

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

*Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent*



East Lyme

108 Pennsylvania Ave

Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

MEMORANDUM

To: East Lyme Inland Wetlands Agency

From: Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent

Date: July 13, 2020

RE: Wetland Referral – Town of East Lyme Wetlands Agency, Applicant; Wetlands Agency text amendment to amend Section 2.1 of the East Lyme Inland Wetlands Regulations to change the Definition of a “Regulated Activity” by enlarging the distance of the boundary for a regulated activity from 100’ from an inland wetlands and/or watercourse to 500’.

Attached please find the minutes of the East Lyme Planning Commission meeting of July 7, 2020. The Commission has suggested that the Inland Wetlands Agency watch the recording of their discussion and read the minutes of the meeting in response to this referral and invitation to comment.

EAST LYME PLANNING COMMISSION

Regular Meeting, July 7, 2020. 7:00 PM

East Lyme Town Hall, Upper Meeting Room
108 Pennsylvania Avenue, East Lyme, Connecticut

CHAIRMAN: Kirk Scott
SECRETARY:

PLANNING DIRECTOR: Gary Goeschel II
RECORDING SECRETARY: Sue Spang

CALL TO ORDER 7:02

I. ROLL CALL + PLEDGE OF ALLEGIANCE

Present: Kirk Scott, Michelle Williams, Nichole Davison, Richard Gordon, Elizabeth Allen, Alt.

Absent: Thomas Fitting, Mary Salvatore, Brian Bohmbach, Alt. Vacancy, Alt.

Also Present: G. Goeschel, M. Salerno,

II. CALL FOR ADDITIONS TO THE AGENDA-no additions

III. CALL FOR PUBLIC DELEGATIONS-No public delegations

IV. REPORTS

- A. Communications-no report
- B. Zoning Representative-no report
- C. Ex-Officio

Selectman Salerno informed the commission:

- town hall has fully opened this week
- there are no plans to have in person board and commission meetings at this time
- the BOS has approved additional funding for the Public Safety Building which will go to the BOF and referendum

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

E. Sub-Committees

- **Walkability-** G. Goeschel suggested the walkability study compiled by a previous member D. Phimister be rolled into the POCD.
- **Plan of Conservation and Development (POCD) Steering Committee-**M. Williams stated they have not met since January due to COVID 19. She reported the public forum went well and they received good feedback. The draft POCD will go to the BOS in August and the Planning Commission will receive it at the same time. G. Goeschel stated the Governors 90-day extension does not apply to the POCD.
- **East Lyme Subdivision Regulations-**G. Goeschel suggested waiting until after the POCD is complete
- **Chairman-**K. Scott thanked the members of the POCD subcommittee for all their hard work. G. Goeschel read the rules for participating in a ZOOM meeting and informed the public and members that all information pertinent to tonight's meeting is on the town's website.

FILED

July 10 2020 AT 3:25 AM/PM
(Signature)
EAST LYME TOWN CLERK

V. APPROVAL OF MINUTES

A. January 7, 2020 Regular Meeting Minutes

MSC (Williams/Gordon) to approve the January 7, 2020, Regular Meeting minutes as presented. **Vote: Approved Unanimously.**

- VI. PUBLIC HEARINGS-None
- VII. SUBDIVISIONS / RE-SUBDIVISIONS - (PENDING)- None
- VIII. ZONING REFERRALS [Connecticut General Statute (CGS) 8-3a] no zoning referrals
- IX. MUNICIPAL REFERRALS [Connecticut General Statutes (CGS) 8-24] -none
- X. OLD BUSINESS – None
- XI. NEW BUSINESS:
 - A. Application of Kristen T. Clarke, P.E., for English Harbour Asset Management LLC, Owner; Application for a 4-lot re-subdivision of approximately 3.8 acres of land zoned RU-40, located at 22 and 2 Upper Kensington Dr., East Lyme, Assessor’s Map 40.0, Lot 22 and 23.
 - C. Application of Jason Pazzaglia, for Pazz and Construction LLC, Owner; Application and waiver request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-lot re-subdivision of 5.29 acres of land within the R-40 zoning district located at 24 Darrows Ridge Rd., East Lyme, Assessor’s map 44.0, Lot 8-31.

The commission scheduled a Public Hearing for items A. and C. for July 27, 2020 at 7:00

- B. Request of Paul M. Geraghty, Esq., Attorney for English Harbour Asset Management LLC, for release of Open Space Covenant, Recording of Conservation Easement in favor of East Lyme Land Trust, Inc., and Release of the Conservation Easement in conjunction with the Nottingham Hills Subdivision Phase IV.

P. Geraghty gave background on the subdivision and the approximately 36 acres proposed to be donated to the East Lyme Land Trust. He stated that the applicant has to submit the title insurance policy to DEEP. DEEP has seen the covenant and they will not accept the title policy that has the covenant in it. He then spoke to the insurance company and they would like it removed due to DEEP’s request. The applicant believes the covenant has been satisfied and therefore requests the commission release the open space covenant.

P. Geraghty stated they have donated 41.35 acres of open space to the East Lyme Land Trust. G. Goeschel stated the applicant has satisfied the open space requirements.

The two conservation easements were given to the town by the previous developer and they are asking that they be assigned to the East Lyme Land Trust. He informed the members that the transaction will be held in escrow; if the agreement fails to go forward then the town will not lose the conservation easements.

G. Goeschel stated the town attorney is declining to comment on this application due to a conflict of interest.

P. Geraghty informed the members that because DEEP is awarding a grant they will apply their own requirements/easements to assure the East Lyme Land Trust will abide by the grant award.

MOTION: (Williams/Gordon) Move to FIND the terms of the open space covenant record on the East Lyme land record book 653, page 355 as the terms of of the covenant have been met with the dedication open space as part of the Phase II of the Nottingham Hills Subdivision and herby authorize the Planning Commission Chairman to execute the release of covenant. Vote: Approved Unanimously.

MOTION: (Gordon/ Davison) move to assign the Conservation Easement in favor of the Town of East Lyme recorded in book 742, page 502 and book 870, page 689 to the East Lyme Land Trust and to authorize the Planning Commission Chairman to execute said agreement and the Town of East Lyme shall hold in escrow the release of the covenant and assignment of the conservation easement pending recording. Vote: Approved Unanimously.

D. Application of the Town of East Lyme Inland Wetlands Agency for a text amendment to amend section 2.1 of the East Lyme Inland Wetland Regulations to change the Definition of a “Regulated Activity” by enlarging the distance of the boundary for a regulated activity from 100’ from an inland wetlands and/or watercourse to 500’.

G. Goeschel gave background on the text amendment of the East Lyme Inland Wetlands Regulations. He created a map for the public hearing comparing the current regulated area and the proposed regulated area. If the proposed changes are enacted the regulated area would cover most of the town. If adopted, then any proposed activity would require an application which would necessitate hiring more staff. DEEP suggests that 100’ is sufficient for the Upland Review Area.

After a lengthy discussion on the role of the IWA jurisdiction and authority and if the Planning Commission should issue a comment on a regulation change by another commission, the members did not want to approve or disapprove the proposed regulation change as they did not have the expertise to comment. K. Scott understood increasing the regulated area but did not know the reasoning for increasing the regulated area by 400 feet. G. Goeschel informed the members that it is not clear why the 500’ as compared to a lesser amount. It was the consensus of the Planning Commission that they want to support empowering the IWA to enact their regulations. The Commission suggested the IWA watch the recording of their discussion and read the minutes.

E. Bylaws-tabled

F. Subdivision Regulations and Fees-tabled

XII. ADJOURNMENT MOTION: (Gordon/Davison) to adjourn at 9:08 Vote: Approved Unanimously.

Respectfully Submitted,
Sue Spang,
Recording Secretary

**2020 Meeting dates: February 4, March 3, April 7, May 5, June 2, July 7, August 4, September 1,
October 6, November 10*, December 1.**

***Second Tuesday of the month**

