

EAST LYME PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, SEPTEMBER 6th, 2011  
MINUTES

Sept 12 20 11 at 11:40 (AM)  
PM

*Esther B Williams*

EAST LYME TOWN CLERK

**PRESENT:** Mike Bowers, Chairman, George McPherson, Secretary, Joan Bengtson,  
Frank Balantic

**ALSO PRESENT:** Gary Goeschel, Planning Director  
Jack Hogan, Ex-Officio - Board of Selectmen

**ABSENT:** Brian Schuch, Francine Schwartz, Brian Bohmbach, Alternate

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 8:40 PM after the previously scheduled Public Hearing.

**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 that there were none.

**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 none.

**III. Approval of Minutes - Regular Meeting Minutes of June 7, 2011  
Special Meeting Minutes of July 26, 2011  
Regular Meeting Minutes of August 2, 2011**

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of June 7, 2011.

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

Mr. McPherson moved to approve the Planning Commission Regular Meeting Minutes of June 7, 2011 as presented.

Ms. Bengtson seconded the motion.

Vote: 4 - 0 - 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Special Meeting Minutes of July 26, 2011.

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

Mr. McPherson moved to approve the Planning Commission Special Meeting Minutes of July 26, 2011 as presented.

Mr. Balantic seconded the motion.

Vote: 4 - 0 - 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of August 2, 2011.

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

Mr. McPherson moved to approve the Planning Commission Regular Meeting Minutes of August 2, 2011 as presented.

Ms. Bengtson seconded the motion.

Vote: 3 – 0 – 1. Motion passed.

Abstained: Mr. Balantic

**IV. Pending Applications**

1. **Mary Kent, Applicant/Owner - Application for a 2-Lot Subdivision of land, located at 105 East Pattagansett Road, Assessor's Map 16-3, Lot 80, Niantic, CT**

Mr. Goeschel said that this application had been withdrawn and that he received a letter of withdrawal. It was a first cut free split creating two lots and not a subdivision.

2. **Tom Kalal, Applicant – Application for Scenic road Designation of approximately 16,685.85 linear feet of Grassy Hill Road and approximately 8,586.63 linear feet of Walnut Hill Road.**

Mr. Goeschel said that they had just continued this Public Hearing to their Regular Meeting of October 4, 2011.

Mr. Balantic said that he thinks that the two roads should be separate entities rather than grouped together.

Mr. Goeschel said that they could vote on them separately or on portions there of.

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

1. **Four Mile River (aka Miranda Way) – Bond Release Request of MJ Holdings to release the remaining bond amount of approximately \$16,234.98 for the completion of public improvements.**

Mr. Goeschel said that they would have held 2% for a year however the year has run out and additionally the new Public Act prohibits the Town from holding that maintenance bond.

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

Ms. Bengtson moved to approve the request of MJ Holdings to release the remaining bond amount of approximately \$16,234.98 for the completion of public improvements for the Four Mile River/Miranda Way subdivision.

Mr. Balantic seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

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

1. **Town of East Lyme, Applicant – Application to amend the East Lyme Zoning Regulations adding new Section 20.29 Architectural Design Review Guidelines.**

Mr. Goeschel said that there are a number of 'shoulds', 'shalls' and 'musts' which – while the intent is for these to be guidelines, the 'musts' would be regulations. However there are areas that would meet the objectives of the POCD.

Mr. Bowers said that should, shall and must all mean the same thing and they are not optional and the title of the section states that they are 'Guidelines'. He said that he would feel better about this if it did not say guidelines.

Mr. Goeschel said that he would not be averse to changing the title from 'guidelines' otherwise, it is okay.

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

Mr. Balantic moved to find the application of the Town of East Lyme to amend the East Lyme Zoning Regulations adding new Section 20.29 – Architectural Design Review Guidelines consistent with the goals and objectives of the 2009 Plan of Conservation and Development as amended.

Mr. McPherson seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

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

There were none.

## **VIII. New Business**

### **1. Application of the Town of East Lyme to amend Section 9 – Assurance for Completion and Maintenance of Improvements of the East Lyme Subdivision Regulations pursuant to Public Act 11-79 effective October 1, 2011.**

Mr. Bowers said that this is the issue with the bonds.

Mr. Goeschel noted that they cited cash bonds but the State approved Public Act #11-79. He said that he has asked the Town Attorney to review this and should have a revised draft by their next regular meeting. He said that they can still require cash bonds but they have to also accept other forms such as surety or letters of credit.

## **IX. Old Business**

### **1. POCD Chapter 8: Circulation and Transportation**

Mr. Goeschel noted that they have been provided with a copy of this chapter for their review and discussion at the workshop meeting.

## **X. Reports**

### **1. Chairman**

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

### **2. Zoning Representative**

Mr. Balantic said that he would be attending the Zoning meeting this Thursday.

Mr. McPherson said that he would also be attending it.

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

This group only meets once per year.

### **4. Subcommittees**

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

Mr. Goeschel said that he has provided them with a Mission Statement and Goals – similar to those from the State.

#### **• 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 said that as they knew, the Darrow Pond land purchase had passed at referendum.

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

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

## **ADJOURNMENT**

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

Mr. McPherson moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:22 PM.

Mr. Balantic seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

