

**EAST LYME PLANNING COMMISSION
REGULAR MEETING
Tuesday, JUNE 7th, 2011
MINUTES**

PRESENT: George McPherson, Acting Chairman, Brian Schuch, Joan Bengtson, Frank Balantic, Alternate

ALSO PRESENT: Gary Goeschel, Planning Director
Attorney Christopher Smith, representing the Orchards

ABSENT: Mike Bowers, Chairman, Francine Schwartz, Secretary, Brian Bohmbach, Alternate

Acting Chairman McPherson called this Regular Meeting of the Planning Commission to order at 7:01 PM.

Pledge of Allegiance

The Pledge was observed.

I. Additions to the Agenda

Mr. McPherson asked if there were any additions to the agenda.
Mr. Goeschel said that he did not have any.

FILED IN EAST LYME TOWN
CLERK'S OFFICE
June 10 20 *11* at *9:50* (AM
PM)
Esther B. Williams
EAST LYME TOWN CLERK

II. Public Delegations

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item VI) and in-house proposals or general topics of discussion (Item VIII) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.

Mr. McPherson called for Public Delegations.
There were none.

III. Approval of Minutes – Workshop Meeting Minutes of May 17, 2011

Mr. McPherson called for any discussion or corrections to the Planning Commission Workshop Meeting Minutes of May 17, 2011.

****MOTION (1)**

Mr. Schuch moved to approve the Planning Commission Workshop Meeting Minutes of May 17, 2011 as presented.

Ms. Bengtson seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

IV. Pending Applications

There were none.

V. Current Subdivision Approval/Construction Reports

1. The Orchards Subdivision – Request for an extension of time for all approvals – preliminary and final for Phases II, III, IV and V. Request to extend approvals for an additional four years from

August 21, 2011 to August 21, 2015 as provided by the Connecticut General Assembly's recently enacted Public Act No. 11-5.

Mr. Goeschel said that Attorney Smith was present, representing The Orchards.

Attorney Christopher Smith, Land Use Attorney and partner with Shipman & Goodwin said that he represents the Orchards of East Lyme Development Inc. He explained that on August 21, 2011 that the approvals would be at their 10 year period and would have expired. However since he was last here the CT General Assembly has passed Public Act 11-5 which allows for a four year extension for those that were signed prior to January 1, 2011 allowing for a fourteen year period in which to complete all subdivision improvements. He referenced a map of the subdivision that he had printed out and noted that there appears to be a small portion of road in front of Lot 133 that would be included for completion as the intent is to include everything. They could include all work as designated back in 1999.

Mr. McPherson asked Mr. Goeschel if he had any comments on this.

Mr. Goeschel said that the applicant came in and replaced all of the bonds with cash bonds which are part of the new regulations and not something that they would have had to do. He added that Carrier has also started developing the road and cleaning up the site for what was left there. They are also working on the remediation project.

Attorney Smith explained that the purpose of the Public Act was to provide relief to developers who were caught in the economic downturn conditions and could not bring projects to completion. He said that Carrier has every expectation of having this completed in the four year extension time.

Mr. Goeschel asked if the intent in granting this would be to include part of Phases II, III, IV & V – the 19 lots and roadway.

Attorney Smith said that he is not sure of where that stands at the moment.

Mr. Goeschel noted that would require another application anyway.

Mr. McPherson asked Mr. Goeschel his opinion, or if he had any issues with granting this extension.

Mr. Goeschel said that he could not find any reasons not to grant the extension of time and would recommend that they grant the request.

Mr. Balantic asked if the bonds were re-evaluated at current values.

Mr. Goeschel said yes.

Ms. Bengtson suggested that it would be in their best interest to address the 100' of road in Phase I that is remaining so that what appears to be a small thing does not become something large.

****MOTION (2)**

Mr. Schuch moved to approve the Request of the Orchards Subdivision for an extension of time for all approvals – preliminary and final for Phases I, II, III, IV and V for an additional four years from August 21, 2011 to August 21, 2015 as provided by the Connecticut General Assembly's recently enacted Public Act No. 11-5.

Ms. Bengtson seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

VI. Zoning Referrals (CGS 8-3a)

There were none.

VII. 8-24 Referrals (Municipal Improvements)

There were none.

VIII. New Business

There was none.

IX. Old Business

1. POCD Chapter 4: Economic Development

Mr. Goeschel said that he has completed the revisions as they were submitted from the last meeting and removed the comments that they felt did not apply. In this most recent revision he said that he has included

Mr. Balantic's comments and again asked that they review this latest version and get back to him with any comments that they might have.

X. Reports

1. Chairman

Mr. McPherson said that he did not have any further comments.

2. Zoning Representative

Mr. Balantic reported that at the last meeting that Zoning had approved the outdoor dining permit renewals for the Black Sheep and Family Pizza for one year as they serve alcohol. They also approved the request of the Black Sheep to extend his outdoor dining past midnight one-half hour to 12:30 AM as they are located next to the theater and when the theater gets out, people frequently walk over looking for a bite to eat and they like sitting outside during the nice weather. They further discussed retractable awnings for some patrons and signage rules. Lastly, regarding the Niantic Village Subcommittee, Mr. Mulholland used Noank as a model in presenting some ideas.

3. Regional Planning Commission Representative – Brian Schuch

This group only meets once per year.

4. Subcommittees

- **Sustainable Development and Climate Adaptation – (Gary Goeschel, Francine Schwartz)**

There was no report.

- **Village Center Master Plan Subcommittee (Gary Goeschel, Brian Schuch)**

Mr. Goeschel said that he is working with Mr. Schuch on architectural design for this.

5. Ex-Officio – Jack Hogan

Mr. Hogan was not present and there was no report.

6. Staff/Communications

Mr. Goeschel said that he did not have anything else to report.

ADJOURNMENT

****MOTION (3)**

Mr. Balantic moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 7:42 PM.

Mr. Schuch seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

