

EAST LYME PLANNING COMMISSION

Regular Meeting

**Tuesday, September 3, 2013**

PRESENT: Brian Schuch, Chairman, Rita Palazzo, Frank Balantic, Secretary, Ernie Covino, Joan Bengtson, Sami Yusuf, Alternate \*\*Sat as Regular Member

ALSO PRESENT: Gary Goeschel, Planning Director, Ex-Officio, Rose Ann Hardy

ABSENT: Francine Schwartz

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

**Pledge of Allegiance**

The Pledge was observed.

FILED IN EAST LYME  
CONNECTICUT  
Sept 6, 2013 AT 10:10 AM/PM  
C. J. G. AR  
EAST LYME TOWN CLERK

**I Additions to the Agenda**

There were no additions to the Agenda.

**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. Schuch called for Public Delegations.

There were no Public Delegations.

**III Approval of Minutes- Regular Meeting Minutes of August 6, 2013**

Mr. Schuch called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of August 6, 2013.

**\*\*Motion (1)**

Mr. Covino moved to approve the Planning Commission Regular Meeting Minutes of August 6, 2013.

Ms. Palazzo seconded the motion.

Mr. Schuch stated that on the top of page 3 where it reads *Mr. Schuch questioned whether the Archeologist should be called given that Calkin's Tavern once stood there*, that he would like to note that he asked Mr. Harris a direct question, that given the request for a waiver on the archeological survey he asked (Mr. Harris) if he knew of any historical value to the site, and he responded no. Mr. Schuch noted that the discussion mentioned on the top of page 3 followed his question to Mr. Harris.

**\*\*Motion (2)**

Mr. Covino moved to approve the Planning Commission Regular Meeting Minutes of August 6, 2013 as Amended.

Ms. Palazzo seconded the motion.

Vote: 5-0-1. Motion passed.

Mr. Balantic abstained from the Vote due to his absence from the August 6, 2013 Meeting.

#### **IV Public Hearing**

- A. Application of GPF Flanders Plaza, LLC, owner for waivers from Section 4-2-3 (A),(B),(C),(J), Section 4-2-4 through Section 4-2-15, and Section 7-2-1 of the East Lyme Subdivision Regulations, and for a two lot subdivision of 6.13-acres of property located at 15 Chesterfield Road, East Lyme, CT, property identified on the East Lyme Assessor's Map # 31.1, Lot 55.

Mr. Schuch opened the Public Hearing portion of the Meeting which is a continuation of the Hearing held on August 6, 2013. Mr. Goeschel introduced two additional items for the record, Exhibit X, the revised site plan dated June 3, 2013 revised through August 7, 2013 and Exhibit Y, Mr. Goeschel's Memorandum dated September 3, 2013.

Mr. Goeschel stated that the Public Hearing needs to be closed by September 10, 2013 and pointed out the cross-hatched Conservation Easement along Latimer Brook, which now exists on the Map. He noted that the Easement fulfills the intent that the Planning Commission desired and that he spoke with Nick Ballentonio of the State's Archeological Office, who confirmed that given the existing development of the property it is unlikely any historical artifacts remain intact but that the Conservation Easement is efficient to preserve anything that might remain.

Attorney Theodore Harris of 351 Main Street came forward on behalf of GPF Flanders Plaza, LLC. He stated that this is an Application for a subdivision of a portion of Flanders Plaza, specifically relating to the portion of the property currently occupied by CVS Pharmacy.

Mr. Harris briefly reviewed his comments from the August 6, 2013 Meeting to clarify his request for those Commission Members who were not in attendance. He explained that the plaza was originally constructed in the mid 1970's and renovated in 2009, when McDonalds was relocated and the CVS Pharmacy was built.

Mr. Harris clarified for the Planning Commission that no physical changes would occur, that the purpose of the subdivision is to isolate, for ownership purposes only, the CVS portion of the premises, and to revise existing cross easements within the plaza to reflect the differences in ownership. The site would operate as one entity, which is how it operates today. No one driving through the plaza will notice a difference. The proposed lot line would replace an existing lease line between the plaza owners and CVS Pharmacy.

Mr. Harris explained that the waiver requests are not actually relevant to the site because it is already built rather than an application for new construction. No disturbance of the site would occur thereby negating the necessity for a Natural and Cultural Resources and Site Analysis Plan (A), an Archeological Survey (B), or a Biological survey (C). The site is also unique as it relates to the waiver request for Open Space (J), given that the site is entirely commercial and no functional open space exists.

## **V Zoning Referral**

There were none.

## **VI 8-24 Referrals (Municipal Improvements)**

- A. Request of the Town of East Lyme for an 8-24 Referral for the construction of an emergency access road between Giants Neck Road and Rocky Neck State Park.

Mr. Goeschel included a map in the Member's Packet (Exhibit 1A) which details the proposed emergency access road. The road would aid in evacuating residents of Giant's Neck due to storms or other such emergencies that might otherwise prevent their ability to depart the neighborhood. The location of the emergency access road will be between Dell Lane and Hill Road.

Mr. Schuch asked who holds the keys for an emergency road and Mr. Goeschel stated that the State of Connecticut and East Lyme Emergency Management would both have a set of keys to the fenced road. Mr. Balantic wondered if a larger area on the back side of the road might serve as a better location for emergency access. Mr. Covino stated that the area Mr. Balantic is referring to is merely a footpath so it would not meet the proposed needs of an emergency access road.

Mr. Schuch asked what would be opposite the proposed road in terms of Route 156. Mr. Goeschel stated that Indians Woods Road and Spinnaker are opposite and a trail again would only be available, and therefore not a viable option.

Ms. Bengtson asked how large the trees are that would have to be removed in order to create the emergency road and Mr. Goeschel stated that the largest tree is 24 inches.

Mr. Balantic asked what chapter of the POCD this referral would be relevant to. Mr. Goeschel commented that it would approve the area as well as transportation and safety.

**\*\*Motion (3)**

**Mr. Balantic moved to approve the 8-24 Referral for the construction of an emergency access road between Giants Neck Road and Rocky Neck State Park.**

**Ms. Bengtson seconded the motion.**

Mr. Schuch stated that the Application is consistent with Chapter 1, Section 7.1 of the East Lyme POCD and that he would like to amend Mr. Balantic's Motion to note this consistency.

**\*\*Motion (4)**

**Mr. Balantic amended his motion and moved to approve the Referral finding that the Referral is consistent with the POCD regarding circulation and transportation in the objectives of Chapter 1, Section 7.1.**

**Ms. Bengtson seconded the amended motion.**

**Vote: 6-0-0. Motion passed.**

- B. Request of the Town of East Lyme for an 8-24 Referral for the construction of a water main connection on Manwaring Road.

Mr. Goeschel informed the Commission that the Referral is actually for a water main extension, that the water main along Shore Road has had repeated failures since its installation. He included a map detailing the Referral in the Member's Packet (Exhibit 1B). He further explained how the residents south of Shore Road often have to go without water since the water has to be turned off in order for repair work to be completed. A connection of the water main across Terrace Avenue to the front of Barrett Drive will allow the water on Shore Road to be turned off for repair while still providing water to the residents of Shore Road.

Mr. Goeschel added that the Referral is consistent with objective 6.2 of the POCD, and that the Water and Sewer Department are researching repairing Shore Road but that it will be a future project. Mr. Schuch asked if the Referral was a straightforward solution and Mr. Goeschel responded that yes it is and that it will also be a long term solution. Mr. Schuch observed that the Referral seems to be consistent with the POCD.

**\*\*Motion (5)**

**Mr. Balantic moved to approve the request of the Town of East Lyme for an 8-24 Referral for the construction of a water main connection on Manwaring Road as consistent with the POCD specifically objective 6.2 regarding water supply.**

**Ms. Palazzo seconded the motion.**

**Vote: 6-0-0. Motion passed.**

**VII OTHER BUSINESS**

**A New Business**

There was none.

**B Old Business**

- i. Request of Jeffrey A. Torrance, for New England National, LLC for a release of a \$6,000.00 Erosion and Sedimentation Bond for Phase 5 of the Darrow's Ridge Subdivision.

Mr. Goeschel stated that he included four pictures (Exhibit 1C) as well as a location map (Exhibit 1D) of where the pictures were taken. One picture is the driveway looking west and another is the area at the culvert which goes underneath the driveway and is heavily vegetated. Mr. Goeschel stated that the pictures show there is no erosion issue, the site is stable, and the bond can be released.

**\*\*Motion (6)**

**Mr. Covino moved to approve the Request of Jeffrey A. Torrance, for New England National, LLC for a release of a \$6,000.00 Erosion and Sedimentation Bond for Phase 5 of the Darrow's Ridge Subdivision. Mr. Yusuf seconded the motion.**

Mr. Goeschel and the Commission discussed the merits of adding that the culvert was specifically for a private driveway and that the bond is held in trust by Mr. Harris' Law Firm.

**\*\*Motion (7)**

**Mr. Covino moved to amend his motion and to approve the Request of Jeffrey A. Torrance, for New England National, LLC for a release of a \$6,000.00 Erosion and Sedimentation Bond for Phase 5 of the Darrow's Ridge Subdivision specifically a culvert associated with a private driveway being held in Trust by Attorney Theodore Harris.**

**Mr. Yusuf seconded the amended motion.**

**Vote: 6-0-0. Motion passed.**

- ii. Application of GPF Flanders Plaza, LLC, owner for waivers from Section 4-2-3 (A),(B),(C),(J), Section 4-2-4 through Section 4-2-15, and Section 7-2-1 of the East Lyme Subdivision Regulations, and for a two lot subdivision of 6.13-acres of property located at 15 Chesterfield Road, East Lyme, CT, property identified on the East Lyme Assessor's Map # 31.1, Lot 55.

Mr. Schuch noted that this Application was the discussion of this evening's Public Hearing.

**\*\*Motion (8)**

**Ms. Palazzo moved that based upon the above findings of Mr. Goeschel's Memorandum to the Planning Commission dated September 3, 2013, The Planning Commission moves to approve the application known as Application of GPF Flanders Plaza, LLC, owner for waivers from Section 4-2-3 (A),(B),(C),(J), Section 4-2-4 through Section 4-2-15, and Section 7-2-1 of the East Lyme Subdivision Regulations, and for a two lot subdivision of 6.13-acres of property located at 15 Chesterfield Road, East Lyme, CT, property identified on the East Lyme Assessor's Map # 31.1, Lot 55 and 55.1 and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:**

- The proposed cross easements regarding water, sanitary sewer, gas, electric, stormwater conveyance systems, ingress/egress, parking facilities drainage, etc... shall be recorded upon the filing of the Record Subdivision Plan. A note shall be added to the Subdivision Plan indicating the same.

The above items shall be accomplished prior to the filing of the subdivision on the land records, or other documentation of planning approval. This approval is specific to the subdivision plan submitted as the application of GPF Flanders Plaza, LLC, any changes in the subdivision plan, development plan layout, or modifications of this approval 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.

Vote: 6-0-0. Motion passed.

## VIII REPORTS

### 1. Chairman

Mr. Schuch stated that he had nothing to report at this time.

### 2. Ex-Officio- Rose Ann Hardy

Ms. Hardy stated that the Board of Selectman did not meet during the month of August, so she has nothing new to report.

### 3. Zoning Representative

#### a. 8/8/2013- Special Meeting

Ms. Palazzo attended the Special Zoning Meeting of August 8, 2013 and stated that it was a very short meeting consisting of the approval of the Livestock Zoning Proposal as well as the approval of the construction and reinforcement of the coastal concrete seawall on Giants Neck Road.

#### b. Liaison Schedule

1. 9/5/2013- Ms. Palazzo
2. 9/19/2013- Mr. Schuch
3. 10/3/13- Ms. Schwartz

### 4. Regional Planning Commission Representative- Brian Schuch, Luane Lange

Mr. Schuch stated that he had nothing new to report.

### 5. Subcommittees

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

Ms. Schwartz was not in attendance.

Mr. Goeschel had nothing to report.

#### **6. Staff Communications**

Mr. Goeschel stated that he still working on his application for the grant which would involve a joint study between the National Guard, East Lyme, Old Lyme and Lyme involving Stone Ranch and Camp Niantic due to Federal criteria changes.

Mr. Goeschel noted that hopefully by the end of the week the Municipal Tree Nursery at Bridebrook will begin construction.

#### **ADJOURNMENT**

##### **\*\*Motion (9)**

**Ms. Bengtson moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:18 PM.**

**Mr. Yusuf seconded the motion.**

**Vote: 6 -0-0. Motion passed.**

Respectfully submitted,



Brooke Stevens,  
Recording Secretary

