

EAST LYME PLANNING COMMISSION

Regular Meeting

Tuesday, September 17, 2013

PRESENT: Brian Schuch, Chairman, Rita Palazzo, Frank Balantic, Secretary, Ernie Covino, Joan Bengtson, Sami Yusuf, Alternate

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

ABSENT: Francine Schwartz, Sami Yusuf, Alternate

Chairman Schuch called this Regular Meeting of the Planning Commission to order at 7:09PM.

Pledge of Allegiance

The Pledge was observed.

FILED IN EAST LYME
CONNECTICUT
Sept 20, 2013 AT 11:00 AM/PM
I. CALLIN PALAZZO, ATC
EAST LYME TOWN CLERK

I Additions to the Agenda

Mr. Schuch stated that a procedural matter to add the Scenic Roads Brochure to this evening's Planning Commission Agenda under New Business, item A2.

****Motion (1)**

Mr. Balantic moved to add the Scenic Roads Brochure to the Agenda.

Ms. Palazzo seconded the motion.

Vote: 5-0-0. 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. Schuch called for Public Delegations.

Camille Alberti of 7 Darrow's Court came forward and questioned the protocol of what comes on the Agenda for each Planning Commission Meeting. She stated that the Agenda was amended but that it was not posted on the website and expressed concern regarding topics being discussed that the public is unaware of.

Mr. Goeschel explained that the amended Agenda has to be filed within twenty-four hours of the Meeting with the Town Clerk's office, and that the statutes require that if the Town has a website, Agendas should be posted. Mr. Goeschel added that the Town has limited staffing and an Administrative Assistant out on leave, which is why the Amended Agenda was not posted on the website. He stated that the Town tries to publish Meeting information as quickly as possible.

Mr. Schuch stated that Ms. Alberti brings up an important point, members of the public are going to assume that the website contains the most up to date Meeting information.

III Approval of Minutes- Regular Meeting Minutes of September 3, 2013

Mr. Schuch called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of September 3, 2013. There were no corrections.

****Motion (2)**

Mr. Covino moved to approve the Planning Commission Regular Meeting Minutes of September 3, 2013.

Ms. Bengtson seconded the motion.

Vote: 5-0-0. Motion passed.

IV Public Hearing

There were no public hearings scheduled.

V Zoning Referral

1. Petition of Timothy S. Hollister for Landmark Development Group, LLC and Jarvis of Cheshire, LLC to rezone 140 acres from its existing zoning designation to Affordable Housing District for property identified in the application as Boston Post Road, East Lyme Assessor's Map 31.0, Lot 4, and 23 Calkins Road, East Lyme Assessor's Map 32.0, Lot 1. (Zoning Public Hearing October 17, 2013).

Mr. Goeschel noted that the property has had four zone application changes in the past and that this Application could be considered Landmark 4a or 5. He noted that Town staff is working on gathering information to report on this Application and that it is the duty of the Planning Commission to deem the Application either consistent or inconsistent.

Ms. Palazzo stated that she visited the site and that she is having difficulty understanding where the exact location is in regards to the entrance of Caulkins Road. Mr. Goeschel pointed out the site on the provided map (Exhibit 1).

Ms. Palazzo stated that the Application does not include the number of affordable housing units that the Applicant wishes to construct. Mr. Goeschel noted that she is correct, that the Applicant wants to apply for a zone change before they pursue a site plan. Mr. Schuch stated that the map does not illustrate the site location and that it would be helpful to remit to the Applicant to do so.

Mr. Goeschel added that the Application is a bit confusing because it does not say what zone the Applicant wants to go from and to, merely that he would like a zone change. Mr. Balantic observed that the location of the open space defies logic based on this rough sketch and that it does not look like the best practice for open space. The open space appears to be both in the middle and on the fringe of the site.

Mr. Schuch stated that it would perhaps be best to table this discussion until the next Meeting so that more information regarding this Application can be obtained. The Commission concurred with Mr. Chairman and the Referral was tabled until October 1, 2013.

VI 8-24 Referrals (Municipal Improvements)

There are none.

VII OTHER BUSINESS

A New Business

- A1. Modification of the Darrow's Ridge Subdivision Phase 3 plans to pave the cul-de-sacs in their entirety, thereby eliminating the teardrop island.

Mr. Goeschel stated that he met with both the Applicant and the Director of Public Works, Bill Scheer on the site and discussed the potential for moving forward including subdivision improvements. The subdivision itself has been in litigation for some time as we work to resolve that we have entered into a compromise agreement with the Applicant which involves the relocation of Mostoway Road and public improvements. Phase 1 of the subdivision is slated to expire October of 2014 and Phase 3 in April of 2014. We are trying to ensure the public improvements are completed as quickly as possible so that the Town can take actions to accept the road as a Town road.

Mr. Goeschel explained that the subdivision has a small tear shaped grassed island in the middle of a cul-de-sac which originally had been intended as a place to put snow. Mr. Schuch asked whether the agreement to construct teardrop islands on paved cul-de-sacs was part of the subdivision plans and Mr. Goeschel stated that it was part of the Phase 3 plans. Mr. Goeschel stated the Director of Public Works stated that in regards to snow it does not matter whether the teardrop island remains or is removed.

Mr. Jeffrey Torrance of 197 Upper Pattagansett Road came forward representing the Applicant. Mr. Torrance stated that an issue has arisen regarding school buses coming into the subdivision and that based on the current design there is a turning radius issue. Buses are also unable to go down Mostoway Road because it is extremely narrow so the road needs to be fixed. Mr. Torrance stated the islands are design flaws purposely put into the plans to ensure that school buses were not allowed to enter the subdivision and that this was at the request of personnel in the Land Use office at the time.

Mr. Goeschel stated that he has no knowledge of preventive measures in regards to school buses being required by the Town at the time of the subdivision design. He added that paving the island would allow the entry of school buses.

Dr. Michael Banks of 20 Darrow's Ridge Road who is the current chair of the Darrow's Ridge Homeowners Association came forward to share his thoughts. He stated that all of the lots have been sold and that five lots remain which have not been built on as of yet. When everyone bought their properties they were told the circles would be landscaped so that it would enhance the ascetics and value of the properties. He added that if paving is going to occur it would be prudent to chat with the owners given that they bought their properties with this understanding.

Dr. Banks stated that it would take about a week to get everyone's input and that many individuals will clearly be in favor of paving and that it will also serve as a means of keeping everyone in the community informed as to what is happening. He also added that they're not real cul-de-sacs, that they are from a Town's viewpoint but that there are two private roads- one on Darrow's Ridge Road and Darrow's Court. Dr. Banks stated that the Commission should be aware of this in their decision making. Dr. Banks also added that there is only one entrance and exit into the entire subdivision and no egress.

Mr. Torrance submitted a Letter for the record from the Neighbors of Darrow's Ridge Subdivision and Dr. Banks noted that it is not from the Darrow's Ridge Homeowners Association. Ms. Alberti came forward and explained that the letter is from residents of the subdivision who have small children and who have taken their own initiative to get something done, given the danger of the current bus stop and the onset of the winter season.

Mr. Torrance stated that he wanted to be clear that he is required to be the one to make the request for the paving, but that it does not matter to them (the Applicant) whether it is done or not.

Mr. Goeschel indicated that it is fine to table the discussion until input can be received from the Darrow Ridge residents but that it should be understood that this is not a public hearing. The Commission agreed to table the discussion until the October 1, 2013 Planning Commission Meeting.

A2. Scenic Road Brochure

Mr. Goeschel brought a sample brochure regarding scenic roads which details what a scenic road is and how a road is classified as such. The brochure also included a lengthy excerpt regarding the Town Ordinance concerning the designation of scenic roads.

The Commission in its entirety are very uncomfortable with publishing anything with the Planning Commission's name on it given that no other Town Ordinance has its own brochure. The Commission agreed that if Ms. Lange and the Historical Society wished to produce such a leaflet themselves they were more than welcome to do so, but the Commission does not want to take responsibility for the interpretation of any Town Ordinance. Mr. Goeschel stated that he would let Mr. Formica and the Historical Society know of the Commission's decision.

B Old Business

There was none.

VIII REPORTS

1. Chairman

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

2. Ex-Officio- Rose Ann Hardy

Given the pending litigation of the Darrow's Ridge Subdivision, Ms. Hardy encouraged the Commission to tread lightly in regards to any related topics that might come before them and to seek Town Council when necessary. Ms. Hardy also informed the Commission that the Town has received a grant from the State to identify certain areas in town that would be appropriate for affordable housing.

Ms. Hardy stated that she has never heard of a statement that the Darrow's Ridge Subdivision was developed so that a school bus could not enter, and that she finds that very difficult to believe. She noted that State law says that school buses may not traverse non approved Town roads. Parents have directly made the Board of Education aware of this problem as well as the problematic conditions of the current bus stop.

Ms. Hardy stated the Boardwalk will be under construction this winter as weather permits and detailed how the Natural Resource Commission and Historic Properties Commission have been working on plans for the Samuel Smith House. Trees have been marked for removal and trees not diseased will be used for flooring within the house. Fruit trees and a hay field are planned for the property as a means for aiding in the cost of upkeep. Ms. Hardy also added that the proposed Solar Park on the corner of Grassy Hill Road and Upper Walnut Road is underway, and being overseen by the CT Siting Council.

3. Zoning Representative

a. 9/5/2013- Special Meeting

Ms. Palazzo stated that many Applications were approved including 283 Old Black Point Road and East Shore Drive to do repair work necessary because of the Hurricane Sandy. They also discussed a proposed plan for Costco but it was only for the benefit of the attorney to see whether Costco would be allowed to do the square footage that they chose to do. It was merely a preliminary hearing and Ms. Palazzo observed that the Commission was very appreciative of Attorney Ted Harris bringing this question to them before any plans were completed.

b. Liaison Schedule

1. 9/19/2013- Mr. Schuch
2. 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 has no staff communications.

ADJOURNMENT

****Motion (3)**

Ms. Palazzo moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:10 PM.

Ms. Bengtson seconded the motion.

Vote: 5 -0-0. Motion passed.

Respectfully submitted,



Brooke Stevens,
Recording Secretary

