

East Lyme Planning Commission

Regular Meeting

Tuesday, December 03, 2013

PRESENT: Brian Schuch, Rita Palazzo, Joan Bengtson, Ernie Covino, Michael Hess, Alternate

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

Francine Schwartz, Frank Balantic, Anne Thurlow

Chairman Schuch called this Regular Meeting of the Planning Commission to order at 7:08 PM.

**Pledge of Allegiance**

The Pledge was observed.

FILED IN EAST LYME  
CONNECTICUT  
Dec 4 2013 AT 1:50 AM/PM  
*Calvin Galton, Jr.*  
EAST LYME TOWN CLERK

**Additions to the Agenda- Requires a 2/3 Vote of Members present.**

**Item I.a, Vacancy Appointments**

**Item I.b, Election of Officers**

- i. Chairman
- ii. Secretary

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

Ms. Palazzo moved to add these items to the Planning Commission Agenda of December 3, 2013.

Ms. Bengtson seconded the motion.

Vote: 4-0-0. Motion passed.

**I.a. Vacancy Appointments**

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

Mr. Covino moved to nominate Mr. Balantic to fulfill the Regular Member vacancy of the Planning Commission.

Ms. Bengtson seconded the motion.

Vote: 4-0-0. Motion passed.

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

Mr. Covino moved to nominate Ms. Schwartz to fulfill the Regular Member vacancy of the Planning Commission.

Mr. Schuch seconded the motion.

Vote: 4-0-0. Motion passed.

Ms. Anne Thurlow introduced herself to the East Lyme Planning Commission and asked to be considered for the position of Alternate. Ms. Thurlow stated that she has lived in town for 4 ½ years and summered in town as a child. She added that she's interested in becoming part of the community and feels that becoming part of the Planning Commission is a great way to do so.

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

Ms. Palazzo moved to appoint Ms. Thurlow as Alternate for the East Lyme Planning Commission.

Mr. Covino seconded the motion.

Vote: 4-0-0. Motion passed.

Mr. Schuch asked Ex-Officio Rose Ann Hardy to swear in the three new Members of the East Lyme Planning Commission.

Ms. Hardy swore the three Members in and Mr. Schuch sat the Regular Members Mr. Balantic and Ms. Schwartz, for the remainder of the Meeting.

#### **I.b. Election of Officers**

Mr. Schuch turned the Meeting over to Ex-Officio Rose Ann Hardy. Ms. Hardy stated that the Commission needs to elect the position of Chairman of the Planning Commission.

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

Mr. Covino moved to elect Mr. Schuch as Chairman of the Planning Commission.

Ms. Bengtson seconded the motion.

Ms. Hardy asked if anyone else wished to speak or if there were any other nominations, no one did.

Vote: 5-0-1. Motion passed.

Mr. Schuch abstained from the Vote.

- **Motion (6)**

Ms. Palazzo moved to elect Mr. Balantic as Secretary of the Planning Commission.

Ms. Bengtson seconded the motion.

Vote: 5-0-1. Motion passed.

Mr. Balantic abstained from the Vote.

#### **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 VII) 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.

There were none.

### **III. Approval of Minutes**

#### **A. Regular Meeting Minutes of November 19, 2013.**

There were no corrections.

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

**Ms. Palazzo moved to approve the Planning Commission Meeting Minutes of November 19, 2013.**

**Ms. Bengtson seconded the motion.**

**Vote: 5-0-1. Motion passed.**

**Mr. Covino abstained from the Vote due to his absence from the November 19, 2013 Meeting.**

### **IV. Public Hearings**

There were none.

### **V. Zoning Referrals**

**A. Application of Cynthia Stevens to amend the East Lyme Zoning Regulations Section 1.45a, Section 9.2.8 and Section 25.5 regarding pet daycare and boarding facilities.(Zoning Public Hearing January 2, 2014.)**

Mr. Goeschel provided the Commission with his Memorandum dated December 3, 2013 (Exhibit 1) regarding this matter. Mr. Goeschel cautioned that if minimum controls are not adhered to, it could have adverse effects on community. The Application states that "no objectionable sound shall be emitted through exterior walls or roofs enclosing the facility." and the Zoning Commission would need to define what noise level is objectionable. Mr. Goeschel also expressed concern over the issue of solid waste and odor.

Mr. Covino stated that he would love to see a site plan of what the Applicant is proposing but that examining such a plan is the purview of the Zoning Commission. Ms. Schwartz agreed that objectionable noise would need to be defined and questioned the plausibility of only three dogs being outside for five minutes. Mr. Balantic stated that he believes this only applies to the time between 8 and 10PM. Mr. Goeschel stated that the fact that this is even being discussed illustrates that greater clarification is needed.

Ms. Bengtson stated that in many states dog waste is considered hazardous and that the Application needs to be more specific. Mr. Schuch added that the Commission needs to focus on the fact that this is a change to the Zoning Regulations, and that it could impact any parcel in the CB district. He encouraged the Commission to examine whether the Application is consistent or inconsistent, and that practical

concerns would be addressed by the Zoning Commission. Mr. Goeschel added that the Planning Commission observations could be added to their report.

Ms. Palazzo stated that the Application states that the kennel space will not exceed 20% of the floor space and questioned what the proposed floor space is. Mr. Covino noted that we are unaware of what the proper solid waste containers are and wondered if these controls were supplanted from a similar enterprise. Mr. Goeschel added that the Zoning Commission could choose to tack on more requirements during their hearing.

Ms. Palazzo observed that we do not have an existing boarding facility in town. Mr. Covino noted that it is up to the Zoning Commission to vet whether the Applicant meets these requirements but that the proposal seems consistent, that it's specific to commercial activity and promotes economic development. Mr. Goeschel stated that it would need to be considered whether a kennel is appropriate for the village of Niantic. Mr. Goeschel next summarized the differences between the CA and CB districts for the Commission, at the request of Mr. Balantic.

Mr. Covino asked whether this facility would fall within the CB district and Mr. Goeschel responded that it would. Mr. Covino said that Zoning would need to consider the placement of such a facility but that the Application itself is consistent with the POCD. Ms. Schwartz agreed and stated that comments could be made to clarify the wording. Mr. Schuch cited the special permit needed each year for outside dining and noted that a similar yearly stipulation could be added to this permit if approved.

Mr. Goeschel expressed concern over whether thus proposed use was appropriate for the Zone and suggested that it might be better suited for the CA or LI Zones.

Mr. Covino stated that the Commission was not asked to suggest another zone.

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

**Mr. Balantic stated that following the discussion of Mr. Goeschel's Memorandum dated December 3, 2013 and associated discussion during Planning Commission Meeting of December 3, 2013, the East Lyme Planning Commission moves to find the proposed text amendment reference as inconsistent with the East Lyme 2009 Plan of Conservation and Development as amended with the following comments and concerns:**

- 1. Overall the change proposed allows far too loose of regulations over a permitted activity that could in many cases negatively impact abutting businesses, quality of life, entertainment, tourism and in general, commercial opportunity within the commercial district.**
- 2. Specific comments**
  - a. The proposal does not specify quantifiable limits to sound pressure levels as measured at the property line.**
  - b. The proposal does not specify a pet occupancy level or ratio.**
  - c. The Commission is not familiar with the source document or reference document to enforce the proper container requirements and disposal methods for biological waste.**
  - d. The Regulation could be amended to permit applications for such a facility based upon the specific application's location so that citing current use in the vicinity and true potential impact could be evaluated on a specific case basis.**

**Ms. Bengtson seconded the motion.**

Mr. Covino stated that all of this is true and questioned whether the Application is inconsistent because that information is not available to the Commission. Mr. Balantic stated that when the time comes for the Zoning Commission to make a decision, they should have that information. He added that because this is a specific special permit the town is just in taking a harder look at the Application. Ms. Bengtson stated that a precedent is being set because no other facility like this exists in town, and therefore caution is required.

Ms. Schwartz added that she thought the Application would be consistent but that "however" with comments would be included along with the decision. Mr. Covino agreed stating that he thought the same. Mr. Goeschel stated that if the Planning Commission decides that the Application is inconsistent, the Zoning Commission needs a 2/3 vote on whether to adopt the Regulation, and through the public hearing process they may choose to add more criteria. If the Zoning Commission denies the Application the Applicant can choose to apply again.

Mr. Covino stated that he does not want to discourage someone from the idea of the Application, the problem lies in the lack of information. He added that through discussion the Commission has come to the same place, that the Application is inconsistent because of the lack of information. Mr. Schuch stated that for some people one bark is objectionable and this conveys just how vague the wording of the Application is.

- **\*\*Motion (9)**

**Mr. Balantic moved to amend his motion to include "ratio to land" after pet occupancy.**

**Ms. Bengtson amended her second.**

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

#### **VI 8-24 Referral**

There were none.

#### **VII Other Business**

##### **A. New Business**

There was none.

##### **B. Old Business**

###### **1. 2014/2015 Planning Budget (POCD Printing)**

Mr. Goeschel presented his proposed Planning budget for 2014/2015 (Exhibit 2) and discussed with the Commission the desire to go in a more digital direction with the POCD through the use of GIS (Geographic Information Systems) technology. Mr. Balantic inquired about the GIS Analyst Position and whether it was a pie in the sky request.

Mr. Goeschel explained that he completed a Return on Investment Study earlier this year which, suggested upon full implementation the Town could see a significant return if every Department Head were able to save only one hour a day as a result of using GIS. As the study also considered the employment of an-house GIS Analyst, Mr. Goeschel is requesting the position.

- **\*\*Motion (10)**

**Mr. Balantic moved to approve the Planning Commission Budget as presented by Mr. Goeschel.**

**Ms. Palazzo seconded the motion.**

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

## **VIII Reports**

### **A. Chairman**

1. Correspondence from Niantic Real Estate, LLC Request for reconsideration of the East Lyme Planning Commission as a result of action taken on November 19, 2013 regarding the Darrow's Ridge Subdivision Phase 1.

Mr. Goeschel advised the Commission that the Commission's action of November 19, 2013 became final upon publication on November 21<sup>st</sup> and that the Commission is without authority to grant any reconsideration. This is not a public hearing and there will be no public comment or discussion on this matter. The Applicant and its affiliates have related pending litigation which makes further comment inappropriate.

2. Correspondence from John Ellis, Chairman, Woodsmen Land Trust requesting to be added to one of the December Agendas.

Mr. Goeschel indicated that Mr. Ellis is seeking support for a new DEEP grant. Mr. Schuch noted that Mr. Ellis is probably unaware that the Planning Commission only meets once in December. Mr. Goeschel said that he would contact Mr. Ellis and request additional information regarding the specific property he had in mind for the grant, upon receipt of which he could discuss with the chair whether to add the matter to the January 7, 2014 Agenda.

### **B. Ex-Officio- Rose Ann Hardy**

Ms. Hardy stated that the Commission always has the option of hearing Mr. Ellis speak during Public Delegations if they did not want to add the item to their next agenda. Ms. Hardy indicated that the Board of Selectmen would be discussing Mr. Ellis' request at their December 4, 2013. Ms. Hardy noted that the Commission might find a presentation that is occurring before the Board of Selectmen on December 4, 2013, of interest. The presentation is being done by a former East Lyme High School student and involves his startup hydroponic company. Ms. Hardy also noted that the Selectmen would be receiving their new Ex-Officio assignments at this meeting.

### **C. Zoning Liaison**

1. Joan Bengtson-11/21/2013

Ms. Bengtson stated that the meeting addressed numerous topics, had some hostile and outspoken attendees, and that the Chairman handled the meeting beautifully. Two Public Hearings occurred, one for livestock on 36 Giants Neck Road which was approved, and one for the addition of five more units in Gateway Commons which was also approved.

A damaged Crescent Point bluff, FEMA, and the best way to fix the damage was also discussed as was 243 and 249 Black Point Road regarding the prevention of storm/water damage by relocating some large rocks.

#### **D. Regional Planning Representative-**

Mr. Schuch stated that he had nothing to report, that they had not met at all this year, and would be happy to continue if no one else wished to act as the representative. Mr. Goeschel stated that he would see if the Council of Governments will meet in January.

#### **E. Sub-Committees**

##### **1. Sustainable Development and Climate Adaptation Subcommittee**

Both Mr. Goeschel and Ms. Schwartz said that they had nothing to report but that would work on meeting on a monthly basis in the upcoming year.

##### **2. Subdivision Regulations Bonding Review Subcommittee**

Mr. Goeschel provided Ms. Bengtson and Mr. Schuch with a proposed meeting schedule (Exhibit 3) for their review.

#### **F. Staff Communications**

##### **1. Route 11 Greenway Authority Commission Update**

Mr. Goeschel stated that he had nothing personal to report, but that he had spoken with the First Selectman, and that he had conveyed that some progress had been made but that there was much work yet to do.

Adjournment

- **\*\*Motion (11)**

**Mr. Balantic moved to adjourn the Planning Commission Meeting at 8:44 PM.**

**Ms. Bengtson seconded the motion.**

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Brooke D. Stevens". The signature is written in black ink and is positioned above the typed name.

Brooke Stevens,  
Recording Secretary



Exhibit 1

# Town of



# East Lyme

P.O. Drawer 519

Department of Planning &  
Inland Wetlands

Gary A. Goeschel II, Director of Planning /  
Inland Wetlands Agent

108 Pennsylvania Ave  
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

## Memorandum

**To:** East Lyme Planning Commission

**From:** Gary A. Goeschel II, Director of Planning

**Date:** December 3, 2013

**Re:** Application of Cynthia Stevens, to amend the East Lyme Zoning Regulations Section 1.45a, Section 9.2.8 and Section 25.5 regarding pet daycare and boarding facilities.

The proposed regulation change would by Special Permit allow pet daycare and boarding facilities within the CB Commercial District. This district represents the central business district of the Town and is characterized by intensive commercial and related development. The purpose of the district is to concentrate the main commercial enterprises of the town.

Upon review of the above referenced Zoning Referral with the 2009 Plan of Conservation and Development, as amended, I offer the following comments:

### **Chapter 1 Mission Statement, Vision, Objectives and Policies**

#### **1.3 Objectives and Policies**

##### **OBJECTIVE 2.1: Promote Compatible and Sustainable Economic Development**

##### **POLICY:**

Promote compatible business in appropriate locations to foster local employment and opportunities, a favorable tax base, the provision of goods and services for local residents, and a year-round and seasonal economy that improves the overall quality-of-life for East Lyme residents.

*The regulation proposes an expansion of special permitted commercial uses, pet daycare and boarding facility within a Commercial Business District provided the proposed facility meets specific controls such as being contained in a separate building and kept in compliance with the Non-residential Zone Emitter in the Town of East Lyme Noise Ordinance. As such, the proposed amendment would promote the provision of goods and services for citizens.*

**OBJECTIVE 2.2:** To support and cultivate a wide variety of economic activities that may be easily integrated into the community with little or no adverse impact on community resources.

2009 POCD

Compatibility:

**POLICY:**

The Town should encourage attractive, well-designed commercial and industrial activity in appropriate locations in order to provide convenient services for residents. As such, the expansion of existing businesses and establishment of new businesses in the village centers, in a manner that promotes a cohesive, pedestrian-friendly, mixed-use retail, service, and residential area should be encouraged. The Town should reserve commercial and industrial-only zones, while guarding against commercial sprawl and consider small neighborhood centers consisting of mixed-use development. In addition, the Town should encourage and develop opportunities for low-impact, home-based businesses.

**2009 POCD  
Compatibility:**

*Again, the proposal would permit expansion of Special permitted commercial uses. As such, the proposal would promote the expansion of business which supports the cultivation of a wide variety of economic activities. However, if such a use as a pet daycare and boarding facility fails to meet the minimum controls set forth in the proposed regulation the proposed use may have an adverse impact on the community and its resources.*

**Chapter 3 Land Use  
3.2 Commercial, page37**

According to the 2009 POCD, Chapter 3, Section 3.2 Commercial, state “overall policies to increase the quality of East Lyme’s commercial districts will strengthen the Town’s economy and tax base. The recommendations for commercial land use outlined in this section are also reflected in the recommendations within Chapter 4, Economic Development.

**2009 POCD  
Compatibility:**

*The proposed regulation would promote the expansion of business by providing additional competition to the local pet grooming industry and allowing existing pet groom facilities located within a CB District to expand. Thus, such an expansion would help strengthen and contribute to the overall tax base.*

**Chapter 4, Section 4.1**

**2009 POCD  
Compatibility:**

Chapter 4 of the POCD, Economic Development, suggests to fully expand the Town’s economic development capacity, it is important to attract those industries and businesses that yield increased revenue and high property value. Commercial development which generates increased tax revenue is a result of market and demographics. Commercial properties, which have road frontage and good infrastructure, have a high resale value and should be encouraged. Due to the nature of pet daycare and boarding facilities, they do not generate school children. As such, the cost of community services is typically lower than typical single family residential housing which offsets increases in the mil rate. However, if the minimum controls as proposed cannot be adhered to or exceeded, then the proposed use would potentially deter those industries and businesses that yield increased revenue and high property value.

**PROPOSED RESOLUTION:**

Therefore, based on the Findings in the Memorandum from Gary Goeschel, Director of Planning to the East Lyme Planning Commission dated December 3, 2013, East Lyme Planning Commission moves to find the proposed text amendment referenced above **CONSISTENT / INCONSISTENT** with the East Lyme 2009 Plan of Conservation and Development, as amended.

Exhibit 2

**GENERAL FUND BUDGET FY 2014/2015**

**117 - Planning Department**

	2013 Actual Expense	2014 Adopted Budget	2014 Amended Budget	2015 Dept Head Requested	2015 Bd Selectmen Proposed	2015 Bd Finance Proposed
<b>100 Personnel Services</b>						
211 Planning Director	57,226	57,397	57,397	57,397		
GIS Analyst / Asst. Planner	0	0	0	40,000		
412 PT Recording Secretary	1,478	1,000	1,000	1,500		
<b>Personnel Services Total</b>	<b>58,704</b>	<b>58,397</b>	<b>58,397</b>	<b>98,897</b>	<b>0</b>	<b>0</b>
<b>200 Services-Contracted/Operating</b>						
215 Maintenance of Equipment	6,450	6,500	6,500	6,500		
239 GIS Implementation	3,937	5,000	5,000	5,000		
<b>Services-Contracted/Operating Total</b>	<b>10,387</b>	<b>11,500</b>	<b>11,500</b>	<b>11,500</b>	<b>0</b>	<b>0</b>
<b>300 Operating Expenses</b>						
242 Professional Conventions/Conf.	619	650	650	650		
246 Transportation Allowance	345	100	100	100		
251 Printing	0	200	200	500		
320 Misc Supplies	1,259	1,000	1,000	1,200		
<b>Operating Expenses Total</b>	<b>2,223</b>	<b>1,950</b>	<b>1,950</b>	<b>2,450</b>	<b>0</b>	<b>0</b>
<b>Planning Department Total</b>	<b>71,314</b>	<b>71,847</b>	<b>71,847</b>	<b>112,847</b>	<b>0</b>	<b>0</b>

Department Total 112,847  
**TOWN OF EAST LYME**  
 Dept No. 117  
 Dept Name Planning Dept

FY 2014/2015  
 Budget Input  
 4-Dec-13

Acct	Description	Budget	Supporting Description of Activity
<b>100 Personnel Services</b>			
211		14/15	

Planning Director 57,397  
 Department Head non-union. 2008/2009 Position reduced as a result of Board of Finance reduction 2.6% (0.8FTE). COLA based upon recommendation of Board of Selectmen. The Director of Planning, under the supervision of the First Selectman, is responsible for providing housing and economic development planning and provides technical support to the Planning Commission, Inland Wetlands Commission, and the Commission for the Conservation of Natural Resources. Additionally, the Director provides assistance to the Departments of Health, Building, Public Works, Engineering, Water & Sewer, Tax Assessor, Public Safety, Fire Departments, and Police Department. The Director is currently the Inland Wetlands Agent and the Fair Housing Officer.

GIS Analyst/ Assistant Planner 40,000  
 GIS Analyst/ Assistant Planner, under the supervision of the Director of Planning, would be responsive to Town-wide departmental business needs. A GIS Analyst utilizing GIS technology to conduct complex analyses and derive new data and information will save additional time improving efficiencies of daily workflows as well as decision making. Further, a GIS Analyst would provide maps and data sets to supplement analysis and recommend appropriate reactionary strategies in response to GIS analysis and provide guidance and technical support to employees and the general public.

412 PT Recording Secretary 1,500  
 Recording secretary to take minutes of regularly scheduled monthly and special Planning Commission meetings, maintain records, prepare correspondence. Record and file minutes for 18 mtgs. @ 7 hrs ea. NOTE: mtgs. include from 12 to 21 for Planning Commission POCW Workshops. Board of Finance previously reduced to \$2,000. This departmental budget has been consolidated from 129-412-Planning Commission.

**Personnel Services Total 98,897**

Acct.	Account Description	14/15 Budget	Supporting Description of Activity
<b>200 Services-Contracted/Operating</b>			
215	Maintenance of Equipment	6,500	GIS ArcGIS Software Maintenance-\$1,000, Web-Hosting Fee- \$3000, Annual GIS Business Analyst On-line on-line software subscription \$2,500 basis of the Economic Gardening Program.
239	GIS Implementation	5,000	New data development, support services such as map production and updates, on-site support, training, data loading and configuration and assistance with GIS ROI Study. Mapping production includes, zoning and various land use map updates. Revenue is generated through the sale of GIS data, maps, increased staff efficiencies, and customer service.
	<b>Services-Conv/Operate Total</b>	<b>11,500</b>	
<b>300 Operating Expenses</b>			
242	Professional Conventions/Conf.	650	Educational conferences and workshops for staff and commission members. Includes annual American Planning Association dues (includes Connecticut, National and AICP Certification).
246	Transportation Allowance	100	Mileage reimbursement for Planning Director/Wetlands Enforcement Officer utilizing personal vehicle for official duties.
251	Printing	500	Paper for written materials: estimated 8 cases at 28.50 dollars per case. Includes \$300.00 dollars for additional printing of POCD Updates.
320	Miscellaneous Supplies	1,200	Postage for monthly mailings of information packets to 6 commission members, 3 alternates and 1 Ex-officio. Certified mailings of notices of decisions to applicants as required by regulations. Certified mailings of written enforcement orders as required by regulations. Office Supplies and reference materials.
	<b>Operating Expenses Total</b>	<b>2,450</b>	
	<b>Planning Dept Total</b>	<b>112,847</b>	

# Exhibit 3

## **Subdivision Regulation Bonding Review Subcommittee**

### **Of the East Lyme Planning Commission**

#### **2014 Meeting Schedule**

**The third Thursday of the Month at 3:00 p.m.**

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**January 16, 2014**

**February 20, 2014**

**March 20, 2014**

**April 17, 2014**

**May 15, 2014**

**June 19, 2014**

**July 17, 2014**

**August 21, 2014**

**September 18, 2014**

**October 16, 2014**

**November 20, 2014**

**December 18, 2014**