

**EAST LYME PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, JANUARY 3rd, 2012  
MINUTES**

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

**ALSO PRESENT:** Attorney Theodore Harris, Representing Applicants  
Fred Finn, LS representing Applicant  
Gary Goeschel, Planning Director  
Frank Balantic, Alternate, Ernest Covino, Alternate,  
Francine Schwartz, Alternate  
Holly Cheeseman, Ex-Officio, Board of Selectmen

FILED Jan 9, 2012  
AT 1:40 AM.

*L. Blais, etc*  
TOWN CLERK

**ABSENT:** No One

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 8:40 PM after the two previously scheduled Public Hearings.

**Pledge of Allegiance**

The Pledge was observed.

**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.

There were none.

**III. Approval of Minutes – Public Hearing I Minutes of December 1, 2011**

**Public Hearing II Minutes of December 1, 2011**

**Regular Meeting Minutes of December 1, 2011**

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of December 1, 2011.

**\*\*MOTION (1)**

Mr. Schuch moved to approve the Planning Commission Public Hearing I Minutes of December 1, 2011 as presented.

Ms. Bengtson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing II Minutes of December 1, 2011.

**\*\*MOTION (2)**

Mr. Schuch moved to approve the Planning Commission Public Hearing II Minutes of December 1, 2011 as presented.

Ms. Palazzo seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of December 1, 2011.

**\*\*MOTION (3)**

Mr. Schuch moved to approve the Planning Commission Regular Meeting Minutes of December 1, 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 explained what the CAM is and that they would need to indicate any coastal resources located in this zone and what they would do to mitigate any adverse impacts to them.

Attorney Harris explained that they are supposed to protect any coastal resources near or adjacent to the site and that there are no coastal resources near or adjacent to this site so the only analysis applicable here is the one known as 'general development'. There are not going to be any impacts offsite due to the drainage design and the lack of proximity to coastal resources means that there would be no impact on them.

**\*\*MOTION (4)**

Mr. Schuch moved to approve the application of Jim Bernardo, LS for Pazz & Construction, 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; finding that the application is consistent with all applicable goals and conditions of the CAM Act, and that the applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.

Ms. Palazzo seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

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. Bowers said that although they have closed the public hearing on this application that he is concerned about the information that has been presented and 'thrown' at the new people and asked if they feel that they need time to digest it before making a decision.

Ms. Palazzo said that she would like more time and some of the other Commissioners agreed.

Mr. Goeschel noted that the Public Hearing is closed and that any discussion has to take place in public forum. If they have any questions they would need to bring them back to the next meeting to discuss. He also noted that he had provided them with a letter that synthesizes the events and suggested that they review it prior to the next meeting.

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 just closed this Public Hearing and that this application has the Inland Wetlands approval that they had been waiting for.

Mr. Bowers asked about the posting of the bond.

Mr. Goeschel explained that conditional approval states that they cannot sell a lot until certain things are done – such as the posting of the bond. In this case, Mr. Finn has indicated that the owner is not going to develop the lot but sell it and has requested that the bond be posted by the new owner.

Ms. Bengtson and Mr. Schuch said that they want the regulations followed and the bond posted.

**\*\*MOTION (5)**

Mr. Schuch moved to approve the application of Fred Finn, Jr., Land Surveyor, applicant for Patrick Quinn, Owner for a two lot subdivision of 2.96 acres of property located at 285 Chesterfield Road, Assessor's Map 44.0, Lot 13 and plans entitled 'Boundary Survey subdivision of Land of Patrick Quinn, 285 Chesterfield Road, East Lyme, CT dated September 28, 2011 revised to 1/3/2012 prepared by Finn Survey and subject to the following conditions (also to be noted on the plan):

- The construction of or a bond in the amount of \$4000 be posted in a form acceptable to the Planning Commission and satisfactory to the Town Planner for the proposed storm water infrastructure improvements. More specifically, for the drainage swale and rain garden.
- A deed restriction to ensure that the drywells and detention basins are constructed and maintained in a functional manner.

The above items shall be done prior to the filing of the subdivision on the land records or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied. This approval is specific to the subdivision plan submitted as application of Patrick Quinn and any changes in the subdivision plan other than those identified herein shall constitute a new application and the modifications of this approval and any change in the development plan layout other than those identified herein shall constitute a new application. The owner/applicant shall be bound by the provisions of this application and approval.

Ms. Nee seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Goeschel noted that they would also need to address the request for a waiver of Sections 6-8-1 through 6-8-6 of the Subdivision Regulations. He noted that the report from Mr. Scheer, Town Engineer finds that the proposed subdivision is reasonably safe from flooding and has met all of the exemption requirements.

**\*\*MOTION (6)**

Mr. Schuch moved to grant a waiver of Sections 6-8-1 through 6-8-6 of the East Lyme Subdivision Regulations as the applicant has met the requirements for the waiver as demonstrated in Exhibit L – the memo from Bill Scheer, PE, LS, Town Engineer dated 11/10/11.

Ms. Palazzo seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

**V. Current Subdivision Approval/Construction Reports**

There were none.

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

There were none.

**VII. 8-24 Referrals (Municipal Improvements)**

There were none.

**VIII. New Business**

**1. Request of Theodore A. Harris, Agent for Applicant for a two-year extension of Conditional Approval for Phase II of Walnut Hill Chase Subdivision.**

Mr. Goeschel said that Attorney Harris was present to speak on this.

Attorney Harris explained that there is a State Statute that extended all approvals out four years and that this request may or may not be needed.

Mr. Goeschel explained that this request was brought before the Inland Wetlands Agency and that they followed the State Statute and extended it. He said that he would have to follow up with Attorney O'Connell as there is a question of if it pertains to conditional approvals.

Attorney Harris said that Phase I is bonded however due to the economic conditions it has not been started.

Mr. Bowers suggested that they address this at their meeting on February 7, 2012 and that Mr. Goeschel obtain an opinion from Attorney O'Connell on the State Statute.

## **2. Planning Commission Liaison to Zoning Commission Schedule**

Mr. Bowers noted that this is the last page of their packets. He suggested that they arrange with others if they cannot make a meeting.

## **IX. Old Business**

### **1. POCD Chapter 8: Circulation and Transportation**

Mr. Goeschel said that he has been making the changes as they have requested and has also made updates and modifications on the older transportation map. He said that he would have the updated draft to them before their workshop meeting on February 21, 2012.

## **X. Reports**

### **1. Chairman**

Mr. Bowers congratulated all the new and returning members of the Commission. He said that it is nice to have a full Commission. He also reiterated that regarding the decision that they will be making at their next meeting that it is important to bring questions to the next meeting and to not meet or discuss it outside of the public forum.

### **2. Zoning Representative**

There was no report.

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

There was no meeting.

### **4. Subcommittees**

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

Mr. Goeschel said that he would be attending a Nature Conservancy presentation on January 11, 2012 at the Waterford Town Hall on this topic. He invited Ms. Schwartz to attend if she could make it.

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

Mr. Goeschel said that he did not have anything new to report.

### **5. Ex-Officio – Holly Cheeseman**

Mr. Bowers welcomed Ms. Cheeseman.

Ms. Cheeseman reported that the Town has received a \$400,000 STEAP Grant to continue with the downtown streetscape improvements. She also reported that they would be continuing with Ledge Light Health District to provide them with services as they have reduced their price per capita.

### **6. Staff/Communications**

Mr. Goeschel noted that he had provided them with a copy of a letter that Ms. Lange had written to Attorney Harris. He noted that he has received architectural renderings on the proposed new Tinker House and that he anticipates that there will be a demo permit forthcoming. He also reported that a solar park has been recognized by the State at 44 Grassy Hill Road.

**ADJOURNMENT**

**\*\*MOTION (7)**

**Mr. Schuch moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:43 PM.**

**Ms. Bengtson seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary