

EAST LYME PLANNING COMMISSION
REGULAR MEETING
Tuesday, FEBRUARY 7th, 2012
MINUTES

PRESENT: Mike Bowers, Chairman, Brian Schuch, Secretary, Joan Bengtson, Jean DeGroot, Carolyn Nee, Rita Palazzo

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant
Gary Goeschel, Planning Director
Frank Balantic, Alternate, Ernest Covino, Alternate,
Francine Schwartz, Alternate
William Dwyer, Zoning Commission
Holly Cheeseman, Ex-Officio, Board of Selectmen

FILED Feb 13, 2012
AT 10:00 AM.

L. Blau, et al.
TOWN CLERK

ABSENT: No One

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

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 no.

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 – Public Hearing I Minutes of January 3, 2012
Public Hearing II Minutes of January 3, 2012
Regular Meeting Minutes of January 3, 2012**

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of January 3, 2012.

Ms. Bengtson asked that the word Alternate be removed from after Ms. Palazzo's name.

****MOTION (1)**

Ms. Bengtson moved to approve the Planning Commission Public Hearing I Minutes of January 3, 2012 as amended.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing II Minutes of January 3, 2012.

Ms. Bengtson asked that the word Alternate be removed from after Ms. Palazzo's name.

****MOTION (2)**

Mr. Schuch moved to approve the Planning Commission Public Hearing II Minutes of January 3, 2012 as amended.

Ms. Nee seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of January 3, 2012.

****MOTION (3)**

Mr. Schuch moved to approve the Planning Commission Regular Meeting Minutes of January 3, 2012 as presented.

Ms. Palazzo seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

IV. Pending Applications

1. **Jim Bernardo, LS for Pazz & Construction, LLC, Owner for a Coastal Area Management (CAM) Site Plan Review for a five lot re-subdivision of 2.49 acres of property located at 49 Fairhaven Road, aka Fairhaven Farms Re-subdivision, Assessor's Map 08.1, Lot 92.**

Mr. Goeschel said that he had provided the Commissioners with a memo on this application dated 2/6/2012 and that he had added the items that they had discussed previously.

Mr. Bowers asked if there were any questions or discussion.

Ms. Palazzo said that she had gone to the site to review it again and that she was concerned with the driveways and where the trash cans would be placed and if the people would have to bring their cans out to the end of the road.

Mr. Goeschel said that it would be no different than others do – which is to bring the cans out to the road area to be picked up.

Ms. Palazzo said that she had also sat and watched the area where the stop sign is and noticed that few people actually stopped at the sign. And – she had also noticed on the plan that there is a strip of land attached to Lot 5 that has the drain and that would be something that they would have to pay extra in the form of taxes on and also maintain – but would get very little use of.

Mr. Goeschel said that is probably true however their job is to review applications for compliance with the subdivision regulations.

Ms. DeGroot said that she is concerned if the run-off to the road would be made worse.

Ms. Nee said to Ms. DeGroot that she recalled that they had indicated that the drainage design would actually improve it.

Ms. Bengtson said that she was concerned with water potentially going across the street to area that is considered wetlands.

Mr. Goeschel said that there was no development going on there at this time and that should it come up for development in the future that the Inland Wetlands Agency along with others would review it.

****MOTION (4)**

Mr. Schuch moved that based upon the findings indicated in a memo from Gary Goeschel, Planning Director and the approved CAM application - to approve the application known as Jim Bernardo, LS for Pazz & Construction, Owner for a proposed 5-lot Re-Subdivision of 2.49 acres located at 49 Fairhaven Road, Niantic, CT, Tax Assessor's Map 08.1, Lot 92 and plans entitled "Fairhaven Farms Re-subdivision Boundary Survey & Cultural Resources Map 49 Fairhaven Rd., Niantic, CT Property of Pazzaglia Construction LLC, dated October 6, 2011, revised through December 26, 2011" prepared by James Bernardo Land Surveying, LLC, 102A Spithead Rd., Waterford, CT 06385 and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. The construction of, or a bond in the amount of \$9,800.00 be posted in a form acceptable to the Planning Commission and satisfactory to the Town Planner for the proposed storm water infrastructure improvements. More specifically, for the four (4) storm water drywells and two (2) detention basins.
 2. A deed restriction to ensure that the drywells and detention basins are constructed and maintained in a functional manner. A note shall be placed on the record subdivision plan with reference to this deed restriction.
 3. The tight pipe shown on Lot 5 shall be re-directed to discharge into the drywell.
 4. The Erosion and sedimentation plan notes shall be revised to change "Montville Town Planner" to "East Lyme Planning Director."
 5. A note shall be placed on the record subdivision plan outlining the maintenance provisions in paragraph 5 of the proposed Driveway Easement and Maintenance Agreement in Exhibit DD.
- The above items shall be accomplished prior to the filing of the 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 subdivision plan submitted as application of Pazz Construction, LLC aka/Pazz & Construction, LLC and any changes in the subdivision plan other than those identified herein shall constitute a new application and the modifications of this approval and 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. Nee seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

V. Current Subdivision Approval/Construction Reports

1. Request of Theodore A. Harris, Agent for Applicant for a two-year extension of Conditional Approval for Phase II of Walnut Hill Chase Subdivision.

Mr. Goeschel said he had met with Attorney O'Connell recently and had discussed this with him and he said that it was his opinion that no further action is required by the Commission as the Statute has an automatic extension with it. It would go to a maximum of 14 years. He said that he would put such note in the file for future reference.

Ms. Bengtson asked about Phase I and Phase III.

Mr. Goeschel said that the same would apply and that it was the decision of Attorney O'Connell that all are subject to the same extension.

VI. Zoning Referrals (CGS 8-3a)

There were none.

VII. 8-24 Referrals (Municipal Improvements)

1. Request of the Town of East Lyme Department of Engineering on behalf of the Parks & Recreation Department to reconstruct an existing restroom facility at property identified as 8 Atlantic Street, Niantic (aka/McCook's Park), Assessor's Map 11.4, Lot 175.

Mr. Goeschel explained that they are just required to furnish a report on this regarding compatibility with the site. He noted that this would replace the existing facility but is a bit larger and more updated. It would have restroom facilities and storage facilities.

Ms. Bengtson said that she is concerned that any artifacts be protected when they excavate into the hill.

Mr. Bowers noted that the site is already being used in this manner and that this is just an upgrade.

Mr. Schuch said that he is concerned with the grading and asked that it be monitored.

Mr. Goeschel said that it would go through Zoning and OLISP reviews.

Ms. Bengtson asked that the height of the building be considered so that the view to the water from the Veteran's Post on the hill is not blocked.

Mr. Schuch added that the height of the building should also take into consideration the monuments so that they are not blocked.

Ms. Bengtson said that she thought that the fence style might be something that children would climb on and could get hurt.

Mr. Goeschel said that it followed the style of fencing at Hole in the Wall and was low to the ground.

****MOTION (5)**

Mr. Schuch moved in the Request of the Town of East Lyme Department of Engineering on behalf of the Parks & Recreation Department to reconstruct an existing restroom facility at property identified as 8 Atlantic Street, Niantic (aka/McCook's Park), Assessor's Map 11.4, Lot 175 that the Planning Commission supports the project and offers the following:

1. All relevant parties are notified to review and comment.
2. The work on the north side is limited to preserve the hill and the former Indian burial ground.
3. The roof height not conflict with the vista.
4. The wooden fence in front and following the ramp be designed with the safety of children in mind.
5. The view of the water is maintained.

Ms. Bengtson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

2. Request of the Town of East Lyme Department of Engineering on behalf of the Board of Education to construct an Athletic complex at property identified as 171 Boston Post Road, East Lyme, Assessor's Map 31.1, Lot 31.

Mr. Goeschel explained that this project was coming before the Finance Board the following evening and potentially going to Town Meeting and then to Referendum for a vote. He said that he had provided them with the presentation that the Board of Education had given to the Board of Selectmen so that they could review it.

Ms. DeGroot expressed concern for the lighting so that it does not shine so brightly as to be bothersome to the people residing in the area.

Ms. Bengtson and Ms. Nee said that bathrooms are a must for this facility.

Mr. Schuch said that he thought that they would use the lighting that was proper for what the event was – such as lower, less lighting for the track rather than the higher lights that would be for the field.

Ms. Nee said that she saw this as being the same use as what is already there – just a much needed upgrade of an existing facility.

****MOTION (6)**

Mr. Schuch moved in the Request of the Town of East Lyme Department of Engineering on behalf of the Board of Education to construct an Athletic complex at property identified as 171 Boston Post Road, East Lyme that the Planning Commission supports the project and offers the following:

1. That the lighting be variable and appropriate for the use.
2. Bathrooms are a necessity as otherwise public safety would be an issue.
3. Screening of the new parking area from the road is done so that people won't drive over the curb.

Ms. Bengtson seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Ms. DeGroot

VIII. New Business

1. 8-23(f) Referral from the Town of Salem, Update of Plan of Conservation and Development

Mr. Goeschel said that copies of this are available with the town Clerk and that he does not see any substantial changes. He will review and send a letter. He added that he has requested the neighboring Towns documents to see what is around us and where everyone stands.

2. Referral from the Town of Montville, Proposed changes to the Town of Montville Zoning Regulations

Mr. Goeschel said that he did not have any comment on this and that it was referred to them as it is within 500' of our boundary. It basically involves mixed use.

3. Historic Properties Commission and Subdivision Review

Mr. Bowers noted that Ms. Lange had brought forward information regarding the Historic Properties Commission commenting on an application when a historic property was involved.

Mr. Goeschel clarified that it pertains to being able to take advantage of their talents as it would pertain to certain areas of the Town where historic properties are located. He noted that they did utilize the Historic Properties Commission for the LUV Study. They could add the requirement of this review to their regulations and require it as part of the application review as / where it pertains to historic sites. He said that it would involve a regulation change which would require a Public Hearing. He added that statutorily the Historic Properties Commission has no jurisdiction over the subdivision of land. He said that they might want to think about incorporating this in some fashion.

Luane Lange, Chairman of the Historic Properties Commission said that they are required to have an inventory of historic properties in the Town and that she thinks that they could help support the Planning Commission. They are in the process of getting the information together on historic properties in the Town and have found that there is money available from the State to help with this process. She said that they would welcome adding their review to help the Planning Commission with the preservation of Historic Properties.

Mr. Goeschel said that the current subdivision regulations cite that a lot of information is already required during the application review process (artifacts, archaeological study) and they could modify them to add Historic Properties Review. He said that he would look at the statutes to see what legally could be added.

Mr. Schuch asked that they be mindful and sensitive when outlining such things as it could also be seen as restricting people from the utilization of their property.

The Commissioners expressed concern that there be a timeline on getting the review done such that it does not hold up the normal process or the application timeline.

IX. Old Business

1. POCD Chapter 8: Circulation and Transportation

Mr. Goeschel said that he has been making the changes as they have requested and has also made updates and modifications on the older transportation map. He said that he would have the updated draft to them before their workshop meeting on February 21, 2012.

X. Reports

1. Chairman

Mr. Bowers said that he did not have anything further to add.

2. Zoning Representative

Mr. Bowers reported that he had attended the last Zoning meeting and that it was a very short one – perhaps 15 minutes and they had said that they were expecting a lot of activity in the near future.

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

Ms. Lange said that they had scheduled a meeting with barely a weeks' notice and that she was unable to attend but would get the minutes of that meeting.

4. Subcommittees

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

Mr. Goeschel said that he had attended the event sponsored by the Nature Conservancy presentation regarding coastal mitigation.

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

Mr. Schuch reported that he is in the process of doing an inventory of sidewalks and transportation and the return on investment of sidewalks to various places and how they accommodate or encourage pedestrian traffic.

5. Ex-Officio – Holly Cheeseman (arrived at 9 PM)

Ms. Cheeseman apologized for arriving so late and said that she had attended the joint Board of Ed and Board of Selectmen Public Hearing at the High School on the proposed new athletic complex. She said that it would go before the Board of Finance the following evening and if they approve it – to Town Meeting and Referendum for the people to vote on it. She reported that the other item that they are involved with is the budgets and their review.

6. Staff/Communications

Mr. Goeschel noted that regarding the question that they had on the Planning Commission budget that he had asked the Finance Director and she had said that they had moved the amounts and merged them into the Planning Department budget and that the whole change over should be done within a year. He also said that he met with the Town Attorney regarding the bonding requirement and the impact that it would have on their regulations and was informed that the section should be re-crafted to be in agreement with the new Statute. They will also have to accept bonds other than cash and they are not responsible for bonding a private improvement. He also reported that in January he kicked off the new Economic Development 'Economic Gardening' process of reviewing business plans and providing suggestions on how to expand. He lastly said that he had provided them with a memo on what he has been doing since his employment with the Town and what transpired in the three years prior to his arrival.

ADJOURNMENT

****MOTION (7)**

Mr. Schuch moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:25 PM.

Ms. Bengtson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary