

**EAST LYME PLANNING COMMISSION
PUBLIC HEARING I
Tuesday, FEBRUARY 1st, 2011
MINUTES**


The East Lyme Planning Commission held a Public Hearing on it's own Subdivision Regulation Amendments and Changes to Sections 1 through 11 and Appendices as applicable on February 1, 2011 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Bowers opened the continued Public Hearing and called it to order at 7:07 PM.

PRESENT: Mike Bowers, Chairman, George McPherson, Secretary, Francine Schwartz, Brian Schuch,

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

FILED IN EAST LYME TOWN
CLERK'S OFFICE

ABSENT: Mark Mangelinkx, Chris Sandford, Frank Balantic, Alternate, Brian Bohmbach, Alternate, Joan Bengtson, Alternate, ~~Brian~~ ~~at 9:55~~ ^{AM}



EAST LYME TOWN CLERK

Pledge of Allegiance
The Pledge was observed.

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 further comments.

Mr. Goeschel said that Attorney Carey has had the changes and that he has not as yet heard from him. He noted that the changes and suggestions that were made by Mr. Scheer, the Town Engineer had come from outer municipalities and that they had tweaked them to suit our Town.

Bill Scheer, Town Engineer said that the changes gave the developer some flexibility and that they have less impact on the environment. Some of the changes noted – they had gone back to the 50' ROW as the utilities indicated that it is necessary to have that land available. He noted that they had provided definitions for driveway, ROW, shared driveway and street.

Mr. Goeschel explained that in the update dated 1/27/2011 that they had further defined how the standards apply. (Attached at end of Minutes)

Mr. Scheer noted that they had limited the portion of a shared driveway to 10% from 15%. He said that they are also leaving the cul-de-sac in for the turn around at the end of a private road since garbage trucks are large and they need the room to turn around. He added that other changes could be made at a future time.

Mr. Goeschel noted there is a provision that the developer is responsible for bonding the street lighting.

Mr. Bowers referred to the bond form and said that the 30% - 30% - 25% seemed too rigid and suggested that they change it to 'as recommended by Town Staff and approved by the Commission'. The Commissioners agreed with that change.

Mr. Bowers said that he also thought that they were at the point where they could close this Public Hearing as the only comments that they do not have are the ones from the second attorney and since a lot of the language for the changes was culled from other Towns, they should be okay. He added that they also have had very little interest and few comments from the public or developers on these changes and the Public

Hearing has been open for months now. He concurred with Mr. Scheer that should they need to make other changes to specific items that they could do so later on.

****MOTION (1)**

Mr. McPherson moved to close this Public Hearing.

Mr. Schuch seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. Bowers closed this Public Hearing at 7:30 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Recommended Modifications to the Proposed Revisions to the East Lyme
Subdivision Regulations
January 27, 2011

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- 2-2-8 Driveway - a narrow stretch with a smoothed or paved surface, made for traveling by motor vehicle, carriage, etc., between two or more points leading from a street or other thoroughfare to a building, house, garage, etc.
- 2-2-14 Right-of-Way - An area dedicated to public or private use for pedestrian and vehicular access or public utilities.
- 2-2-16 Street - Shall include any public or private roadway located within a right-of-way designed, maintained, and used as a thoroughfare in accordance with the laws of the State of Connecticut and the ordinances of the Town of East Lyme, or recorded in the office of the East Lyme Town Clerk if constructed or accepted before the passage of state and local regulations. Shall include any Town road or State of Connecticut highway including:
- (1) Arterial Street - A Street providing for through traffic movement between areas and across the town.
 - (2) Collector Streets - A Street intended to move traffic from residential and light residential streets, and which is intended to accommodate presently or at any future time traffic other than that of the immediate neighborhood.
 - (3) Dead End Street - A Street having only one intersection with a through street, and having a turn-around entirely surrounded on its frontage with separate lots.
 - (4) Dead End Street (Temporary) - A street having only one intersection with another street and designed to be extended into adjoining undeveloped land, with a temporary turn-around.
 - (5) Residential Street - A Street intended to provide access to other roads from individual residential properties and to accommodate an average daily traffic volume between ~~5~~400 and 1500 vehicles.
 - (6) Light Residential Street - A Street intended to provide access to other roads from individual residential properties and to accommodate an average daily traffic volume less than ~~5~~400 vehicles. Classification of streets as residential or light

S:\Subdivision Regulations\Subdivision Regulation Amendments\CDD Conservation Development by Design\Private Street Info\StreetDefinition2.doc

Attachment Planning RH 2/1/2011

Recommended Modifications to the Proposed Revisions to the East Lyme
Subdivision Regulations

January 27, 2011

residential shall be based on the number of dwelling units having direct access to the street, the number of vehicle trips per day generated by each dwelling unit as estimated by the Institute of Traffic Engineers, and the projected volume of through traffic.

- (7) Local Street – A Street intended to provide access to other roads from individual residential properties.

2-2-10 Private Residential Street – A dedicated travel way owned in fee or in common which is not a portion of any building lot and which is restricted from public use. It 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 they serve and to provide access to and from local and other public streets. A private street is subject to the restriction that such street shall not be offered to, accepted by, or maintained by the Town of East Lyme.

3-8-2 Maintenance and Repair

- (A) Private streets shall be designed and constructed in accordance with the specifications found in these Regulations.
- (B) A private street is subject to the restriction that such street shall not be offered to, accepted by, or maintained by the Town of East Lyme.
- (C) The Town of East Lyme shall not be held responsible at any time for short or long term maintenance or repair of private road construction, street lights, signs, or other appurtenances.
- (D) The particular Common Interest Ownership Association being served by the private road shall be responsible for all short- and long-term maintenance and/or repair of the private road. The Association shall provide adequate proof to the Planning Commission that proper Association fees will be collected on a periodic, continuous basis from Association members. Adequate proof shall include but not be limited to provisions for road maintenance and repair inclusive of normal or emergency conditions. Provisions shall consider the useful life of the private road and replacement costs at the end of the useful life. Provisions shall consider routine costs for mandatory winter snow removal and ice control, along with minimum yearly inspections or a time frame acceptable to the Association and reports made by an

Recommended Modifications to the Proposed Revisions to the Lyme
Subdivision Regulations
January 27, 2011

appropriate registered professional engineer submitted to the Common Ownership Association and the Planning Commission for their use to determine road conditions.

6-2-5 Lot Access -

- (C) Notwithstanding that all lots shall meet the suitability requirements of this section, actual access to two (2) adjacent lots may be provided by a combined access drive. The Commission may permit more than two (2) lots to be served by a single access drive if it finds that no traffic hazard will result. If the proposed access will serve more than three (3) lots, then the access shall conform to the requirements of a private street.
- (D) All driveways shall be located, designed and constructed in a manner, which prevents erosion and minimizes driveway drainage onto existing or proposed streets and/or abutting properties and structural drainage facilities shall be incorporated into the driveway design and construction, as necessary, to prevent excessive drainage onto streets or abutting properties.
- (E) No driveway shall be greater than 15% slope at any point. Any driveway having a grade of 10% or more, but not exceeding 15%, shall be paved for the entire length of the driveway. Shared driveways shall not exceed 10% or more on the shared portion of driveway.
- (F) All driveways shall have a minimum width of ten (10) feet.
- (G) All driveways shall be paved with bituminous concrete from the edge of the street pavement to the edge of the street right-of-way. The Commission may require additional paving based on the location, environmental or geological concerns.
- (H) The Commission may determine that a minimum of one (1) turn-around, 20' by 20', will be required if the length of the driveway exceeds 300 feet, or if the surrounding terrain will pose a safety problem. The Commission may also, if it chooses, direct that the Town Engineer or Town Planner make such a determination as to the need for, and location of, any additional turn-around.

Recommended Modifications to the Proposed Revisions to the East Lyme
Subdivision Regulations

January 27, 2011

(I) All plans for subdivision and re-subdivision which show common driveways shall clearly state which lots are sharing the driveways. The Commission shall require a note to be placed on the plan stating that the deed(s) are to include all information regarding easements, rights and responsibilities regarding the common driveway. All proposed easements shall be shown on the plan with meets and bounds.

6-10-3

Private Streets or Roadways

(A) The Commission may approve a proposed street, roadway as a permanent private street or roadway if the Commission finds that such street shall not carry more traffic than is expected of a local street-Light Residential Street serving only abutting lots, that such street will not impair the orderly development of the neighborhood, that there will be safe and convenient circulation for vehicles and pedestrians, including emergency vehicles, and that there will be suitable arrangements for maintenance and repair.

~~(B) Private roads approved under the Conservation Design Development provision of the East Lyme Subdivision Regulations shall adhere to all Town road standards except where road grades are less than five percent along the entire length, a processed aggregate surfacing may be approved by the Commission. In addition, the Commission may approve a "T" or "Y" turnaround in lieu of a cul-de-sac.~~

(B) Private Streets or Roadways approved under the East Lyme Subdivision Regulations shall adhere to all Town road design standards. The design speed of 25 miles per hour shall be used for all private roads. The following items may deviate from the Town standards using the American Association of State Highway and Transportation Officials (AASHTO) "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400)" 2001 (LVR Guidelines) as amended and AASHTO's "A Policy on Geometric Design of Highways and Streets 2001" (for ADT<=400) as amended:

i. Road width of the paved portion of the road may be reduced to 18 feet.

ii. Private Streets or Roadways must demonstrate that the proposed street(s) meets the design requirements for Very Low-Volume Roads ADT < 400 as set forth in the "LVR Guidelines"

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Recommended Modifications to the Proposed Revisions to the East Lyme
Subdivision Regulations

January 27, 2011

and the "Policy on Geometric Design of Highways and Streets 2001" as amended and shall not exceed 400 ADT, now or in the future, using ten (10) ADT per household. The Proximity of lots to multiple entrances will need to be considered in determining ADT. Any subdivision proposing over 40 building lots shall require a traffic study with a trip generation and impact analysis demonstrating the private streets will not exceed 400 ADT.

- iii. The "LVR Guidelines" for guiderail placement may be utilized. The Planning Commission and/or Town Engineer may require guiderail in locations that are deemed necessary.
- iv. Curb may be eliminated if the shoulders slope away from the road and adequate roadside drainage is proposed and properly designed to handle a 25 year storm event. (Minimum cover over water lines must be maintained when crossing swales)
- v. Catch basins may be eliminated if no adjacent curb is proposed and the requirements of item "iv" are met.
- vi. Underdrain may be eliminated if proposed drainage swales are deep enough to intercept ground water and prevent ground water from reaching the base and sub-base of the proposed road.
- vii. Shallow drainage swales may be proposed when underdrain is installed below to satisfy the requirements for underdrain and item "iv".
- viii. Super-elevation may be proposed when the shoulder on the uphill side of the private road slopes away from the road to provide drainage for snow melt. (see number items iv, vi and vii)
- ix. The shoulder width shall be a minimum of 2 feet. Sightline for driveways on private roads shall be designed in accordance with the "LVR Guidelines" using a 25 mph design speed.

Recommended Modifications to the Proposed Revisions to the East Lyme
Subdivision Regulations

January 27, 2011

x. HDPE pipe may be used outside of the Town Right-of-Way (ROW) in the private road ROW. (Minimum diameter allowed is 15 inches)

~~(D)~~(C) The subdivision plans shall show the proposed street clearly labeled "Private Street".

~~(E)~~(D) The subdivision plans shall contain a note, approved by the Commission, which clearly states, "This Private Street will not be owned by the Town of East Lyme. All maintenance, repair, and services such as snow removal, sanding, and sweeping of the streets will be the responsibility of the abutting landowners."

(E) The subdivision plans shall contain a note approved by the Commission which clearly states, "The Town of East Lyme shall not be responsible for the initial cost, maintenance fees, or utility bills associated with all street sign or street lights located on a private road or adjacent to and serving a private road."

(F) The subdivision plans shall contain notes, approved by the Commission, which are intended to inform the purchasers of lots that certain public services may be restricted from the private street. Services such as refuse and recycling pickup, school bus access and postal delivery may be identified, based on the scope of services offered and public policies in effect at the time of approval.

~~(H)~~(G) The Record Subdivision Plan shall contain the notes required by Section 6-10-3 (D) and (E). The deeds for each proposed lot shall provide language, intended to inform the purchasers of lots, which clearly states, "this Private Street will not be owned by the Town of East Lyme. All maintenance, repair, and services such as snow removal, sanding, and sweeping of the street will be the responsibility of the abutting landowners and that certain public services may be restricted from the private street such as refuse and recycling pickup, school bus access and postal delivery."

(H) A written agreement, which provides for the permanent, cooperative, maintenance of the private street, by the owners of the lots that are served by the private street, shall be prepared and filed in the office of the Town Clerk with the Record Subdivision Plan. Such agreement may not be amended without the prior approval of the Commission. The agreement shall require that the developer is responsible for the maintenance and insurance of the private road and all associated costs. The developer's responsibility for the

Recommended Modifications to the Proposed Revisions to the Lyme
Subdivision Regulations

January 27, 2011

private road shall continue until such time that the ownership of the private road is transferred to the owners of the lots that are served by the private road, which shall not occur until such time that the Town deems the subdivision complete, as demonstrated by the final release of security. Should the developer fail to complete the required improvements, the Commission may use the security (bonded funds) to complete the remaining work. If more than 80% of the lots have been sold, then, at the discretion of the Commission and in cooperation with the homeowners, the security may be released to the owners of the lots served by the private street for the purpose of completing the required improvements.

(H)(I) The words "Private Street or Road" must appear on the street signs at the intersection of all private roads.

8-6-2 **Private Sidewalks** - All private sidewalks shall be designed to utilize permeable surfaces such as pervious concrete and asphalt, concrete block pavers, flexi-pave, plastic grid lock pavers, or stone dust or other material satisfactory to the Town Engineer, Town Planner, and as approved by the Commission. Stone dust and items such as gravel shall not be used.

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8-7 **STREET LIGHTING** – A minimum standard street lighting system shall be installed by the power company serving the area of the proposed subdivision with the cooperation of the applicant. The cost for the installation of any type of lighting fixtures and pole shall be paid by the applicant. The developer shall bond such lighting facilities with all other subdivision improvements.

8-13 **FIRE PROTECTION** – Where public water is available or required, fire hydrants may be required where necessary to insure public health and safety. Fire hydrants normally shall be located no more than five hundred (500) feet apart and shall be approved by the Water and Sewer Department. To eliminate future road openings, all underground utilities for fire hydrants, together with the hydrants, shall be installed before any final paving of a road shown on the subdivision plan.

In subdivisions where public water is not and will not be available, the Planning Commission may require the provision of alternative sources of water supply, such as a pond or cistern with dry hydrant connections, if it finds that the size of the proposed subdivision requires such a supply for fire protection purposes in order to insure public health and safety.

Recommended Modifications to the Proposed Revisions to the Lyme
Subdivision Regulations

January 27, 2011

~~8-13-1~~ In subdivisions with ten (10) lots or more having structures of 2,800 square-feet or less and located outside a public water supply area, there shall be a minimum 30,000 gallons of accessible firefighting water within 2,200 feet of each lot. In any subdivision or portion of any subdivision having structures greater than 2,800 square-feet, the minimum water supply for fire fighting shall be satisfactory to the Fire Marshal, and approved by the Commission. It shall be the responsibility of the applicant to notify the Fire Marshal of any application made under this Section and notice shall be sent by Certified Mail within seven (7) days of the submission of an application to Department of Planning.

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~~8-13-2~~ Any impounded water supply, such as a cistern, tank, or other approved storage facility, shall contain a minimum of 30,000 usable gallon. The supply shall allow the fire department to withdraw water at a rate not less than 1,000 gallons per minute at a maximum 15-foot lift using standard firefighting equipment. The facility shall be designed to have adequate year round access from a public street.

8-14 PRIVATE STREETS AND ROADWAYS – The traveled portion of the right-of-way may be constructed to a width of twenty (18) feet between curbs for a light residential street permitting traffic in two directions. The Commission may require a greater width upon recommendation of the Town Engineer. The traveled portion shall be centered in the right of way with a three-eighth (3/8) inch to one foot crown, except with special permission of the Town Engineer. ~~Private streets or roadways or common drives, shall have a right-of-way of not less than fifty (50) feet. Common access drives shall have a right-of-way of not less than twenty-five (25) feet. All private streets, roadways or common drives shall be constructed in accordance with the Typical Cross Section provided in Appendix A.~~

~~8-14-1~~ Private Streets or Roadways shall provide underdrain in all road cuts or as directed by the Town Engineer. A note shall be added to all site plan sheets indicating that "Underdrain may be subtracted or added by the Town Engineer at the time of construction, based on field conditions".

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~~(A) All driveway approaches shall provide for adequate site line so as to permit safe ingress and egress to and from the premises to be served.~~

~~(B) Any driveway approach shall be graded that it will not be necessary to change the established grade of the adjacent Town road~~

~~(C) If a driveway approach abuts a paved Town road, an apron of bituminous concrete or other suitable material as approved by the Planning Commission in consultation with the Town Engineer, shall be installed.~~

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Recommended Modifications to the Proposed Revisions to the East Lyme
Subdivision Regulations

January 27, 2011

~~(D) Construction standards for driveways and driveway aprons shall conform to the regulations set forth in Section 6-2-5 of these Regulations.~~

9-2 EROSION AND SEDIMENTATION CONTROL AND SITE RESTORATION BOND – The Commission may accept a bond in an amount and with other security and conditions satisfactory to it to secure erosion and sedimentation and site restoration as described in Sections 4-4-6, 5-3-1(C), 5-7, and 8-3-6. ~~—A passbook bond as described in Section 9-3-1 shall be required.~~

9-4 BOND FORM – Bonds shall be duly executed on forms provided by the town and available from the Town Planning Department, with proper reference to all maps and plans showing the streets, drainage, and other improvements covered by the bond. To ensure the completion of all required improvements, including storm drainage system, erosion and sedimentation control measures, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Record Subdivision Plan, Plan and Profile Plan, Grading Plan, Erosion and Sedimentation Control Plan, the Commission shall require, prior to the release of the signed Approved Maps (mylar copy) any one of the following:

~~9-4-1 Passbook Savings Bonds~~ – Bonds secured by a passbook savings account shall be accompanied by:

~~(1) The savings account passbook; the developer's tax identification number shall be on all passbook accounts.~~

~~(2) A withdrawal slip in the amount of the bond, properly endorsed and made payable to the town; and~~

~~(3) A letter from the bank acknowledging that the pledged account has been set up as a joint account with the Town of East Lyme and has been assigned to the town for the period established for the construction or installation of public improvements, and/or for erosion and sedimentation control/site restoration.~~

9-4-1 A deposit of cash with the Town, of an amount satisfactory to the Town Engineer and approved by the Commission which, will cover the cost of the improvements.

9-4-2 A security agreement, in a form acceptable by the Commission, which provides that no lots may be sold, or building permits issued until such time that all required improvements are complete, or cash deposited, as outlined in Section 9-4-1 for the remaining improvements.

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**Recommended Modifications to the Proposed Revisions to the East Lyme
Subdivision Regulations
January 27, 2011**

9-6-1 BOND REDUCTION SCHEDULE FOR PRIVATE ROADS

<p><u>First Release</u></p>	<p>Clearing Sanitary Sewer Storm Drainage Utilities Subgrade Base Material</p>	<p>ICE DETERMINED BY REG BOND REDUCTION 30% TOWN STAFF THE</p>
<p><u>Second Release</u></p>	<p>Binder Course Curbing Sidewalk Erosion and Sedimentation Control (Site Stabilization)</p>	<p>BOND REDUCTION 30%</p>
<p><u>Final Release</u></p>	<p>Turf Establishment Street Trees Top Course As Built Drawings Surveyor's Certification Removal of All Unauthorized Objects from Rights-of-Way Deeds Street Signage</p>	<p>BOND REDUCTION 25%</p>

*AS RECOMMEND BY TOWN STAFF
AND APPROVED BY
THE COMMISSION*

9-8-2 In the case of conditional or final approval a cash bond in the amount of \$10,000 or five percent of the cost of improvements excluding utilities not intended to be conveyed to the town, whichever is the greater amount, shall be posted with the Town of East Lyme. Such bond shall be accompanied by an agreement under which the Director of Public Works may draw on such funds, after adequate notice, to effect snow plowing or other maintenance necessary for the public health, safety and convenience. Such monies may also be used to pay any electrical charges necessary for street lighting. The extent of such payments to the Town shall be specified in the agreement with the Town of East Lyme.