

EAST LYME PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, JUNE 5th, 2012  
MINUTES

FILED IN EAST LYME  
June 11, 2012 AT 10:55 AM

*Bruce D. Owens* ATC  
EAST LYME TOWN CLERK

PRESENT: Mike Bowers, Chairman, Joan Bengtson, Jean DeGroot, Rita Palazzo,  
Frank Balantic, Alternate, Francine Schwartz, Alternate

ALSO PRESENT: Attorney Jeffrey McNamara, Representing the applicants  
Dave Coonrod, LS Representing the Applicant  
John Bonelli/Alexander Nebelung, Owner/Applicants  
Gary Goeschel, Planning Director  
Ernest Covino, Alternate

ABSENT: Brian Schuch, Secretary, Carolyn Nee

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 8:09 PM after the previously scheduled Public Hearing. He noted that he had seated Frank Balantic and Francine Schwartz, both Alternates, at the table this evening.

**Pledge of Allegiance**

The Pledge was observed.

**I. Additions to the Agenda**

Mr. Bowers asked if there were any additions to the agenda.

Mr. Goeschel said they had just received an application for a two-lot subdivision at 28 & 30 Attawan Road and asked that it be added under Pending Applications.

**\*\*MOTION (1)**

Ms. Schwartz moved to add the application for a two-lot subdivision at 28 & 30 Attawan Road under Pending Applications.

Ms. Bengtson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

**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. Bowers called for Public Delegations.

There were no Public Delegations.

**III. Approval of Minutes – Regular Meeting Minutes of May 1, 2012  
Workshop Meeting Minutes of May 15, 2012**

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of May 1, 2012.

Mr. Balantic said that he wanted it noted that with respect to the Scenic Road Ordinance that he was looking to make the language clearer based upon what the public had said that they wanted to see at the last public hearing that was held on the matter.

**\*\*MOTION (2)**

Ms. DeGrooth moved to approve the Planning Commission Regular Meeting Minutes of May 1, 2012 as amended.

Ms. Bengtson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Workshop Minutes of May 15, 2012.

**\*\*MOTION (3)**

Mr. Balantic moved to approve the Planning Commission Workshop Minutes of May 15, 2012 as presented.

Ms. Palazzo seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Ms. Bengtson, Ms. Schwartz

**IV. Pending Applications**

1. **Application of John Bonelli and Alexander Nebelung for a three lot re-subdivision of 1.91 acres of property located at 2 Old Black Point Road, Assessor's Map 08.3, Lot 82 and waivers of Section 7-2-3 through 7-2-4, Section 6-8-1 through 6-8-6 and Section 6-12-1 through 6-12-7.**

Mr. Goeschel said that they had just closed this Public Hearing and noted that they could deliberate now or they have 65 days to decide, and that the 65 days would take them to their August 7, 2012 meeting.

Mr. Bowers said that while he has not had the chance to digest everything that he did want to address the waivers. He recalled that they were for the sidewalks (to nowhere); for storm water (Mr. Scheer had found the waiver request to meet the exemption requirements) and the open space – they are talking about three lots of less than two acres total. He asked for discussion.

Ms. Schwartz said that he they worked on the development of the storm water regulations that they had much larger parcels in mind and that the regulations were written to make sure that things were adequately handled. Also in this discussion was the matter of the waivers which were made available for the smaller parcels.

Mr. Bowers asked about the sidewalk waiver and how they felt about that.

Mr. Balantic said that he feels that the Town ROW should provide for that.

Ms. Schwartz said that some areas just do not lend themselves to sidewalks.

Mr. Bowers asked if they would like to craft a motion with the waivers or table discussion on this until their August meeting.

Mr. Balantic said that he has read all of the information and that some of the items are just not pertinent here as the combined acreage is so small. He said that he feels comfortable moving on this now and going with Mr. Goeschel's recommendations as outlined in his letter to them.

Mr. Goeschel said that they could condition the vegetative buffer along the property line satisfactory to the Town Planner.

Mr. Bowers asked about the bond for the detention basin.

Mr. Goeschel said that they could not bond private improvements only public improvements and that the detention basin would have to be maintained through routine maintenance.

Mr. Balantic asked about Section 7-2-3 through 7-2-4 waivers for open space.

Mr. Goeschel said that they would opt not to enforce the Section 7 waivers as it is less than four lots.

Mr. Balantic said that he would make an attempt at a motion.

**\*\*MOTION (4)**

Mr. Balantic moved that based on the findings presented in Exhibit R, a Memorandum from Gary Goeschel, Planning Director dated June 5, 2012 to the East Lyme Planning Commission; to APPROVE the Application of John Bonelli and Alexander Nebelung, Applicants/Owners for a proposed three-lot re-subdivision of approximately 1.91 acres located at 2 Old Black Point Road, Niantic, CT; Assessor's Map 8.3, Lot 82 AND waivers of Section 7-2-3 through 7-2-4, Section 6-8-1 through 6-8-6 and Section 6-12-1 through 6-12-7 of the East Lyme Subdivision Regulations and; plans entitled 'Re-subdivision Plan, Lot 1, Attawan Park Commons, 2 Old Black Point Road, Niantic, CT prepared for John Bonelli & Alexander Nebelung, Scale 1" = 20', dated April 2, 2012 with revision of 6/1/2012 submitted 6/5/2012 prepared by David Coonrod, LS subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. An Erosion and Sedimentation Control Bond in the amount of \$4,000 be posted prior to any work, construction or site development, in a form acceptable to the Planning Commission and satisfactory to the Town Planner for the proposed re-subdivision.
2. A deed restriction to ensure that the detention basin is constructed and maintained in a functional manner.
3. Prior to filing the Final Re-subdivision Plan on the land record, revise the plan to show the water service tap for Lot 1A located further south on Attawan Road and Note (1) on Sheet 2 of 2 from 'Old Black Point Road' to 'Attawan Road' regarding the sewer service line, to the satisfaction of Brad Kargl, Municipal Utilities Engineer.
4. Prior to filing the Final Re-subdivision Plan on the land record a note shall be added to the plan indicating the garage shall be removed within 90 days of filing the plans on the land record to prevent creating a Zoning violation.
5. Installation of a vegetative buffer on the northern boundary line for abatement of light pollution and water run-off control.

The above items shall be accomplished prior to the filing of the re-subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

This approval is specific to the re-subdivision plan submitted as the Application of John Bonelli and Alexander Nebelung, any changes in the re-subdivision plan, any modifications of this approval, or any change in the development plan layout other than those identified herein, shall constitute a new application.

The owner/applicant shall be bound by the provisions of this Application and approval.

Ms. Bengtson seconded the motion.

Ms. Schwartz asked if the waivers needed to be done separately.

Mr. Goeschel said no, they were included in this motion.

Mr. Bowers called for a vote on the motion.

Vote: 6 – 0 – 0. Motion passed.

**2. Application for a two lot subdivision at 28 & 30 Attawan Road**

Mr. Goeschel said that this was submitted today however; not all of the information was submitted with the application so there is information forthcoming. He noted that this is more of a paper formality and that he had informed the applicant that if they submitted the application that it would start the clock ticking. He said that they are aware that it would probably be taken up at the August 7, 2012 meeting of the Commission.

Mr. Bowers asked if this is to correct an issue that has been around for a number of years.

Mr. Goeschel said that it is a technically unenforceable zoning violation.

Mr. Bowers said that if it is for a re-subdivision of two lots that it would need a Public Hearing and that they could do it on August 7, 2012.

**V. Current Subdivision Approval/Construction Reports**

**1. Bridebrook Estates, Developer Bridebrook Knoll, LLC**

Mr. Goeschel said that this was on the agenda so that he could update them on it. They have secured the bond monies in the account held by the Town of East Lyme and had Norman Wood construct the drainage

outlet. A level spreader type of outlet was necessary. They have also received the Mylars of the road and he said that he hopes to have everything pushed along before the winter season so that they can suggest that the Board of Selectmen approve the road.

#### **VI. Zoning Referrals (CGS 8-3a)**

- 1. Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Map Section 22.6 – Areas of Exemption from Parking Requirements by adding the following properties to the parking overlay zone: 85 & 95 Pennsylvania Ave.; 11 & 9 Lake Avenue; 413 & 409 Main Street; 416, 393-3, 385, 377, 369-3, 357-3, 345-4, 335 Main Street; 400 Main Street; 386-3, 380, 374, 364-6, 344-8, 338 Main Street; 5 Baptist Lane and Main Street.**

Mr. Goeschel explained that this extension of the overlay zone will ease some of the parking requirements which will help businesses such as the restaurants in the area. They are looking to foster some further economic development in this area.

Mr. Balantic asked if someone would be opposed to this because it fosters more economic development and all that it brings with it.

Mr. Goeschel said perhaps – he added that they have taken the area where Care & Share used to be and made that into additional parking during one of the streetscape projects and this has helped the businesses in the area.

#### **\*\*MOTION (5)**

**Ms. Schwartz moved to find the Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Map Section 22.6 – Areas of Exemption from Parking Requirements by adding the following properties to the parking overlay zone: 85 & 95 Pennsylvania Ave.; 11 & 9 Lake Avenue; 413 & 409 Main Street; 416, 393-3, 385, 377, 369-3, 357-3, 345-4, 335 Main Street; 400 Main Street; 386-3, 380, 374, 364-6, 344-8, 338 Main Street; 5 Baptist Lane and Main Street CONSISTENT with the goals and objectives of the 2009 POCD as amended to further foster economic development in the downtown area.**

**Ms. Palazzo seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

- 2. Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Regulations Section 20.27 Item 2 to allow an additional 450 sq. ft. for outdoor dining adjacent to a public sidewalk.**

Mr. Bowers said that this probably also falls under economic development.

Mr. Goeschel said that he would only caution that they look at the plan to make sure that it is not in conflict with the public walk way or parking. He noted that they also do not have to grant the full 450 sq. ft.

#### **\*\*MOTION (6)**

**Mr. Balantic moved to find the Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Regulations Section 20.27 Item 2 to allow an additional 450 sq. ft. for outdoor dining adjacent to a public sidewalk CONSISTENT with the goals and objectives of the 2009 POCD as amended to further foster economic development within the Town.**

**Ms. Bengtson seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

- 3. Application of Peter T. Tytla, Owner for a zone change from CA to RU-40 for property identified in the application as 91 Boston Post Road, Assessor's Map 31.0, Lot 2.**

Mr. Bowers said that there is 5.6 acres here and that half is CA and the other half is RU-40 and that the applicant wants to make all of it RU-40. He asked Mr. Goeschel why.

Mr. Goeschel said that as he understood, it was because the applicant had attempted to get a reverse mortgage and was unsuccessful due to the two different uses of his property. It would be up to the Zoning Commission to consider if it is spot zoning as it could be considered that it would open it up to subdividing. Aside from the loss of the CA land, the adjacent land is RU-40 and he said that he is not sure that it would change the character of the neighborhood.

Mr. Bowers asked if it affects the larger picture of the Gateway project.  
Mr. Goeschel said that there would be less property available.

Mr. Balantic said that when the designations were first drawn up that there was a bigger plan.  
Mr. Bowers said that he thinks of the Gateway Commons and the bigger picture.

Mr. Goeschel said that the existing structure on the land may have some value.  
Ms. Lange asked to explain the history of the property and said that the house does have value as Mr. Tylla was known for doing Disney animations.

Mr. Goeschel said that he would note to the Zoning Commission to look east of Latimer Brook to a larger area if they are going to re-zone. It appears that this is neither consistent nor inconsistent. The area is however concentrated around the four corners business section.

**\*\*MOTION (7)**

Mr. Balantic moved to find the Application of Peter T. Tylla, Owner for a zone change from CA to RU-40 for property identified in the application as 91 Boston Post Road, Assessor's Map 31.0, Lot 2, **CONSISTENT** with the goals and objectives of the 2009 POCD for multimodal development opportunities.

Ms. Palazzo seconded the motion.

Vote: 2 – 2 – 2. Motion failed.

For: Mr. Balantic, Ms. Palazzo

Against: Ms. Bengtson, Mr. Bowers

Abstained: Ms. DeGrooth, Ms. Schwartz

**VII. 8-24 Referrals (Municipal Improvements)**

There were none.

**VIII. Other Business**

▪ **New Business**

1. **Request of KSK Associates, LLC for a letter of support for the Open space and Watershed Protection Grant Application of the Woodsman's Trust for the acquisition of approximately 170 acres**

Mr. Goeschel explained that this parcel of land fronts on the turnpike. It is known as 'bird land' and access to it is from Goldfinch Terrace. He said that he has met with the landowner who has pursued the Town for a grant but the Town does not have the funds but would support the landowner's intent to pursue the grant on his own. In order for him to pursue it the 'Woodsman's Trust' was set up and they will make the application and absorb the expenses. If the grant is awarded, the area has to be open to the public.

Mr. Balantic asked if this land was in the path of the Route 11 project.

Mr. Goeschel said that the landowner had claimed that it would have been part of the Route 11 Greenway.

Ms. Schwartz asked if there would be any issues with any of the neighbors.

Mr. Goeschel said possibly however the intent is watershed protection and passive recreation.

Mr. Bowers said that the question remains regarding the plans for that property with regard to Route 11.

Mr. Balantic commented that the owner is probably tired of paying taxes on the property and this is a way that would offer relief from that.

Mr. Bowers said that he is not certain that they should support this as while it would appear to have a good motive, there may be others and they are not sure about Route 11.

Ms. DeGrooth said that she thinks that they need more information on this. She asked who the landowner is and who Woodsman's Trust is.

Mr. Goeschel said that Mr. Harney is the landowner and that he and John Ellis are Woodsman's Trust. He noted that they need the letter of support now as the deadline is June 28, 2012.

Ms. Bengtson asked why they waited so long with this request when the deadline is so close. Mr. Goeschel said it was because they originally thought that the Town was going to be a part of this but it requires money that we do not have. They later found out from the State that they could just send a letter of support which would help the process.

Ms. Bengtson said that she is uncomfortable giving a letter when she does not know enough about this.

**\*\*MOTION (8)**

Mr. Balantic moved in the Request of KSK Associates, LLC to find it **CONSISTENT** with the **POCD** to provide a letter of support for the **Open Space and Watershed Protection Grant Application** of the **Woodsman's Trust** for the acquisition of approximately 170 acres of land located north of I-95 and the Niantic River along the East Lyme/Waterford Town Boundary.

Ms. Schwartz seconded the motion.

Vote: 4 – 2 – 0. Motion passed

Against: Ms. Bengtson, Ms. DeGroot

▪ **Old Business**

**1. POCD Chapter 4: Economic Development Updates and Chapter 2 – Demographics & Development Patterns**

Mr. Goeschel reported that he and Mr. Schuch had attended a course on Economic Development and got some good ideas for Chapter 4. They are in the process of working on it. He also reported that he is working on getting Chapter 2 updated.

Mr. Bowers said that it would probably be more practical to put Chapters 2 and 8 to public hearing for update.

**2. Scenic Road Ordinance**

Mr. Balantic said that he received the State guidelines for Scenic Roads and that they look quite similar to what we have.

**X. Reports**

**1. Chairman**

Mr. Bowers said that he would not be available for the July 3, 2012 meeting and that he had heard from others who also would not be around. He suggested that they cancel that meeting.

The consensus of the members was to cancel the meeting.

**\*\*MOTION (9)**

Ms. Schwartz moved that the **July 3, 2012 Regular Meeting of the Planning Commission** be cancelled.

Mr. Balantic seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

**2. Zoning Representative**

Ms. Schwartz said that she had attended the May 3, 2012 meeting and that they had many outdoor dining renewals and a lot of discussion.

**3. Regional Planning Commission Representative – Brian Schuch, Luane Lange**

There was no meeting to report on.

**4. Subcommittees**

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

Mr. Goeschel said that he and Ms. Schwartz have met and that they are continuing to move forward on this. He said that he will also have help from two interns.

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

Mr. Goeschel said that Mr. Schuch is working on some mapping.

▪ **POCD – Chapter 4 – Economic Development Subcommittee**

Mr. Goeschel said that he had attended a crash course in Economic Development and would work out a schedule for them to meet on this.

**5. Ex-Officio – Holly Cheeseman**

There was no report.

**6. Staff/Communications**

Ms. DeGroot said that she thinks that there is a lot more that they can do with the drainage issues and that she is not in favor of granting so many waivers. She said that she feels that she was put on this Commission to ask these questions and to get answers. She said that she recently went to a seminar at UCONN and thinks that they should be using the UCONN maps rather than the GIS maps. She said that their climate adaptation maps are phenomenal. She also said that she thinks that they should be looking at Low Impact Development and that at the seminar they said that all the developers know the 'buzz words' to use – of which 'open space' is the newest.

Mr. Bowers asked Mr. Goeschel if the UCONN mapping competes with the GIS.

Mr. Goeschel said that he would have to speak with them and ask about the fee as he does not think that it is free.

Ms. DeGroot said that she thought that the developers should bring smart boards so that they would not have to play with papers as everything is electronic these days.

Mr. Goeschel said that the room has constraints that do not allow for what they would like to do.

**ADJOURNMENT**

**\*\*MOTION (10)**

**Mr. Balantic moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 10:00 PM.**

**Ms. Bengtson seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

