

EASTLYME PLANNING COMMISSION

Special Meeting, July 27, 2020. 7:00 PM

Remote Participation by ZOOM due to COVID 19

CHAIRMAN: Kirk Scott

PLANNING DIRECTOR: Gary Goeschel II

SECRETARY:

RECORDING SECRETARY: Sue Spang

CALL TO ORDER 7:01

I. ROLL CALL + PLEDGE OF ALLEGIANCE

Present: Kirk Scott, Michelle Williams, Nichole Davison, Richard Gordon, Brian Bohmbach, Alt., Elizabeth Allen, Alt.(leaves at 7:36)

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

Also Present: G. Goeschel, J. Lindo, M. Salerno

B. Bohmbach is seated for absent full member

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:

- There will be a special Board of Selectmen's meeting to appropriate funds for a fire truck and radios
- A BOS meeting to discuss the Public Safety Building

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

E. Sub-Committees

- **Walkability**- This item will be removed from future agendas
- **Plan of Conservation and Development (POCD) Steering Committee**-M. Williams stated they met last Thursday to complete the first draft of the POCD and will present it to the Planning Commission at their next meeting.
Doug Dubitsky asked the POCD committee to consider removing the identity of specific properties for town acquisition. He stated it made it difficult for farmers to sell their property. M. Williams thanked the members of the POCD committee for all their hard work.
- **East Lyme Subdivision Regulations**-no report
- **Chairman**-K. Scott informed the members there is a link to the land use academy in a future email.

V. APPROVAL OF MINUTES

A. July 7, 2020 Regular Meeting Minutes

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

VI. PUBLIC HEARINGS:

A. **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.**

K. Scott started the Public Hearing at 7:15. G. Goeschel stated exhibits A-H are available on the town website. The legal notice was published on July 15, 2020 and July 23, 2020 in the Day paper. G. Goeschel informed the commission the application is the same as approved by the commission several years back. The previous application is invalid because the applicant failed to file Mylar's in the 90-day period after the approval.

Ted Harris, 351 Main St. Niantic, attorney for the applicant stated the materials are identical to the application the commission approved previously. He stated there were two nights of public hearings on the previous application in 2016 and the application was approved in January of 2017. T. Harris informed the members that there is case law that states if an application has been previously approved and there have been no material changes then the commission is obligated to approve the application unless there are regulatory, plan changes, etc. He stated there is an active and valid wetlands permit.

Bob Pfanner, 37 Grand St. Niantic, engineer for the applicant gave background information on the proposed work. There will be one new lot created from one existing lot accessed by their own driveway. There is one common rain garden which will be in the deed restrictions. Each lot will have their own septic system.

Public Comment-none

MOTION: (Gordon/Davison) to close the public hearing at 7:30. Vote: Approved Unanimously.

B. **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.**

K. Scott started the public hearing at 7:34.

G. Goeschel read the legal notice for the public hearing which was in the July 15, 2020 and the July 23, 2020 editions of the Day paper. He stated exhibit items A-K are on the towns website for public review.

Paul M. Geraghty, Esq., 38 Grand St. Niantic, attorney for English Harbour Asset Management LLC, stated there is a memo with exhibits AA-NN. The application is for a re-subdivision for two previously approved lots into three lots. A fourth lot will be donated to the East Lyme Land Trust. He informed the commission that there was a site walk with the East Lyme Wetlands Agency and the agency determined they had no jurisdiction because no activity was proposed in a regulated area. There is a rain garden in the lower edge of the property. The rain liters drain into the rain garden.

The design reduces the amount of impervious surface by combining the driveways into one common driveway. There is a buffer of 15 feet on each side of the driveway.

P. Geraghty addressed comments in a letter sent to the town concerning the application. He stated the subdivision is done in phases because the sanitarian and previous town planner preferred it be done in phases. The letter stated K. Clarke has a conflict of interest; P. Geraghty stated her work is reviewed by town officials and she is not going to jeopardize her P.E. license by putting false information on plans. According to the letter there is concern the proposed houses will not

conform to the houses already existing. P. Geraghty stated the lots have been undeveloped for a substantial period of time and all the surrounding property owners in the subdivision signed an agreement that future developers will be able to develop the property as they see fit.

P. Geraghty clarified that by reducing the number of driveways and adding an additional house, decreases the impervious surface by 4000 sq. ft.

The proposed lots are 1.1 acres, .938 acres and 1.5. He stated there will be a pre blast report when any blasting is proposed in the future. The rain garden maintenance plan is submitted as exhibit GG. G. Goeschel stated the lots to the south range in size from .9 acres to 1.3 acres.

K. Scott called for public comments:

G. Goeschel read the public exhibit J which is a letter signed by seven (7) Knotting Hills subdivision residences.

The commission discussed the distance between the proposed houses.

In response to a comment in the letter requesting the proposed houses maintain the character of the surrounding houses, G. Goeschel said there are no provisions in the regulations pertaining to required size, character of houses or architectural standards.

Christine Stahl, 4 Upper Kensington Dr. East Lyme wanted to know why they are not doing the original 2 houses. She stated the residents had looked into an HOA but were told they could not have one because there was not a common space. Most of the land that could have been common space has been donated to the East Lyme Land Trust.

P. Geraghty stated the rain garden is required by wetlands regulations. All requirements for the subdivision are listed on the deeds. He stated the developer has complied with what was required.

The issue of street lights was discussed and G. Goeschel stated the lights were the responsibility of the town and a bond was posted. He will discuss with the head of Public Works. The water supply and sanitation report has not been submitted. Ledge Light has not yet given approval.

MOTION: (Williams/Davison) to continue the public hearing until the August 4, 2020 Planning meeting. 8:30. Vote: Approved Unanimously.

VII. SUBDIVISIONS / RE-SUBDIVISIONS (Pending)

- A. 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.**

MOTION: (Williams/Gordon) in light of the findings that predicated the original approval and conditions from the planning commission on January 10, 2017 that the application and waiver request from Section 23.5B 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 Darrow's Ridge Road, East Lyme, Connecticut and plans entitled, "Darrows Pond, Conservation Design development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016, prepared by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut which, is further subject to the following administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:

- 1. Pursuant to Section 4-4-10 of the Subdivision Regulations any revisions of the approved construction must be approved by the town Engineer. Such revisions shall be incorporated on an as-built construction plan. The Planning Director shall be**

notified prior to the start of any site work including but not limited to clearing, grubbing, filling and grading.

2. A conservation easement shall be extended to include the existing natural wooded buffers along both sides yard property boundaries.
3. The suitable easements and deeds as applicable, shall be submitted to the Director of Planning for approval.
4. A deed restriction requiring the maintenance of the retention basins shall be filed on the land records at the time of filing of the approved subdivision plan.

The above items shall be accomplished prior to the filing of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

Vote: Approved Unanimously.

- B. **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.**

The public hearing was continued; no discussion.

- 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-None**
- XII. **ADJOURNMENT MOTION: (Gordon/Davison) to adjourn at 8:38 Vote: Approved Unanimously.**

Respectfully Submitted,
Sue Spang,
Recording Secretary

2020 Meeting dates: August 4, September 1, October 6, November 10*, December 1.
***Second Tuesday of the month**