

**Planning Commission Regular Meeting Minutes**

**Tuesday September 15, 2015**

Present: Ernie Covino, Rita Palazzo, Frank Balantic, Secretary, Brian Schuch, Chairman, Joan Bengtson

Also Present: Gary Goeschel, Planning Director, Anne Thurlow, Alternate (Sat as a Regular Member),  
Rose Ann Hardy

Absent: Francine Schwartz, John Birmingham, Alternate, Michael Hess, Alternate

Mr. Schuch called this Regular Meeting of the Planning Commission to order at 7:25 pm

The Commission decided to shuffle the agenda and move III. (A) To the head of the Agenda to accommodate the audience/applicant.

**III. Subdivisions and Resubdivisions**

**A. Application of Wayne & Patricia Fraser, Applicant/Owner;** Application for a 1-Lot Resubdivision of approximately 3.0-acres Zoned R-10 at 22 Gurley Road, East Lyme, Assessor's Map #37.0, Lot #20 and Waiver Request from Sec. 4-2-3 B, Sec. 4-2-3 J, and Sec. 6-8 of the East Lyme Subdivision Regulations.

The Public Hearing on this item has been closed.

Mr. Schuch mentioned waiting until the next meeting and waiting on Mr. Goeschel's standard memorandum prior to ruling. Mr. Fraser asked that the Commission consider ruling tonight noting that if they had to wait, they would not be able to purchase the house and lay it on the foundation this year.

The Commission discussed the drafting of the motion.

• **\*\* Motion (1)**

**Mr. Balantic moved that the Planning Commission grant the waiver from Subdivision Regulation 4-2-3 J "Open Space Report," based upon the small scale involved and the specificity in other areas of development greater than ten acres, as burdensome and unnecessary on behalf of both the Applicant and the Town. Further, that the Commission grant the waiver request from Section 6-8-1 through 6-8-6, dealing with storm water management. Both cases associated with the application submitted, Application of Wayne & Patricia Fraser, Applicant/Owner; Application for a 1-Lot Resubdivision of approximately 3.0-acres Zoned R-10 at 22 Gurley Road, East Lyme, Assessor's Map #37.0, Lot #20 and Waiver Request from Sec. 4-2-3 B, Sec. 4-2-3 J, and Sec. 6-8, noting that Section 6-8-7 provides for waivers of subdivisions consisting of three lots or less specifically addressing storm water runoff and the Town Engineer's assessment that conditions are satisfactory for this waiver.**

**Ms. Palazzo seconded the motion.**

**Vote: 6-0-0. Motion passed.**

- **\*\*Motion (2)**

Mr. Balantic moved that the Planning Commission grant the Application of Wayne & Patricia Fraser, Applicant/Owner; Application for a 1-Lot Resubdivision of approximately 3.0-acres Zoned R-10 at 22 Gurley Road, East Lyme, Assessor's Map #37.0, Lot #20 and Waiver Request from Sec. 4-2-3 B, Sec. 4-2-3 J, and Sec. 6-8 of the East Lyme Subdivision Regulations pursuant to the previous granted waivers.

Mr. Covino seconded the motion.

Mr. Schuch made a comment for the record, stating that this was one of the first times we received a response where the State Archeologist found it prudent to come down and visit the site. He said that it is not something we do every day and thanked the Applicant for their patience. Mr. Fraser said that Dr. Jones was quick, very fair and nice.

**Vote: 6-0-0. Motion passed.**

Mr. Fraser thanked the Commission for their work.

**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. September 1, 2015 Public Hearing Minutes**

- **\*\* Motion (3)**

Ms. Palazzo moved to approve the Public Hearing Minutes of September 1, 2015.

Ms. Bengtson seconded the motion.

**Vote: 6-0-0. Motion passed.**

**B. September 1, 2015 Regular Meeting Minutes**

- **\*\*Motion (4)**

Ms. Palazzo moved to approve the Regular Meeting Minutes of September 1, 2015.

Mr. Balantic seconded the motion.

**Vote: 6-0-0. Motion passed.**

**III. 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. Application of Theodore A. Harris for GDEL Residential B, LLC; Application for a text amendment to the East Lyme Zoning Regulations Section 11.A.9.2.2 (C) to increase the number of units from 280 to 400.**

Mr. Schuch stated that Mr. Mulholland has invited the Planning Commission to the September 17, 2015 Zoning Meeting. Mr. Mulholland thinks the history detailed will be helpful to the Commission.

Mr. Schuch asked that the Zoning Meeting has been posted as a Special Planning Meeting in case they have a quorum show up.

The Commission decided to hold a Special Planning Meeting on September 29<sup>th</sup>, 2015 to discuss this application as well as the informational Zoning Meeting; this will enable the Commission to share their decision with zoning prior to their October 1<sup>st</sup>, 2015 meeting. The Planning Commission meeting of October 6<sup>th</sup>, 2015 will therefore be cancelled.

The Commission discussed the current status of Gateway Commons.

Mr. Balantic asked to see the original plans of Gateway which Mr. Goeschel projected on the screen.

The Commission discussed how several of the units have two bedrooms with a den and how these units are being advertised as three bedrooms when they are supposed to be two.

Ms. Thurlow commented that as a real estate agent, she has shown the units to many clients and that the floorplans say they are three bedrooms.

The Commission agreed that clarification regarding the bedrooms is needed. Mr. Balantic suggested checking with the Assessor.

The Commission discussed the DOT initiative, the likelihood of the project occurring and the DOT Interchange drawing. Mr. Balantic observed that 120 additional units are needed to fund this road.

The Commission discussed how commercial development needs to offset the residential.

Mr. Covino stated that he would like to know the reason why 280 units were originally determined; he does not want to invalidate that decision.

Mr. Schuch asked Mr. Goeschel to prepare an updated map of the land that Gateway currently owns.

Mr. Balantic stated that he did some research and compiled all the New London Day articles regarding Gateway- excluding editorials, and forwarded them to all the Commission members.

The Commission took a five minute comfort break.

The Planning Commission resumed their meeting at 8:47 pm.

**B. Application of Theodore A. Harris;** Application for a text amendment to the East Lyme Zoning Regulations for a proposed brew pub regulation in LI Zone.

This is a new application and separate from the previous brew pub application the Planning Commission heard. It asks the same question as the previous brewery application but instead of the village (CB Zone), we are talking about the LI Zone.

Mr. Goeschel presented the Commission with a map of all the LI Zones in Town.

Mr. Schuch said that it is important to remember that the brew pub could be in any of the LI parcels in Town.

Mr. Schuch and Mr. Balantic discussed how a special use permit might be more appropriate this application.

Ms. Bengston observed that a special permit would give the Town more control over the situation.

Mr. Balantic reminded the Commission that much of the discussion prevalent to this application occurred during the discussion for the previous brewery application.

- **\*\*Motion (5)**

Mr. Balantic moved that the East Lyme Planning Commission find the Application of Theodore A. Harris for a text amendment to the East Lyme Zoning Regulations for a proposed brew pub regulation in LI Zone as consistent with the 2009 East Lyme Plan of Conservation and Development, as amended.

More specifically, the Commission finds the proposed text amendment consistent with Objective 2.1 *Promote Compatible and Sustainable Development:*

Promote compatible business in appropriate locations to foster local employment and opportunities, a favorable tax base, the provision of goods and services for local residents, and a year-round and seasonal economy that improves the overall quality-of-life for East Lyme residents.

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:*

The Town should encourage attractive, well-designed commercial and industrial activity in appropriate locations in order to provide convenient services for residents. As such, the expansion of existing businesses and establishment of new businesses in the village centers, in a manner that promotes a cohesive, pedestrian friendly, mixed-use retail, service, and residential area should be encouraged. The Town should reserve commercial and industrial-only zones, while guarding against commercial sprawl and consider small neighborhood

centers consisting of mixed-use development. In addition, the Town should encourage and develop opportunities for low-impact, home-based businesses.

The Planning Commission has the following comments:

1. The Commission recommends that the Zoning Commission consider expanding the application for permitting such a use in the CA-Commercial District as well as potentially in the GPDD, Gateway Planned Development District.
2. The Commission recommends that the Zoning Commission consider editing the proposed definition to remove the sale of alcoholic liquor in this venue.
3. The Planning Commission values the Town's long standing policy of serving alcohol with food in establishments permitted to do so, and recommends that the Zoning Commission consider additional controls, perhaps limiting the amount of beverages served per person to some quantity consistent with practices in other similar facilities in the State; perhaps 32 ounces would be considered.
4. The Commission recommends that the Zoning Commission consider the brew pub regulation for inclusion in the Special Permit Uses Section 11.2 of the Light Industrial District.

Mr. Covino seconded the motion.

The Commission discussed the motion.

- **\*\*Motion (6)**

Mr. Balantic moved to amend his previous motion to include an additional comment:

5. The Commission recommends that the Zoning Commission consider the compatibility and potential impact of this change upon other Special Uses in the LI Zoning District such as the Affordable Housing District and Adult Use Establishments.

Mr. Covino amended his previous second.

Vote: 6-0-0. Motion passed.

## **VI. Old Business**

### **A. Plan of Conservation and Development (POCD)**

This will be tabled until the next Planning Commission meeting.

### **B. Status of Subdivisions**

This will be tabled until the next Planning Commission meeting.

## **VII. New Business**

**A. East Lyme Subdivision Regulation Proposed Changes- Section 9- Assurances for Completion and Maintenance of Improvements**

Mr. Goeschel said that the draft text was handed out at the last meeting and it will be tabled until the next meeting.

**VIII. Reports**

**A. Chairman**

Mr. Schuch had nothing to report.

**B. Ex-Officio- Rose Ann Hardy**

Ms. Hardy stated that a Town Meeting is occurring tomorrow and consists of four items.

She discussed the special appropriation for the baseball dugouts as well as the Town Hall Electronic Sign, which has received considerable public opposition.

Ms. Hardy detailed the DEEP recreational trail and State grant; eventually people will be able to hike from the Darrow property to Hartford. A right-of-passage through the Yale property was obtained due to the hard work of Art Carlson and Gary Goeschel.

She also mentioned that the funding for an all-new 911 system is on the agenda.

Ms. Hardy discussed the Grant for a new Harbor Master boat which will be shared with Waterford.

She said that that Board of Education met on Monday night. There is a decrease this year of 68 students. She thinks it would be ideal to have the new Superintendent of Schools come to a Planning Commission meeting to present enrollment projections.

Ms. Hardy said that in regards to Gateway Commons, when approved it was very clearly determined that there would be one and two bedroom apartments. Apparently there has been some debate of how many school children actually live at Gateway and Mr. Goeschel suggested verifying the number with the bus driver.

The Board of Education also presented the elementary school project which has been downscaled and the figure is forthcoming.

Ms. Hardy also detailed the Commission on Aging meeting she attended. There has been an increase in transportation requests. Substitute drivers have been brought in but they are only effective if they have a vehicle to drive. The Commission discussed the Town's bus service. Mr. Goeschel suggested looking into a livery service on a State level.

Ms. Hardy said that it is important that we think about senior projects when planning for the future and she suggested that Cathy Wilson from the Senior Center be invited to a Planning Commission meeting.

The possible DOT road construction project by Gateway was again discussed and Ms. Hardy pointed out that this was a topic of conversation at the last Conservation of Natural Resources Commission. The roadway goes right through the aquifer and what protective measures will be planned? Ms. Hardy suggested that the Commission consider drafting a letter.

**C. Zoning Representative**

This has been tabled until the next meeting.

**D. Sub-Committees**

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

This has been tabled until the next meeting.

- b. Subdivision Regulations Bonding Review Subcommittee (B. Schuch, J. Bengtson, Staff: G. Goeschel) Last met November 20, 2014.)

This has been tabled until the next meeting.

**E. Staff/Communications**

Mr. Goeschel discussed the New London water interconnection project and the modification of the permit that Utility Engineer, Brad Kargl is asking the State for. This item will be on the next agenda. The Planning Commission has thirty days to comment.

The Southeast Council of Governments sent a map of Land Uses in Town and have asked us to comment on it.

**\*\*Motion (7)**

**Ms. Palazzo moved to adjourn this Planning Commission meeting at 10:03 pm.**

**Ms. Bengtson seconded the motion.**

**Vote: 6-0-0. Motion passed.**

**Respectfully Submitted,**



**Brooke D. Stevens**  
**Recording Secretary**

