

# EAST LYME PLANNING COMMISSION REGULAR MEETING

Regular Meeting, June 14, 2022. 7:00 PM

CHAIRMAN: Michelle Williams  
VICE CHAIRMAN: Kirk Scott  
SECRETARY: Rich Gordon

PLANNING DIRECTOR: Gary Goeschel II  
RECORDING SECRETARY: Sue Spang

## CALL TO ORDER 7:05

### I. ROLL CALL

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

**Absent:** Jason Deeble, Timothy LaDucer, Alt., Olivia Fairchild, Alt.

**Also, Present:** G. Goeschel

### X. CALL FOR ADDITIONS TO THE AGENDA-none

### XI. CALL FOR PUBLIC DELEGATIONS-none

### XII. REPORTS

#### A. Communications-none

#### B. Zoning Representative-no report

#### C. Ex-Officio

- Selectman Weber informed the members the BOS is looking to form a charter revision committee

#### D. Planning Director: Gary Goeschel

- G. Goeschel passed out information concerning land use law he received at a seminar

#### E. Subcommittees

##### Plan of Conservation and Development

M. Williams said a meeting was held to discuss strategy and keep the process moving forward

##### Affordable Housing

K. Scott reported that the subcommittee chose Gorman and York to help draft an affordable housing plan.

#### F. Chairman-no report

### IV. APPROVAL OF THE MINUTES

#### A. Minutes of Regular Meeting of May 10, 2022

**MOTION:** (Gordon/Fitting) to approve the minutes of May 10, 2022, as presented.

**Vote:** APPROVED In favor-Williams, Scott, Fitting, Bohmbach. Opposed-none. Abstaining-Davison

FILED

June 21 2022 AT 3:20 AM/PM  
*(Signature)*  
EAST LYME TOWN CLERK

**V. PUBLIC HEARINGS:**

**A. Application of Kristen T. Clarke, P.E., of Niantic Real Estate LLC, Owner; Application for a 2-lot resubdivision of approximately 5.13 acres of land zoned RU-40, located at 9 Upper Kensington Drive, East Lyme, Assessor's Map 40.0, Lot L7 with a Waiver Request from Section 23.5B.1., of the Town of East Lyme Zoning Regulations, Section 6-8-7 Stormwater Management Requirements, Section 5.2.2 G Erosion and Sedimentation Control Requirements, and Section 5-2-2 (B) and (C) ii, Preliminary Resource Impact and Conservation Plan. (Date of Receipt: 5/10/2022 (7:12)**

M. Williams read into the record the posting.

P. Geraghty, representing Kristen Clarke and English Harbour Asset Management. He addressed the conversation with the town attorney. He clarified that Kristen Clarke is not a member of Niantic Real Estate LLC, but is a member of English Harbour Asset Management. The only member of Niantic Real Estate LLC, is Robert Blatt. The reason Niantic Real Estate is listed as part of the application is because regulations stipulate that the owner of the property be on the application. He introduced a letter concerning the issue of Niantic Real Estate as an applicant and whether it can be barred due to a settlement agreement with the town. He stated there should be a letter with the application and he resubmitted the letter stating Ms. Clarke and English Harbour Management were authorized to proceed to make an application for their subdivision or re-subdivision of the property.

P. Geraghty introduced a letter, dated May 26, 2022 to town attorney Carey regarding the issue of whether or not Niantic Real Estate can be an applicant and could be barred on the terms of the settlement agreement. It is his opinion that barring K. Clarke is an expanded view of the settlement agreement. He is concerned that starting the hearing tonight when the town and the applicant have not come to an agreement on the applicant issue could possibly lead to withdrawing the application if the issue cannot be solved in a timely manner. Therefore, he does not want to start the clock ticking and would like to continue the public hearing. He also stated there are outstanding issues with Ledge Light and the town which need to be addressed.

M. Williams is concerned about the testimony P. Geraghty gave tonight and the time frame in which the process has to be adhered to.

P. Geraghty is concerned that if an agreement cannot be reached the applicant may not be able to meet the statutory time frames.

P. Geraghty asked the Commission table the Public Hearing. He stated they are still making revisions to the plan.

M. Williams stated it would have been a good to know when the issues came up as to if the applicant can apply when it first became known, now the public hearing has been opened and noticed.

P. Geraghty submitted a letter in regard to open space, a survey map and quick claim deed from Niantic Real Estate to the East Lyme Land Trust.

There were no comments from the public

**MOTION: (Davison/Fitting) to continue the Public Hearing until the regularly scheduled July meeting. Vote: APPROVED. In favor-Williams, Fitting, Davison, Bohmbach, Gordon. Opposed-Scott. Abstaining-none (7:19)**

**VI. SUBDIVISIONS/RE-SUBDIVISIONS-(PENDING)**

**Application of Kristen T. Clarke, P.E., of Niantic Real Estate LLC, Owner; Application for a 2-lot resubdivision of approximately 5.13 acres of land zoned RU-40, located at 9 Upper Kensington Drive, East Lyme, Assessor's Map 40.0, Lot L7 with a Waiver Request from Section 23.5B.1., of the Town of East Lyme Zoning Regulations, Section 6-8-7 Stormwater Management Requirements, Section 5.2.2 G Erosion and Sedimentation Control Requirements, and Section 5-2-2 (B) and (C) ii, Preliminary Resource Impact and Conservation Plan. (Date of Receipt: 5/10/2022**

Tabled

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

**VIII. MUNICIPAL REFERRALS [Connecticut General Statutes (CGS)8-24]-none**

**IX. OLD BUSINESS**

**A. Review of Subdivision Regulations**

G. Goeschel and staff are going through possible revisions

**B. Affordable Housing Plan Update 2022-discussed earlier**

**C. Plan of Conservation and Development-discussed earlier**

**X. NEW BUSINESS-none**

**XI. ADJOURNMENT:**

**MOTION: (Davison/Bohmbach) to adjourn at 7:33. Vote: APPROVED Unanimously.**

Respectfully Submitted,  
Sue Spang,  
Recording Secretary

2022 Meeting dates: July 12, August 9, September 13, October 11, November 15 & December 13.

Liaison Schedule: July 7-Davison, August 4-LaDucer, September 1-Fairchild, September 15-Fitting, October 6, Gordon, October 20-Deeble, November 3-Scott, November 17-Williams, December 1-Bohmbach