

REGULAR MEETING MINUTES

Tuesday, March 11, 2025, 7:00 PM

EAST LYME PLANNING COMMISSION

East Lyme, 108 Pennsylvania Avenue, East Lyme, Connecticut
Upper Level Conference Room

CHAIR: Rich Gordon

PLANNING DIRECTOR: Gary A. Goeschel II

VICE CHAIR: Kirk Scott

RECORDING SECRETARY: Sue Spang

SECRETARY: Brian Bohmbach

CALL TO ORDER: Chairman Gordon called the meeting to order at 7:00PM.

I ROLL CALL + PLEDGE OF ALLEGIANCE

Chairman Gordon took roll call and observed the Pledge of Allegiance.

II CALL FOR ADDITIONS TO THE AGENDA

There were no additions to the Agenda.

III CALL FOR PUBLIC DELEGATIONS

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. During delegations, the members of the Commission will not directly answer questions or make comment.

IV REPORTS

A. Communications:

B. Zoning Liaison:

Chairman Gordon attend the last Zoning Meeting and discussed the their proceedings and indicated the Zoning Commission's desire for improved communications between the Planning and Zoning Commission's.

C. Ex - Officio: Don MacKenzie:

Reported on the Town's budget process.

D. Planning Director: Gary A. Goeschel II:

Had no report at this time.

E. Subcommittees: There are None.

F. Chairman: Rich Gordon,

V APPROVAL OF MINUTES

A. Meeting Minutes of: February 11, 2025 Regular Meeting Minutes

MOTION: B. Bombach moved to approve the February 11, 2025 meeting minutes.

SECOND: N. Menapace

VOTE: Approved (5-0-1)

Received
TOWN CLERK

2025 MAR 13 A 8:09

RECEIVED FOR RECORD
EAST LYME, CT

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VI PUBLIC HEARINGS

- A. Application of Kristen Clarke, P.E. PTOE, Applicant; Duval Partners, LLC, Owner; Application** for a 20-Lot Subdivision of approximately 12.67 acres of land Zoned RU-80 on property located on the South side of Holmes Road between 20 and 38 Holmes Road, East Lyme, Connecticut, Assessor's Map #57.0, Lot #30. (Date of Receipt 2/11/2025, P.H. Opens 3/11/2025, close by 4/14/2025)

Chairman Gordon opened the public hearing. Attorney Paul Geraghty introduced himself as Agent for the Applicant and submitted the following exhibits into the record:

1. Certificates of Mailing
2. Photograph of the Sign Notice of Public Hearing located on the property (4-copies)
3. Table of the Number of Lots and Bedrooms per Lot.

Attorney Geraghty introduced the project's design team: Nick Torrence, Steven Harney, J.P. Mereen, L.S., Timothy May, P.E., Kristen Clarke, P.E., PTOE and discussed the affordable housing aspects of the Application and noting lot 20 has been identified for future development.

Attorney Geraghty reviewed several Supreme Court Cases regarding Affordable Housing Development and what constitutes an Affordable Housing Application stating it is any application with a defined property, identified as an 8-30g Application, and provides an Affordability Plan. He further made clear that the pending application is for Final Site Plan Approval and is in no way conceptual. He further stated the application must meet health code requirements but does not require to meet setback or other dimensional requirements. Attorney Geraghty indicated the purpose of the affordable housing statute is to define and develop affordable housing throughout the State. He indicated there is no proposed open space in the development as the landowner recently conveyed approximately 300-acres to the East Lyme Land Trust which is also protected by a conservation easement held by the Connecticut Department of Energy and Environmental Protection (CT DEEP) and surrounds the subject site.

Attorney Geraghty then reviewed the resumes of Nick Torrence and Kristen Clarke, P.E. PTOE and again reintroduced the design team adding George Logan, the Environmental Consultant. Attorney Geraghty went on to indicate what was the proposed future road along the rear of the development, is now proposed to be constructed and paved to provide circulation around the subdivision.

Attorney Geraghty reviewed the reasons necessary for denial must be related to public health and safety for example ingress/egress, sanitation, and potable water. He indicated the basis for denial must have substantial quantitative evidence in the record which is quantifiable. He indicated the Commission, is required to discern which changes to the

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plan would make the application approvable and the decision on the record must be agreed to by each member of the Commission. Attorney Geraghty indicated he would provide a memorandum for the record on the Statutory Requirements.

Stephen Harney presented the history of the property beginning with its origin with Johnathan Katz who inherited approximately 200-acres and assembled the remaining land totaling some 300+acres. In 2002, Mr. Harney indicated the 300-acre parcel was approved for 77-units of 55 and older Elderly Housing and associated golf course. In 2017, Duval Partners listed the parcel for sale for approximately \$1,674,000.00 dollars and used a conceptual 92-lot subdivision plan to market the property. The property never sold. In 2024, approximately 305-acres were conveyed to the East Lyme Land Trust with a conservation easement held by the CT DEEP leaving the 12-acre parcel in which this affordable housing subdivision is proposed. Mr. Harney think is should be called attainable housing verses affordable housing.

K. Scott asked for clarification on the site's location.

Mr. Harney and Attorney Geraghty reviewed the site location with the Commission.

Chairman Gordan asked the Commission if they had any questions and hearing none opened the floor for public for comment.

Terry Kassey, 55 Holmes Road, East Lyme, CT:

Indicated the Katz application was denied. He knows this as he was at the hearing hen the commission made the decision. He said the area is very wet. He expressed he had safety concerns regarding traffic. More specifically, Holmes Road is a lightly traveled narrow road particularly in Montville and is not safe for two-way traffic. He is concerned about drainage issues and potential icing on the road. Hed like to see Holmes Road widened and the utility pole at the intersection of Holmes Road and Salem Turnpike removed.

Lou Racicot, 38 Holmes Road, East Lyme, CT:

Mr. Racicot seconded Mr. Kassey's comments. He indicated Holmes Road is so narrow that he watched a tri-axle have to back down the road to allow an on-coming car to pass. He indicated that since the clearing has occurred on the property, they have been experiencing water issues. Mr. Racicot stated there are 19 proposed lots on approximately 0.6-acre lots which is approximately 1.5-acres less than the existing RU-80 Zoning District. He indicated he purchased his lot because the density is sparse in that part of town. He suggested that multiple home as proposed does not preserve the existing rural character of the area. He further expressed concerns with the possibility of a group home in the subdivision as Mr. Harney had suggested because emergency services have a minimum 12-minute response time to that end of town. He also suggested that each home will probably have 2-vehilces totaling 40-vehicles

Heather Racicot, 38 Holmes Road, East Lyme, CT:

Mrs. Racicot stated the proposed lots ae over development. She urged the Commission to require a true traffic study to capture what is in front of them.

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Dan Ritz, 65 Homes Road, East Lyme, CT:

Mr. Ritz suggested the Attorney's description of the proposed project is not true and is threatening the Commission to approve the application. He suggested building affordable housing where it can be supported with infrastructure. He said the proposed development and 6-units of affordable housing doesn't work with the existing community.

Natalia Bakilana, 65 Holmes Road, East Lyme CT:

Ms. Bakilana indicated she has lived here for 10 years, enjoys the area and rural character. She finds the Road to be narrow and has concerns for the accessibility of emergency services. She urged the commission to consider the residents of the existing neighborhood. She said she disagrees with the affordable housing at this location and would like to keep the rural character of the area.

Mark Christensen, 66 Grassy Hill Road, East Lyme, CT:

Mr. Christensen complemented Mr. Harney on the amount of Open Space that he has been a part of preserving here in East Lyme, approximately 800+ acres. However, Mr. Christensen is opposed to the application. He indicated that not everyone on the Commission are experts, yet they get to vote on it. As such, they should use their best judgement and common sense in making their decision.

Lindsey Rush, 15 Grassy Hill Road, East Lyme, CT:

Ms. Rush echoed the concerns of preserving the neighborhoods community character. She realizes the commission must weigh health and safety concerns. She said the Commission needs hard stats. She indicated that 19-homes adjacent to 300-acres where hunting occurs might not be a great idea. She indicated the CT DEEP has a tool called N-SYNC to estimate the nitrogen transport of a proposed development. She indicated this area has a high level potential for nitrogen transport which, is import for the health of our beaches. Runoff in this area within the Latimer Brook watershed will make its way to the Niantic River and our beaches.

Lindsay Chester Muscarella, 33 Upper Walnut Hill Road, East Lyme, CT:

Ms. Muscarella indicated she has concerns with contamination from runoff, the added traffic to Holmes Road.

Lou Racicot, 38 Holmes Road, East Lyme, CT:

Mr. Racicot indicated the CT DEEP has confirmed the land owner has authorized hunting on the 300-acre open space property in addition to other properties in the area.

Attorney Geraghty advised that stating law is not a threat to the Commission it is merely stating the law.

N. Menapace inquired about the runoff and water quality.

Tim May, P.E. briefly reviewed and explained the drainage calculations and stated incorporates the use of permeable pavers to reduce the volume of runoff from the

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driveway.

Chairman Gordon asked if there were any further comment from the public at this time. Hearing none he called for a motion to continue the public hearing to allow staff additional time to review the plan.

MOTION: Nick Menapace moved to continue the Public Hearing the Commission's next regularly scheduled meeting of April 8, 2025.

SECONDED: Cindy Collins

VOTE: UNANAMOUS

VII. SUBDIVISIONS / RE-SUBDIVISIONS

- A. Application of Stephen Harney, Applicant; Portside Holdings, Inc. & English Harbour Capital Partners, LLC, Owner;** Application for a 3-Lot Subdivision of approximately 6.0 acres of land Zoned RU-40 on property located at Heritage Road, East Lyme, Connecticut, Assessor's Map #35.0, Lot #23-1. (Submitted 1/15/2025, Date of Receipt 2/11/2025, 65-days to render a decision 4/16/2025)

Attorney Geraghty indicated that they are still awaiting a response from LLHD as to the suitability of the lots. They have made changes to the plan to address the Sanitarian's initial comments.

G. Goeschel indicated that the Town Engineer needs to review the revised plan as it pertains to stormwater quality. Mr. Goeschel indicated he verbally spoke to Alex Klose, the Town Engineer, who said the change most likely will not affect the runoff curve or volume but, the applicant would need to ensure they are accommodating for stormwater quality.

MOTION: N. Menapace to table discussion on the application until the next regularly scheduled meeting to allow time to receive final staff reviews.

SECONDED: C. Collins

VOTE: UNANAMOUS

- B. Application of Kristen Clarke, P.E. PTOE, Applicant; Duval Partners, LLC, Owner;** Application for a 20-Lot Subdivision of approximately 12.67 acres of land Zoned RU-80 on property located on the South side of Holmes Road between 20 and 38 Holmes Road, East Lyme, Connecticut, Assessor's Map #57.0, Lot #30. (Date of Receipt 2/11/2025, P.H. Opens 3/11/2025, close by 4/14/2025)

NO DISCUSSION OR FURTHER ACTION TAKEN AS THE PUBLIC HEARING IS CONTINUED.

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

- A. Application of Edward M. Cassella, Attorney for Pelletier Niantic CT LLC, for a Proposed**

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Text Amendment, to create new Section 12B SU-EMC a floating special use district with additional controls in Section 25.5, of the East Lyme Zoning Regulations. (Zoning Commission P.H. Scheduled for 3/20/2025)

MOTION: N. Menapace moved to find the proposed text amendment for a floating zone inconsistent with the East Lyme POCD as it would allow commercial residential uses within a zoning district that only allows single family housing nearly anywhere in the R-40 district on any parcel of 30-acres or more.

SECONDED: K. Scott

VOTE: UNANAMOUS

- B. Application of Eric S. Parker, Esq.,** for a Proposed Text Amendment to Section 20.26 Drive Thru Facilities, by adding Subsection M, of the East Lyme Zoning Regulations. (Z.C. P.H. Scheduled for 4/24/2025)

MOTION: Tim Laducer mover to find the proposed text amendment consistent with the Plan of Conservation and Development.

SECONDED: N. Menapace

DISCUSSION: The Commission recommended the Zoning Commission ensure they address traffic, health, and safety concerns.

VOTE: UNANIMOUS

- C. Application of the East Lyme Zoning Commission,** for a Proposed Text Amendment to the East Lyme Zoning Regulations Section 20.25 Outdoor Dining, by modifying Section L. (Z.C. P.H. Scheduled for 4/10/2025)

MOTION: Tim Laducer moved to find the proposed text amendment consistent with the Plan of Conservation and Development Section 9 Economic Development.

SECONDED: C. Collins

VOTE: UNANAMOUS

- D. Application of the East Lyme Zoning Commission,** for a Proposed Zone and Map Change to rezone all of the existing RU-80 Zoning District, as delineated on the East Lyme Zoning Map and northerly of I-95, to a new RU-200 Zoning District. (Z.C. P.H. Scheduled for 4/24/2025)

G. Goeschel stated that items D & E on the Agenda go together. Commissioners stated they would like to review the proposal and noted the public hearing for this item is not scheduled until the end of April.

- E. Application of the East Lyme Zoning Commission,** for a Proposed Text Amendment to the

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East Lyme Zoning Regulations by adding a new Section 2A RU-200 and updating the Section identifiers as necessary. (Z.C. P.H. Scheduled for 4/24/2025)

MOTION: N. Menapace moved to table referral items D&E until the next meeting.

SECONDED: T. Laducer

VOTE: UNANAMOUS

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

XI. OLD BUSINESS

A. Subdivision Regulations – Section 4; Application Submission Procedure

G.Goeschel stated they are still waiting on the Town Attorney to complete their review of Section 4.

XII. NEW BUSINESS - None

XIII. ADJOURNMENT

MOTION: N. Menapace moved to adjourn the meeting at 9:39PM

SECONDED: K. Scott

VOTE: UNANAMOUS

RESPECTFULLY SUBMITTED,



Gary A. Goeschel II
Director of Planning

