

EAST LYME PLANNING COMMISSION

Regular Meeting, June 11, 2024. 7:00 PM

CHAIRMAN: Richard Gordon
VICE CHAIRMAN: Kirk Scott
SECRETARY: Brian Bohmbach

PLANNING DIRECTOR: Gary Goeschel II
RECORDING SECRETARY: Sue Spang

CALL TO ORDER 7:01

I. ROLL CALL

Present: Richard Gordon, Brian Bohmbach, Kirk Scott, Cindy Collins, Nick Menapace
Timothy LaDucer, Alt., Sandy Gignac Alt., Sam Sims, Alt.

Absent: Thomas Fitting,

Also Present: A. Cicchiello

S. Gignac was seated.

The Pledge was recited.

II. CALL FOR ADDITIONS TO THE AGENDA-none

III. CALL FOR PUBLIC DELEGATIONS-none.

IV. REPORTS

A. **Communications:** none

B. **Zoning Representative:**

N. Menapace reported the public delegation portion of the meeting was very contentious while discussing the proposed Boston Post Rd. project. Two members were asked to recuse themselves, one did, and one did not.

C. **Ex-Officio:**

A. Cicchiello said May 23 was the budget referendum and it passed. On June 5 the Yale study was presented to the BOS. Their priority is utilizing the old police station. Parking was also a priority for the study.

N. Menapace asked if there was a bike plan/bike racks in the Yale study. He had asked Park and Recreation, and they knew nothing about it.

D. **Planning Director:** no report

E. **Subcommittees**

F. **Chairman**

V. APPROVAL OF THE MINUTES

A. **Regular Meeting minutes of April 9, 2024-tabled**

B. **Regular Meeting minutes of May 14, 2024**

MOTION: (Menapace/Collins) To approve the minutes of May 14, 2024, as presented. Vote: APPROVED. In favor-Gordon, Bohmbach, Collins, Gignac,

RECEIVED FOR RECORD
EAST LYME, CT
2024 JUN 17 P 2:43
Cynthia J. Mello
TOWN CLERK

Menapace. Opposed-none. Abstaining-Scott.

VI. PUBLIC HEARINGS-none

VII. SUBDIVISIONS/RE-SUBDIVISIONS

- A. Application of Andia & Pellumb Likollari; for a 1-lot Re-Subdivision of approximately 1.931 acres of land zoned RU40 and request for a Waiver from Section 4-2-3 (A-J) of the East Lyme Subdivision Regulations on property located at 123 Scott Road, East Lyme, Connecticut, Assessor's Map #35.0, Lot #23-4, Niantic, CT. (Application Received 6/11/2024; PH Scheduled to Open 7/9/2024)**

The application is a sub-division which will require a Public Hearing. G. Goeschel suggested July 9 at their next regular meeting.

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

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

XI. OLD BUSINESS:

A. Subdivision Regulations-Section 4; Application Submission Procedure:

Gary Goeschel asked the Town Attorney, Mark Zamarka, to look at section 4-14. He responded as follows:

Gary

You have asked that we review proposed amendments to §4-14 of the East Lyme Subdivision Regulations. As background, the Planning Commission recently amended §4-14 to remove the Environmental Review Team provision, in light of the decision in the Lepkowski subdivision appeal.

The Commission now proposes changes to §4-14-3 regarding the Environmental Impact Assessment ("EIA"). Before addressing the changes, it should be noted that as currently written, the opening section is somewhat problematic. It requires an applicant responsible for actions which "may significantly impact the environment" to provide a "detailed written evaluation of its impact" to the Commission. However, the section does not define what constitutes a "significant impact" nor does it state who makes that determination - the applicant, the Town Planner or the Commission itself. If the Commission wishes to keep the EIA section, these ambiguities should be addressed.

The major changes are found in §4-14-4 – §4-14-6, and are summarized as follows:

1. §4-14-4 - the Commission shall refer the EIA to the East Lyme Conservation Commission at least 35 days prior to the public hearing.

2. §4-14-5 - the Conversation Commission report shall its findings, a statement of the vote, and other recommendations deemed relevant.

3. §4-14-6 - the failure of the Conservation Commission to provide a report shall be taken as “favorable of such action”.

Comments:

1. If the public hearing referenced in §4-14-4 refers to the hearing on the subdivision application this should be specified.

2. The Commission must decide whether the Conservation Commission report is mandatory (that the Commission must consider and abide by the report’s findings, etc.) or merely advisory, meaning that the Commission may in its discretion consider the report but is not bound to follow it. Our advice is that it be advisory only, as this is consistent with the Conservation Commission’s statutory authority - General Statutes §7-131a(b) states in general that a Conservation Commission “may make recommendations to ... planning commissions” on proposed land use changes. (Emphasis added). This is also consistent with §4-14-6 regarding the failure of the Conservation Commission to issue a report.

3. §4-14-6 should be clarified to specify that the failure of the Conservation Commission to issue a report does not affect the pending subdivision application. Again this is also consistent with the report being advisory only. Moreover, if the Commission requires a public hearing on a subdivision application, it is then bound by the timelines set forth in General Statutes §8-7d. If the Conservation report is deemed mandatory but not provided in a timely manner, the Commission could risk going beyond the §8-7d timelines, which in turn could risk inferred approval of a pending application.

4. Finally, the Commission may want to consider whether an EIA is necessary in light of the other information already required by §4-2-3. According to that section, and by way of example only, an applicant is required to submit (1) a detailed Natural and Cultural Resources Plan, (2) Archaeology Survey, (3) Soil Scientist Report, (4) Biological Survey (5) Pesticide Report and (6) Open Space Report. Given the scope of the Conservation Commission, much of that information may already be contained in the required reports above.

If you have any other questions please let me know.

Mark

G. Goeschel said that regarding eliminating the archeologic study a possible option would be to modify the reg which would say “upon approval as a condition”. The study would be done and If significant archaeological resources were found then they would have to catalog, inventory and find storage of items.

Gary Goeschel will make changes to the draft and bring it back in July.

XII. NEW BUSINESS

A. Penny Heller, Chair, East Lyme Commission for the Conservation of Natural Resources: Town Road Standards and proposed policy for “Complete Streets”

P. Heller said before COVID, she had been working with P&R for safe biking and bike racks and bike lanes. The person she had been working with has left and she was not made aware of his leaving. She is looking for a policy statement that says the town would abide by the state bike plan. She would like to see bike lanes, markings and bike safety implemented. She asked the Commission to support a vote accepting “complete streets” which include sidewalks and bike lanes where it is reasonable to have one, as well as all other types of transportation, including handicapped.

G. Goeschel said that much of what is being asked is in the POCD. He suggested adding the concept of complete streets to subdivisions.

The Commission discussed upcoming street/sidewalk projects and if the bike markings and safety features could be incorporated during the projects. G. Goeschel stated he would have to go through the BOS, engineering and Public Works.

K. Scott said the Commission can make a policy but cannot implement it which is the responsibility of other departments.

G. Goeschel said step one has been taken by putting it in the POCD He said it could be updated with specifics as to where the complete street concept would be best suited. Step two would be going to the BOS.

P. Heller would like to vote on a policy.

G. Goeschel said it would make sense to put it under goals in the POCD which would require a public hearing.

MOTION: (Menapace/Collins) to adopt the Complete Street Policy Statement and recommend to the BOS. Vote: APPROVED. In favor-Gordon, Bohmbach, Collins, Gignac, Menapace. Opposed-none. Abstaining-Scott.

XIII. ADJOURNMENT:

MOTION: (Bohmbach/Scott) to adjourn at 8:10. Vote: APPROVED Unanimously.

Respectfully Submitted,
Sue Spang,
Recording Secretary

**2024 meeting dates; July 9, August 13, September 10, October 8, November 12,
December 10.**