

EASTLYME PLANNING COMMISSION

Regular Meeting, November 10, 2020. 7:00 PM

Remote Participation by ZOOM due to COVID 19

CHAIRMAN: Kirk Scott

PLANNING DIRECTOR: Gary Goeschel II

SECRETARY: Michelle Williams

RECORDING SECRETARY: Sue Spang

I. CALL TO ORDER 7:00

II. ROLL CALL

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

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

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

III. CALL FOR PUBLIC DELEGATIONS: None

IV. REPORTS

B. Communications-None

C. Zoning Representative

N. Davison attended the Zoning Commission meeting and reported they had a public hearing for Pazz Construction's 80 unit affordable housing development.

Stop and Shop has been issued a cease and desist order for trimming too many trees on the border of Interstate 95.

D. Ex-Officio:

M. Salerno informed the members there was a kick off meeting for the construction of the Public Safety Building

The town received a STEAP grant to be used at the transfer station.

E. Planning Director: Gary Goeschel-no report

F. Subcommittees

- Plan of Conservation and Development (POCD)

Will be discussed under Public Hearing, C.

G. Chairman: Kirk Scott:

K. Scott would like to view the bylaws of the commission and get training on roles and responsibilities

V. APPROVAL OF MINUTES

A. October 6, 2020 Regular Meeting Minutes

MOTION: (Williams/Davison) to approve the minutes of October 6, 2020, as presented.

Vote: APPROVED. In favor-Scott, Williams, Davison and Gordon. Opposed-none. Abstaining-Salvatore

FILED

Nov 12 20 20 AT 11:15 AM/PM

Kenneth M. ...
EAST LYME TOWN CLERK

B. October 27, 2020 Special Meeting Minutes

MOTION: (Williams/Salvatore) to approve the minutes of October 27, 2020, as presented.

Vote: APPROVED unanimously.

VI. PUBLIC HEARINGS:

A. Continuation of 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 7:10

G. Goeschel read a list of exhibits submitted since the commission last discussed the application. Exhibits, QQ through WW are new. He informed the members that exhibit WW is a letter from the applicant requesting and extension.

QQ	Applicants Consent to Extension of Public Hearing to Nov 10 2020	10/28/20
RR	Letter from K Clarke, Applicant to G Goeschel in response to Exhibit PP of Barbara Johnston	11/9/20
SS	Ledge Light Plan Review of November 9 2020	11/9/20
TT	Applicants Maintenance Agreement for Common Driveway	11/10/20
UU	Applicant Letter to Ledge Light re septic system	11/10/20
VV	Revised Site Plan Updated for Septic Review	11/10/20
WW	Granting Extension to next meeting	11/10/20

Attorney Paul Geraghty responded to a letter from Barbara Johnston concerning open space, which he clarified and informed the members that he received a confirmation letter from DEEP that the grant application has been approved for the opens space. He believes that will go forward soon.

Attorney Paul Geraghty informed the commission the septic plans have been submitted to Ledge Light Health District for review and they received a request for minor changes to the plan and revisions which includes:

- approval of lot 19
- Lot line adjustments for lot 23 to accommodate the septic system
- Driveway was relocated closer to the boundary line to accommodate the septic and well design.

Attorney Paul Geraghty expressed his frustration with Ledge Light and thought the town was not getting the service they contracted for.

K. Scott said the commission usually does not get applications without the required reviews which includes Ledge Light approvals.

G. Goeschel informed the commission that the public hearing has to close by December 4, 2020 and the decision needs to be made by February 19, 2020.

Public Comment

Barbara Johnston, 35 Sea Crest Ave., asked if there was additional land added to the open space.

P. Geraghty stated the amount of open space to be conveyed to the East Lyme Land Trust is 37.9

acres.

MOTION: (Gordon/Williams) to continue the public hearing to the next regularly scheduled meeting of December 1, 2020.

Vote: APPROVED unanimously. (7:30)

- B. **Application of Carol York, Owner;** Application for a 1-lot subdivision of approximately 1.4 acres± of land zoned R-12 and request for Waivers from Sections 7-2-1, 6-12-2, 6-8, 5-2-2Cii, and 5-6, on property located at 92 Old Black Point Rd, East Lyme, Assessor's Map 08.3, Lot 132.

The public hearing started at 7:30

The list of exhibits, A thru K, were read into the record by G. Goeschel.

Item #	Description	Date
A	Application of Carol York for a 1-lot Subdivision of property at 92 Old Black Point Road including a request for 5 waivers of the subdivision regulations	9/28/20
B	Subdivision Plans prepared for Carol York for 92 Old Black Point Road, dated September 25, 2020	9/28/20
C	Letter to Applicant from Sarah Sportman, Ph.D., Office of State Archaeology	10/13/20
D	Memo from Town Engineer V. Benni	10/29/20
E	Staff Review from Zoning Official W. Mulholland	10/29/20
F	Abutters Lettes	11/2/20
G	Legal Ad to the Day and Town Clerk	10/13/20
H	Proof of mailing for Abutters	11/3/20
I	Sign posting	11/9/20
J	Revised Subdivision Plan prepared for Carol York for 92 Old Black Point Road, dated September 25 2020 revised to November 9 2020	11/9/20
K	Memo from Town Engineer V. Benni review of revised plan	11/9/20

R. Pfanner, 37 Grand St. said the application was for a subdivision of one lot into two lots. There is an existing home on one lot and they are proposing to create another lot to the rear of the existing house. There is an existing 50 foot right of way (ROW) along the southern border, which all the utilities will use for access through the driveway.

Zoning Commission has approved the waiver for the frontage. The existing house is a conforming lot and house. The proposed new house will have town sewer and water.

The town has approved the proposed rain garden for the rear parcel B.

The rear lot does not have frontage on a town road.

He has requested five (5) waivers which he included on the application.

R. Pfanner acknowledged he has not received a letter from the Water and Sewer Dept. but said they are in the sewer shed and does not believe they get a letter if they are already in the sewer shed.

G. Goeschel informed the applicant they would still need to submit a report for the record.

G. Goeschel reviewed section 4-12 and the waiver request approvals would have to meet the seven (7) findings from the commission.

It was determined that the application would need a Coastal Area Management (CAM) review as outlined in the subdivision regulation, 5-7.

The town engineer in a letter recommended a \$3000 bond and the plan meets the drainage requirements.

Public Comments:

Holly Magna, 88 Old Black Point Rd., asked what provisions are there in the regulations to protect landowners views and privacy. She asked if there were plans for open space easements.

R. Pfanner stated the proposed lot is triple the size for the zone and the applicant is not taking down the wooded area and is not changing the views of abutters.

Carol York, 92 Old Black Point Rd., applicant, informed the members that the lot was cleared about ten (10) years ago, creating the view the neighbors now enjoy.

Rachel Black, 100 Old Black Point Rd., said there is an historical nature to the existing home and the new home will affect the character of the existing house and surrounding houses. The new home will raise the density of the area and have a negative effect on property values.

Nick Stipano, 80 Old Black Point Rd., said the new house will affect the view and the additional home will change the look of the area.

Kenneth Sabatini, 80 Old Black Point Rd., said they now have a clear view across the property and it will affect the general aesthetics.

Barbara Johnston, 35 Sea Crest Ave. would like to see the CAM review. She asked if Black Point Beach Association is an abutter. She would like to see the public hearing continued while they wait on the letter from the water and sewage dept and she would like to see a waiver for water and sewer.

G. Goeschel responded that the applicant is not asking for a waiver from the water and sewer dept.

G. Goeschel informed her the property is owned by Black Point Beach Associates, not the Association.

Henry Kates, 86 Old Black Point Rd., asked how high the house would be built and if built up, it would affect the views.

Janet Knox, 86 Old Black Point Rd., pointed out a 3 story house recently just built and wanted to have more information on that property, especially if there were environmental studies done as they may relate to the runoff of the proposed application.

K. Scott, Chairman said he has concerns about some of the waiver requests, mostly related to the seven findings for waiver approval.

Kenneth Sabatini, 80 Old Black Point Rd., said he hopes the proposed house would not be a multi-family house.

G. Goeschel informed the public the lot is in an R-12 zone and the applicant could subdivide to fit 4-5 houses.

Barbara Johnston, 35 Sea Crest Ave., would like the hearing postponed due to the R-12 zone.

Carol York, 92 Old Black Point Rd., applicant, said she is proposing one house on one lot and she does not want a lot of houses on that property.

MOTION: (Williams/Salvatore) to continue the public hearing until the regularly scheduled meeting on December 1, 2020. Vote: APPROVED unanimously. (8:30)

(the commission took a break from 8:31-8:36)

C. The Town of East Lyme 2020 Plan of Conservation and Development Update.

K. Scott started the public hearing at 8:36.

G. Goeschel read a list of exhibits into the record, items A-D.

Item #	Description	Date
A	East Lyme Plan of Conservation and Development 2020 legal ad	11/10/20
B	DEEP Referral Response	09/25/20
C	BOS September 30, 2020 Special Meeting minutes	
D	SECCOG Response	11/10/20

M. Williams thanked the members of the POCD subcommittee; Peter Lynch, Rosemary Ostfeld, Kirk Scott, Rich Gordon, Larry Fitzgerald and Norm Peck,

She explained the background of the POCD and the process the committee went through as they developed the Plan. The committee reached out to stakeholders, issued a town wide survey and had a public forum, all in an effort to be open to the community for their concerns and comments. M. Williams informed the public that the POCD is due to the State in December, 2020.

Public Comment

Camile Alberti, 7 Darrows Court, acknowledged all the hard work the committee put into developing the document and expressed her gratitude to the members. She thought the outreach to the community was very good. She especially liked the recommendations concerning farmers and the attention to keep farms in town.

She asked if the plan mentioned a limit on tax exempt properties and noted the Payment in lieu of taxes,(PILOT) from the state, have been going down over the years.

M. Williams said they did not address that in the Plan but they could amend the Plan in the future to address tax exempt properties.

G. Goeschel stated there is nothing in the current regulations addressing limiting tax exempt properties, he noted that open space is also tax exempt.

Barbara Johnston, 35 Sea Crest Ave., thanked the committee and asked if there could be a summary as the document is over 100 pages.

M. Williams pointed to a spreadsheet with all the recommendations. She would like to have an implementation plan and would like the POCD to be a standing agenda item. The committee has plans to visit all the Boards and Commissions in early 2021 to see if they have any questions and to discuss their recommendations.

K. Scott agreed that the POCD should be a regular agenda item and asked that it be on all future agendas.

G. Goeschel informed the public that he received a letter from the SECCOG stating the East Lyme POCD is consistent with the regional POCD.

G. Goeschel said the POCD is also consistent with the State POCD (2013).

MOTION: (Gordon/Salvatore) to close the public hearing. Vote: APPROVED unanimously.

VII. SUBDIVISIONS / RE-SUBDIVISIONS (Pending)

- 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.**

The public hearing was continued; no discussion.

- B. Application of Carol York, Owner; Application for a 1-lot subdivision of approximately 1.4 acres± of land zoned R-12 and request for Waivers from Sections 7-2-1, 6-12-2, 6-8, 5-2-2Cii, and 5-6, on property located at 92 Old Black Point Rd, East Lyme, Assessor's Map 08.3, Lot 132.**

The public hearing was continued; no discussion.

VIII. ZONING REFERRALS: [Connecticut General Statute (CGS) 8-3a]-none

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

X. OLD BUSINESS

- A. The Town of East Lyme 2020 Plan of Conservation and Development Update.**

MOTION: (Williams/Gordon) to adopt the East Lyme 2020 Plan of Conservation and Development. Vote: APPROVED unanimously.

XI. NEW BUSINESS

- A. Annual Meeting Schedule**

MOTION: (Gordon/Salvatore) to approve the 2021 meeting schedule as presented. Vote: APPROVED unanimously.

- B. FY 2021/2022 Budget**

Tabled

ADJOURNMENT:

MOTION: (Gordon/Salvatore) to adjourn at 9:17. Vote: APPROVED Unanimously.

Respectfully Submitted,
Sue Spang,
Recording Secretary

2020 Meeting dates: December 1.

2021 Meeting dates: January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10, September 14, October 12, November 9, December 14.