

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

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

ALSO PRESENT: Gary Goeschel, Planning Director
Mark Nickerson, Acting Ex-Officio, Board of Selectmen
Frank Balantic, Ernest Covino, Francine Schwartz

ABSENT: No One

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 7:45 PM after the two previously scheduled Public Hearings. He noted that he had seated Ms. Palazzo, alternate at the table this evening.

Pledge of Allegiance

The Pledge was observed.

The chairing of the meeting was then turned over to Mark Nickerson, Board of Selectmen Ex-Officio to conduct the election of Chairman.

- **Election of Officers**
- **Chairman**

Mr. Nickerson opened nominations for the position of Chairman of the Planning Commission for the upcoming year.

****MOTION (1)**

Ms. Bengtson nominated Mr. Bowers for the position of Chairman of the Planning Commission for the next year.

Mr. Schuch seconded the motion.

Mr. Nickerson called for any other nominations for the position of Chairman –
Hearing none – He closed nominations for Chairman -
He then called for a vote on the nomination of Mr. Bowers as Chairman –

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson congratulated Mr. Bowers and turned the Chairing of the meeting over to him.

- **Secretary**

Mr. Bowers opened nominations for the position of Secretary of the Planning Commission for the upcoming year.

****MOTION (2)**

Ms. Bengtson nominated Mr. Schuch for the position of Secretary of the Planning Commission for the next year.

Ms. Palazzo seconded the motion.

Mr. Bowers called for any other nominations for the position of Secretary –
Hearing none – He closed nominations for Secretary -
He then called for a vote on the nomination of Mr. Schuch as Secretary –

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers congratulated Mr. Schuch.

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.

Luane Lange, Chairman of the Historic Properties Commission said that she was present to speak on behalf of the Historic Properties Commission regarding the Tinker House as part of the Walnut Hill Chase subdivision. She said that they are trying to clarify how the word 'renovate' in the approval documents can be misunderstood to mean demolish the existing house and build a new house that looks like it but with new materials. She said that they also feel that the East Lyme deed is incorrect regarding when the house was actually built. She said that they are trying to determine the historical significance of the house but are concerned about its rumored demolition. (Statement attached at end of minutes)

III. Approval of Minutes – Regular Meeting Minutes of November 15, 2011

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of November 15, 2011.

****MOTION (3)**

Mr. Schuch moved to approve the Planning Commission Regular Meeting Minutes of November 15, 2011 as presented.

Ms. Bengtson 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 and Attorney Harris said that it seems logical to hear this at the next meeting in January as the Public Hearing on this application has been continued until that time.

- 2. Jim Bernardo, LS for Pazz & Construction, LLC, Owner/Applicant 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 they had just continued this Public Hearing until their January 3, 2012 of the Commission.

- 3. Fred Finn, Jr., Land Surveyor, applicant for Patrick Quinn, Owner for a subdivision of 2.96 acres of property located at 285 Chesterfield Road, Assessor's Map 44.0, Lot 13.**

Mr. Goeschel said that they had also just continued this Public Hearing until their January 3, 2012 of the Commission.

V. Current Subdivision Approval/Construction Reports

1. Walnut Hill Chase

Mr. Goeschel said that he has spoken with Attorney O'Connell on the Tinker House and regarding an injunction to stop the Building Official from signing a demolition permit and Attorney O'Connell's response was that he would be happy to do the work but the court would not uphold it. He said that he felt that the

applicant would be in the right to demo it and to rebuild in the same footprint with a like structure using new building materials as the Commission woefully overstepped their authority with that condition and even further – it was not appealed at that time. He added that while he was not present through this subdivision process that it may have been discussed that the structure may be maintained – however you cannot force people to do so. Further the house is not on the historic register and the time has passed and they need to move on and learn from this.

Luane Lange said that she has been going through the files from 2008 and that the Tinker House was listed in Phase III and they are only in Phase I now.

Mr. Goeschel said that it is actually in Phase V and that he spoke with Attorney Harris regarding the road.

Ms. Lange said that she has been in contact regarding relocating the structure and has asked for more time to research this. She also noted that for a property to be on the historic register that each owner has to apply for such designation and recognition. She acknowledged that it was not applied for. She said that she went in the house over the Veteran's Day weekend and took extensive pictures of the current destruction in the house. She said that it had been insulated and re-done over the years.

Mr. Goeschel said that he has been in the house with Attorney Harris and that Attorney Harris had it evaluated by a professional firm who recommended demolition.

2. Bridebrook Knoll

Mr. Goeschel updated the Commission on the bond monies that are being used that the work that has been authorized and done. It would leave one light post and the clearing of the catch basin along with the As-builts and certificate of title for the road.

Mr. Bowers asked if even though the road is complete, as long as it has not been accepted by the Town, it would not be plowed by the Town.

Mr. Goeschel said that was correct. The developer would be responsible for plowing it until it is accepted by the Town. He said that he anticipates that this should happen in the hopefully near future.

VI. Zoning Referrals (CGS 8-3a)

There were none.

VII. 8-24 Referrals (Municipal Improvements)

There were none.

VIII. New Business

1. Alternates on the Planning Commission

Mr. Bowers updated the Commission on the current status stating that Ms. Palazzo who is currently the only Alternate would need to be moved up to a Regular member position to replace Mr. McPherson who was elected to serve on the Zoning Commission and who has resigned his position on Planning. This would leave three (3) open Alternate positions. He said that he has received three letters of interest for those positions. All three people are in the audience this evening. Francine Schwartz and Frank Balantic have been on the Commission and wish to remain on and would like to be Alternates. Ernest Covino has also expressed interest in serving on the Commission as an Alternate. He said that he would entertain a motion to move Ms. Palazzo to a Regular position and then motions to fill the alternate positions. He noted that Mr. Covino could not be sworn in as an Alternate until Ms. Palazzo resigns that position and is sworn in as a Regular member.

****MOTION (4)**

Mr. Schuch moved that Ms. Palazzo be moved from an Alternate position to a Regular position on the Planning Commission filling the vacancy created by Mr. McPherson being elected to the Zoning Commission.

Ms. Bengtson seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Ms. Palazzo

****MOTION (5)**

Ms. Bengtson moved to appoint Frank Balantic and Francine Schwartz to serve as Alternates on the Planning Commission.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

****MOTION (6)**

Mr. Schuch moved to appoint Ernest Covino to fill the Alternate position on the Planning Commission created by Ms. Palazzo moving up to a Regular position.

Ms. Bengtson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers congratulated everyone and reminded them to see the Town Clerk to be sworn in.

IX. Old Business

1. POCD Chapter 8: Circulation and Transportation

Mr. Goeschel apologized, noting that he had not had the time to further update this.

Mr. Bowers asked when they might expect it.

Mr. Goeschel said that he is working on language to make it flow better and that he also should have information regarding a train stop in Niantic as a study is being done with regard to this. It seems that the Old Saybrook station is extremely busy and they are looking for a spot for another station between Old Saybrook and New London. He said that he should have this for their next meeting.

X. Reports

1. Chairman

Mr. Bowers congratulated all the new members of the Commission. He noted that Mr. McPherson was present as the Zoning liaison this evening and expressed his thanks for the many years that he served the community as a member of the Planning Commission.

2. Zoning Representative

Mr. Schuch reported that the Pazz Construction text amendment had been denied and the Sign amendment had been passed as submitted.

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

Mr. Bowers said that they would need to re-appoint their representatives even though this group only meets once per year.

****MOTION (7)**

Ms. Bengtson moved to re-appoint Brian Schuch as the Planning Commission representative and Luane Lange as the Representative at Large to the Regional Planning Commission for the upcoming year.

Ms. DeGrooth seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

4. Subcommittees

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

Mr. Bowers asked Ms. Schwartz if she would continue working on this with Mr. Goeschel.

Ms. Schwartz said that she would.

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

Mr. Goeschel said that he and Mr. Schuch met and walked through downtown last week regarding a potential area for a train stop as they are doing a feasibility study that is due out in February 2012.

5. Ex-Officio – Holly Cheeseman

Mr. Bowers said that Ms. Cheeseman would be their new Ex-Officio.

6. Staff/Communications

Mr. Goeschel reported that he has received a \$4000 America the Beautiful Grant that will be used for trees at the Darrow Pond Property. He also said that he has an intern lined up to do elevation data and work with engineering on it during the spring semester.

ADJOURNMENT

****MOTION (8)**

Mr. Schuch moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:32 PM.

Ms. Bengtson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary