

East Lyme Planning Commission

Special Meeting Minutes

Tuesday, December 16, 2014

PRESENT: Frank Balantic, Joan Bengtson, Ernie Covino, Brian Schuch, Rita Palazzo, Francine Schwartz

ALSO PRESENT: Gary Goeschel, Planning Director, Rose Ann Hardy, Ex-Officio, Michael Hess, Alternate, Anne Thurlow, Alternate

ABSENT: John Birmingham, Alternate

Mr. Schuch called this Special Meeting of the Planning Commission to order at 7:06 PM.

Pledge of Allegiance

The Pledge was observed.

I. Public Delegations

There were none.

II. Approval of Minutes

The approval of minutes for the December 2, 2014 meeting is tabled until the next regularly scheduled Planning Meeting due to its absence from the Member's packet.

III. Public Hearing

Mr. Goeschel recapped the last Planning Meeting stating that the Public Hearing for 26 Industrial Park Road had been opened, with no action taken and rescheduled for this evening to accommodate Mr. Pfanner. Mr. Schuch reopened the Public Hearing, Robert David Pfanner of J Robert Pfanner & Associates came forward and provided the Commission with three handouts for review (Exhibit A, Exhibit B, and Exhibit C). He summarized both the application as well as his report (Exhibit A), for waiver requests. Presently there is an existing lot with a small building on it, and the Applicant would like to cut the lot into two separate lots. Lot 1 will be comprised of the existing building and will be 72,200 square feet while lot 2 will be 51,100 square feet. They are proposing to construct a 4,500 square foot building on lot 2 with parking along the road frontage and loading areas on both sides of the building.

Mr. Pfanner explained that the Subdivision Regulations require that the Applicant contend with drainage onsite and they have constructed two dry basins or rain gardens for this purpose. One is located in front of the property and one is located in the back; any overflow would end up in the Pattagansett River. He noted that they are asking for a waiver for sidewalks for several reasons; the property is isolated, located in an industrial park, no sidewalks exist within the park with the exception of Stop & Shop and the presence of a sidewalk would have to be constructed on the side of the road that would not disturb

FILED IN EAST LYME
CONNECTICUT
DEC 23, 2014 AT 1:30 AM/PM
Walter Balantic
EAST LYME TOWN CLERK

the brook. Such a sidewalk would be a sidewalk to nowhere, piecemealed together. Mr. Pfanner asked the Commission if they had any questions. Ms. Bengtson asked how the drainage maintenance will be enforced and Mr. Pfanner stated that it could be accomplished through a deed restriction but that it is currently on the Plan, which serves the same purpose. Ms. Bengtson asked that it be noted that she would prefer that it also be outlined through a deed restriction. She asked what the existing building is currently being utilized for and the Applicant stated that the building is empty but that prior to that it had been used for the manufacture of heating elements and resistors.

Mr. Schuch thanked Mr. Pfanner for his presentation and asked Mr. Goeschel to reacquaint the Commission with the part of the Subdivision Regulations which allow the Commission to grant such waivers. Mr. Goeschel called attention to his memorandum, which is recorded in the December 2, 2014 Meeting Minutes, noting Section 4-12 and the criteria for granting such waivers. During this discussion he observed that the POCD encourages pedestrian walkways where permissible but pointed out that the Charter requires that the Town handle the maintenance for all sidewalks which is a great expense. He added that he would agree that there are no sidewalks within the industrial park and that it would be a sidewalk to nowhere.

Mr. Schuch and Mr. Balantic discussed the so-called sidewalks to nowhere on Route 161, noting that it is piecemeal work done in good faith; the hope and intent is that these pieces will eventually be connected. Mr. Balantic observed that these sidewalk pieces show up as development opportunities present themselves and should not be dismissed as sidewalks to nowhere. He added that the area in question is utilized as a point of travel and if we say yes now, we are setting a precedent. Mr. Schuch stated that he questions why someone would want a sidewalk in a light industrial area but that the presence of Stop & Shop and the school on the other side serve as the perfect counterpoint to that question.

Mr. Pfanner stressed that this is a small area and if the sidewalk were constructed, it would be a small piece. All of the other areas that would need sidewalks to connect in would be the burden of the Town. He pointed out that funding is always an issue and that the Town obviously prioritizes when selecting sidewalk location. He finds it difficult to believe that the Town would choose sidewalks for a light industrial area when so many more desirable and necessary locations exist. He illustrated his point by bringing attention to the complete absence of sidewalks around the middle school and elementary school. He added that he does not believe sidewalks are necessary in this area.

Mr. Schuch stated that the Applicant is asking for six separate waivers and asked that the Commission review them and ask any questions they might have. Mr. Goeschel said that a soil report is not needed for this area and that only a limited percentage exists for light industrial; to maximize this potential, no open space is desired. Mr. Schuch asked in terms of that traffic study, how many daily trips are anticipated for this site. Mr. Pfanner stated that it's a manufacturing outfit, not retail and that ten trips a day would be on the high side. Mr. Goeschel observed that the middle school encompasses grades 6th thru 8th and questioned how many children would actually walk to school and/or utilize Industrial Park Road. Mr. Pfanner noted that light industrial is not an area that we want to encourage people to walk through; it is an area where we want to generate business but keep separate from the public.

Mr. Schuch questioned whether an archeological survey might be necessary. He acknowledged that he is not a historian and does not have that expertise. Since it's not a timely or expensive process he is always inclined to have the Applicant contact the State to determine whether it is an area of interest. Ms.

Schwartz and Mr. Covino stated that they were okay with foregoing an archeological survey. Mr. Balantic highlighted the portions of the POCD related to sidewalks for the Commission. Mr. Norman Peck asked the Commission if he would be permitted to comment on the archeological survey. Ex-Officio Roseann Hardy confirmed that as a member of the Zoning Commission Mr. Peck is not allowed to comment. However, since he serves on the Historical Society he can speak in that capacity. Norman Peck, President of the East Lyme Historical Society stated that a tremendous amount of historical activity has occurred along the bay and the Niantic River in the northern end of town. Very rarely has anything been found along the freshwater brooks. In his opinion the State Archeologist would pass on performing a survey for this site.

- ****Motion (1)**

Mr. Balantic moved to close the Public Hearing portion of the Meeting.

Mr. Covino seconded the motion.

Vote: 6-0-0. Motion passed.

The Commission adjourned at 8:32 PM for a three minute comfort break.

The Commission reconvened at 8:35 PM.

Mr. Schuch asked for a motion that would allow for the switch of Agenda items so that Attorney Ziegler could speak to the Commission before he had to leave for the evening.

- ****Motion (2)**

Ms. Palazzo moved to switch the order of item A with item B under IV. Subdivisions and Resubdivisions.

Mr. Covino seconded the motion.

Vote: 6-0-0. Motion passed.

IV. Subdivisions and Resubdivisions

B. Orchards at East Lyme Development, Inc. successor to Orchard Woods at East Lyme, LLC; Declaration of Restrictions and Covenants Regarding the Sale or Transfer of Subdivision Lots.

Attorney Ziegler came forward to represent the Orchards/the Carriers'. He stated that there is now a determination that the Bond in place is sufficient to protect the Town and he asks that the Town do a partial release of the requested lots. Mr. Schuch asked what information Attorney O'Connell provided in regards to this matter. Mr. Goeschel reminded the Commission that no partial release for these lots was ever recorded, that the bond is sufficient for road work and sewer and that seven homes were sold despite the lack of release on the Land Records.

Mr. Schuch asked if we had any insight as to how this oversight occurred. Attorney Ziegler stated that his office handles the closings of these properties and that they rely on the buyers' attorneys to

complete their own Title Searches. The majority of the buyers' attorneys did not find the Restriction in question on the Land Records. Attorney Ziegler did not represent the Carriers' when they purchased the property but they want to do whatever they can to address the problem.

- ****Motion (3)**

Mr. Balantic moved that upon consideration of Attorney Ziegler's request and in view of Town Engineer, Victor Benni's assessment of the Public Improvement Bond Sufficiency as stated in his letter of December 16th, 2014; the East Lyme Planning Commission hereby authorize the Chairman of the East Lyme Planning Commission to sign the Partial Release of Declaration of Restrictions and Covenants regarding the sale or transfer of subdivision lots for the Orchards of East Lyme for the following lots: Lot Nos. 64, 65, 66, 67, 68, 69, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 145 and 146.

Ms. Palazzo seconded the motion.

Vote: 6-0-0. Motion passed.

- A. **26 Industrial Park Road;** J Robert Pfanner, Applicant for Bertil Olsson, Owner for a 2 lot Re-subdivision of property located at 26 Industrial Park Road.

Mr. Schuch reminded the Commission that we were returning to the topic of 26 Industrial Park Road and no longer in the Public Hearing, but deliberation.

- ****Motion (4)**

Mr. Balantic stated that based on the findings indicated in the Memorandum of Gary A. Goeschel II, Director of Planning, dated December 2nd, 2014 the Commission moves to grant the waiver request from Section 4-2-3 (B), (C), (D), (E), (F), (J), Section 6-12 Sidewalks, and Section 7-2 Open Space associated with the Application submitted as Application of J Robert Pfanner, Agent, for Owner Bertil Olsson, for a proposed two lot re-subdivision of property located at 26 Industrial Park Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 26.1, Lot 28 and plans entitled "Resubdivision of Property of Bertil Olsson, 26 Industrial Park Road, Niantic, CT; dated August 28, 2013, and revised through November 24, 2014 prepared by J Robert Pfanner, P.E., L.S. of J Robert Pfanner & Associates, P.C., Niantic, CT" for the following reasons:

1. Consistent with the POCD as amended, Objective 2.1- Promote Compatible and Sustainable Economic Development and 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.
2. The Applicant has met the requirements of Subdivision Regulations Article 12 for waivers of the applicable regulations.

Ms. Bengtson seconded the motion.

Vote: 6-0-0. Motion passed.

- ****Motion (5)**

Mr. Balantic stated that based on the findings indicated in the Memorandum of Gary A. Goeschel II, Director of Planning, dated December 2nd, 2014 the Commission moves to grant the waiver request from Section 4-2-3 (B), (C), (D), (E), (F), (J), Section 6-12 Sidewalks, and Section 7-2 Open Space associated with the Application submitted as Application of J Robert Pfanner, Agent, for Owner Bertil Olsson, for a proposed two lot re-subdivision of property located at 26 Industrial Park Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 26.1, Lot 28 and plans entitled "Resubdivision of Property of Bertil Olsson, 26 Industrial Park Road, Niantic, CT; dated August 28, 2013, and revised through November 24, 2014 prepared by J Robert Pfanner, P.E., L.S. of J Robert Pfanner & Associates, P.C., Niantic, CT" which is further subject to the following administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:

1. The Engineering Department may work with the developer to modify the design, or location of dry swales, to accommodate final lot configuration and existing conditions at the time of construction.
2. Pursuant to Section 4-2-11 of the Subdivision Regulations, copies of all easements and deeds necessary to carry the subdivision plan into effect, including instruments to be executed or delivered after approval of the application shall be submitted to the East Lyme Planning Director prior to the endorsement of the plan by the Chairman or Secretary on behalf of the Commission.
3. A deed restriction to ensure that the dry swales are constructed and maintained in a functional manner. A Note shall be placed on the Record Subdivision Plan with reference to this deed restriction.
4. Pursuant to Section 4-4-10 of the Subdivision Regulations any revisions of the approved construction must be approved by the Town Engineer. Such revisions shall be incorporated on an as-built construction plans and a separate as-built Mylar shall be submitted to the East Lyme Water Department showing the location of all water mains and appurtenances with location ties to all main line valves and shut-off valves.

Mr. Covino seconded the motion.

Vote: 6-0-0. Motion passed.

V. New Business

A. Budget

Mr. Goeschel summarized the budget he has prepared for 2015 and informed the Commission that he will be seeking funds to support a GIS position. At minimum if funds for a permanent position are unavailable, he will be requesting funds to support interns. He will also be asking that Planning position be restored to full time status with the addition of a part time Inland Wetlands Officer, which could also be combined with the GIS position. Simply put, there is not enough time during the

week for one person to complete both jobs; no change can occur if one doesn't ask. Mr. Goeschel is hoping that even if it's in part or a slight variation, that some of his requests will be granted.

VI. Reports

A. Chairman

Mr. Schuch had nothing to report.

B. Ex-Officio- Rose Ann Hardy

Ms. Hardy left the meeting at 9:05 PM.

C. Zoning Representative

Ms. Palazzo shared that during the Zoning Meeting of December 4, 2014 the Zoning Commission went through all their regulations page by page, line by line. She noted that the discussion was detailed and obviously took great time and dedication. She was very impressed with the Zoning Commission.

D. Staff/Communications

a. Staff Report

Mr. Goeschel had nothing new to add.

Adjournment

- ****Motion (6)**

Mr. Covino moved to adjourn the Planning Commission Meeting at 9:12 PM.

Ms. Bengtson seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully submitted,



Brooke Stevens,
Recording Secretary

"Exhibit A"

J. ROBERT PFANNER & ASSOCIATES, P.C.
Civil Engineers and Land Surveyors

Waver request

Archeological Survey

- This site is located within a developed Light Industrial Zone. This site has already been developed and there is little to no land on this site that was not worked over during the original development of this lot and the infrastructure of the Industrial development.

Biological Survey

- There are no documented state or federal listed species or significant natural communities as show on the most recent mapping prepared by CT DEEP entitled "Natural Diversity Data Base Area East Lyme, CT December 2014" therefore no Biological report need be prepared.

Soil Scientist Report

- no report was prepared for wetlands as no work is proposed in the wetlands or within the review area.
- Pesticide report
- these is no evidence of this land being farm land therefore no pesticide report is warranted

Traffic Report

- the subdivision of this lot is small in comparison to the development and its current traffic load. The increase in traffic from this small additional lot will not have a significant impact on the traffic of this roadway or its outlets.

Open space

- this application is for the subdivision of a small 2.8 acre parcel of land. If the required open space were granted it would create a very small 0.28 Acres of open space within a fully developed area. This would create a isolated area of open space with little to no benefit or potential to be connected to future open space.

Sidewalks

- sidewalks within this industrial park are not present in front of any of the lots. If sidewalks were to be built they would be much better suited on the opposite side of the road. There are much less obstructions and driveway cuts on the opposite side of the road. Also at the north end of the parcel the wetlands is very close to the existing roadway and placing a sidewalk in this area would be difficult without adversely affecting the stream and wetlands. If sidewalks were constructed on the opposite side of the road they would allow for connection to the sidewalk built at the Stop and shop complex without having to cross the roads.

"Exhibit B"



The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.



1:3840

1"=320'

12/15/2014 1:55:02 PM



N/F
Douglas J Beach
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6. WETLANDS SHOWN AS FLAGGED BY CLINT WEBB.
7. NEW ELECTRICAL SERVICE INSTALLATION IS UP TO THE DESECRATION OF CL&P.
8. ALL CONTOURS AND ELEVATIONS ARE BASED ON NGVD 88 DATUM.
9. FLOOD HAZARD AREA IS BASED ON FIRM FLOOD INSURANCE RATE MAP NEW LONDON COUNTY, CONNECTICUT (ALL JURISDICTIONS) MAP NUMBER 09011C0477J REV AUGUST 5, 2013 BY FEDERAL EMERGENCY MANAGEMENT AGENCY.
10. THE OWNER OF LOT 2 WILL BE RESPONSABLE FOR THE INSTALLATION, MONITORING, AND CORRECTION OF SEDIMENT CONTROL PLAN.

DRAINAGE INSPECTION AND MAINTENANCE SCHEDULE

1. REMOVE ANY BRUSH, LITTER & DEBRIS THAT MAY HAVE COLLECTED WITHIN THE DRY SWALES
2. GRASS AREA WITHIN THE DRY SWALES SHOULD BE MOWED A MINIMUM OF TWICE A YEAR. THE PLANT BIOMASS SHOULD BE REMOVED BY RAKING.
3. THE PROPERTY OWNER OF THE LOT 2 SHALL BE RESPONSIBLE FOR OVERSEEING AND IMPLEMENTING THE DRAINAGE INSPECTION AND MAINTENANCE SCHEDULE.

SOIL AND EROSION CONTROL

1. HAY BALES / SILT FENCE ARE TO BE INSTALLED PRIOR TO CONSTRUCTION.
2. ONLY REMOVE TREES AND VEGETATION NECESSARY FOR CONSTRUCTION.
3. PERMANENT SEEDING SHOULD BE DONE AS SOON AS POSSIBLE AFTER CONSTRUCTION FINISHES. LIME AND FERTILIZE. RECOMMENDED SEEDING DATES ARE APRIL 1 TO JUNE 15 & AUG. 15 TO OCT. 15.
4. RECOMMENDED SEED (PER CT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL) SEED MIX #21 CREEPING RED FESCUE @ 60 LBS/ACRE OR #29 TURF TYPE TALL FESCUE @ 175-250 LBS/ACRE
5. HAY BALES AND SILT FENCE TO REMAIN WHERE PLACED UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED.
6. NO ERODED SEDIMENT SHALL BE PERMITTED TO LEAVE THE SITE OR WASH INTO THE DRAINAGE SYSTEM.
7. IF SEEDING CANNOT MEET RECOMMENDED DATES, TEMPORARY MULCH IS TO BE APPLIED IN ACCORDANCE WITH THE TABLE BELOW.

MULCHES	RATES PER 1000 FT	NOTES
STRAW OR HAY 1/2 - 2 TONS PER ACRE	70-90lbs.	FREE FROM WEEDS & COURSE MATTER. MUST BE ANCHORED

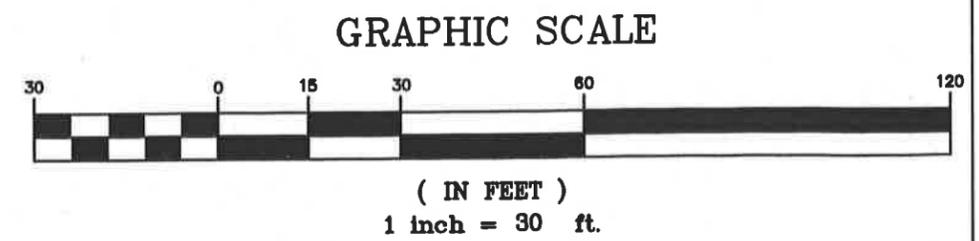
8. ANY HAY BALES OR SILT FENCE REMOVED DURING CONSTRUCTION SHOULD BE REPLACED EACH NIGHT.

* Map Available in Clerk's office

THIS MAP AND SURVEY CONFORMS TO A CLASS A-2 SURVEY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS SUBSTANTIALLY CORRECT AS NOTED HEREON (SEE NOTE 1)



J. ROBERT PFANNER PE LS No. 9442



TITLE:

RESUBDIVISION
OF PROPERTY OF BERTIL OLSSON
26 INDUSTRIAL PARK ROAD NIANTIC, CT.

SHEET NUMBER
1 OF 1

"Exhibit D"

Town of



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

P.O. Drawer 519

**Department of Planning &
Inland Wetlands**

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

MEMORANDUM

To: East Lyme Planning Commission

From: Gary A. Goeschel II, Director of Planning 

Date: December 16, 2014

RE: Orchards of East Lyme

RECOMMENDATION:

Upon review of Attorney Ziegler's request, I recommend the following:

MOTION

The East Lyme Planning Commission hereby Authorize the Chairman of the East Lyme Planning Commission to sign the Partial Release of Declaration of Restrictions and Covenants regarding the Sale or Transfer of Subdivision Lots for The Orchards of East Lyme, for the following lots:

Lot Nos. 64, 65, 66, 67, 68, 69, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 145 and 146.

"Exhibit E"

EAST LYME DEPARTMENT OF PLANNING

SUBDIVISION REVIEW SHEET



TITLE OF PLAN:	Resubdivision of Property of Bertil Olsson 26 Industrial Park Road Niantic CT, prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, dated August 28, 2013; Revised to 12/15/2014	
DATE RECEIVED:	December 15, 2014	RECEIVED
DATE DISTRIBUTED:	December 15, 2014	DEC 15 2014
REVIEW DEADLINE:	December 15, 2014	DIRECTOR OF PUBLIC WORKS

	Application	Plans
VICTOR BENNI, TOWN ENGINEER	✓	✓

PUBLIC HEARING IS SCHEDULED FOR December 16, 2014

COMMENTS:

- Party Responsible for E&S controls has been shown on the Plan.
- Plan has been revised to show top accuracy & reference datum
- Plan has been revised to show flood elevation & zone.

REVIEWED BY: Victor Benni DATE: 12/15/14
 Victor Benni
 East Lyme Town Engineer

"Exhibit F"
Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

Town Engineer
Victor A. Benni, P.E.

860-691-4112
FAX 860-739-6930



To: Gary Goeschel, Director of Planning

From: Victor Benni, P.E., Town Engineer

A handwritten signature in blue ink, appearing to read "Victor Benni", is written over the printed name in the "From:" field.

Date: December 16, 2014

Re: Orchards at East Lyme
Public Improvements Phases VA & VB

The Engineering Department has reviewed the proposed Plans of development for the above referenced project. The Public Improvement Bond of \$370,000 is sufficient to cover the public improvements that still remain to be completed by the applicant/developer for these phases.

This determination follows a review, by this department, of the existing site conditions as of December 15 & 16, 2014, and the following Plans submitted by the applicant:

Orchards at East Lyme, Phase VA Road Construction Set, Prepared for – Prestige at East Lyme, East Lyme, Connecticut, Date: June 7, 2007, Revised through: August 1, 2008, Sheets: 1 - 9, by: Gerwick-Mereen, LLC.

Orchards at East Lyme, Phase VB Road Construction Set, Prepared for – Carrier Enterprises, East Lyme, Connecticut, Date: April 1, 2008, Revised to: May, 2, 2012, Sheets: 1 - 10, by: Gerwick-Mereen, LLC.