

EASTLYME PLANNING COMMISSION REGULAR MEETING

Regular Meeting, February 14, 2023. 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 7:01

I. ROLL CALL

Present: Michelle Williams, Kirk Scott, Nichole Davison, Richard Gordon, Thomas Fitting, Timothy LaDucer, Alt., Olivia Fairchild, Alt.

Absent: Jason Deeble, Brian Bohmbach, Alt.,

Also, Present: G. Goeschel, Planner, D. Weber, BOS liaison
O. Fairchild was seated for J. Deeble

II. CALL FOR ADDITIONS TO THE AGENDA-none

III. CALL FOR PUBLIC DELEGATIONS-none

IV. REPORTS

A. Communications:

- G. Goeschel reminded the members of the Land Use training and if they chose not to attend members would have to reimburse the town for the cost

B. Zoning Representative-no report

C. Ex-Officio-in the middle of budget season

D. Planning Director-G. Goeschel will be presenting the 2023/2024 budget to the BOF

E. Subcommittees

- Plan of Conservation and Development-no report**

E. Chairman:

M. Williams acknowledged former First Selectwoman, Beth Hogan whom she credited with getting residents involved serving in town government, including some present on the Commission. A moment of silence was taken.

V. APPROVAL OF THE MINUTES

A. Special Meeting minutes of January 25, 2023

MOTION: (Gordon/Fitting) to approve the Special Meeting minutes of January 25, 2023, as presented. Vote: APPROVED. In favor-Williams, Gordon, Fitting, Fairchild. Opposed-none. Abstaining-Scott, Davison.

VI. PUBLIC HEARINGS: none

RECEIVED FOR RECORD
EAST LYME, CT
2023 FEB 15 P 2:59
Michelle Williams
TOWN CLERK

VII. SUBDIVISIONS/RE-SUBDIVISIONS

A. **Application of Kristen T, Clarke, PE, of Hathaway Farm, LLC, Applicant/Owner; for Lot Line Revision at property located at Hathaway Road, East Lyme Assessor's Map 35.0, Lot 23 and 25 Hathaway Road, Assessor's Map 35.0, Lot 25.**

Ron Luich, 13 Eden Lane, East Lyme Land Trust, (ELLT), informed the Commission of the East Lyme Land Trust's purchases of open space for the purpose of protecting drinking water. They have spent over 2 million dollars with no help from the town. This does not include the purchase of the 115-acre Hathaway Property. They have not been able to permanently protect this property due to standard restrictions contained in the purchase mortgage. The lot line revision will help to protect another 15 acres and help pay down the acquisition debt. The ELLT has repeatedly asked the BOS for assistance in protecting the property from development to no avail. The ELLT has been treated badly by BOS and has interfered in the ELLT efforts by making misleading claims to the CT Attorney General. Town staff has denied them due process.

(Attorney P. Geraghty, handed out an information packet related to Item B on the agenda).

P. Geraghty gave a history of the lot line revision including the Ledge Light approval and the G. Goeschel approval of the lot line revision in June of 2022. He cited 4-7-1 in the regulations giving the Planning Director authority for approval of lot line revisions unless the revision effects other properties.

The only issue is the execution of the MYLARS. The applicant is asking for the time frame to get the MYLARS signed.

G. Goeschel stated that the MYLARS were not signed by him because they did not match the paper copy of the submitted plans he had originally signed and approved. The plans he approved showed a 25" easement not a 50' strip of land accessing 3 acres.

P. Geraghty said the 25' easement is to the free split lot and does not affect the lot line revision for the Hathaway estate parcel. He explained the application to DEEP for grant funds to buy the Hathaway property requires the property be unencumbered.

P. Geraghty stated the free split (1947) was pre subdivision regulations. Exhibit 6 in the packet presented tonight (2/14/2023) has the quick claim deed split in 1947 which includes the house and barn. After the free split, Stephen Hathaway carved off a piece of the land for subdivision which fronts on Upper Pattagansett.

G. Goeschel asked if the land that includes the house, barn and the lot that requires the lot line revision predates the subdivision regulations (1952) and Attorney Geraghty stated that it did.

P. Geraghty will be submitting a revised plan that is consistent with the submitted MYLARs. The revised plans will explain in text why a revision was necessary. The submitted, but not yet filed MYLARs will be the version that will be signed.

B. **Application of Kristen T. Clarke, PE, for East Lyme Land Trust, Inc.; for a 3 lot subdivision, and waivers of Section 6-8-7 Stormwater Management Requirements, and Section 5-2-2 (8) Preliminary Resource Impact and Conservation Plan of the East Lyme Subdivision Regulations, at property located at Hathaway Road, East Lyme Assessor's Map 35.0, Lot 23. (Hathaway Farm Subdivision Phase I)**

M. Williams referenced the memo from P. Geraghty (01/25/2023) stating that the Commission should have offered the applicant the option of withdrawing the application due to incompleteness instead of denying it as per their regulations. She noted what is before them is substantially different from the original presentation, including the lack of waiver requests. M. Williams acknowledged that they were in error when they denied the application instead of letting the

applicant withdraw.

P. Geraghty acknowledged his misunderstanding when he wrote G. Goeschel alleging Attorney Mark Zamarka was involved in writing a memo as he is prohibited from involvement in P. Geraghty's law firm. It was established that M. Zamarka did not write the memo.

P. Geraghty submitted a withdrawal of the waiver requests.

G. Goeschel established the date of receipt for the submission of the plans. It was agreed that the date of receipt was January 17, 2023, which starts the clock for a decision of the Commission.

Town staff will look at the plan to determine if there are any outstanding issues to be addressed.

P. Geraghty went over a list of changes in the revised plan which were called out as missing in the original plan.

He addressed the issue of open space as stated in the regulations; if the parcel is part of a larger parcel, language stating any further development requires the addition of open space. This language will be on the plans.

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

IX. MUNICIPAL REFERRALS [Connecticut General Statutes (CGS)8-24]:

X. OLD BUSINESS

A. Review of Subdivision Regulations-town staff is working on it

X. NEW BUSINESS-none

XI. ADJOURNMENT:

MOTION: (Scott/Davison) to adjourn at 7:47. Vote: APPROVED Unanimously.

Respectfully Submitted,
Sue Spang,
Recording Secretary

2023 meeting dates: March 14, April 11, May 9, June 13, July 11, August 8, September 12, October 10, November 21, December 12.