

Planning Commission Regular Meeting Minutes

Tuesday August 4, 2015

FILED IN EAST LYME  
CONNECTICUT  
8/12, 2015 AT 10:30 AM/PM  
Lesley D. Laes  
EAST LYME TOWN CLERK

Present: Ernie Covino, Rita Palazzo, Brian Schuch, Chairman, Joan Bengtson, Francine Schwartz

Also Present: Gary Goeschel, Planning Director, Ed O'Connell, Town Attorney, Michael Hess, Alternate (Sat as Regular Member), Anne Thurlow, Alternate, Rose Ann Hardy, Ex-Officio, Bill Scheer, Deputy Director of Public Works, Mark Nickerson, First Selectman (left at 8:30 pm.)

Absent: Frank Balantic, Secretary, John Birmingham, Alternate

Mr. Schuch called this Regular Meeting of the Planning Commission to order at 8:25 pm.

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

Ms. Bengtson moved to add item B. under New Business- Application of J. Robert Pfanner, applicant for Wayne and Patricia Fraser, owner; Application for a proposed one lot resubdivision of property located at 22 Gurley Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 37.0, Lot 20 with waivers.

Mr. Hess seconded the motion.

Vote: 6-0-0. Motion passed.

### I. 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.

The Commission decided to scramble this evening's agenda to better accommodate the people in attendance that have had to wait.

### III Subdivisions and Resubdivisions

#### A. Orchards Subdivision Status and Review

Picking up from the last Planning Commission meeting which was held on July 21<sup>st</sup>, 2015, Attorney O'Connell presented the Commission with a certification of Connecticut General Statute 8-25 (d) (1). At the previous meeting Ms. Bengtson had expressed concern over whether the Commission had the most recent edition of this statute.

Mr. Goeschel reviewed the statute with the Commission.

Mr. Schuch summarized the deliberations that occurred at previous Planning Meetings on this matter.

At the previous Planning Commission meeting the following motion was read into the record and tabled until tonight:

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

***Mr. Covino moved that upon submission of a properly executed Letter of Credit in the amount of \$1,830,000 in a form satisfactory to the Town Attorney, the Declaration of Covenants and Restrictions recorded in Volume 674, Page 286 of the East Lyme Land Records shall be released.***

***Ms. Palazzo seconded the motion.***

Mr. Schuch called for a vote on this motion.

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

## **V. 8-24 Referrals**

**A. Proposed Salt Shed & Public Works Fueling Facility;** Review of construction of a new 82' diameter salt shed dome and construction of a new gasoline and diesel fueling station located at 8 Capitol Drive, Niantic, Connecticut.

Bill Scheer, Deputy Director of Public Works, came forward to present this item. Mr. Scheer explained that the field services building at 8 Capitol Drive was purchased with two vacant lots to the north, the intent being the construction of a new salt dome and fueling station.

The past few winters have been bad ones and there has been a huge shortage of salt. Every town is moving towards stockpiling at least a year's worth of salt. The plan has always been to move the old shed and construct a new one.

Mr. Scheer pointed out the proposed locations for the salt dome and fuel tanks on the map (attached.)

The thirty year life span of the fuel tanks is fast approaching. Above-ground gasoline and diesel tanks are safer and better for the environment. The location of the field service building is ideal because it is the base of public works operations. Vehicles will be fueled where they are stored, and a new above-ground diesel tank is proposed for the old Town Garage in order to service school buses; it makes little sense to have school buses drive the further distance to Capitol Drive to fuel-up when they could fuel up a short distance from the schools by utilizing the Roxbury Road fuel tank.

Mr. Covino asked if any of the tanks would be near an aquifer. Mr. Scheer responded that they would not be anywhere near an aquifer and the closest wetland is over 100 feet away.

Mr. Hess asked if there are any waivers and Mr. Scheer said no.

Mr. Schuch suggested tabling this matter in order to digest it and to wait on a memorandum from Mr. Goeschel.

## **II. Approval of Minutes**

A. July 21, 2015 Special Meeting Minutes

Mr. Goeschel said that page 4 has Mr. Gerwick's name written as Mr. Gerwin and should be changed.

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

**Ms. Palazzo moved to approve the Special Meeting Minutes of July 21<sup>st</sup>, 2015 as revised.**

**Mr. Covino seconded the motion.**

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

**III. Zoning Referrals (CGS 8-3a)**

*Proposed changes in zoning regulations or boundaries shall be referred to the Planning Commission for a report that shall contain the findings of the planning commission on consistency of a proposed regulation or boundary changes with the Plan of Development and any other recommendations the Planning Commission deems relevant. Failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposals. The report of the Planning Commission regarding such proposal shall include the reasons for the commission's vote and shall be incorporated into the records of any public hearing held thereon by the Zoning Commission. A proposal disapproved by the Planning Commission may be adopted by the Zoning Commission by a vote of not less than two-thirds of all the members of Zoning Commission.*

- A. Application of Theodore A. Harris for GDEL Residential B, LLC; Application for a text amendment to the East Lyme Zoning Regulations Section 11.A.9.2.2 (C) to increase the number of units from 280 to 400.**

This matter has been postponed until the second meeting in September and is therefore tabled. Mr. Goeschel will provide a memorandum on this item at the next Planning Meeting.

**VII. New Business**

**A. Plan of Conservation and Development (POCD)**

This will be tabled until the next Planning Commission Meeting.

- B. Application of J. Robert Pfanner, applicant for Wayne and Patricia Fraser, owner; Application for a proposed one lot resubdivision of property located at 22 Gurley Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 37.0, Lot 20 with waivers.**

The Public Hearing for this item will be scheduled for September 1, 2015.

**VI. Old Business**

- A. Application of Roger Dawson of 1314 East Las Olas Blvd. Fort Lauderdale FL, 3301, Applicant/Owner; Application for a 1-Lot Resubdivision of approximately 3.97-acres Zoned RU-80 at 21 Upper Walnut Hill Road, East Lyme, Assessor's Map #54, Lot #13 and associated Waiver Request of the open space requirements under Section 7 of the East**

Lyme Subdivision Regulations. (Public Hearing Opened July 7, 2015; Must Close by August 11, 2015.)

Mr. Schuch stated that the Commission will digest this evening's discussion and rule at the next meeting.

## **VIII. Reports**

### **A. Chairman**

Mr. Schuch had nothing to report.

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

Ms. Hardy updated the Commission on the progress of the boardwalk. She said that she knows there have been a lot of public complaints about Hole in the Wall Beach not being accessible but it came down to a cost factor. It was a tough winter which caused delays as did the discovery of additional materials being needed. If they had stuck to the original agreement and completion deadline it would have cost more money; they have allowed the extension to go forward until December and possibly January.

Mr. Schuch asked what it would have cost to complete the boardwalk for this season, as originally planned. Ms. Hardy said the cost was considerable and that she could get those figures for the next meeting.

Mr. Covino asked about the test boards. Ms. Hardy said the developer was responsible for the test boards.

Mr. Schuch said he was going to voice his own frustration. The Town had a choice whether to carry the additional cost to bring the project in on time or to let that cost be absorbed by all the merchants on Main Street, who don't have the signs that indicate at the highway, that the Niantic Boardwalk is down here.

Mr. Schuch said that the Town's decision to open Hole in the Wall Beach on the weekend, which constitutes the closing of two gates on Monday and Friday reopening. The Town fell short by not having that happen at the end of the workday, at 3:00 or 4:00 pm. We staff two lifeguards at Hole in the Wall Beach and a person in the parking lot to turn people away at the gate because they don't have access. It sends people the wrong message; it sends the message that the Town is closed. People don't realize that it is open on weekends.

Mr. Schuch said he is curious about the quantities. What would it have cost to bring the project in on time? How much could it possibly cost to have them reopen the gate at 3:00 or 4:00 in the afternoon?

Ms. Hardy said that she believes there were also safety issues. She stated that she was not part of the negotiations so she can't answer that question. Mr. Schuch asked who was and Ms. Hardy responded that it was the First Selectman, the former First Selectman and the Parks and Rec Commission. The details were not determined by the Board of Selectmen.

Mr. Schuch asked what it would have possibly cost to spend five minutes at the end of everyday closing the gates, and five minutes opening them in the coming morning. He said that to him, is a slap in the face to every business owner on Main Street.

Ms. Hardy said that it was not a factor that was brought to the Board of Selectmen.

Mr. Schuch asked how sure we are that the project will be completed in December. Mr. Goeschel said that December was what they were told in the department head meeting followed by a spring ribbon cutting, and Ms. Hardy said it is likely to be completed in December.

Mr. Schuch said we had a contract for a boardwalk that had time, money and quality in it; we don't know the quality because no one has walked on it yet and the time has not been met.

Mr. Covino asked where the rest of the money comes from to complete the project given the delay. Ms. Hardy explained that there is no greater expense; it was a tradeoff for allowing the contractor an extension.

Ms. Hardy said that she doesn't think anyone is really happy about the situation.

Ms. Hardy and Mr. Schuch discussed the potential impact of the boardwalk, how it changes the community character and how it will be tracked.

Mr. Schuch said a silver lining in the delay is that it affords the Town another six months to prepare for the significant changes the boardwalk will bring.

#### **C. Zoning Representative**

Ms. Palazzo attended the July 9<sup>th</sup>, 2015 Zoning Meeting and said she did not have much to report. The meeting consisted of more discussion regarding Landmark. Mr. Goeschel said the Wetland Agency furnished Zoning with a report indicating they were unable to determine impact on the wetlands on the site. To make that determination they would need an application for a wetlands permit.

#### **D. Sub-Committees**

- a. Sustainable Development and Climate Adaptation Subcommittee (F. Schwartz, Staff: G. Goeschel) Last met on December 19, 2014. JLUS Workshop moved to September.)

Nothing to report.

- b. Subdivision Regulations Bonding Review Subcommittee (B. Schuch, J. Bengtson, Staff: G. Goeschel) Last met November 20, 2014.)

Nothing to report.

#### **E. Staff/Communications**

Mr. Goeschel said that his report was the information he shared regarding the Wetland Agency's report to Zoning.

#### **ADJOURNMENT**


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

Ms. Covino Palazzo moved to adjourn this Planning Commission meeting at 9:09 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 below the "Respectfully Submitted," text.

Brooke D. Stevens  
Recording Secretary



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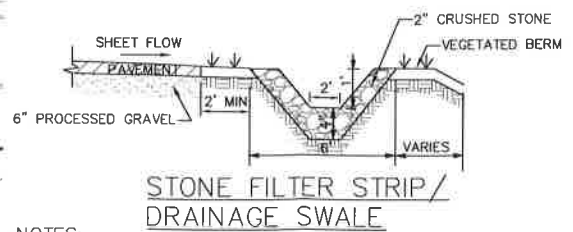
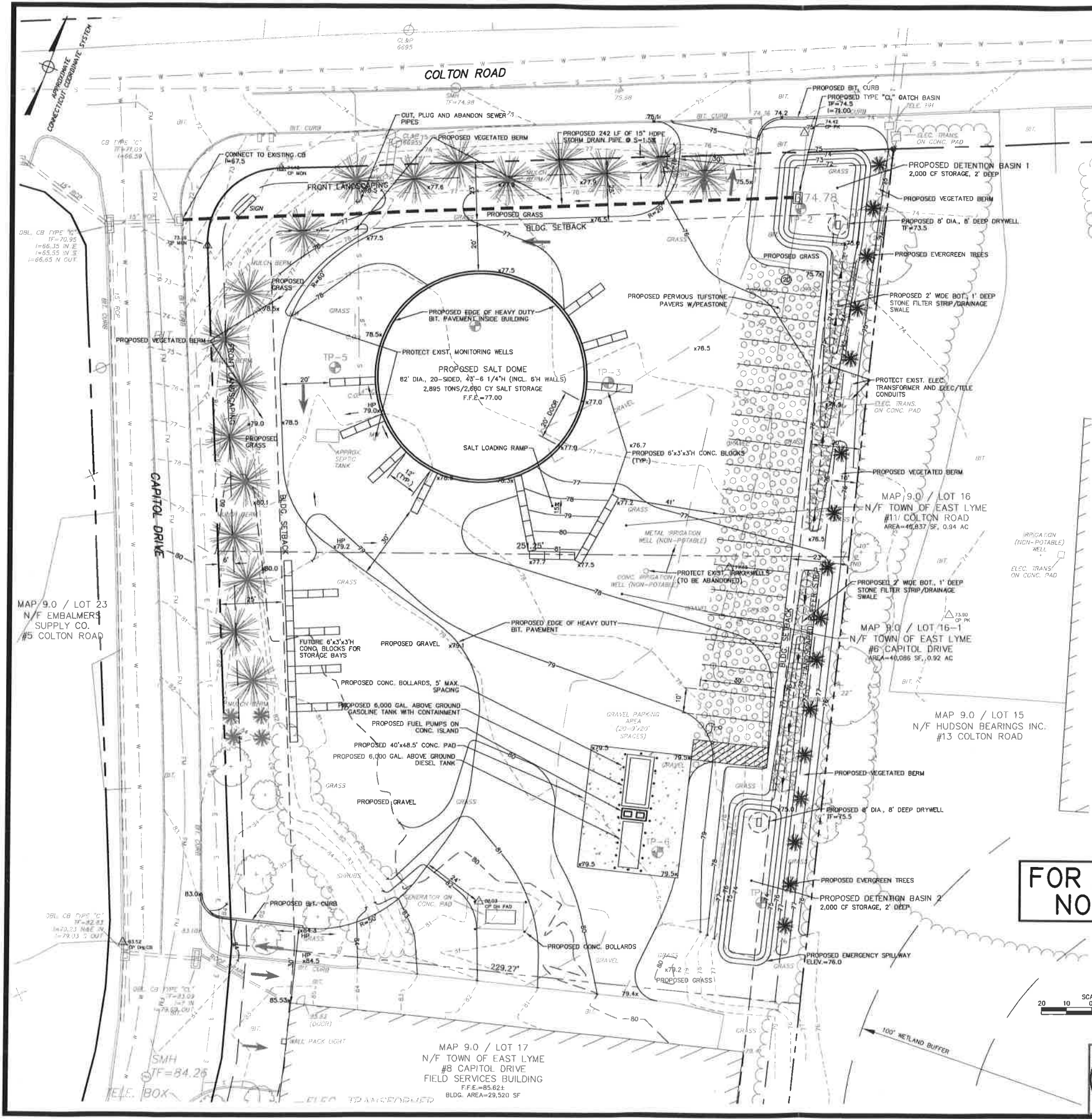
OF COUNSEL:  
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+ ALSO ADMITTED IN RI  
\* ALSO ADMITTED IN MA

### **Certification Regarding Connecticut General Statutes §8-25(d)(1)**

Subsection (d)(1) of Connecticut General Statutes §8-25, entitled Subdivision of Land, most recently amended with an effective date of June 15, 2012, states as follows:

“(d) (1) To satisfy any financial guarantee requirement in this section, the commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the commission and the financial institution or other entity issuing any letter of credit is acceptable to the commission. Such financial guarantee may, at the discretion of the person posting such financial guarantee, be posted at any time before all approved public improvements and utilities are completed, except that the commission may require a financial guarantee for erosion and sediment controls prior to the commencement of any improvements. No lot shall be transferred to a buyer before any required financial guarantee is posted or before the approved public improvements and utilities are completed to the reasonable satisfaction of the commission or its agent. For any subdivision that is approved for development in phases, the financial guarantee provisions of this section shall apply as if each phase was approved as a separate subdivision. Notwithstanding the provisions of any special act, municipal charter or ordinance, no commission shall (A) require a financial guarantee or payment to finance the maintenance of roads, streets, retention or detention basins or other improvements approved with such subdivision for more than one year after the date on which such improvements have been completed to the reasonable satisfaction of the commission or its agent or accepted by the municipality, or (B) require the establishment of a homeowners association or the placement of a deed restriction, easement or similar burden on property for the maintenance of approved public site improvements to be owned, operated or maintained by the municipality, except that the prohibition of this subparagraph shall not apply to the placement of a deed restriction, easement or similar burden necessary to grant a municipality access to such approved site improvements.



- NOTES:
1. STONE FILTER STRIP / DRAINAGE SWALES ALONG THE EAST SIDE OF THE PARKING LOT TREAT SHEET FLOW RUN OFF OF SEDIMENT, PROMOTES INFILTRATION, AND DISSIPATES RUNOFF VELOCITIES ACTING AS RUNOFF CAPTURE VOLUME (RCV) AND WATER QUALITY VOLUME (WQV) (CT STORMWATER QUALITY MANUAL).
  2. DETENTION BASINS TREAT SHEET FLOW FROM PARKING LOT AND SHALLOW CONCENTRATED FLOW FROM SWALES ACTING AS RUNOFF CAPTURE VOLUME (RCV) AND WATER QUALITY VOLUME (WQV) (CT STORMWATER QUALITY MANUAL).

- GENERAL NOTES
1. EXISTING CONDITIONS DEPICTED HEREON ARE BASED ON A SURVEY DATED JUNE 12, 2014 PREPARED BY THE TOWN OF EAST LYME ENGINEERING DEPARTMENT.
  2. ELEVATION IS BASED ON NGVD 1929 DATUM.
  3. NO PORTIONS OF THE SUBJECT PROPERTY FALL WITHIN A FLOOD HAZARD ZONE.
  4. SUPPLEMENTAL CONDITIONS WERE TAKEN FROM A MAP ENTITLED "RESUBDIVISION OF LAND OF TOMCAT, LLC" ALTA/ACSM LAND TITLE SURVEY, DATED AUGUST 18, 2005, PREPARED BY RICHARD W. GATES.
  5. PROPOSED SITE DESIGN AND DRIVEWAYS SHALL CONFORM TO EAST LYME STANDARDS.
  6. EROSION AND SEDIMENT CONTROL MEASURES SHALL FOLLOW THE 2002 CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL. AT A MINIMUM, THE CONTRACTOR SHALL KEEP HAYBALES AND GEOTEXTILE SILT FENCE ON-SITE IN ORDER TO CONTROL ANY UNANTICIPATED SEDIMENT LADEN STORMWATER FLOWS.
  7. INSPECT EROSION AND SEDIMENT CONTROL MEASURES AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS.

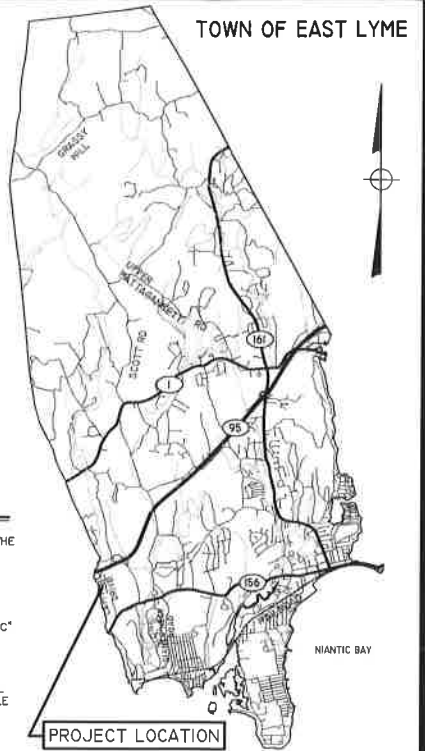
ZONING INFORMATION

ZONE: LI (LIGHT INDUSTRIAL DISTRICT)			
USE: LIGHT INDUSTRIAL			
ITEM #	ITEM	REQUIREMENTS	PROPOSED
1	MINIMUM LOT AREA	40,000 SF	>40,000 SF
2	MINIMUM LOT FRONTAGE	150 FEET	>150 FEET
3	MINIMUM FRONT SETBACK	25 FEET	25 FEET
4	MINIMUM SIDE SETBACK	20 FEET	20 FEET
5	MINIMUM REAR SETBACK	20 FEET	20 FEET
6	MAXIMUM BUILDING HEIGHT	40 FEET	24.5 FEET (FROM AVG. FIN. GRADE TO MEAN LEVEL BETW. EAVE & RIDGE)
7	MAXIMUM BUILDING COVERAGE	40 PERCENT	<40 PERCENT

PARKING AND LOADING INFORMATION

ITEM #	ITEM	REQUIREMENTS	PROPOSED
1	PARKING REQUIRED	N/A	20 SPACES
2	MINIMUM PARKING DIMENSIONS	9 X 18 FEET	10 X 30 FEET
3	MINIMUM PARKING AREA	300 SF/SPACE	>300 SF/SPACE
4	MINIMUM FRONT LANDSCAPING	6 FEET	>6 FEET
5	MINIMUM LANDSC. BUFFER STRIP	10 FEET	>10 FEET
6	MINIMUM LOADING SPACE REQUIREMENTS	1 SPACE AT 10 X 30 FEET	N/A

FOR ZONING PURPOSES ONLY  
NOT FOR CONSTRUCTION



LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	CONCRETE
---	EXISTING CONTOUR
---	PROPOSED CONTOURS
EX 13.0x	EXISTING AND PROPOSED SPOT ELEVATION
---	WATER LINE
---	SEWER LINE
---	SEWER FORCE MAIN
---	OVERHEAD WIRE
---	ELECTRIC CONDUIT
---	TELEPHONE CONDUIT
---	EXISTING STORM DRAIN
---	PROPOSED STORM DRAIN
---	EXISTING AND PROPOSED TREE
---	EXISTING TREELINE OR SHRUBS
---	UTILITY POLE
---	WATER VALVE
---	MONITORING WELL
---	HYDRANT
---	TEST PIT

TEST PIT DATA

#1 TOPSOIL 10-24" SILTY SAND MOTTLED 24" 24-84" SANDY CLAY	#4 TOPSOIL 5-70" SILTY SAND, GRAVEL
#2 TOPSOIL 12-60" SILTY SAND 60-80" GRAVEL, SOME SILT	#5 TOPSOIL 3-70" SAND WITH SOME SILT
#3 TOPSOIL 5-70" SANDY CLAY	#6 TOPSOIL 0-40" GRAVEL 40-70" SILTY SAND



CONCEPTUAL SITE PLAN

SALT DOME & PUBLIC WORKS  
FUELING FACILITY  
AT FIELD SERVICES BUILDING  
EAST LYME, CONNECTICUT

PREPARED BY  
THE EAST LYME  
ENGINEERING DEPARTMENT

Date:	Drawn By:	Checked By:	Dwg. No.:	Sheet No.:
JULY, 2015	PJG	BAS	CP-1	-