

EAST LYME PLANNING COMMISSION

Regular Meeting, October 10, 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 7:00

I. ROLL CALL AND PLEDGE OF ALLEGIANCE

Present: Michelle Williams, Kirk Scott, Richard Gordon, Thomas Fitting, Jason Deeble, Olivia Fairchild, Alt., Brian Bohmbach, Alt.

Absent: Nichole Davison, Timothy LaDucer, Alt.,

Also, Present: G. Goeschel, Planner
O. Fairchild was seated.

The Pledge of Allegiance was recited.

II. CALL FOR ADDITIONS TO THE AGENDA-none.

III. CALL FOR PUBLIC DELEGATIONS-none.

IV. REPORTS

A. **Communications:** none

B. **Zoning Representative:**

R. Gordon attended the last Zoning Commission meeting and they discussed:

- Public Hearing on outdoor dining establishment and pickleball courts, both approved
- 2 text amendments have been scheduled for public hearing: architectural designs for Niantic Village and a requirement for native plants.

C. **Ex-Officio-no report**

D. **Planning Director:**

- He is reviewing the FEMA maps.
- The legal notice for the updated subdivision regulations will be in the paper this Friday and there is a 15-day appeal period.

E. **Subcommittees**

- **Plan of Conservation and Development-no report**

E. **Chairman: no report**

V. APPROVAL OF THE MINUTES

A. **Special Meeting minutes of September 19, 2023**

MOTION: (Fairchild/Deeble) to approve the Special Meeting minutes of September 19, 2023, as presented.

RECEIVED FOR RECORD
EAST LYME, CT
OCT 12 A 9:51
Caulley Gordon
TOWN CLERK

Vote: APPROVED unanimously.

VI. PUBLIC HEARINGS:

A. Application of Kristen T. Clarke, PE, for Hathaway Frm, LLC; for a 3-lot Re-subdivision of approximately 4.83 acres of land and request for Waiver/Exemption from Section 6-8 of the East Lyme Subdivision Regulations on property located a 117 Scott Road, East Lyme, Connecticut Assessors Map #35.0, Lot #23-4 (aka Hathaway Farms Subdivision) Application Received 9/12/23; Open P.H. by 11/16/23; 35 Days to Conduct P.H. 11/14/23) 7:05

G. Goeschel outlined the timeline for the application. He listed the exhibits:

A. Application

B. Waiver request

C. Sign report

D. Subdivision plan

E. Site context plan

F. Natural and Cultural Resource Plan

G. Legal notice published 9/29/2023 & 10/6/2023

H. Memo from B. Sheer, Deputy Director of Public Works

I. Letter from Wendy Brown Arnold, Ledge Light

Paul Geraghty submitted a photo of the Public Hearing sign and the proof of mailings to the abutters.

P. Geraghty submitted a copy of the quick claim deed to the town for approximately 40 ft of frontage along Scott Road as requested by B. Sheer.

An updated design report and Ledge Light septic approvals were submitted.

The biologic report and NDDDB is attached to the updated design report, notice from Inland Wetlands Agency that there are no wetlands on the property, open space requirements have been met from a previously approved application, sewage disposal approved by Ledge light Health District.

A waiver for E&S controls has been submitted as all the drainage flows to the back of the lots.

No evidence of pesticides on property.

No public improvements

No further action as far as archeologic issues are concerned`.

Eversource will decide on the placement of public improvements when the application has been approved.

There were no other comments from town staff.

G. Goeschel spoke to B. Mullholland, ZEO and he had no issues with the application. G.

Goeschel said the only request he has is that the note on the cover page be taken off.

Public Comment-no public comments

MOTION: (Scott/Fitting) to close the public hearing for application of Kristen T. Clarke, PE, for Hathaway Frm, LLC; for a 3-lot Re-subdivision of approximately 4.83 acres of land and request for Waiver/Exemption from Section 6-8 of the East Lyme Subdivision Regulations on property located a 117 Scott Road, East Lyme, Connecticut Assessors Map #35.0, Lot #23-4. (7:19)

Vote: APPROVED unanimously.

VII. Subdivision/Re-Subdivision-Pending

A. Application of Kristen T. Clarke, PE, for Hathaway Frm, LLC; for a 3-lot Re-subdivision of approximately 4.83 acres of land and request for Waiver/Exemption from Section 6-8 of the East Lyme Subdivision Regulations on property located a 117 Scott Road, East Lyme, Connecticut Assessors Map #35.0, Lot #23-4 (aka Hathaway Farms Subdivision) Application Received 9/12/23; Open P.H. by 11/16/23; 35 Days to Conduct P.H. 11/14/23)

G. Goeschel said the staff reviewed the waiver request and they did not see any adverse effects on the water quality, he is comfortable with the waiver request. He reminded the members that the box on the cover page concerning opens space should be a condition of the approval.

M. Williams asked G. Goeschel to confirm the previous conservation easement was filed and dated before they approve the application.

It was the consensus of the Commission to decide on the application at the next meeting.

VIII. Zoning Referrals [Connecticut General Statute (CGA) 8-3a]-none

IX. Municipal Referrals [Connecticut General Statutes (CGS) 8-24]

A. Text Amendment: Sections 12.1.1A and 20.20.9 of the Zoning Regulations.

The text amendment would permit the sale of alcoholic beverages in any commercial recreation complex or resort area including restaurants and cafes, dance halls, bowling alleys, theatres, billiard and pool parlors, picnic area, swimming pools, motels, hotels, tourist cabin establishments, and similar places of public recreation and accommodation operate as a business.

The Zoning Commission will be holding a public hearing on the amendment October 19, 2023.

G. Goeschel informed the Commission that the application was submitted by William R. Sweeney, Agent for Jasmina and Franc Paradise who own the Aces High Campground.

The members noted that in section 9.6 there are very specific distances from certain public facilities, such as, churches, schools, daycares, etc. If adopted there would be a conflict with other sections of the zoning regulations as the proposed text does not have any guardrails for distances from certain establishments.

MOTION: (Gordon/Fitting) Based on the analysis of consistency with the 2020 POCD, Section 9.6 Recommendation 3a, recommends encouraging a range of mixed land uses in commercial zones and along state/collector roads. In addition, it also recommends taking advantage of existing infrastructure by encouraging adaptive reuse of buildings and sites. Section 9.6, recommendation number 5, recommends promoting compatible business in appropriate locations to foster local employment and opportunities, a favorable tax base,

the provision of goods and services for local restaurants.

Therefore, it is moved that the East Lyme Planning Commission finds the proposed text amendment consistent with the East Lyme 2020 Plan of Conservation and Development.

The Commission requested that G. Goeschel write to the Zoning Commission expressing the concerns of the Planning Commission that the text amendment as proposed, may contradict other sections of the Zoning Regulations.

Vote: APPROVED unanimously.

B. Zone Change; AHD Affordable Housing District to RU-40 Rural Residential at 237 Upper Pattagansett Road

G. Goeschel noted that the zone was RU-40 before it was changed to AHD. The property is approximately 6.5 acres and the regulations state that there needs to be a minimum of 10 acres for the AHD zone.

P. Geraghty said that the original 44 acre development donated 37 acres to the East Lyme Land Trust.

MOTION: (Williams/Fairchild) The Planning Commission finds the zone change of Affordable Housing District to RU-40 at 237 Upper Pattagansett Road consistent with the East Lyme 2020 Plan of Conservation and Development.

Vote: APPROVED. In favor-Williams, Scott, Fitting, Fairchild, Gordon. Opposed-Deeble. Abstaining-none

X. Old Business-none

XI. New Business

A. Discussion-Drafting an Ordinance to require taxes to be paid prior or upon submission of subdivision applications.

It was the consensus of the Commission that G. Goeschel draft a letter to the Board of Selectmen requesting an ordinance be considered to require taxes be paid prior to an application and allow a fee schedule.

The Commission scheduled a special meeting for November 13, 2023.

XII. Adjournment

MOTION: (Williams/Fitting) to adjourn at 8:05. Vote: APPROVED unanimously.

Respectfully Submitted,

Sue Spang

Recording Secretary