

EAST LYME PLANNING COMMISSION

Regular Meeting

**Tuesday, May 7, 2013**

PRESENT: Brian Schuch, Chairman, Rita Palazzo, Frank Balantic, Secretary, Francine Schwartz, Joan Bengtson, Sami Yousuf, Alternate \*\*(Sat as Regular Member)

ALSO PRESENT: Gary Goeschel, Planning Director

ABSENT: Ernie Covino, Ex-Officio, Rose Ann Hardy, Catherine Ladd, Alternate

Chairman Schuch called this Regular Meeting of the Planning Commission to order at 7:02PM.

**Pledge of Allegiance**

The Pledge was observed.

FILED IN EAST LYME  
CONNECTICUT  
May 10 2013 AT 3:20 AM  
RITA PALAZZO, SECRETARY  
EAST LYME TOWN CLERK

**I Additions to the Agenda**

- Mr. Schuch noted that 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 April 16, 2013**

Mr. Schuch called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of April 16, 2013.

Mr. Goeschel stated that on page two of the Minutes under the IV Public Hearing section, the word "labor" should be removed from the sentence. The sentence reads:

**He explained that after the first two memos the applicant revised the plans to meet the storm water labor requirements.**

The sentence should read:

**He explained that after the first two memos the applicant revised the plans to meet the storm water requirements.**

Mr. Goeschel also noted that on page three of the Minutes the sentence (Mr. Goeschel suggested that if possible, it would perhaps be best to place the port-a-potty on lot 2 which would be right on the property line ) be changed to:

**Mr. Goeschel suggested that if possible, it would perhaps be best to place the port-a-potty on lot 2 which would be away from the property line.**

Mr. Schuch asked if there were any other corrections to the Regular Planning Commission Meeting Minutes of April 16, 2013. There were none.

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

**Ms. Bengtson moved to approve the Planning Commission Regular Meeting Minutes of April 16, 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 April 16, 2013 Meeting.**

Mr. Schuch asked Mr. Goeschel if it is permissible to Approve Minutes for a Meeting one has not in fact attended. Mr. Goeschel noted that Minutes are available in advance for perusal, so it is acceptable to participate in the Vote. After consideration Mr. Yousuf stated that he would be more comfortable if he had abstained from the Vote, since he did not in fact attend the Regular Planning Commission Meeting of April 16, 2013.

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

**Ms. Bengtson moved to rescind the previous Vote approving the Regular Meeting Minutes of April 16, 2013.**

**Mr. Yousuf seconded the motion.**

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

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

**Ms. Schwartz moved to approve the Planning Commission Regular Meeting Minutes of April 16, 2013 as corrected.**

**Ms. Palazzo seconded the motion.**

**Vote: 4-0-2. Motion passed.**

**Mr. Balantic and Mr. Yousuf abstained from the Vote due to their absence from the April 16, 2013 Meeting.**

#### **IV Public Hearing**

- A. Application of Pazz Construction, for a waiver request from Section 6-8-1 through 6-8-6 of the East Lyme Subdivision Regulations and a three lot subdivision of 5.24 acres of property located at 249 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 39.0, lot 6.

**Mr. Schuch reopened the Public Hearing portion of the Regular Planning Commission at 7:16 PM**

Mr. Goeschel presented to the Commission the attached Memorandum dated May 7, 2013, which summarizes the Application, the previous supplied supporting documentation from Ledge Light Heath District and Town Engineer Victor Benni, and details the findings of both the Planning Department and Planning Commission in regards to this Application. Mr. Goeschel stated that based upon his review, he finds this application to be in conformance with the Subdivision Regulations of the Town of East Lyme.

Mr. Schuch asked Mr. Goeschel to clarify the standards that need to be met by the developer if this waiver is granted. Mr. Goeschel stated that essentially we are requiring the Applicant to not only control the volume of stormwater leaving the site, but also in the recharging of it into the ground, while at the same time treating it.

Mr. Goeschel cited Exhibit "M" which was presented to the Commission during the April 16, 2013. Exhibit "M" is a Memo from Victor Benni, Town Engineer, dated April 15, 2013 which states that the proposed design meets the intent of stormwater regulations by addressing the components of stormwater quality, peak flow, and volume.

Ms. Bengtson cited the four points recommended by the Engineering Department:

- **Proposed driveway grades shall not exceed 15 percent.**
- **Site line suitability shall be determined by the Town Engineer at the time of individual plot plan submittals for build out.**
- **An Erosion and Sedimentation control bond in the amount of \$4,000.00 would be an appropriate amount for the installation of the drywells, roof leader tie-ins, and rain gardens.**
- **The Town Engineer reserves the right to work with the developer of each individual lot to modify the design, or location of the detention and water quality structure to accommodate final lot configuration and existing conditions at the time of construction.**

Ms. Bengtson stated that the word "recommends" is not a very forceful statement and questioned whether the Applicant is required to complete these four steps or whether it merely serves as a recommendation. Mr. Goeschel stated that these are recommendations to the Planning Commission which he has incorporated along with the Town's requirements into the Motion Memorandum that the Commission requested he write (attached document). Ms. Palazzo confirmed with Mr. Goeschel that if the builder is not in compliance with Zoning, Building and therefore Subdivision requirements he would have to cease construction.

Mr. Schuch stated that he wanted to follow up on the port-a-potty issued raised by Helen and Bill Walden during the last Meeting. Mr. Goeschel added that it is a sanitation issue which would be a Ledge Light Health District concern. Ms. Palazzo expressed concern regarding whether construction workers would be apt to use the existing facilities in the house rather than the woods, in the absence of a port-a-potty. The Applicant, Jason Pazzaglia of 21 Darrow's Ridge Road, stated that he has no problem with installing a port-a-potty on site but that he imagines some construction workers might take offense by such a comment. Ms. Palazzo replied that the Commission was told on the April 16, 2013 Meeting that a port-a-potty would be installed. She asked if the installation had been completed and Mr. Pazzaglia stated that it had not, but that it would be completed tomorrow.

Mr. Balantic questioned whether Bill and Helen Walden had come to some sort of agreement with Mr. Pazzaglia over the property line, which had been brought to the Commission's attention during the April 16, 2013 Meeting. Mr. Goeschel stated that the property line issue has been resolved and Mr. Balantic noted that new plans with the new property line would have to be completed.

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

Mr. Balantic stated that based on the Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated May 7, 2013, the Commission Moves to Approve the application known as Application of Pazz and Construction, LLC, for a waiver request from Section 6-8-1 through 6-8-6 of the East Lyme Subdivision Regulations and a three lot subdivision of 5.24 acres of property located at 249 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 39.0, Lot 6 and Plans entitled "Conventional Subdivision Plan, 249 Upper Pattagansett Road, East Lyme, CT; dated March 10, 2013 and revised through April 15, 2013" prepared for Pazz and Construction, LLC by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., Niantic, CT 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. An erosion and sedimentation bond in the amount of \$4,000.00 dollars shall be posted in a form acceptable to the Planning Commission and satisfactory to the Town Planner for the proposed installation of the drywells, roof leader tie-ins, rain gardens, and associated site work (e.g. clearing, grading, excavation, and filling).
2. A deed restriction to ensure that the drywells and rain gardens 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. An Erosion and Sedimentation Plan narrative shall be added to the Record Subdivision Plan.
4. A Conservation Easement for the proposed Open Space shall be filed prior to any construction.
5. Revised plans are submitted to reflect the property line agreement between Mr. Pazzaglia and Mr. and Mrs. Walden.

Ms. Palazzo seconded the motion.

Vote: 6-0-0. Motion passed.

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

Ms. Schwartz moved to close the Public Hearing at 7:50PM.

Ms. Bengtson seconded the motion.

Vote: 6-0-0. Motion passed.

## V Zoning Referrals

There were none.

## VI 8-24 Referrals (Municipal Improvements)

There were none.

## VII OTHER BUSINESS

### A New Business

There was none.

### B Old Business

- a. Discussion of updates to Chapter 2 and Chapter 7 Plan of Conservation and Development.

Mr. Goeschel said that the revisions are ongoing and that he had nothing further to report at this time. He added that the Gateway Project is under review.

## VIII REPORTS

### 1. Chairman

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

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

Ms. Hardy was not in attendance.

### 3. Zoning Representative

#### a. Liaison Schedule

Ms. Schwartz attended the April 18 Meeting and stated that there was a discussion about Coastal Area Management in regards to a retaining wall at 23 North Edgewood Road, and whether this wall should be pushed back. She added that there was a Sign Committee and they were examining the architectural styles of signs and standards of what wording should be. Discussion also took place in regards to outside umbrellas at restaurants and the option of using plain umbrellas rather than ones that advertise alcohol. Ms. Schwartz also noted that the Poultry Subcommittee was in attendance to discuss regulations and grants.

Mr. Yousuf was unable to attend the May 2, 2013 Zoning Meeting.

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

Mr. Schuch stated that they did not meet.

**5. Subcommittees**

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

Ms. Schwartz stated that she had nothing to report at this time.

Mr. Goeschel stated that there is training available at UCONN Avery Point on May 14 through May 16, 2013 on Climate Adaptation if anyone is interested in attending.

**6. Staff Communications**

- **Route 11 Greenway Authority Commission**

The next Greenway Meeting is scheduled for May 15, 2013.

**ADJOURNMENT**

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

**Mr. Balantic moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:01 PM.**

**Ms. Palazzo seconded the motion.**

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

Respectfully submitted,

Brooke Stevens,  
Recording Secretary

**Whereas:** The parcel of land constituting the property subject to this application is zoned R-40 Rural Residential. The properties abutting the site are also zoned R-40 Rural Residential.

**Whereas:** The proposed Subdivision is found to meet the requirements of the East Lyme Subdivision Regulations and more specifically, as demonstrated by the following:

Section 3-4 Plan of Development: As the proposed Subdivision is located within a residential zoning district adjacent to existing lots previously approved as part of a conventional subdivision, the proposed subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission. The proposed subdivision continues following the pattern of development characteristic of the existing residential development.

Section 5-4 Sanitation Report: As indicated in Exhibit "L" correspondence from Kim White, RS, Sanitarian II of the Ledge Light Health District to J. Robert Pfanner, PE, dated 4/12/13 indicating Lots 1-3 are suitable in their current condition for on-site sewage disposal and water supply.

Section 5-5 Water Supply Report: As indicated in Exhibit "L" correspondence from Kim White, RS, Sanitarian II of the Ledge Light Health District to J. Robert Pfanner, PE, dated 4/12/13 indicating Lots 1-3 are suitable in their current condition for on-site sewage disposal and water supply.

Section 5-2-2(E) and 6-8 Stormwater Management Plan: As indicated in Exhibit "M", Memo from Victor Benni, P.E., Town Engineer, dated 4/15/13, indicating the proposed design meets the intent of the stormwater regulations by addressing the components of stormwater quality, peak flow, and volume. The Engineering Department does recommend the following:

1. Proposed driveway grades shall not exceed 15-percent.
2. Site line suitability shall be determined by the Town Engineer at the time of individual plot plan submittals for build out.
3. An Erosion and Sedimentation control bond in an amount of \$4,000.00 would be an appropriate amount for the installation of the drywells, roof leader tie-ins, and rain gardens.
4. The Town Engineer reserve the right to work with the developer of each individual lot to modify the design, or location of the detention and water quality structure to accommodate final lot configuration and existing conditions at the time of construction.

Section 5-2-2(G) Erosion and Sedimentation Control Plan: The proposed Stormwater Management, Grading and Erosion & Sedimentation Plan as indicated on Sheet 3 of 5 of the proposed plan, Exhibit "N", contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. As such, The Planning Commission may hereby certify that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

Section 5-6 Pesticide Report: There are no known regular applications of pesticides on the subject site. In addition, based on the supporting documentation within the application the subject site was not known to be classified as farm land in accordance with Section 12-107c of the Connecticut General Statutes.

Section 5-7 CAM Coastal Site Plan Review Required: The subject site is not within the Coastal Management Review Area

Section 5-8 Archeological Survey: As demonstrated by Exhibit "C" correspondence from Nicholas Bellantoni, PhD, Connecticut State Archeologist, dated January 9, 2013, indicates there are no known archeological sites in the project area and the proposed subdivision should have no effect on the State's archeological resources.

Section 6-2 Lot Design Specifications: As demonstrated by the Zoning Compliance chart on Sheet 2 of 5 of Exhibit "N", indicates the proposed subdivision complies with all applicable Zoning Regulations. In addition, by way of this memorandum, Exhibit "O", the proposed re-subdivision of land meets the Lot Design Specifications regarding Lot Size and Configuration, Health Requirements, Building Location, Access, and Energy Efficiency and Conservation.

Section 6-9 Requirements Regarding Flooding: As demonstrated by the Storm Drainage Design Exhibit "M", Memo from Victor Benni, P.E., Town Engineer, dated 4/15/13, indicating the proposed design meets the intent of the stormwater regulations by addressing the components of stormwater quality, peak flow, and volume, the proposed subdivision is reasonably safe from flooding.

#### **MOTION:**

Based on the above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated May 7, 2013, the Commission Moves to APPROVE the application known as Application of Pazz and Construction, LLC, for a waiver request from Section 6-8-1 through 6-8-6 of the East Lyme Subdivision Regulations and a three lot subdivision of 5.24 acres of property located at 249 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 39.0, Lot 6 and Plans entitled "Conventional Subdivision Plan, 249 Upper Pattagansett Road, East Lyme, Connecticut; dated March 10, 2013 and revised through April 15, 2013" prepared for Pazz and Construction, LLC by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., Niantic, Connecticut 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. An erosion and sedimentation bond in the amount of \$4,000.00 dollars shall be posted in a form acceptable to the Planning Commission and satisfactory to the Town Planner for the proposed the installation of the drywells, roof leader tie-ins, rain gardens, and associated site work (e.g. clearing, grading, excavation, and filling).
2. A deed restriction to ensure that the drywells and rain gardens 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. An Erosion and Sedimentation Plan narrative shall be added to the Record Subdivision Plan.