

East Lyme Planning Commission  
December 10th, 2020  
Public Hearing and Special Meeting Minutes Set 2

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**Members Present:**

**Kirk Scott, Chairman**

**Michelle Williams, Secretary**

**Nichole Davison**

**Richard Gordon**

**Mary Ann Salvatore**

**Thomas Fitting**

**Also Present:**

**Gary Goeschel, Planning Director**

**Jennifer Lindo, Zoom Moderator**

**Absent:**

**Elizabeth Allen, Alternate**

**Brian Bohmbach, Alternate**

**Present for Applications:**

**Paul Geraghty**

FILED

Dec 18, 20 20 AT 8:00 AM/PM  
*Brooke Horne ATC*  
EAST LYME TOWN CLERK

**The Special Meeting of the East Lyme Planning Commission was held on Thursday, December 10th, 2020, at 7:24 p.m., via Zoom; this teleconference was recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to be held over teleconference.**

**I. Call to Order**

Chairman Walker called the Special Meeting of the Planning Commission to order at 7:24 p.m.

## **II. Public Hearing**

**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 24 Upper Kensington Dr, East Lyme, Assessor's Map 40.0, Lot 22 and 23.**

Mr. Goeschel stated that several new exhibits were entered into the record but came in 24 hours after the deadline afforded by the Executive Orders and the Applicant submitted them at their own risk in the event of an appeal; included was a revised set of plans, email correspondence between Ledge Light Health District and the Applicant and associated parties. He further explained that Ms. Danielle Holmes from Ledge Light Health District has approved the lots for septic and an official memorandum will be forthcoming.

Ms. Lindo clarified that Exhibit AAA, the set of revised plans, was actually received within the 24 hour window; not included on the website was the narrative from Kristen Clarke to Danielle Holmes that accompanies the plans since there was some confusion in regards to what should be posted but the narrative was posted online today. She added that the new document entered into the record today was an email from Danielle Holmes stating she approved the septic but hadn't had time to write the official letter.

Mr. Geraghty confirmed that the additional documents were submitted within the 24 hour period but that it's not critical that the technical comments between Ms. Clarke and Ms. Holmes be included. Mr. Geraghty read the referenced email from Ms. Holmes' email dated December 10th, 2020 into the record and stated their application is complete at this point in time.

Mr. Scott called for Commission comments. Ms. Williams asked Mr. Geraghty to briefly walk them through the changes on the actual plan which he summarized:

- Lot 23- they moved the primary septic area above the reserve area and adjusted the boundary line to address Ms. Holmes' previous comment.
- Lot 19- they added a measurement from the well location and house to demonstrate that it's greater than 25 feet from the proposed house.
- They relocated the well so that it was completely within the property line.
- They added the location of the proposed utility trench and effective leaching calculations.
- Lot 21- they moved the septic to the front of the house and the primary and reserve areas were reversed per Ms. Holmes' comments.
- They relocated the rear property line to establish a greater distance between the leaching field and the abutting property.
- They relocated the well for this lot as well along with addition of a utility trench.
- They did some additional test holes and perc tests for Lot 23.

Mr. Scott asked if Town staff had reviewed the revised plans and Mr. Goeschel said he didn't see a significant change between the original and revised plans. Mr. Goeschel asked about the

open space and Mr. Geraghty confirmed that it's now encompassed by one of the lots noting the open space no longer made sense given the new configuration of the septic.

Ms. Williams asked if they're required to waive an open space requirement for the additional one lot and Mr. Goeschel responded that they should address it. Mr. Geraghty said that for the purposes of this subdivision they've already met the 40% requirement and the 36 acres behind it are being donated to the East Lyme Land Trust.

Mr. Scott called for Public Comment.

Barbara Johnston of 35 Sea Crest Avenue asked what the end result acreage is that will be dedicated for a conservation easement and Mr. Scott explained that this application doesn't have an open space requirement since it has already been satisfied. Mr. Goeschel added that the Applicant is attesting that the open space allocation was already given with the previous subdivision and the 30+ acres behind these lots are being donated to the Land Trust.

Mr. Geraghty briefly explained the phases of this subdivision and said they're an excess of 80 acres for open space.

Ms. Johnston asked if this will be addressed as a conservation easement and Mr. Geraghty explained that the East Lyme Land Trust is going to own all of it and the Town has agreed to assign the previous conservation easement for 40 acres to the Land Trust.

Ms. Johnston asked Mr. Geraghty to explain the funding from the DEEP and he detailed the open space acquisition grants they make available. Ms. Johnston asked what the funding amount was and Mr. Geraghty replied \$362,000. Ms. Johnston asked if the other 40 acres will belong to the Land Trust as well and Mr. Geraghty replied that he's uncertain of what she is asking.

Mr. Goeschel explained that Nottingham Hills was a phase subdivision and there have been four phases so far; the Applicant as part of each phase has dedicated open space as required by our subdivision regulations. He noted that under Connecticut law you can't have double jeopardy and that if the allocated open space is sufficient you can't require an applicant to supply more. He further explained how the subdivision regulations have since changed to create the Conservation Design Development District and how the open space allocation requirement has been met.

Ms. Johnston said she doesn't understand where the \$362,000 goes and Mr. Goeschel detailed the East Lyme Land Trust application submitted to the DEEP and how they were awarded these funds to put towards the acreage for open space. Mr. Goeschel said he has a breakdown of all the open space allocations in his office if more particulars are wanted.

Mr. Geraghty thanked the Commission Members for all the time and effort they dedicated to this application.

**MOTION (1)**

**Mr. Gordon moved to close the Public Hearing at 7:50 p.m.**

**Mr. Fitting seconded the motion.**

**Motion carried, 6-0-0.**

**III. 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 24 Upper Kensington Dr, East Lyme, Assessor's Map 40.0, Lot 22 and 23.**

Mr. Scott said they have 65 days to make a decision and asked Town staff to review everything and draft some motions. Mr. Goeschel said he will draft a memorandum per usual.

**IV. Municipal Referrals- (Connecticut General Statutes (CGS) 8-24] –**

**A. Referral of Old Lyme Proposed Draft of 2020 POCD for comments/recommendations**

Ms. Williams said it was fun reading for her and noted some of the following:

- They had some interesting ideas on sewer avoidance and thinks East Lyme should pay attention to this and their tactics.
- Their annual town budget does include an open space line item.
- They have a specific Open Space Commission outside of Conservation of Natural Resources which played into many of the items discussed in the East Lyme POCD.
- Old Lyme mentioned that they will continue to identify town owned parcels that don't warrant open space protection, selling those parcels to abutting owners, and utilizing that money for their open space fund.
- This is an idea that East Lyme can potentially look at as well.
- There was a lot of talk about filters for storm drains that was interesting and inline with East Lyme's plan.
- Overall it's very consistent with issues that East Lyme is trying to address and has no concern in regards to support of their plan.

Mr. Scott thanked Ms. Williams for her extensive review. Mr. Gordon added that he didn't see any glaring omissions and that it was interesting to see the approach made by a different town.

Mr. Goeschel said he will draft a letter to Old Lyme.

Mr. Goeschel thanked Ms. Lindo, and he shared that the East Lyme POCD was accepted by OPM today. Mr. Scott thanked Town Staff and everyone involved for their hard work and contributions.

**MOTION (2)**

**Mr. Gordon moved to adjourn the Special Planning Commission Meeting at 8:00 p.m.**

**Ms. Williams seconded the motion.**

**Motion carried, 6-0-0.**

Respectfully Submitted,

Brooke Stevens, Substitute Recording Secretary