

VI. PUBLIC HEARINGS

Chairman Scott read the rules for Public Hearings

A. Application of J. Robert Pfanner, LS, Agent for Elizabeth Perry, Owner; Application for a 5-lot Subdivision of approximately 12.16+ acres of land Zoned RU-40 located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's map #2.2 Lot # 11 (Date of Receipt: 3/5/19)

G. Goeschel read into the record the following titles of the exhibits:

- a. application
- b. Letter from Brian Jones, State Archaeologist
- c. GIS of property location
- d. CT NDDDB
- e. GIS EL showing abutters within 200 ft
- f. List of abutters within 200 ft of property
- g. Ian T. Cole, soil scientist letter (May 23, 2018)
- h. Drainage report prepared by J. Robert Pfanner
- i. Subdivision plans
- j. legal notice in the Day Paper on 4/25 and 5/5
- k. zoning review letter from ZEO Mullholland (April 4, 2019)
- l. Memorandum from V. Benni, Town Engineer (March 25, 2019)
- m. Certificates of mailing to abutters (April 29, 2019)
- n. Photo of sign on subject property notifying of Public Hearing
- o. Coastal Site Plan review form (April 4, 2019)
- p. Letter from Black Point Beach Assoc. Board of Governors (May 3, 2019)
- q. Email from Mary Ellen and Eugene Massey
- r. Email from Colleen Hayes (May 7, 2019)
- s. Email from Bradford Kargl, E.L. Utility Engineer
- t. Email from Barbara Johnson (May 7, 2019)
- u. Revised Subdivision plans (Jan. 10, 2019)

Ted Harris, 351 Main St., representing the applicant stated that the application before the commission meets the subdivision regulations. He described the frontage on West Land, stating the applicant has a 52' access strip to the property. The rest of the frontage is protected by a 1' "grudge strip." The applicant wrote a letter to the Black Point Beach Club Association, (BPBCA) asking for permission to access the property using a portion of the 1' strip and were denied the access.

The letter and response was submitted for the record as, "Exhibit v."

He stated the parcel is not part of the BPBCA therefore not subject to their jurisdiction. The plan calls for 7 acres of open space and the lots proposed are larger than the adjacent neighbor's lots.

Harris stated there is no need for an extended archeological study. He submitted a letter from their archeologist as, "Exhibit w."

J. Robert Pfanner stated the 52' of entry way will be used to access the 5 lots. Water and sewer will

service all 5 lots. The water across the property comes from 3 places and goes across West Lane. They propose swales to capture the water draining off the property and direct onto Bond St. There will be less water draining from the property than exists now.

The time frame for construction will be over approximately 2-5 years as the lots are sold.

Public Comment:

Carol Ward, 23 Blue Heron Rd. Ward is opposed to the subdivision because of the drainage issues because she has had problems in the past. She believes her property will be depreciated due to the project. She informed the members that the property was cleared of trees and a portion of the stone wall. If the subdivision is approved she would like a vegetative buffer to go along West Lane. She would like the property bonded and deeded.

She submitted photographs and are recorded as, "Exhibit x."

Cynthia Trocki, 22 Blue Heron Rd. Trocki is opposed to the subdivision. She informed the members of the history of the properties in the area. She stated the 52' access to the property is for utility easement only and not access to the property. She stated BPBCA has its own regulations and charter.

She submitted a copy of a quick claim deed from James J. Smith as, "Exhibit y," and 5 poster board displays as, "Exhibit z," a letter from Cynthia and Robert Trocki as "Exhibit aa."

Helen Reeder, 109 East Shore Dr. Reeder is opposed to the subdivision and agrees with the previous statements. She stated the roads are very narrow and cars go very fast on the road, the new subdivision will make the traffic worse by creating more traffic and she was concerned for the safety of the area children.

Joanna Simpson, 9 Bond St. Simpson has environmental and safety concerns. The water issues have gotten worse since the trees were taken down. The roads are narrow and she does not see how large construction trucks will be able to navigate the roads and access way to the property. If those concerns are addressed she could understand the development.

Tim Burke, 32 Brightwater Rd. questioned the layout of the property and thought it would leave a triangle of land. He wanted to know when the man-made pond was constructed. He described the 3 underground streams that feed into the property. He stated two of the proposed houses would be sitting on top of the streams. He stated as soon as construction begins they will be hitting ground water. He is requesting a, hydrogeological survey

John Selarno, 60 (?) East Shore Dr. He suggested leaving the Public Hearing open to address the issues that have been brought forward. He is concerned about the traffic, water runoff and what times construction will be allowed. Is the water runoff going to be treated?

Susan Daly, 7 Brightwater Rd. She is concerned about the water runoff from the property. She does not see how the big construction trucks will be able to make the corners and believes the trucks will do damage to the private road. Is the road from the chain to the croquet court private?

Robert Trocki, 22 Blue Heron Rd. stated the roads are narrow and he is concerned about the dust, sand and traffic from the construction. He questioned the regulations for the entrance way and the required buffer strip, as well as the required open space and if it includes wetlands. He is concerned the residents of the new homes will access the BPBCA which they are not members and do not pay taxes.

David Carpenter, boyfriend of E. Perry, applicant, described issues with garbage dumping on the property. He stated he did clear the property of trees because it was so overgrown and they did not know what the property consisted of. When he found out the tree clearing caused a problem with a neighbor he apologized. Carpenter stated many of the rocks from the stonewall were stolen. He believes the proposed homes will be a nice addition to the neighborhood. He pointed out there is home construction in the neighborhood and the construction trucks don't have a problem.

Jim Hyland, 19 Blue Heron Rd. asked if the applicant was going to take the chain down and he would

not like to see the water table rise.

David Weiss, 1 Blue Heron Ct. suggested the applicant give an easement to exit to 12 Black Point Rd. and the problem goes away.

Carol Ward, 23 Blue Heron Rd. rebutted the statement from Mr. Carpenter

Cynthia Trocki, 22 Blue Heron Rd. rebutted the statement from Mr. Carpenter

(The Commission took a break from 8:39-8:49)

Robert Trocki, 22 Blue Heron Rd. stated that the 1' "grudge strip" is a buffer, not a spite strip. He stated the proposed homes do not meet the orientation of the homes in the area. He said the access should be from Black Point, not Old Black Point.

Carol Ward, 23 Blue Heron Rd. stated she would like to be notified if the this comes up again.

Harry Danis, 5 Woodland Dr. suggested town officials will need more time to review the issue presented at the public hearing.

MOTION: (Lynch/Williams) to continue the Public Heaing to the June 4, 2019 meeting. Vote: Approved Unanimously.

B. Application of J. Robert Pfanner, L.S., Agent for Catherine Parente, Owner; Application for a 1-lot re-subdivision of approximately 11.39 acres of land zoned RU-40/20, located at 38 Roxbury Road, East Lyme Assessor's Map 16.1, Lot 30

G. Goeschel read in to the record the titles of exhibits:

- a. application
- b. soils report
- c. subdivision plan (Oct. 20, 2018)
- d. Zoning comments from ZEO Mullholland
- e. Fire Marshall report
- f. Utilities report
- g. Town Engineer report (May 7, 2019)
- h. Certification of Mailing
- i. Email from Ledge Light Health District
- j. Photo of Public Hearing Notice sign
- k. legal notice in the Day paper (April 25 and May 5, 2019)
- l. waiver requests

R. Pfanner Jr. stated the property was on Roxbury Rd. by old town garage. There is an existing old farm house and barn. The property is 11.39 acres and will be cut into two lots, one with existing house and the other will be the remaining land. The survey shows a suitable building lot. At this point there is a prospective buyer. Pfanner said he doesn't know what the proposed buyer is going to do with the property but they will have to present those plans to the town when the time comes. There is a septic design in the front, it will be a galley leeching system. The water and utilities are underground and come up the side of driveway. The property has access to Roxbury Rd. as well as Cyprus Rd. in Bush Hill.

The applicant is asking for a waiver on the buffer requirement. Pfanner asked that the commission defer open space until plans have been set for the larger cut. He is also asking for the requirement for the 25 ft. right of way from center of the road be reduced and show no increase. The reason is

because the stone walls on both sides of road are 3-4 ft. off road, this would require the town to own the stonewalls with all the maintenance of the walls. A drainage waiver for the exception for smaller lots/subdivision is being requested. There will be a rain garden installed and the driveway will be constructed so water drains to sides not to road. There are no wetlands on site.

Comments from Ledge Light Health District will to be resolved. Pfanner stated the test pit data is suitable for subdivision, but Ledge Light needs more info.

G. Goeschel stated the waivers being asked for are permissible. Further development would have to come back and ask for additional waivers if required.

Public Comment

Jonathan Riotte, 10 Cypress Way, is concerned about the future development on the newly proposed lot and believes the residents need more time to evaluate the proposal.

Steve McCue, 8 Cypress Way, stated he is concerned about the expansion of the property and would like more time to study the proposal.

Diane Stevens, 25 Whiting Farms Way, would like to see the stonewalls and buffer protected. She is very concerned about the direction of the water drainage.

Diane McCue, 8 Cypress Way, stated that a future road going through the property and connecting to Cypress way is frightening. She asked if the proposed driveway will be a road in the future.

Don Currier, 4 Cypress Way, asked if it was possible for a road through the new parcel to Cypress Way.

G. Goeschel stated that it is possible.

Roy Ingram 19 Whiting Farms Way asked if the bottom piece of the land was on the town's GIS because he could not find it.

Pfanner stated that the piece was part of a recent land swap and it may not appear yet on the GIS.

MOTION: (Lynch/Phimister) to continue the Public Hearing to the June 4' 2019 meeting.

Vote: Approved Unanimously.

VII SUBDIVISIONS / RE-SUBDIVISIONS - (PENDING)

A. Application of J. Robert Pfanner, LS, Agent for Elizabeth Perry, Owner; Application for a 5-lot Subdivision of approximately 12.16+ acres of land Zoned RU-40 located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's map #2.2 Lot # 11 (Date of Receipt: 3/5/19)

(Public Hearing continued)

B. Application of J. Robert Pfanner, L.S., Agent for Catherine Parente, Owner; Application for a 1-lot re-subdivision of approximately 11.39 acres of land zoned RU-40/20, located at 38 Roxbury Road, East Lyme Assessor's Map 16.1, Lot 30

(Public Hearing continued)

C. Application of Killingly Engineering Associates, LLC, Agent for Pellumb & Andia Likolarri, Owner; Application for a 1-lot re-subdivision of approximately 2.882 acres of land zoned RU-40, located at 63 Scott Road, East Lyme Assessor's Map 29.0, Lot 14.

Greg Glaude, Killingly Engineering Associates, submitted revised plans dated April 29, 2019. The property has frontage on Scott Rd and Arbor Crossing. The existing house is on Scott Rd. The parcel was created in 1981, and was originally part of Scotts Orchard. There was a 1995 boundary line adjustment and in 1999 an adjustment was made with Orchard Woods Association. The property is approximately 3 acres, it will be divided into 2 pieces, one with frontage on Scott Rd

will be 1.6 acres, the other will be 1.44 acres on Arbor Crossing. The Arbor Crossing will tie into town water and sewer. Comments from town engineer and responses were recently submitted and the plan was revised to address comments.

There are environmental concerns because the property was an orchard and pesticides were liberally used. Researched 1951 photos show there was a driveway utilizing the buildings in the area.

There will be several ponding areas to address water runoff.

G. Goeschel clarified the note from the town engineer relating to the bond for public improvements. He stated there were no public improvements for this application and it is his guess that the \$3000 is for E & S controls.

Martin Groogy, Environmental Services. The entire area was covered with orchards for many years. When the Orchards development was proposed the entire subdivision was remediated. This property will also need to be remediate. Groogy developed a sampling plan of 30 spots. Eleven of the areas had excess levels of contaminant. Two or three areas were very high had to be reported to DEEP. The soil on the high level areas will be exported and the other 11 areas will be mixed and diluted. There will be final testing after the remediation.

G. Goeschel noted the application was inadvertently advertised as a public hearing. He apologized for any confusion and explained that this proposal is a free split and not subject to a public hearing.

The home owners will be building their own house and do not have to follow restrictions of the Orchards subdivision.

Now that the areas of contamination have been discovered they have to be remediated even if the proposal is not approved.

The application is tabled until the June 4, 2019 meeting.

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

A. Application of Danielle Kierzianis, for a text amendment to the East Lyme Zoning Regulations to add "Dog Grooming" to Section 11,LI, under permitted uses.

K. Scott did not see that dog grooming would be more disruptive than a truck terminal.

**MOTION:(Williams/Phimister) to approve dog grooming as a permitted use in Section 11, LI.
Vote: Approved Unanimously.**

VIII. MUNICIPAL REFERRALS [Connecticut General Statutes (CGS) 8-24] – No referrals

IX. OLD BUSINESS – No old business

X. NEW BUSINESS-No new business

XI. ADJOURNMENT MOTION: (Lynch/Fitzgerald) to adjourn at 10:20 Vote: Approved Unanimously.

Respectfully Submitted,

Sue Spang,
Recording Secretary