

EAST LYME PLANNING COMMISSION
PUBLIC HEARING I
Tuesday, JANUARY 4th, 2011
MINUTES

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Jan 10 20 11 at 9:50 AM PM

Frank B. Williams

The East Lyme Planning Commission held a Public Hearing on its own Subdivision Regulation Amendments and Changes to Sections 1 through 11 and Appendices as applicable on January 4, 2011 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Bowers opened the continued Public Hearing and called it to order at 7:02 PM after the previously scheduled Public Hearing.

PRESENT: Mike Bowers, Chairman, George McPherson, Secretary, Francine Schwartz, Brian Schuch, Brian Bohmbach, Alternate, Joan Bengtson, Alternate

ALSO PRESENT: Frank Balantic, Alternate
William Scheer, Town Engineer
Gary Goeschel, Planning Director

ABSENT: Mark Mangelinkx, Chris Sandford

Pledge of Allegiance

The Pledge was observed.

Chairman Bowers noted that he had seated Brian Bohmbach, Alternate and Joan Bengtson, Alternate at the table this evening.

Public Hearing I

1. Application of the Town of East Lyme Planning Commission for Subdivision Regulation Amendments and Changes to Sections 1 through 11 and Appendices as applicable.

Mr. Bowers noted that this encompasses various changes that they have discussed and worked on for some time now. He asked Mr. Goeschel if he had received any comments or had any updates for them –

Mr. Goeschel said that he and Mr. Scheer, Town Engineer had supplied memos on some recommendations that Mr. Scheer had made regarding definitions for private street or road and driveway that should be added to Section 2. (Copy attached) Also, due to the pending litigation they have asked Attorney Mike Carey with Suisman & Shapiro to review the definitions. In light of this, he said that his recommendation is to continue the Public Hearing to the next meeting of the Commission (February 1, 2011) in order to receive comment and to continue working with the Town Engineer. He said that Mr. Scheer was present and would explain his memo to them.

William Scheer, Town Engineer reviewed his memo of comments and recommendations for the draft subdivision regulations. (Copy of memo attached) He said that he would be happy to answer any questions that they might have.

Mr. Bowers asked if the review with another attorney would be on behalf of the Town.
Mr. Goeschel said yes.

Mr. McPherson asked how they would be handling the passbooks and bonding.

Mr. Goeschel said that in previous discussions that it seemed that the Commission wished only to accept cash bonds – however, that may be an issue as surety bonds are generally acceptable and cash may be a problem when there is a large amount.

Mr. McPherson said that his concern is that it states 'and' and not 'or'.

Mr. Bowers suggested that they get input from Town Counsel on that.
Mr. Goeschel suggested that they could add a form to the back to state 'and'.

Mr. Bowers asked that they talk timetable on this and if they would be ready for the next meeting.
Mr. Goeschel said that the Commission initiated the Public Hearing and that it can be held open. However; the goal is to have all of the issues ironed out by February 1, 2011.

Mr. Bowers called for comments from the public or the Commissioners -
Norm Peck said that he was speaking as a resident and asked about the process and suggested that if there are substantial changes that perhaps they could approve the draft with the current changes and then open another public hearing with the other changes that they are working on so as to not drag out the process.

Mr. Goeschel said that he thought that they were okay with where they were and how they were handling this as there would be other expenses associated with advertising and holding a new public hearing and publishing changes.

Mr. Bowers called for a motion to continue this Public Hearing –

****MOTION (1)**

Mr. McPherson moved to continue this Public Hearing to the February 1, 2011 meeting of the Commission.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers adjourned this Public Hearing at 7:38 PM and continued it to the February 1, 2011 meeting of the Commission.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands Agency

Gary A. Goeschel II, Director of Planning /
Wetlands Enforcement Officer



East Lyme


108 Pennsylvania Ave
Niantic, Connecticut 06357

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MEMORANDUM

TO: East Lyme Planning Commission

FROM: Gary A. Goeschel II, Director of Planning 

DATE: January 4, 2011

RE: The Town of East Lyme, Applicant, Application for Subdivision
Regulation Amendments and Changes.

Upon review of the above referenced Application and supporting documentation, I offer the following:

1. A definition of Private Street and Roadway should be added to Section 2:

Private Street and Roadway – Any road not lawfully accepted by the Town or the State of Connecticut for public vehicular travel. A street which does not serve the public as a whole nor function within the Town's overall comprehensive transportation policy. Private streets are designed solely for the convenience of the residential properties that they serve and to provide access to and from local and other public streets. This shall mean streets, avenues, drives, roads, lanes, and any other way, exclusive of driveways, serving more than ____ (i.e 1, 2, 3, 4, ect...) lots intended for residential use only. Where required by Connecticut General Statutes, the Private Road and right-of-way shall be owned and maintained by a Common Interest Ownership Association in accordance with Connecticut General Statutes.

2. A definition of "Driveway" should be added to Section 2:

Driveway – A private vehicular access-way that has not been accepted as a public road by the Town or approved as a private road by the Commission and

3. A construction detail for a Private Road and a Driveway should be provided in the Appendices.
4. Section 7-4 Legal Transfer of Open Space – states "Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this section and shall be submitted in triplicate with the final subdivision maps to be filed. All documents must be acceptable to the Town Attorney and/or the Commission and shall refer to the approved subdivision map by title. All warranty deeds for the dedication of land to the Town shall be held in escrow by the Commission to be recorded on the land records upon acceptance by the Board of Selectmen." - The Commission may wish to consider clarifying "shall be submitted in triplicate with

boilerplate restriction

Sec. 9.4.1

Attachment PUI Planning 1/4/11

the final subdivision map” to read “shall be submitted in triplicate with the Record Subdivision Plan as defined in Section 2-2-20 of these regulations.”

5. Consider the inclusion of the Stormwater/LID Review checklist as recommended by the DEP OLIS as part of the Application Submission Requirements of Section 4-2.
6. As suggested by Mary Ann Chinatti, Town Planner/ZEO/WEO of the Town of Salem, consider adding “The total of all extension shall not exceed a ten (10) years.” to Section 9-1.
7. As indicated by ~~the~~ Bill Scheer, Town Engineer in his Memo dated January 4, 2011, to G. Goeschel, Director of Planning, the Water and Sewer and Public Works Departments did not receive referrals for the revised subdivision regulations. As the Public Works Department handles all Town solid waste pickup and have specific criteria to allow pickup on private property and the Water and Sewer Department may have concern regarding public utilities on private property, I would recommend both Departments review the proposed Subdivision Regulations.

Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357



Town Engineer
William A. Scheer Jr.

860-691-4101
FAX 860-739-6930

To: Gary Goeschel, Director of Planning
From: Bill Scheer, P.E., L.S. Town Engineer *W/S*
Date: January 4, 2011
Re: Comments and recommendations for Draft Subdivision Regulations

1. The definition of street in section 2-2-16 does not appear to specifically include private roads. This affects the interpretation of many of the other sections of the regulations.
2. The engineering department recommends modifying section 5-2-2 (D) *catch basins - manholes* xix to read "including top of grate elevations and slopes, headwalls"
3. Section 5-2-2(G) c references the 1985 "Connecticut guidelines for Soil Erosion and Sediment Control" This has been replaced with an updated 2002 edition.
4. Section 8-1 should reference the Department of Transportation Standard Specifications Form 816. The Form 813 is a much older publication.
5. Section 8-9-2 reads "Asphalt-coated corrugated metal pipes will be used on grades of ten percent (10%) or greater, or where there is a poor foundation condition. The proper gage is to be selected from the height of fill table in the Department of Transportation Drainage manual". The Engineering Department no longer recommends asphalt coated corrugated metal pipe and recommends deleting these sentences.
6. The Engineering Department recommends changing section 8-4-6 in its entirety to read: Underdrain shall be shown in areas of cuts for proposed roads. The note "road underdrains can be added or removed as deemed necessary at time of plan review or in the field by the Town Engineer" shall be added to all grading plans.
7. Section 8-6-2 only allows for pervious private sidewalks. The commission should consider allowing non-pervious materials with a proper explanation from the applicant and appropriate mitigation for the additional impervious surface.

*Replaces
whole section
with this*

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8. The typical road cross section in Appendix "A" does not reflect the design parameters for the private roads. (i.e. 25 ft right of way, 18' road width). This detail is referenced in numerous private road sections. The engineering department recommends having this detail reviewed further and updated prior to regulation adoption. Modifying the requirements for side slopes, guiderail requirements, and other aspects of this detail may allow private roads to assimilate into the land with less disturbance to the natural surroundings. Current road standards do not allow super-elevation or swales to be used for drainage. Both of these options should be examined for private roads.
9. Modify section 5-2-2 (F) viii to include **"show depth in inches to ledge and depth in inches to high water"** on the grading plan at the location of the test pit. This is frequently shown as a triangle with 3 numbers in it. Test pit number, depth to ledge, and depth to high water. This information is used to evaluate the design of road beds, driveways and foundation drains for underdrain, surface drainage requirements and cost estimates.
10. The Water and Sewer and Public Works Departments did not receive referrals for the revised subdivision regulations. The Public Works department handles all Town solid waste pickup and has very specific criteria that have to be met to allow pickup on private property. The Water and Sewer departments should also be consulted if water and sewer lines and services are to be installed in private roads.

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