

EAST LYME PLANNING COMMISSION

Regular Meeting, October 12, 2021. 7:00 PM

East Lyme Town Hall, main room

CHAIRMAN: Kirk Scott

PLANNING DIRECTOR: Gary Goeschel II

SECRETARY: Michelle Williams

RECORDING SECRETARY: Sue Spang

CALL TO ORDER 7:01

I. ROLL CALL

Present: Kirk Scott, Michelle Williams, Richard Gordon, Nichole Davison, Lawrence Fitzgerald, Thomas Fitting, Brian Bohmbach, Alt.

Absent: Marc Salerno, BOS liaison, Spencer Clapp, Alt., Vacancy, Alt.

Also, Present: G. Goeschel

II. CALL FOR ADDITIONS TO THE AGENDA

A. MOTION: (Williams/Fitzgerald) to add under New Business the request for release of bond and abandonment of 11- lot re-subdivision known as Holmes Reserve, LLC/Orvedal, which property is located at 65 and 68 Holmes Road, Tax Assessor's Map 57, Lots 11, 12 and 13, East Lyme, Connecticut. Vote: APPROVED unanimously

B. MOTION: (Gordon/Davison) to add under New Business the Application of Kristen T. Clarke, P.E. for a Lot Line Revision to Lots 26, 27 and 28 (11, 9 and 5 Upper Kensington Drive respectively). Vote: APPROVED unanimously

III. CALL FOR PUBLIC DELEGATIONS-none

IV. REPORTS

FILED

A. Communications-no report

B. Zoning Representative-no report

C. Ex-Officio-no report

D. Planning Director-no report

E. Subcommittees

M. Williams informed the members the subcommittee has been visiting various Boards and Commissions and they are on the agenda for the upcoming Zoning Commission meeting.

F. Chairman: Kirk Scott- thanked everyone for showing up and reminded all that there are elections coming up for municipal positions in November.

oct 18, 20 21 AT 2:30 AM (PM)
Brooke Hoover ATC
EAST LYME TOWN CLERK

V. APPROVAL OF MINUTES

A. September 14, 2021, Regular Meeting Minutes

MOTION: (Fitzgerald/Williams) to APPROVE the minutes of September 14, 2021, as presented.

Vote: APPROVED unanimously

VI. PUBLIC HEARINGS-none

VII. SUBDIVISIONS / RE-SUBDIVISIONS (Pending)

A. Application of Kristen Clarke, P.E., Applicant, Cold Spring Lot Management, LLC, Owner, for an 8-lot subdivision of property located at 121 Upper Pattagansett Road, East Lyme, Assessor's Map 35.0, Lot 44.

Attorney P. Geraghty, for the applicant, is seeking a continuance for the application due to a meeting with staff seeking revisions and the applicant is still awaiting Wetlands Agency decision. P. Geraghty submitted a written request to G. Goeschel at the meeting. The Commission tabled the application until the next meeting.

B. Application of Roxbury Road, LLC, c/o Mel Wiese, for a 5-lot subdivision of property located at Roxbury Road, East Lyme Assessor's Map 16.1, Lot 43-1.

Kyle Haubert, CLA Engineers, describe the property as 8.61 acres and is in an RU-40 zone. They are proposing two lots on the frontage road and the other 3 will be accessed by a common driveway. There will be 2.94 acres set aside for open space which will be deeded to the homeowners.

The Town Engineer has sent a letter saying he is ok with the plans and a letter from Daniel Holmes, Ledge Light has also written a conditional approval letter for the project.

In response to a question, K. Haubert describe the need for a detailed model for the rain gardens and swale requested by the town staff.

G. Goeschel stated they have not yet received comment from the Water and Sewer Commission. The applicant has completed the archeological survey.

G. Goeschel presented his findings and suggested conditions of approval for the application.

MOTION: (Williams/Fitting) I hereby Move to APPROVE the application known as the Application of Roxbury Road, LLC, c/o Mel Weise, Applicant/Owner; for a 5-lot subdivision of approximately 8.61-Acres of land zoned R-40/20 on property located at Roxbury Road, East Lyme Assessor's Map# 16.1, Lot# 43-1 and plans entitled "Proposed Residential Conservation Subdivision, Roxbury Road, East Lyme, Connecticut, Prepared for Roxbury Road, LLC, 282 Franklin Street, Norwich, Connecticut 06360, November 25, 2019, revised through September 13, 2021, prepared by Kyle Haubert, P.E., of CLA Engineers, Inc. 317 Main Street, Norwich, Connecticut 06360," 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. An Erosion & Sedimentation Control bond in an amount satisfactory to the Town Engineer and Planning Director and in a form acceptable to the Town of East Lyme Planning Commission shall be posted with the Town prior to the start of any site work including but not limited to clearing, grubbing, filling, and grading.**
- 2. Copies of all deeds and easements as applicable, as specified in Section 10 of the Regulations, shall be provide to the Planning Director and Town Attorney for review and approval, as to form, prior to the filing of the subdivision on the land record.**
- 3. All public water supply services shall be located, constructed, and installed to the satisfaction of the East Lyme Utilities Engineer.**
- 4. The applicable items above shall be accomplished prior to the filling of the subdivision on the land records, or other documentation of planning approval and no further site work shall commence until all applicable conditions are satisfied.**

This approval is specific to the subdivision plan submitted as the application known as the Application of Roxbury Road, LLC, c/o Mel Weise, Applicant/Owner; for a 5-lot subdivision of approximately 8.61-Acres of land zoned R-40/20 on property located at Roxbury Road, East Lyme Assessor's Map# 16.1, Lot# 43-1, and plans entitled "Proposed Residential Conservation Subdivision, Roxbury Road, East Lyme, Connecticut, Prepared for Roxbury Road, LLC, 282 Franklin Street, Norwich, Connecticut 06360, November 25, 2019, revised through September 13, 2021, prepared by Kyle Haubert, P.E., of CLA Engineers, Inc. 317 Main Street, Norwich, Connecticut 06360." Any changes in the subdivision plan shall require prior approval from the

Commission and/or the Director of Planning. 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.

Vote: APPROVED unanimously

MOTION: (Davison/Fitzgerald) to move New Business B before discussion on the Zoning Referrals. Vote: APPROVED unanimously

XI. NEW BUSINESS

B. Application of Kristen T. Clarke, P.E. for a Lot Line Revision to Lots 26, 27 and 28 (11, 9 and 5 Upper Kensington Drive respectively)

Attorney P. Geraghty, for the applicant, distributed a large binder to all the members with the history, emails and exhibits related to the application. He went through the timeline of the application and the eventual denial of the lot line revisions by G. Goeschel due to the incompleteness of the application.

P. Geraghty stated that the denial by G. Goeschel was a violation of his client's due process rights as the applicant had no recourse to the denial.

P. Geraghty cited section 4.9 of the regulations which stated the commission has the authority to determine the application is incomplete and deny the application, not the town planner.

G. Goeschel stated the narrative is relatively accurate and the applicant did eventually get Ledge Light approval for the lot line revision. If the applicant had dropped off the plans on the 31st he would have retracted his decision and not sent the second letter. He stated the application is now complete and he would recommend approving the application. G. Goeschel said that section of the zoning regulations needs to be reviewed and possibly clarified. He agrees that there is no remedy for the denial and the applicants due process rights were violated and he apologized.

It was noted that lot line revisions would not typically come before the Commission.

MOTION: (Fitzgerald/Davison) to deem the application of Kristen T. Clarke, P.E. for a Lot Line Revision to Lots 26, 27 and 28 (11, 9 and 5 Upper Kensington Drive respectively) complete.

G. Goeschel listed the items in the application received by the town which make the application complete.

Vote: APPROVED unanimously.

VIII. ZONING REFERRALS: [Connecticut General Statute (CGS) 8-3a]

A. Request of the East Lyme Zoning Commission to amend the East Lyme Zoning Regulations, Section 15, Flood Hazard Areas

The Commission reviewed the changes to the requirements of Section 15, Flood Hazard Areas of the zoning regulations. The members discussed the requirement to add one (1) foot of free board above the Base Flood Elevation (BFE) as well as changes to the AE zone and other modifications.

The commission discussed the recommendation in the newly adopted POCD which recommends two (2) feet of freeboard above the BFE. M. Williams read the portion of the State of Connecticut's definition of freeboard as (2) feet of freeboard above the BFE. Although the one (1) foot of free board is an improvement of the zoning regulation the (2) feet of freeboard is aligned with the POCD and the prediction of the rise of sea levels to twenty (20) inches by 2050.

It was the consensus of the Commission to authorize G. Goeschel to draft a letter to the Zoning

Commission directing them to page 30 of the POCD and quoting Section 3.3-5.

The members thought it would be useful to have estimates of the cost burdens vs. savings over the long run for the proposed new language in the zoning regulations. The Commission acknowledge it may be financial burdensome to a homeowner, but the coastal regulations are also there to protect the homeowner and the community from damage due to a severe storm and many times the amount spent on the upgrades are recouped within five (5) years.

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

X. OLD BUSINESS

A. Affordable Housing Plan

G. Goeschel informed the Commission he is in the process of putting together an RFP to utilize the \$15,000 grant for assistance in developing or updating the Affordable Housing Plan.

XII. NEW BUSINESS

A. Request for release of bond and abandonment of 11- lot re-subdivision known as Holmes Reserve, LLC/Orvedal, which property is located at 65 and 68 Holmes Road, Tax Assessor's Map 57, Lots 11, 12 and 13, East Lyme, Connecticut.

G. Goeschel informed the Commission that the 9 lots approved on Holmes Road never went forward and there were no public improvements. The permit has run out and the estate is asking for release of the bond.

MOTION: (Williams/Fitzgerald) to acknowledge the subdivision has expired and discontinue the 11- lot re-subdivision known as Holmes Reserve, LLC/Orvedal, which property is located at 65 and 68 Holmes Road, Tax Assessor's Map 57, Lots 11, 12 and 13, East Lyme, Connecticut and Vote: APPROVED unanimously

MOTION: (Fitzgerald/Fitting) to release the performance bond for the E&S controls in the amount of \$45,000 with interest for a total of \$56,769.44, for property located at 65 and 68 Holmes Road, Tax Assessor's Map 57, Lots 11, 12 and 13, East Lyme, Connecticut and acknowledge the subdivision has expired. Vote: APPROVED unanimously

XIII. ADJOURNMENT:

MOTION: (Fitting/Gordon) to adjourn at 8:56. Vote: APPROVED Unanimously.

Respectfully Submitted,
Sue Spang,
Recording Secretary

2021 Meeting dates: November 9, December 14.

Liaison Schedule:

Richard Gordon 11/4/2021, Kirk Scott 11/18/2021, Michelle Williams 12/2/2021