

East Lyme Planning Commission

Regular Meeting

Tuesday, July 1, 2014

PRESENT: Brian Schuch, Rita Palazzo, Joan Bengtson, Ernie Covino, Francine Schwartz, Anne Thurlow, Alternate *Sat as Regular Member

ALSO PRESENT: Gary Goeschel, Planning Director, Alternate Michael Hess, Ex-Officio, Rose Ann Hardy
*Arrived at 8:10 PM

ABSENT: Frank Balantic, John Birmingham, Alternate

Chairman Schuch called this Regular Meeting of the Planning Commission to order at 7:05 PM.

The Commission seated Alternate Anne Thurlow as a Regular Member for the evening.

Pledge of Allegiance

The Pledge was observed.

FILED IN EAST LYME
CONNECTICUT
July 9, 2014 AT 11:50 AM/PM
Karin Saltonstall
EAST LYME TOWN CLERK

Additions to the Agenda

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 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

Regular Meeting Minutes of May 20th, 2014.

There were no corrections.

- ****Motion (1)**

Mr. Covino moved to approve the Planning Commission Meeting Minutes of May 20th, 2014.

Ms. Palazzo seconded the motion.

Vote: 5-0-0. Motion passed.

The Commission seated Alternate Anne Thurlow as a Regular Member for the remainder of the evening.

IV. Subdivisions and Resubdivisions

- A. **Expiration of Hathaway Farms Resubdivision;** Cove Landing Associates, LLC (aka Upper Pattagansett #2) an 18 Lot Resubdivision of property located at Upper Pattagansett Road and Hathaway Road.

Mr. Goeschel provided the Commission a copy of the email that he received from Attorney Gary R. Atkinson dated July 1, 2014 (Exhibit 1). The email contains some preliminary drafts for both the quitclaim and pedestrian easement. He explained that technically the Resubdivision has expired and added that he also received paper copies of the As-Built Plans necessary to complete this Subdivision, which the Town Engineer has to review. Attorney Ed O'Connell will review the As-Built Plans against the preliminary drafts and make any necessary recommendations once his review is complete. There are no public improvements associated with this Subdivision and there is roughly \$17,000 in the bond account which can cover the conclusion of this matter. Mr. Goeschel recommended tabling this matter in order to allow adequate time for Town and Council review. The Commission agreed to table to this matter until the next regularly scheduled meeting.

V. Zoning Referrals

There were none.

VI 8-24 Referral

- A. **East Lyme Public Schools: Tennis Court Reconstruction and Replacement at East Lyme High School.**

Mr. Goeschel provided the Commission with his Memorandum regarding this project along with a packet from Don Meltabarger, which details the history of the tennis courts and the planned improvements for them (Exhibit 2). Mr. Goeschel explained that this is a referral from the Board of Education because it deals with public improvements. He highlighted several sections from the POCD in his memorandum which relate to this referral.

Don Meltabarger, Business and Facilities Director for East Lyme Public Schools, came forward to give information on this project to the Commission. He reported that the tennis courts were installed in the 1970s and that subsequently they have repeatedly been repaired since then. The courts are heavily used

by the high school tennis team, Parks and Recreation, residents and a Chinese School. He noted that asphalt cracks and that the courts are in serious disrepair. The Board of Education established a Committee to review this matter. Post tension concrete is the desired material for the courts since it is highly durable, and comes with a twenty-five year warranty. The Packet details the specs of post tension concrete as a medium and contains several photos for further illustration. Ms. Palazzo asked if the Public is charged to use the courts and Mr. Meltabarger told her that they are not.

Mr. Goeschel informed the Commission that the Board of Finance and the Board of Selectmen have embraced this project, allocated funds to cover the expenses, and that the Public approved it in their vote at the Town Meeting. Mr. Meltabarger stated that there has been no opposition to this project. Ms. Bengtson stated that she thinks this work is long overdue. Ms. Schwartz asked how long the process would take and Mr. Meltabarger stated that they hope to have it completed by the fall. Mr. Goeschel added that in an effort to maintain and preserve the asset of a strong system, the replacement supports the athletic component of a quality educational program.

- ****Motion (2)**

Ms. Bengtson stated the following: The Planning Commission of the Town of East Lyme, exercising the authority of the Planning Commission pursuant to Section 8-24 of the Connecticut General Statutes, having reviewed the proposal for the Tennis Court Reconstruction and Replacement at East Lyme High School, referenced above, approves the aforesaid proposal.

Ms. Palazzo seconded the motion.

Vote: 6-0-0. Motion passed.

VII Other Business

A. New Business

- i. **Jeffrey A. Torrance of New England National, LLC; Request for the release of a temporary easement in favor of the Town of East Lyme placed on property known as Nottingham Hills lots 20 and 32 and shown on the Assessor's Map 39.0, Lots 10-1 and 10-2.**

Mr. Goeschel pointed out the area in question on the GIS Map and Mr. Torrance of 197 Upper Pattagansett Road came forward to speak to the Commission. He stated that based on the Commission's Regulations in a multi-phase subdivision, it needs to be demonstrated that adequate open space will be available. During part of Phase II of the Nottingham Hills Subdivision, a piece of property was offered that it did not abut the Subdivision and a temporary Easement was established to demonstrate that the Public could get from Upper Pattagansett Road to this open space property. In 2004, the intent was that the easement would eventually allow access to Yale's property. In 2005, in conjunction with the proposed Darrow Pond property it was requested that New England National deed this 45 acre property to the Town, which they did.

Mr. Torrance stated that it was anticipated that the temporary Easement would expire at some point and that prior to the sale of the Darrow's Pond property, an Access Easement was recorded by New

England National which maintained access between the Nottingham Hills property and Darrow's Pond property. The intent was that if one the projects did not go forward, the one that did could utilize the other's property. During Phase IV of the Nottingham Hills Subdivision it was requested that a Conservation Easement on 14 acres be established, which it was. He reminded the Commission of the matter they ruled on last summer; that the old access to open space that went up the property line and was deeded to the Town, was no longer necessary since the Town owns all of Darrow's Pond. He stated that this is essentially a cleanup matter because the temporary Easement was recorded on a Plan but it was never actually recorded on the East Lyme Land Records. Mr. Torrance noted that this issue is a cloud on the title that goes nowhere. New England National is requesting the release of the temporary Easement which is no longer needed, leads nowhere and was never recorded.

Mr. Goeschel stated that Attorney Sweeney could not be here tonight and recommended that this matter be tabled until the next meeting. Mr. Torrance stated that Town Council can determine if the solution is to merely treat this as a plan modification since the unrecorded Easement functioned as a place holder, or if it requires a more official release. He provided the Commission with Mr. Goeschel's Memorandum dated August 8, 2013 (Exhibit A), a copy of the warranty deed dated November 30th, 2011 found in Volume 880, Page 599 of the East Lyme Land Records (Exhibit B), a copy of the Planning Commission's Notice of Decision dated November 22, 2005 (Exhibit C), a copy of former Director of Planning, Meg Parulis' Memorandum dated September 15, 2005 (Exhibit D), a copy of the Access Easement dated July 29, 2004 found in Volume 678, Page 628 of the East Lyme Land Records (Exhibit E), and a copy of the Phase IV Map, Sheet SD2 dated October 20, 2010 (Exhibit F).

ii. Dr. Adam Whelchel of the Nature Conservancy; Presentation of Salt Marsh Advancement Zone Assessment for East Lyme and Coastal Resilience.

Dr. Adam Whelchel of the Nature Conservancy, Director of Science for the Connecticut Chapter came forward with a presentation regarding Salt March Advancement Zone Assessment and Coastal Resilience within the Town.

**While Dr. Whelchel set up the equipment for his presentation, the Commission chose to take a short comfort break at 7:55 PM.

**The Commission reconvened at 8:00 PM.

Dr. Whelchel stated that the Nature Conservancy is a non-profit organization and that he has been leading this project since 2007. East Lyme is one of the pilot communities and the Nature Conservancy held a workshop with the Town, which led to a formal report on their findings. The Coastal Resilience program is designed to lend a helping hand to municipalities and consists of a four step process-awareness, honing in on risks, identifying choices and action. Mr. Schuch asked for clarification of what is meant by Salt Marsh, if it is a sea level issue. Dr. Whelchel stated that Wetlands are defined by soil, plants and hydrology. In coastal salt marshes the hydrology is driven by the up and down, twice daily tidal cycle. The furthest inland extend of the high tide usually defines of where you can potentially find salt marsh.

Dr. Whelchel gave the Commission a copy of the Assessment Report for East Lyme, noting that they have supplied Waterford, Guilford and Old Saybrook with their own reports. One of the key questions they were concerned with is which places are likely to support salt marshes with the projected scale of sea level rising. Dr. Whelchel went into detail examining where potential salt marshes might form, what areas are unprotected, what areas are already protected, and sighted Rocky Neck as a location that will have significant salt marsh growth. Overall, we are looking at 324 acres of future potential salt marshes but the future does not look all that bright. Areas that will do well are Stonington, Madison and Guilford. The prognosis for the Connecticut River is not great because the topographic change is so abrupt, there is nowhere to go. The intent of this project is to use this study as a tool to aid in protection and preservation of habitat and natural resources.

B. Old Business

i. Plan of Conservation and Development (POCD)- Future Updates

Mr. Goeschel stated that he provided the Commission with a timeline for updates of the POCD (Exhibit 3).

VIII Reports

A. Chairman

Mr. Schuch had nothing to report.

B. Ex-Officio- Rose Ann Hardy

Ms. Hardy had nothing to report.

C. Zoning Representative

Ms. Palazzo will be covering the July 10th 2014 Meeting and Mr. Schuch will be covering the August 7th 2014 Meeting.

D. Regional Planning Representative- Brian Schuch

Nothing to report at this time.

E. Sub-Committees

a. Sustainable Development and Climate Adaptation Subcommittee (F. Schwartz, G. Goeschel)

Nothing to report at this time.

- b. Subdivision Regulations Bonding Review Subcommittee (B. Schuch, J. Bengtson, G. Goeschel)

The next Meeting is July 17th 2014.

F. Staff/Communications

- a. Route 11 Greenway Authority Update

Nothing to report at this time.

- b. Staff Report

Mr. Goeschel stated that he believed it would be very beneficial to further look into what Dr. Whelchel was discussing. He noted that it is important to consider the future of the Town because it will be here a lot longer than he will.

Adjournment

- ****Motion (3)**

Mr. Covino moved to adjourn the Planning Commission Meeting at 8:35 PM.

Ms. Thurlow seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully submitted,



Brooke Stevens,
Recording Secretary