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**EAST LYME PLANNING COMMISSION
PUBLIC HEARING IV
Tuesday, NOVEMBER 16th, 2010
MINUTES**

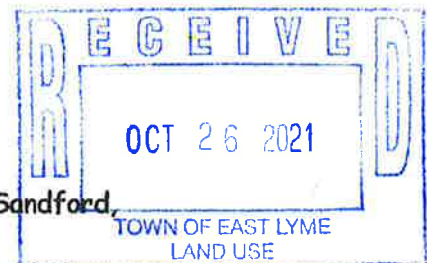
John B. Williams
EAST LYME TOWN CLERK

The East Lyme Planning Commission held a Public Hearing on the Application of New England National LLC for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Rd., East Lyme, CT; Tax Assessor's Map #39.0, Lot 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations on November 16, 2010 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Acting Chairman McPherson opened the Public Hearing and called it to order at 7:46 PM after the three previously scheduled Public Hearings.

PRESENT: George McPherson, Acting Chairman, Francine Schwartz, Frank Balantic, Alternate, Brian Bohmbach, Alternate

ALSO PRESENT: Jeffrey Torrance, representing the Applicant
Attorney Mark Block, Town Counsel
Gary Goeschel, Planning Director
William Scheer, Town Engineer

ABSENT: Mike Bowers, Chairman, Mike Mangalinkx, Chris Sandford,
Brian Schuch, Joan Bengtson, Alternate



Pledge of Allegiance

The Pledge was observed.

Acting Chairman McPherson noted that he had seated Frank Balantic Alternate and Brian Bohmbach, Alternate at the table this evening.

Public Hearing I

1. Application of New England National LLC for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Rd., East Lyme, CT; Tax Assessor's Map #39.0, Lot 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations

Mr. McPherson called for the applicant or his representative to give a presentation on this application.

Jeffrey Torrance, representing the applicant submitted Exhibit P for the record – a letter dated 11/2/2010 from Robert A. Blatt authorizing him to act on his behalf on this application.

Mr. Goeschel read the List of Exhibits into the record and added Exhibit Q – Plans revised through 11/16/2010 and Exhibit R – Certificates of Mailing dated 11/12/2010. (List attached at end of Minutes).

→ Mr. Torrance noted that the sign was posted on the property on November 1, 2010. He explained that this property is approximately 48 acres that was set aside for future development. It has access from two locations – the Nottingham Hills Subdivision and Pattagansett Road. The proposal is to make two lots from the one. One lot would be approximately 15 acres and the other would be 33 acres. A third lot is a parcel of land that was preliminarily designated as open space in a previous application – but was not finalized. There is a 3.04 acre parcel and 2.2 acres of conservation easement and they are designating an additional 10.63 acres on the 48 acre parcel as open space. This is far more than they are required to set aside and they want to reserve the right to use it for the open space requirement calculations on future development. He

continued that in working with the Town Engineer, they no longer need the waiver of Section 6-16-1 through 6-16-6 and Sheet SD4 shows the stormwater detention area. An area was originally designed to keep stormwater on site adjacent to this lot however they have added more. He summed up that he feels that they have met the requirements for the subdivision of the two parcels.

Mr. McPherson asked if the Commissioners had any questions or comments –

→ Mr. Goeschel asked if they were clear on the open space. ←

Mr. Balantic asked if the ¼ acre shift was to allow for the conservation easement.

Mr. Torrance said that went to wetlands and they approved it as a lot.

Mr. Balantic said that it looks like it is a good swap. He asked when the open space would be finalized.

→ Mr. Torrance said that per the opinion of Counsel, they do not have to do it until the development is finished so it could go on for quite some time. However – as per this 10 acre piece – he said they will put the conservation easement on it now but reserve the right to include it in future calculations.

William Scheer, Town Engineer explained the stormwater regulations noting that in a subdivision like this one where they are in the woods – there are basically swales and indentations in the ground. They are meant to catch the stormwater to pool and let it go into the ground. He said that he would review it out in the field when they start development but there is enough area and woods for the water to go into the ground.

Mr. Torrance said that while they requested a waiver of the stormwater regulations that it is basically a moot point and they do not need one.

Mr. McPherson called for any comments from the public –

Hearing none –

He called for a motion to close this Public Hearing –

****MOTION (1)**

Mr. Balantic moved to close this Public Hearing.

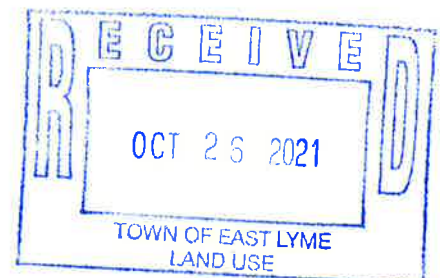
Mr. Bohmbach seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. McPherson closed this Public Hearing at 8:05 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary



Town of



East Lyme

P.O. Drawer 519
Department of Planning &
Inland Wetlands Agency
Gary A. Goeschel II, Director of Planning /
Wetlands Enforcement Officer

108 Pennsylvania Ave
Niantic, Connecticut 06357
Phone: (860) 691-4114
Fax: (860) 860-691-0351

MEMORANDUM



TO: East Lyme Planning Commission
FROM: Gary A. Goeschel II, Director of Planning
DATE: November 15, 2010

RE: New England National LLC, Applicant/Owner, Application for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Road, East Lyme, Connecticut, Tax Assessor's Map# 39.0, Lot# 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations and Subdivision Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, located at 37 Grand Street, Niantic, Connecticut

Upon review of the above referenced Application, Subdivision Plan, and supporting documentation, I have following comments:

1. ~~On Sheet SD1, the following Notes need to be revised:~~ *Addressed on new plan dated 11/16/2010*
 Number (8): Revise to reflect the current owner of record.
 Number (15): Revise to reflect the findings of the Inland Wetlands Agency
 Number (20): Statement is erroneous as a wetlands permit has not yet been issued. As such, delete.

Based on the above, I offer the following findings and motion:

FINDINGS

The East Lyme Planning Commission based on the record before it with respect to this application, finds this application to be in conformance with the Subdivision Regulations of the Town of East Lyme and more specifically based on the following Findings:

Whereas: The Commission has received a Subdivision Application from New England National LLC, for the development of a 2 - Lot resubdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Road, East Lyme, Connecticut, Tax Assessor's Map# 39.0, Lot# 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of

Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations. The applicant New England National, LLC, is also the owner of record. The Commission received this application on October 19, 2010 and commenced a Public Hearing and received testimony on November 16, 2010. The Public Hearing for said application was closed at the Commission's 11/16/10 meeting. The Commission has reviewed the application, received testimony from the applicant. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

Whereas: The parcel of land constituting the property subject to this application is zoned RU-40 Rural Residential. The properties abutting the site are also zoned RU-40 Rural Residential.

Whereas: The proposed resubdivision is found to meet the requirements of the East Lyme Subdivision Regulations and more specifically, as demonstrated by the following:

Section 3-4 Plan of Development: The proposed resubdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission as the proposed resubdivision is located within a residential zoning district adjacent to existing lots which, were previously approved as part of a cluster subdivision. The proposed resubdivision continues follow the pattern of development characteristic of the existing residential cluster development. In addition, the proposed subdivision reduces the potential impacts on water and soil resources by proposing Low Impact Development (LID) techniques for the treatment of stormwater and Best Management Practices (BMPs) for soil erosion and sedimentation control.

Section 5-5 Sanitation Report: As indicated in Exhibit "T" correspondence dated 11/15/2010 from Ryan McCammon, RS, Senior Sanitarian of the Ledge Light Health District, Lots 20, 29, and 32 are suitable for on-site sewage disposal and water supply.

Section 5-6 Water Supply Report: As indicated in Exhibit "E" comments from Brad Kargl, Municipal Utility Engineer, dated 11/10/10 there is no municipal water or sewer available to the referenced subdivision.

Section 5-7 Stormwater Management Plan: As indicated in Exhibit "L", Memo from Bill Scheer, P.E., L.S., Town Engineer, the stormwater detention volumes provided in the Stormwater Management Plan in Exhibit "H" prepared by Robert J. Pfanner and Associates are correct and should be updated on the plan. However, the following notes are recommended to be added to the Plan:

- The construction of, or bonding of the stormwater detention basins/ swales shall be completed prior to receiving a building permit for each lot."
- The design or location of the detention structure proposed on each lot may be modified to accommodate final lot configuration and existing conditions at the time of construction provided the overall volume of detention and functionality is maintained with the modifications and such modifications are satisfactory to the Town Engineer. According to the applicant, it is understood that the owner(s) of each lot in the subdivision, shall be responsible for the stormwater management system (rain gardens)).

In addition, a detail of the overflow structure provided in the Stormwater Management Plan, needs to be added to the plans.

Section 5-8 Erosion and Sedimentation Controls: The proposed Soil Erosion and Sedimentation Control Plan as indicated on sheet SD 4 and SD 5 of the proposed plan, Exhibit "O", contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. As such, The Planning Commission hereby certifies that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

Section 5-9 CAM Coastal Site Plan Review Required: As the site is not located within the coastal boundary of the Town of East Lyme in accordance with Sections 22a-105 through 22a-109 of the Connecticut General Statutes, a CAM Review is not required.

Section 5-11 Archeological Survey: As demonstrated by previous Nottingham Hills Phase 3 application, the proposed site

As such, an archeological survey should be conducted prior to any blasting of these ledges should be proposed.

Section 6 - 5 Open Spaces: Sheet D2 indicates an Open Space dedication of approximately 10.63 acres in the form of a conservation easement and Sheet D3 indicates an Open Space dedication of approximately 2.26 acres, both in the form of a conservation easement.

Section 6 - 6 Requirements Regarding Flooding: As demonstrated by the Stormwater Management Plan in Exhibit "H" and Exhibit "L", Memo from Bill Scheer, P.E., L.S., Town Engineer, dated 11/16/10, the proposed subdivision is reasonably safe from flooding.

Section 6 - 9 Streets: As indicated by Exhibit "N", Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, the area to be subdivided has frontage on, and access from, an existing street that is suitably improved and paved. In addition, no new streets are proposed.

Section 6- 10 Sidewalks: As indicated by Exhibit "N", Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, the proposed subdivision is proposed on a street where there are no existing sidewalks along Upper Pattagansett Road, Kensington Drive, or Upper Kensington Drive.

WAIVER REQUEST:

NOT NECESSARY

As the applicant has met the requirements of Section 6-16 of the East Lyme Subdivision Regulations, a waiver from Section 6-16 is no longer necessary for subdivision approval. As such, the request for a Waiver from Section 6-16 is hereby DENIED.

SUBDIVISION MOTION:

NOW THEREFORE, Based on these Findings, the Commission Moves to APPROVE the application known as New England National LLC, Applicant/Owner, Application for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Road, East Lyme, Connecticut, Tax Assessor's Map# 39.0, Lot# 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the

terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations and Subdivision Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, located at 37 Grand Street, Niantic, Connecticut and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. Applicable and properly executed legal documents, including warranty deeds for any transfers of title to the party designated to maintain and operate the stormwater management system, shall be submitted with the final subdivision plan to be filed. All such documents shall be acceptable to the Town Attorney and the Commission and shall be filed with the East Lyme Town Clerk simultaneously with the filing of the approved final subdivision maps.
2. As indicated in Exhibit "L", Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated November 16, 2010, the following notes shall be added to the subdivision plan:
 - The construction of, or bonding of the stormwater detention basins/swales shall be completed prior to receiving a building permit for each lot."
 - The design or location of the detention structure proposed on each lot may be modified to accommodate final lot configuration and existing conditions at the time of construction provided the overall volume of detention and functionality is maintained with the modifications and such modifications are satisfactory to the Town Engineer. According to the applicant, it is understood that the owner(s) of each lot in the subdivision, shall be responsible for the stormwater management system.
3. As indicated in Exhibit "L", Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated November 16, 2010, a detail of the overflow structure provided in the Stormwater Management Plan, shall be added to the plans.
4. As indicated in Exhibit "O" Memo from G. Goeschel II, Director of Planning to the East Lyme Planning Commission, dated 11.16/2010, the Notes on Sheet SD-1 shall be revised as follows:
 - Number (8): Revise to reflect the current owner of record.
 - Number (15): Revise to reflect the findings of the Inland Wetlands Agency regarding the Determination of Permit as it pertains to Lot 29
 - Number (20): Statement is erroneous as a wetlands permit has not yet been issued. As such, delete.
5. A revised copy of the Subdivision Plan incorporating the above modifications signed, sealed and certified by a licensed land surveyor in the State of Connecticut shall be submitted to the Department of Planning, Town Engineer and the Ledge Light Health District.
6. The conservation easements in favor of _____ over a portion of the proposed lots, as depicted on the proposed plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, shall be submitted with the final subdivision plan to be filed.

The above items shall be accomplished prior to the filling 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.

This approval is specific to the subdivision plan submitted as application of New England National LLC, any change in the subdivision plan other than those identified herein shall constitute a new application and the modifications of this approval and any change in the development plan layout other than those identified herein shall constitute a new application.

The owner/applicant shall be bound by the provisions of this Application and Approval.