

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

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

**FILED IN EAST LYME
CONNECTICUT**
May 26 2015 AT 10:40 AM PM
Jane Walcott
EAST LYME TOWN CLERK

I. Public Delegations

There were none.

II. Approval of Minutes

A. May 5, 2015 Meeting Minutes

- ****Motion (1)**

Ms. Palazzo moved to approve the Meeting Minutes of May 5, 2015.

Ms. Bengtson seconded the motion.

Vote: 6-0-0. Motion passed.

III. Subdivisions and Resubdivisions

There were none.

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.

- A. Petition of Timothy S. Hollister for Landmark Development Group, LLC and Jarvis of Cheshire, LLC to rezone 123.02 acres from RU-120, its existing zoning designation, to Affordable Housing District and for approval of a Preliminary Site Plan which proposes open space of 87 acres for property identified in the application as Calkins Road, East Lyme.

Mr. Schuch recapped the discussion that occurred regarding this application at the last Planning Commission meeting. At that meeting, Mr. Goeschel furnished a memo which cites the areas he sees as consistent and inconsistent with the POCD. The Zoning Hearing for this Application will occur on May 21st, 2015.

Mr. Goeschel reminded the Commission that the Town has entered into a contract with its own Traffic Engineer to peer review the applicant's submitted traffic report. The six page report is in tonight's Member Packet.

The Commission discussed the traffic report. Mr. Goeschel noted that his finalized memo should read May 19, 2015 and not April 14, 2015. He questioned how we can make a finding when our Expert reviewer of the traffic report says there is not enough information.

- ****Motion(2)**

Mr. Balantic moved to find the Petition of Timothy S. Hollister for Landmark Development Group, LLC and Jarvis of Cheshire, LLC to rezone 123.02 acres from RU-120, its existing zoning designation, to Affordable Housing District and for approval of a Preliminary Site Plan which proposes open space of 87 acres for property identified in the application as Calkins Road, East Lyme as inconsistent with the East Lyme 2009 Plan of Conservation and Development as amended based upon the impartial summary and analysis by Mr. Goeschel in his letter dated April 16th, 2015, with changes and updates made on May 19th, 2015 and with the following additional comments:

Although affordable housing initiatives remove barriers and where appropriate provide the opportunity to supersede local zoning, these initiatives are clearly not intended to trump environmental or safety concerns. The Commission finds the Application specifically inconsistent with the POCD as amended.

1. *Objective 1.2- Establish a coordinated cooperative system of Land Use decision making to ensure that development continues to meet high performance standards specifically with regard to open space preservation, view corridor protection, environmental protection, sustainability, and landscaping and building design treatments consistent with East Lyme's New England setting.*
2. *Objective 3.2- To protect East Lyme's native ecosystems, biodiversity and maintain the quality of East Lyme's water courses.*

3. *Objective 3.3- To promote wise use of land in the coastal area, which recognizes the importance of the Town's coastal resources and existing water dependent uses.*
4. *Objective 7.1- To provide for the safe, convenient and efficient movement of people and goods through and within the Town by developing a planned transportation system, which serves local traffic, through traffic and pedestrian movement while ensuring the preservation of community character.*

The Commission is particularly concerned with the long, narrow, single access road and issues ranging from children walking to the bus stop; emergency vehicles responding; ingress and egress during substantial weather events; and the potential impact on the privately abutted and very narrow River Road and Caulkins Road. Further, the Traffic Engineering/Traffic Impact Peer Review by Jurasin Consultant LLC found the Hesketh review of the 2005 Fuss & O'Neill Traffic Impact Study to contain insufficient and incomplete information to substantiate their findings and conclusions.

Additionally, the Commission has outstanding questions regarding the feasibility of the proposed access road through the local neighborhood, the width of that road, some of the property lines, where the houses are actually constructed, whether an access road will fit if the road is widened as the Plan suggests.

5. *Chapter 5 of the POCD (Open Space-)Open Space, Natural, Historical, and Cultural Resources specifically the adopted recommendations and objectives of the Lands of Unique Value Study (the LUV Study), specifically Article 5.2.3, Figure 24 and Page 118 designating this area as Type 1, a Critical Preservation Parcel; Development of these parcels could be detrimental to the Town's natural and cultural systems and Type 2 Land, where development of these lands would be detrimental to the Town's natural and cultural systems.*

Mr. Covino seconded the motion.

Ms. Schwartz stated that it is important to note that we would like to have more affordable housing in Town.

Mr. Goeschel observed that it is confusing where the property line is being proposed and that more clarification is needed as pertains to that.

The Commission discussed the motion in detail.

****Motion (3)**

Mr. Balantic amended his motion to include three additional comments as discussed.

6. *Chapter 3 of the POCD Land Use-Section 3.3, Mixed Use and Affordable Housing; The Town has studied Land Use and Planning for over four decades. The Oswegatchie Hills area has long been identified for preservation as open space beginning with the 1967 Comprehensive Plan for the Town of East Lyme prepared by E.H. Lord-Wood, Associates, which states-*

"The Oswegatchie Hills area represents a scenic hilltop with vistas of the ocean and the Niantic River worthy of protection. The area from the Connecticut Turnpike south

to Pennsylvania Avenue and from the banks of the Niantic River to the crest of the Oswegatchie Hills should be maintained as open space to provide a place of passive recreation consisting of hiking trails, picnic areas, nature paths and camping areas."

In 1974, the Conservation Commission developed the Town's first Open Space Plan based on a study conducted by the New England Regional Commission in 1972. The objectives of this New England-wide project were *"to identify and describe a variety of natural areas, and to establish a comprehensive data base from which town plans for the protection of such natural areas having major ecological and aesthetic assets could be developed."* The areas specified in East Lyme included Oswegatchie Hills and Latimer Brook.

In 1977, the Planning Commission established a Land Use and Natural Resource subcommittee to *"minimize pre-conceived ideas and explore any and all alternative ways of enhancing [the] Town through the long range protection and use of its natural resources."* The features which open space should possess in order of priority were as follows- assist in protection of aquifers; have active and/or passive recreational potential; have special natural features; have agricultural value; close to population.

In 1982, East Lyme adopted as an amendment to the Plan of Development, The Coastal Area Development Plan which cited the severe constraints of the Oswegatchie Hills area for development because of steep slopes and bedrock soils.

In 1985, the Town of East Lyme adopted its Water Pollution Control Facilities Plan (for pollution abatement). Oswegatchie Hills was specifically not included in the Sewer Shed Area.

In 1987, the Plan of Development in Section 7- Open Space and Recreation again lists preservation of Oswegatchie Hills and Latimer Brook as a recommendation. From 1987 forward, the Town of East Lyme has steadily has maintained a two-prong approach to preserving and protecting Oswegatchie Hills, which includes efforts to purchase the property as well as refinements to its zoning designation and development standards.

7. *Chapter 3 of the POCD Land Use-Section 3.3, Mixed Use and Affordable Housing, Sub-Section 3.3.1, (final paragraph on page 76.) The public recognizes the need and value of more housing choices in East Lyme."* The 2007 Community Survey, Appendix B of the 2009 POCD, found support for more rental, senior housing, accessory units, and two-family homes. Residents voiced their preference for affordable housing

"Where it would strengthen village centers and bring awareness that such residential development in Niantic and Flanders villages would provide pedestrian access to shopping, employment and Town facilities. Residents articulated their strong desire to accommodate affordable housing to reach the goal of 10-percent and their preference for well-planned affordable housing development that is compatible with the community's New England character."

8. Although a legal description of the metes and bounds has been provided, the map submitted with the applicant's Petition depicting the proposed Zone change lacks sufficient information to accurately identify the exact location and extent of the proposed change relative to the remainder of the Town, adjacent Zoning Districts, and the Niantic River. *Section 32.9.1 of the Zoning Regulations "Preliminary Site Plan"* is germane.

Mr. Covino amended his second to include the three additional comments.

The Commission discussed the motion in detail.

- ****Motion (4)**

Mr. Balantic again amended his previous motion to include two additional comments.

9. In 1987, the State Legislature recognized the significance of Oswegatchie Hills by its designation as a "*Conservation Zone*" and creation of legislation enabling the establishment of the Niantic River Gateway Commission tasked with developing minimum standards to preserve the area within the conservation zone.
10. The pertinent Plan of Conservation and Development goals and recommendations are the same as those presented in at least five previous reports by the Planning Commission regarding Oswegatchie Hills, ranging from March of 2002 to June of 2007.

Mr. Covino again amended his previous second to include the two additional comments.

Vote: 6-0-0. Motion passed.

- B. **Application of Todd Sakowski, to amend the East Lyme Zoning Regulations, Sections 1.79, 9.2.10, 20.20.8 and 25.5 to permit the operation of a taproom brewery. (Zoning Public Hearing June 4, 2015).**

Mr. Goeschel observed that we have time to review this topic. It's a text amendment referral for the CB district. A copy of the application and the text amendment are in the Member's Packet.

Mr. Goeschel stated that the proposal is consistent with economic development. In terms of tap room verses a restaurant, does it matter if food is served? Mr. Schuch stated that the Commission can review this and we can revisit this matter at our next meeting.

Mr. Balantic noted that we do have long standing entities in Town such as the American Legion and the Sportsman's Club, who do not really do the restaurant gig.

This matter was tabled until the next Meeting.

V. 8-24 Referrals

- A. Request of the Town of East Lyme,** Verizon Wireless proposed lessee panels on an existing rooftop lattice guy tower located at the Niantic Fire Department, 8 Grand Street, Niantic, CT.

The Commission discussed the proposed Town improvement. They simply want to add panels to the existing tower. The Commission examined the submitted Plan. Mr. Salerno clarified that the Town owns the cell tower. Mr. Schuch asked if Finance, as a point of interest, could provide us with how many other similar contracts exist.

• ****Motion (5)**

Mr. Balantic moved to approve the additional panels to the existing cell tower located at the Niantic Fire Department, 8 Grand Street, Niantic, CT.

Mr. Covino seconded the motion.

Vote: 6-0-0. Motion passed.

VI. 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.

VII. New Business

There was none.

VIII. Reports

A. Chairman

There was none.

B. Ex-Officio- Rose Ann Hardy

Ms. Hardy was not in attendance. Mr. Salerno detailed the Memorandum of Understanding with Landmark, which is completely independent of what was done this evening. He also detailed the Building Permit Ordinance that was approved and the proposed Cell Tower behind Ancient Highway. The Board of Selectmen has agreed to intervene on behalf on the concerned residents before the CT Siting Council. The Board of Selectmen will meet tomorrow. The New England Forestry Proposal will be heard tomorrow.

C. Zoning Representative

Ms. Schwartz was out of Town and did not attend the Zoning Meeting. Mr. Schuch asked that the schedule be reissued. Mr. Balantic said that he would attend the May 21, 2015 Meeting.

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 the Regional Planning Meeting will be happening and Mr. Schuch stated that he would attend.

ADJOURNMENT

- ****Motion (6)**

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

Ms. Bengtson seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brooke D. Stevens". The signature is fluid and cursive, with the first name "Brooke" being more prominent.

Brooke D. Stevens,
Recording Secretary