

**EAST LYME PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, AUGUST 4th, 2009  
MINUTES**

PRESENT: Lisa Picarazzi, Chairman, Francine Schwartz, Secretary, Chris Sandford, Mike Bowers, Paul Dagle, Alvin Sher, Alternate

ALSO PRESENT: Gary Goeschel, Planning Director  
George McPherson, Alternate

ABSENT: Tom Perron, Drew Kenny, Alternate

Chairman Picarazzi called this Regular Meeting of the Planning Commission to order at 8:11 PM immediately following the two previously scheduled Public Hearings. She noted that she had seated Alvin Sher, Alternate at the table this evening.

**Pledge of Allegiance**

The Pledge was previously observed.

**I. Emergent Additions to the Agenda**

Ms. Picarazzi noted that there were no items to add to the Agenda.

**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.*

Ms. Picarazzi called for Public Delegations.  
There were none.

**III. Approval of Minutes – Public Hearing I Minutes of July 7, 2009  
Regular Meeting Minutes of July 7, 2009  
Workshop Minutes of July 21, 2009**

Ms. Picarazzi called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of July 7, 2009.

Mr. Bowers asked that on Page 1 in the second paragraph that ere be changed to read: were.

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

**Mr. Dagle moved to approve the Planning Commission Public Hearing I Minutes of July 7, 2009 as amended.**

**Mr. Bowers seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Sandford**

Ms. Picarazzi called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of July 7, 2009.

Mr. Bowers asked that on Page 3 in the last line of the second paragraph before MOTION (5) that to be changed to read not; and on Page 4 under Old Business that June 21, 2009 be changed to July 21, 2009.

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

**Mr. Dagle moved to approve the Planning Commission Regular Meeting Minutes of July 7, 2009 as amended.**

**Mr. Bowers seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Sandford**

Ms. Picarazzi called for any discussion or corrections to the Planning Commission Workshop Minutes of July 21, 2009.

Mr. Bowers asked that on Page 2 where he is speaking that 'or what' after right of first refusal be deleted.

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

**Mr. Sher moved to approve the Planning Commission Workshop Minutes of July 21, 2009 as amended.**

**Mr. Sandford seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**IV. Pending Applications**

**1. Lombardi Inside/Out Applicant, Owner, Application for a 2-Lot Re-subdivision of 3.57 acres at 4 Rocco Drive, Assessor's Map #44.0, Lot 19-19, R-40**

Ms. Picarazzi called for discussion.

Mr. Bowers said that he thinks that a bond is required by the regulations.

Mr. Goeschel said that it would be the Town Engineer and the developer who would determine it.

Mr. Dagle said that the regulations state that the developer will submit an estimated cost and that the bond would be determined from that. He suggested that they grant conditional approval pending a review of the legal documents once they are submitted.

Mr. Bowers said that they would have two motions, one for the waiver and one for the conditional approval.

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

**Mr. Bowers moved in the Application of Lombardi Inside/Out for a 2-lot Re-subdivision of 3.57 acres at 4 Rocco Drive, Assessor's Map #44.0, Lot 19-19, R-40 to APPROVE the request for a waiver of 6-16-1 through 6-16-6 of the stormwater regulations.**

**Vote: 5 – 1 – 0. Motion passed.**

**Against: Mr. Sandford**

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

**Mr. Dagle moved in the Application of Lombardi Inside/Out for a 2-lot Re-subdivision of 3.57 acres at 4 Rocco Drive, Assessor's Map #44.0, Lot 19-19, R-40 to grant CONDITIONAL APPROVAL with the following requirements:**

- ◇ **The requirements of Section 5-7 paragraph 11 of the subdivision regulations are met prior to the filing of the subdivision plan; more specifically properly executed legal documents, including warranty deeds for any transfers of title to the party designated to maintain and operate the stormwater management system, shall be submitted with the final subdivision plan to be filed. All such documents shall be acceptable to the Town Attorney and the Commission and shall be filed with the EL Town Clerk simultaneously with the filing of the approved final subdivision maps.**

- ◇ The detention system shall be planted using appropriate plantings suitable to the Director of Planning and the Town Engineer.
- ◇ A high level overflow 12" HDPE flared end inlet and pipe as indicated in comment 1 of the Town Engineers memo dated August 4, 2009 shall be added to the subdivision plan.
- ◇ An estimate for bonding meeting the requirements of Section 8 and a bond per Section 5-7-9 of the EL subdivision regulations shall be posted in an amount satisfactory to the Town Engineer in a form acceptable to the Town to ensure the construction of the proposed on-site stormwater detention system.

Ms. Schwartz seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

**Subdivisions (Approved and Under Construction)**

*(A list of approved subdivisions under construction will be posted on the Town web-site @ [www.eltownhall.com](http://www.eltownhall.com) under "Planning Commission". The Active Subdivision List will also be available upon request in the Land Use Office. This agenda item shall be reserved for items requiring administrative action by the Planning Commission for already approved subdivisions.)*

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

1. **Request of John Aldi on behalf of Upper Pattagansett #2, Inc. owners of the Hathaway Farms, aka Sunny Fields subdivision for a Bond Release.**

Mr. Sandford recused himself from discussion on this item and left the table.

Mr. Goeschel said that they are waiting for the Town Engineer to weigh in on this and that it should be ready for their workshop meeting on August 18, 2009.

(Note: Mr. Sandford returned to the table.)

2. **Request of Theodore A. Harris on behalf of The Orchards, Phase III, for acceptance of the public improvements, including the road, of The Orchards, Phase III.**

Ms. Schwartz recused herself from discussion on this item and left the table.

Mr. Goeschel said that in his last conversation with staff that there are two remaining items to be taken care of prior to this acceptance.

Attorney Harris said that was correct and that the guide rail will be done next Tuesday and the grading will be done tomorrow.

Mr. Goeschel said that the trail system was done as proposed and that he expected that they should be ready to act on this at their workshop meeting on August 18, 2009.

3. **Request of Theodore A. Harris on behalf of East Lyme Housing Ventures/Orchards Subdivision for an extension of the Conditional Approval of Phases II, IV and V of the Orchards Subdivision.**

Mr. Goeschel explained that this approval expires August 21, 2009.

Attorney Harris noted that there are two (2) more such extensions that can be applied here in one-year increments. They have had six (6) so far and the regulations provide for eight (8).

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

**Mr. Sandford moved to grant the request of Request of Theodore A. Harris on behalf of East Lyme Housing Ventures/Orchards Subdivision for a one year extension of the Conditional Approval of Phases II, IV and V of the Orchards Subdivision.**

**Mr. Sher seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

(Note: Ms. Schwartz returned to the table.)

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

### **1. Application of Randi A. & Maureen S. White to re-zone a portion of the property identified in the application as Lot #27 on East Lyme Tax Assessor's Map #11.1 from RU-40 residential to CA zone.**

Mr. Goeschel recalled that they were in favor the last time of a similar request as they did not like the zone bisecting the building. He noted that Attorney Harris was also present and could explain this to them and answer any questions.

Attorney Harris said that this request is a reduction from the previous request. What they are asking for here would allow the 100 year old building that predates zoning to remain. By adding the 30' it allows that building to remain commercially but does not expand the zone. It is a minimal request and it would make the use consistent with the use of the building long before the advent of zoning.

Mr. Sandford reminded everyone that their role is to determine if it is consistent or not with the Plan of Conservation and Development.

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

**Mr. Bowers moved to find the Application of Randi A. & Maureen S. White to re-zone a portion of the property identified in the application as Lot #27 on East Lyme Tax Assessor's Map #11.1 from RU-40 residential to CA zone CONSISTENT with the goals and objectives of the Plan of Conservation and Development.**

**Ms. Schwartz seconded the motion.**

Mr. Dagle said that he sees this as a reduction in the commercial zone from their previous approval as it only covers a portion of the property.

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

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

There were none.

## **VIII. New Business**

There was none.

## **VIII. Old Business**

### **1. POCD Update**

Ms. Picarazzi asked Mr. Goeschel to prepare an update on where they stand with this by utilizing the table of contents as the guideline. She asked that they have it prior to their next meeting and that it also be emailed to everyone so that they would all have it.

Mr. Goeschel noted that he has verbally spoken with the Selectman and the COG and that they have indicated that they can turn their review around in 30-35 days time. This should allow them more time.

Ms. Picarazzi noted that the next workshop meeting is scheduled for August 18, 2009 and said that she would not be able to be in attendance. She asked that they let Mr. Goeschel know who would be attending so that they will be sure that they have a quorum.

## **IX. Reports**

### **1. Chairman**

Ms. Picarazzi said that she did not have any further comments.

## **2. Zoning Representative**

There was no report.

## **3. Regional Planning Commission Representative – Christopher Sandford, Luane Lange, Alternate**

Mr. Sandford said that there was no meeting so there was no report.

## **4. Subcommittees**

- **Conservation Development by Design (CDD) Subcommittee Report**

Ms. Picarazzi said that she was on vacation and unable to attend.

Mr. Dagle reported that only three people were in attendance and that his question at this time is if they should table this for awhile and have the POCD update take precedence as it is their document and it needs all of their attention at this time as they have a deadline looming in front of them. He said that this would fall in place once they move ahead with the POCD update.

The commissioners agreed that the POCD update needs to take precedence at this time.

## **5. Ex-Officio – Jack Hogan**

There was no report.

## **6. Staff/Communications**

Mr. Goeschel said that he has met with Mr. Miniutti on a merger of the open space plans.

## **ADJOURNMENT**

### **\*\*MOTION (8)**

**Mr. Sandford moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:40 PM.**

**Mr. Dagle seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary