

Planning Commission Regular Meeting Minutes
July 7, 2015

The Planning Commission reconvened after a comfort break, for the Regular Meeting at 8:19pm.

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.

II. Approval of Minutes

A. June 2, 2015 Meeting Minutes

- ****Motion (1)**

Ms. Palazzo moved to approve the Meeting Minutes of June 2, 2015.

Mr. Covino seconded the motion.

Vote: 5-0-0. Motion passed.

FILED IN EAST LYME
CONNECTICUT
July 10, 2015 AT 10:25 AM PM
[Signature]
EAST LYME TOWN CLERK

III. Subdivisions and Resubdivisions

A. Orchards Subdivision Status and Review

Attorney O'Connell came forward to introduce this matter. In essence, it's a change of the Public Improvements Collateral. Covenants and Restrictions were recorded on the Land Records by the former developer. Every time a lot sells it has to be released. When a title search is done the results say that the lot is unable to be sold; partial releases and Amendments to the Covenants and Restrictions have to be recorded on the Land Records.

Traditionally most subdivisions opt to utilize a Public Improvement Bond to complete the public improvement work. This is merely an administrative decision; in lieu of the Covenants and Restrictions a Line of Credit will be utilized to ensure public improvement completion.

Mr. Goeschel's memo (attached), details the amount of the existing bonds and Line of Credit. The Line of Credit also includes a 15% contingency fund.

Attorney O'Connell introduced Attorney Ziegler, who represents the Carrier's, the developers. Status of the Development will be given for administrative purposes only. Mr. Ziegler stated that he would let Don Gerwick, the Carrier's Engineer handle the number crunching aspect of the presentation.

Attorney Ziegler gave a brief summary of the history of the Orchards.

Don Gerwick came forward and gave several examples of how the Carrier family has gone above and beyond what is required by the Town, to ensure quality work. One such example is the decision for the interconnected waterways to avoid having a pumping station; this was done at the Carrier's expense and of their own volition. Another example is the use of used catch basins which will be replaced with new ones upon completion of construction; this will allow the Town to get a new road minus any nicks.

Mr. Gerwick stated that the Public Improvements are 75% complete. He provided the Commission with a color coded Plan of the Development (attached), which illustrates the completed, substantially completed and partially completed roads. He reviewed the Map in detail.

Mr. Goeschel noted that he is making a change, the date on his memo reads December 16, 2014 when it should read July 7, 2015.

Attorney O'Connell reviewed the bonding process for the Commission. He stated that the Letter of Credit is better security for both the Commission and Town. It is signed and sealed by Simsbury Bank. With the Covenants and Restrictions the Town holds three bonds:

1. **Erosion & Sedimentation Bond- \$340,000**
2. **Public Improvement Bond- \$370,000**
3. **Erosion & Remediation Bond- \$175,000**

Mr. Gerwick and Town Engineer, Victor Benni have discussed reducing the Remediation Bond to \$100,000 since more money than that would not be needed.

Mr. Benni has indicated that a Public Improvement bond in the amount of \$2,274,364 would be sufficient to cover the public improvements still needing completion.

\$2,274,364 Line of Credit

-\$370,000 PI Bond

-\$75,000 E&R Bond (Reduced from the previous \$175,000)

= \$1,829,364 (rounded up to \$1,830,000)

Currently with the Covenants and Restrictions the Town has a Public Improvement bond for \$370,000. With a Line of Credit the Town would have \$1,830,000 guaranteed and held by Simsbury Bank.

Mr. Covino stated that this amount is more than enough to be adequately protected.

Mr. Goeschel clarified that the very last sentence contains the figure \$2,199,364. It should say \$1,830,000.

Mr. Goeschel asked if the lots are released will they become fully taxable. Mr. O'Connell said that is determined by the Assessor.

Mr. Schuch said that he would be interested in hearing from Mr. Benni regarding his figures. Mr. Goeschel said that Mr. Benni had a prior obligation and could not attend this evening's meeting.

Mr. Gerwick and Attorney Ziegler emphasized that Field Engineer, Gary Heyanka used the going rates in his calculations. All of this was reviewed by Engineer, Don Gerwick, Engineer, Victor Benni, Deputy Director of Public Works, Bill Scheer, Director of Planning, Gary Goeschel, and Town Attorney, Ed O'Connell.

Mr. Gerwick, Mr. Goeschel, Attorney Ziegler and Attorney O'Connell all said that they are comfortable with this change and these calculations.

Mr. Schuch expressed concern over whether this sum was adequate for protection; he illustrated his concern with the example of the boardwalk and the large bond- at one point thought adequate, that was in no way nearly enough to cover expenses.

Mr. Gerwick stated that the Carriers' had him design basins for a 100 year storm as opposed to the standard 25 year storm; lessons from the boardwalk are not lost on the Carriers'.

Ms. Bengtson said that the world of building and bonding has changed. Nowadays the developer chooses what kind of bond he wants. She said that she feels the Developers have produced vast evidence that illustrates that they are protecting the Town.

Mr. Schuch proposed tabling this matter until Mr. Benni could be present.

Mr. Goeschel and Mr. Covino both stated that they don't see the figures changing because of the presence of Mr. Benni.

Mr. Covino, Ms. Schwartz, Ms. Palazzo and Ms. Bengtson said they were all comfortable moving forward this evening.

Due to Mr. Schuch's reluctance to move forward, the rest of the Commission supported the decision to table this matter and have a special meeting in two weeks.

IV. 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.

There were none.

V. Old Business

- A. Application of Roger Dawson of 1314 East Las Olas Blvd. Fort Lauderdale Fl., 33301, 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.

The Public Hearing has been tabled until the next meeting.

VI. New Business

There was none.

VII. Reports

A. Chairman

Mr. Schuch had nothing to report.

B. Ex-Officio- Rose Ann Hardy

Ms. Hardy left the meeting at 9:40pm.

C. Zoning Representative

Ms. Palazzo stated that the last few meetings have been held at Camp Niantic due to the large audience for the Oswegatchie/Golden Spur 850 unit proposal. One thing that has perturbed her that no one has addressed or brought up again, is that blasting will have to occur because of the large amount of ledge. She wants to know why nothing was said about this in the 475 page book they received from the Applicant.

She also commented on the new restaurant Lillian's, how it is doing well but how unbelievably horrendous the traffic is on that end of Main Street.

D. Sub-Committees

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

Nothing to report.

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

Nothing to report.

E. Staff/Communications

Mr. Goeschel said that they had a Department Head Meeting earlier that day and the traffic issue came up there as well. It is difficult to maneuver in the summertime traffic and the beaches are being taxed.

Discussions are occurring regarding limiting beach occupancy like Rocky Neck does. The section of Main Street by Lillian's, Café Sol and Gary Smith's new building is especially congested. We need to start a dialogue with Department Heads so everyone knows what projects and goals are going on, and see how they fit into our POCD.

ADJOURNMENT

- ****Motion (2)**

Ms. Palazzo moved to adjourn the Planning Commission Meeting at 9:50 pm.

Ms. Bengtson seconded the motion.

Vote: 5-0-0. Motion passed.

Respectfully Submitted,

**Brooke D. Stevens,
Recording Secretary**

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

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



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

MEMORANDUM

To: East Lyme Planning Commission

From: Gary A. Goeschel II, Director of Planning

Date: ~~December 16, 2014~~ July 7, 2015

RE: Orchards Subdivision – Request of Attorney Robert Ziegler on behalf of Orchards of East Lyme Development, Inc.; Letter of Credit for Specific Improvements and Release of the Declaration of Restrictions and Covenants regarding Sale or Transfer of Lots

Upon review of Attorney Ziegler's request dated June 2, 2015, I offer the following comments:

The Town of East Lyme Planning Commission currently holds three cash bonds totaling \$885,000.00 for the following:

1. Erosion & Sedimentation Bond: \$340,000.00
2. Public Improvement Bond: \$370,000.00
3. Erosion and Remediation Bond: \$175,000.00

2,274,364 line credit
- 370,000 bond (PI)
- 75,000 E+R bond

1,829,364 round up

Attorney Ziegler has requested to provide a Letter of Credit to insure the completion of the public improvements in the amount of \$1,339,364.00 and the Commission execute a Release of the Declaration of Restrictions and Covenants regarding the Sale or Transfer of Subdivision Lots recorded in Volume 674 Page 286 of the East Lyme Land Records.

+0
1,830,000.

However, the Town Engineer has reviewed the proposed plan of development for the above referenced subdivision. In correspondence from Mr. Benni to myself dated May 9, 2015, Mr. Benni indicates a Public Improvement bond in the amount of \$2,274,364 dollars would be sufficient to cover the public improvements that still remain to be completed by the applicant/developer.

Based on correspondence Dated June 16, 2015 from Don Gerwick the applicant/developer's engineer to Victor Benni, indicates the applicant/developer proposes to reduce the Remediation Bond to \$100,000.00 dollars.

As such, should the Planning Commission accept the above referenced request, I would recommend a Letter of Credit in the amount of \$2,199,364.00 dollars be posted with the Commission.

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
Date: May 9, 2015
Re: Orchards at East Lyme
Public Improvements - Bond Estimate

A handwritten signature in dark ink, appearing to read "Victor Benni", is written over the "From:" line of the letterhead.

The Engineering Department has reviewed the proposed Plans of development for the above referenced project. The Public Improvement Bond of \$ 2,274,364 is sufficient to cover the public improvements that still remain to be completed by the applicant/developer for Plum Hill Road, Hickory Court, Arbor Crossing, Pear Grove, Pumpkin Grove, Peach Lane, Pheasant Run, Holly Lane, and Partridge Court.

This determination follows a review, by this department, of the following *Plans* and *Bond Estimate Summary* submitted by the applicant and prepared by Gerwick-Mereen LLC:

Orchards at East Lyme, Phase II Road Construction Set, Prepared for—Carrier Enterprises, East Lyme, Connecticut, Date: 3/31/08, Revised through: 2/20/15, Sheets: 1 - 9.

Orchards at East Lyme, Phase IV Road Construction Set, Prepared for—Carrier Enterprises, East Lyme, Connecticut, Date: 3/31/08, Revised through: 2/20/15, Sheets: 1 - 10.

Orchards at East Lyme, Phase VA Road Construction Set, Prepared for—Prestige at East Lyme, East Lyme, Connecticut, Date: 6/7/07, Revised through: 8/1/08, Sheets: 1 - 9.

Orchards at East Lyme, Phase VB Road Construction Set, Prepared for—Carrier Enterprises, East Lyme, Connecticut, Date: 4/1/08, Revised to: 5/2/12, Sheets: 1 - 10.

Orchards at East Lyme, Phase VC Road Construction Set, Prepared for—Carrier Enterprises, East Lyme, Connecticut, Date: 4/15/08, Revised to: 11/12/13, Sheets: 1 - 7.

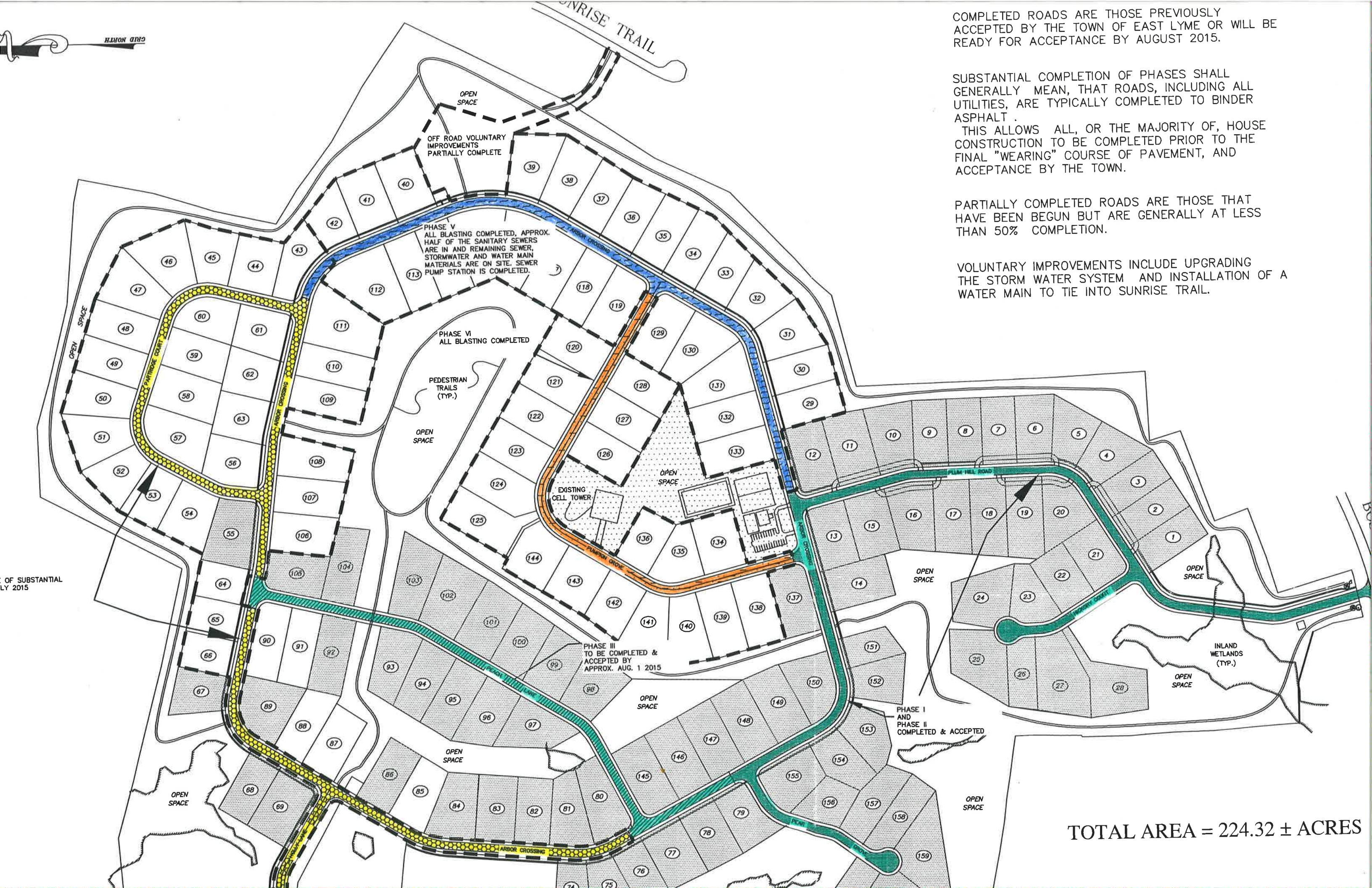
Plan Showing Proposed Drainage Basin for Orchards at East Lyme, Carrier Enterprises, Arbor Crossing, East Lyme, Connecticut (Draft Progress Print), Sheets: 1, 2, 3 of 3, Date: 11/11/14, Revised to: 2/11/15.

Bond Estimate, Bond Estimate Summary, Orchards at East Lyme, May 8, 2015, Prepared by: Gerwick-Mereen, LLC. Including: Plum Hill Road, Hickory Court, Arbor Crossing, Pear Grove, Pumpkin Grove, Peach Lane, Pheasant Run, Holly Lane, and Partridge Court.

**Orchards of East Lyme
Bond Estimate**

Bond Estimate Summary

	ESTIMATED COST	CONTINGENCY (15%)	BOND SUBTOTAL
Plum Hill Road	\$0	\$0	\$0
Hickory Court	\$0	\$0	\$0
Arbor Crossing	\$1,163,060	\$174,459	\$1,337,519
Pear Grove	\$0	\$0	\$0
Pumkin Grove	\$709,078	\$106,362	\$815,440
Peach Lane	\$0	\$0	\$0
Pheasant Run	\$0	\$0	\$0
Holly Lane	\$13,250	\$1,988	\$15,238
Partridge Court	\$92,320	\$13,848	\$106,168
Orchards Bond Estimate Total =			\$2,274,364



COMPLETED ROADS ARE THOSE PREVIOUSLY ACCEPTED BY THE TOWN OF EAST LYME OR WILL BE READY FOR ACCEPTANCE BY AUGUST 2015.

SUBSTANTIAL COMPLETION OF PHASES SHALL GENERALLY MEAN, THAT ROADS, INCLUDING ALL UTILITIES, ARE TYPICALLY COMPLETED TO BINDER ASPHALT .

THIS ALLOWS ALL, OR THE MAJORITY OF, HOUSE CONSTRUCTION TO BE COMPLETED PRIOR TO THE FINAL "WEARING" COURSE OF PAVEMENT, AND ACCEPTANCE BY THE TOWN.

PARTIALLY COMPLETED ROADS ARE THOSE THAT HAVE BEEN BEGUN BUT ARE GENERALLY AT LESS THAN 50% COMPLETION.

VOLUNTARY IMPROVEMENTS INCLUDE UPGRADING THE STORM WATER SYSTEM AND INSTALLATION OF A WATER MAIN TO TIE INTO SUNRISE TRAIL.

OF SUBSTANTIAL
LY 2015

TOTAL AREA = 224.32 ± ACRES