

Planning Commission Public Hearing Minutes

Tuesday May 19, 2015

Present: Frank Balantic, Secretary, Ernie Covino, Rita Palazzo, Brian Schuch, Chairman, Joan Bengtson, Francine Schwartz, Michael Hess, Alternate, Anne Thurlow, Alternate

Also Present: Gary Goeschel, Planning Director, Marc Salerno, Selectmen

Absent: John Birmingham, Alternate, Rose Ann Hardy, Ex-Officio

Mr. Schuch called this Public Hearing of the Planning Commission to order at 7:04 pm.

Pledge of Allegiance

The Pledge was observed.

FILED IN EAST LYME
CONNECTICUT
May 20, 2015 AT 10:40 AM/PM
J. Salerno
EAST LYME TOWN CLERK

I. Public Hearing

- 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.

Mr. Schuch directed the Commission to the application and public notice in the Member Packet.

Mr. Goeschel presented Exhibits A-J for the record; A- Application, B- Property Survey by James Bernardo, C- Staff review sheet, D- Legal Notice published in the New London Day Newspaper, E- Legal Notice filed in the Town Clerk's office, F- Letter to Jason Dismukes regarding public hearing, G- Photograph Sign required for the subdivision, H- Letter from Brian D. Jones PHD State Archeologist, I- Letter from Town Planner, J- Letter from Kim White from LLHD regarding the suitability of the lots. (All of the exhibits are available for perusal in the East Lyme Land Use office.)

Jason Dismukes a Civil Engineer from 241 Torrington Road Goshen, CT came forward on behalf of the Applicant. He submitted a revised Site Plan (Exhibit K, attached), and explained that they are withdrawing their request for a waiver for the required Easement area since the Plan already exceeds what the regulations require in terms of Conservation. A Zoning table has also been added to the Plan and Mr. Dismukes has also addressed comments from Ledge Light Heath District and Engineering on this Plan. The regulations require that 50% of what the Applicant conserves to be upland and the Applicant is providing 52% upland.

Mr. Schuch asked what is on the lot now and Mr. Dismukes stated an existing house with outer buildings. The proposed lot is the rear lot behind the house. A single family dwelling has been proposed

in order for the Applicant to demonstrate feasibility of the resubdivision. Ms. Bengtson asked how far from the inland wetlands the topsoil stockpile is and Mr. Dismukes said 150 feet. Ms. Bengtson asked how long it will sit there and Mr. Dismukes explained that the soil will be spread out after the site is fine graded.

Mr. Schuch had Mr. Goeschel remind the Commission what constitutes as resubdivision as opposed to a subdivision; a subdivision is the division of land into three or more lots. When that land is divided again, it becomes a resubdivision which require public hearings. Mr. Covino clarified that this lot was previously part of a larger subdivision which Mr. Goeschel confirmed.

The Commission and Mr. Dismukes discussed the request for the Storm water Management Plan waiver and the proposed vegetative swale along the driveway. Mr. Dismukes noted that the Engineering Department approved the vegetative swale and read item 4 of Victor Benni, Town Engineer's letter (part of Exhibit C), into the record.

"The Engineering Department has determined that the applicant has met all of the exemption requirements as stated in 6-8-7 and recommends that an exemption for 6-8-1 through 6-8-6 be granted."

Mr. Schuch stated that he wanted to give Mr. Goeschel adequate time to review this new Plan.

Mr. Goeschel said that per our regulations, no decision may be rendered by the Planning Commission until they have received word of the Inland Wetlands report on this application. The Inlands Wetlands Commission next meeting is on June 8, 2015.

Mr. Schuch opened up the Public Hearing to public comments.

Thomas Gannoe of 27 Upper Walnut Hill Road came forward and introduced his wife Susan, who was also present. He explained that they have lived there going on twenty-eight years and that their property borders the Applicant's property on both sides. Mr. Gannoe said that they spoke to the Planning Commission prior to purchasing their property in order to make sure that the subdivision was completed. After they purchased their property, they purchased two bordering parcels as they became available. Their intent being to conserve the RU 80 and farm land way of life.

Mr. Gannoe detailed the history of Upper Walnut Hill Road explaining how the majority of the landowners are family members. He stated that the existing barn is an eye sore and advised the Commission to google Roger Dawson so that they can fully understand the kind of "development" Mr. Dawson has been a part of. He stated the Applicant does not live in Connecticut and that he has a history of destruction in this state.

Mr. Gannoe said that he has documentation for the Commission to review and pleaded that the Commission consider how this resubdivision will affect everyone in the area. He added that just because the numbers add up, it doesn't mean something is right. He does not believe that this was the intent when our regulations were made. He asked that the Commission visit the site and really consider their decision.

Mr. Schuch asked that Mr. Goeschel prepare a quick map of the area for our next meeting, to give the Commission a sense of the impact on this area and an idea of how many other lots would be able to do the same.

Mr. Schuch asked how much frontage the new lot has and Mr. Dismukes said 202 feet and that 200 feet are required.

****Motion (1)**

Ms. Bengtson moved to table this Public Hearing and continue it at our next regularly scheduled meeting.

Ms. Palazzo seconded the motion.

Vote: 6-0-0. Motion passed.

The Public Hearing was adjourned at 7:55pm.

Respectfully Submitted,
Brenda D. Horvath
Recording Secretary