots will be serviced by individual septic systems. The lots are suitable for subdivision based on test holes. Two of the lots will be serviced by public water, the remaining lots will have wells.

The detention basin for water drainage on the site is a natural hollow that was created in the past by a gravel operation. The overflow will go into a swale and then into existing drainage on Lovers Lane. There is a proposed conservation easement around entire subdivision of a 40' buffer between the subdivision and abutting properties. Shared driveway agreements have been submitted as well as the detention basin which will be shared by everyone in the subdivision. A small strip along Lovers Lane will be deeded to the town for proper road width and right of way. All lots are over an acre. The septic systems are designed for a four-bedroom house.

R. Pfanner stated the overall site cannot have an increase in runoff and they have made the decision to do one drainage basin as opposed to individual basins on each property. Retention pond and swale will accommodate the peak runoff and the first flush.

The applicant informed the Commission that the driveway will be constructed as soon as the application is approved.

G. Goeschel stated that the lots do not need to be built in the five-year period of the application approval but improvements need to be completed within that time frame.

G. Goeschel read into the record the following findings:

**Whereas:** The parcel of land constituting the property subject to this application is zoned RU - 40 Rural Residential and the properties abutting the site are zoned RU-40 and the properties to the west, north, and east are zoned RU-40.

**Whereas:** The proposed Subdivision is found to meet the requirements of the East Lyme Subdivision Regulations and the East Lyme Plan of Conservation and Development (POCD) as demonstrated by the following:

**Section 3-4 Plan of Development:** As the proposed Subdivision is located within a RU-40 zoning district adjacent to existing residential lots, the proposed subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission. The proposed subdivision continues following the pattern of development characteristic of the existing residential development.

**Section 5-4 Sanitation Report:** As indicated in review comments from Daniel Holmes, RS, dated January 11, 2019, indicates the proposed lots 1-5 are suitable with conditions.

**Section 5-5 Water Supply Report:** Again, as indicated by LLHD Sanitarian, Danielle Holmes, RS, in her comments dated January 11, 2019, indicates the proposed lots 1-5 are suitable with conditions. In addition, correspondence from Brad Kargl, Utilities Engineer indicates the plan is acceptable for a water connection to Lot#2

G. Goeschel read the comments from Victor Benni, P.E., Town Engineer and stated the applicant has addressed the comments. All other comments by town officials have been addressed.

The Commission inquired about the buffer zone of vegetation between the proposed subdivision and the abutting properties. There were concerns about the sparseness of vegetation in some areas. The applicant will provide pictures of the areas and provide a planting plan for the next meeting.

The Commission discussed the need for a public hearing.

**MOTION:(Lynch/Fitzgerald) move that the commission does not need a public hearing. Vote: Approved Unanimously.**

The application was tabled until the next meeting.

## **XII. ADJOURNMENT**

**MOTION: (Lynch/Fitzgerald) to adjourn at 8:10. Vote: Approve Unanimously**

Respectfully Submitted  
Sue Spang