

**REGULAR MEETING Tuesday, JANUARY 6th, 2009  
EAST LYME PLANNING COMMISSION  
MINUTES**

PRESENT: Lisa Picarazzi, Chairman, Chris Sandford, Mike Bowers, Tom Perron,  
Paul Dagle, Drew Kenny, Alternate

ALSO PRESENT: Gary Goeschel, Planning Director  
Jack Hogan, Ex-Officio, Board of Selectmen

ABSENT: Francine Schwartz, Secretary, George McPherson, Alternate,  
Sandy Mulholland, Alternate

Chairman Picarazzi called this Regular Meeting of the Planning Commission to order at 7:05 PM and seated Drew Kenny, Alternate at the table this evening.

**Pledge of Allegiance**

The Pledge was observed.

**I. Emergent Additions to the Agenda**

Ms. Picarazzi asked if they had any other items to add to the agenda.

Mr. Goeschel said that there were two (2) items that would need to be added to the agenda – the first under Item VI. - 2. Request for reduction in the bond interest in an amount of approximately \$7000 for the Darrow's Ridge Nottingham Hills Subdivision and the second item could be added and discussed under Item IX. - 6. 1. Commission Expenditures – the Planning Budget for the upcoming year.

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

**Mr. Sandford moved that they add two (2) items to the agenda – the first under Item IV. - 2. Request for reduction in the bond interest in an amount of approximately \$7000 for the Darrow's Ridge Nottingham Hills Subdivision and the second item to be added and discussed under Item IX. - 6. 1. Commission Expenditures – the Planning Budget for the upcoming year.**

**Mr. Bowers seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**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 IV.) 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.*

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

**III. Approval of Minutes – Regular Meeting Minutes of December 2, 2008**

Ms. Picarazzi called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of December 2, 2008.

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

**Mr. Bowers moved to approve the Regular Meeting Minutes of the Planning Commission on December 2, 2008 as presented.**

**Mr. Sandford seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Mr. Dagle, Mr. Perron**

**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.)*

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

**1. Request of Benjamin Orvedal for a second 90 day extension to file the Mylars for the Holmes Road re-subdivision, pursuant to Section 4-3-9 of the East Lyme Subdivision Regulations.**

Mr. Goeschel explained that they are working on some final tweaking to the plans and that in speaking with the Town Engineer that he was informed that there are a few minor changes and that they need the time to do them.

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

**Mr. Dagle moved to approve the request of Benjamin Orvedal for a second 90-day extension to file the Mylars for the Holmes Road re-subdivision, pursuant to Section 4-3-9 of the East Lyme Subdivision Regulations.**

**Mr. Sandford seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**2. Request for Reduction in Bond Interest of approximately \$7000 for Darrow's Ridge/Nottingham Hills Subdivision**

Mr. Goeschel explained that the applicant wishes to take the interest of approximately \$7000 that has accrued from the principal of some \$500,000+ cash bond. He said that while there has not been any previous request like this to base this on and they do not have a policy on it; it is his professional opinion that the money does not belong to the Town. He said that he spoke with Town Counsel who suggested that they draft some sort of policy going forward and while that is something that they can do; he feels that this is the applicant's money and he is entitled to it however; he wanted the approval of the Commission prior to any action regarding the disposition of it.

Ms. Picarazzi said that it is interest and that it clearly is not our money.

Mr. Perron asked if there were any statutes or cases such as this that could be referenced.

Mr. Goeschel said that he has not come across this before and that this probably came up due to the amount. He noted that in checking with staff within the Town that there was no past history of such a large amount in interest.

Ms. Picarazzi stressed that this is the applicant's money.

Mr. Goeschel also noted that historically there are requests for bond reductions along the way and at that time, the interest is turned over to the applicant and this has gone for some time which accounts for the amount being so large. He said that he has the statement from Chelsea Groton bank regarding the amount.

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

**Mr. Perron moved that the bond interest, as requested in the letter from the applicant's attorney dated January 6, 2009 be returned to the applicant from the Chelsea Groton bank account where it is held.**

**Mr. Bowers seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**V. Zoning Referrals (CGS 8-3a)**

**1. The East Lyme Zoning Commission proposal to delete Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from Section 9 CB commercial districts and to re-number Section 9 as appropriate. It is further proposed to delete all associated regulations from Section 25.5 Table of Minimum Controls for Special Permit.**

Mr. Goeschel said that he had provided them with a memo on this referral as a discussion point.

Ms. Picarazzi said that she would personally not support this as multi-story, multi-family units tend to support the more affordable housing segment and she does not see this as the way to go to eliminate it from the

downtown area. She added that there was an interesting presentation given by Jane Dauphinais at the POCD Steering Committee meeting the previous evening on affordable housing.

Mr. Goeschel said that multi-use would be allowed which would still afford a housing component.

Mr. Sandford asked Ms. Picarazzi what Ms. Dauphinais had to say about the statistics for affordable housing. Ms. Picarazzi said that she had said that the statistics for East Lyme were that 20% of the people living here would qualify for affordable housing and there is only a 5% affordable component being offered.

Mr. Goeschel noted that in order to propose the affordable housing use that they would first have to propose the zone for it.

Mr. Perron suggested that they look at mixed use from the commercial perspective as the commercial aspect could have a cost benefit to the Town and the housing could be placed above it.

Mr. Goeschel said that they could comment on the referral and also send a question to the Zoning Commission on their intent of this referral.

Ms. Picarazzi noted that the Windward Village complex that currently exists would not be allowed under this type of change.

Mr. Perron asked Mr. Goeschel if he knew what the intent was for this change.

Mr. Goeschel said that in conversation with Mr. Mulholland that he had gathered that they felt that there was an influx of multi-family housing in Town and that they wanted to regulate it by special permit as they were looking at the question of 'where are they at with this type of development in the downtown area.' With this proposal they could possibly assume that the Zoning Commission feels that there is too much of this type of development in this area.

Mr. Kenny said that he would not agree with that although with regard to the text amendment, it was his opinion that there is a much better way of writing the regulation so that it more clearly showed the intent.

Mr. Bowers said that there is a way to handle this already – they have the POCD and they can use that as the tenet by which to decide this without having to write other legislation to further cloud the issue.

Mr. Sandford said that the discussion really is not one of affordable housing.

Ms. Picarazzi said that she would clarify that as 'affordable' she meant that someone would be more apt to *afford* renting or living in multi-family housing in the downtown area rather than trying to purchase a house in another area of the Town. She asked if they were trying to prevent another 38 Hope St.

Mr. Goeschel explained that the mix of commercial with residential would suit both purposes and that while the proposed text amendment may not be consistent with the 1999 POCD, they are also in the midst of updating and rewriting aspects of it.

Mr. Sandford said that it may also be consistent in one area and not in another.

Mr. Perron said that he thinks that they have to look at many areas of the POCD.

Mr. Sandford said that while it could go either way that Page 24 of the POCD speaks to and specifically cites the Midway Mall concept with the commercial on the bottom and the residential on the top which is what this referral speaks to.

Mr. Kenny said that he feels that there is room for more housing in the downtown area and that there are many different ways to do it.

Mr. Perron said that he disagrees as space is very limited and commercial development is extremely limited in the Town and to have commercial with housing above it is to have the best of both worlds.

Mr. Goeschel said that the POCD is a guidance document; a recommendation only and while they may find the referral inconsistent with the POCD, they could certainly find in favor of the referral.

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

**Mr. Sandford moved that the East Lyme Planning Commission finds the East Lyme Zoning Commission proposal to delete Sections 9.2.5 multi-family, multi-story dwelling and 9.2.8 assisted living facility from Section 9 CB commercial districts and to re-number Section 9 as appropriate; and the further proposal to delete all associated regulations from Section 25.5 Table of Minimum Controls for special permit consistent with the POCD.**

**Mr. Perron seconded the motion.**

Mr. Dagle said that it is consistent with development objectives for the commercial although generally

inconsistent with the POCD as to where it wants multi-family to be located within the Town.

Mr. Sandford said that while he agrees that he finds it will not stop that development but instead will just modify what it will look like and in that way that it is actually more in line with the objectives of the POCD.

**Vote: 3 – 2 – 1. Motion passed.**  
**For: Ms. Picarazzi, Mr. Perron, Mr. Sandford**  
**Against: Mr. Bowers, Mr. Dagle**  
**Abstained: Mr. Kenny**

Mr. Bowers said that he felt that they should incorporate other comments in their referral letter and that they should have specified where they were coming from with their analysis of the referral with regard to the POCD.

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

**Mr. Bowers moved that it be incorporated in the letter back to Zoning that the Planning Commission has found both consistencies and inconsistencies in the POCD with respect to the referral and that they are generally in favor of replacing sections which would encourage better multi-use of property. Mr. Dagle seconded the motion**  
**Vote: 5 – 0 – 1. Motion passed.**  
**Abstained: Mr. Perron**

**VI. 8-24 Referrals (Municipal Improvements)**

There were none.

**VII. New Business**

There was none.

**VIII. Old Business**

**1. Scenic Roads**

Ms. Picarazzi noted that they have been provided with the Scenic Roads revision information as they had requested.

Mr. Dagle asked about the change being made regarding the word 'cutting' which was still a part of Item 12. on Page 3 of the draft. He further explained that it had been a discussion topic with the Town Engineer and Public Works Department as they did not want their hands 'tied' in the event of an emergency situation where the public safety might be placed in jeopardy.

Mr. Sandford noted that the ordinance remains in draft form until it is finalized and accepted and that they have to move to pass it along to the Board of Selectmen who will then decide how they want to handle it.

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

**Mr. Sandford moved to endorse and forward to the Board of Selectmen, the Draft Concerning the Designation of Scenic Roads labeled Draft #3 and dated 10/23/08; with the removal of the word 'cutting' from Item 12. on Page 3 of the draft.**  
**Mr. Kenny seconded the motion.**  
**Vote: 6 – 0 - 0. Motion passed.**

**2. POCD Update and Appointment of Steering Committee**

Ms. Picarazzi explained that they would need to appoint the Steering Committee Members and they could find that list in their packets. From there, the Steering Committee would, in conjunction with the Planning Commission, set up the subcommittees. She said that some of the members had expressed an interest in chairing and/or working on some of the subcommittees as have some of the Commission members. She feels that they are getting a lot done and that the process is moving along.

Mr. Dagle said that he would recommend that they approve the Steering Committee members and that they ask the advice of Town Counsel regarding the legality of the Steering Committee developing/setting up the subcommittees. The question was also raised as to if there was enough Planning Commission representation on the Steering Committee.

Mr. Kenny mentioned the UCONN contract deliverables and the maps that would be provided along with the timeline for these deliverables. He indicated that he would like to be on the Steering Committee.

Mr. Picarazzi noted that she would like to have Mr. Kenny be a member of the Steering Committee and that she would like him to work on the deliverables timeline.

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

**Mr. Dagle moved to approve the following membership for the POCD Steering Committee: Norman Peck, Dave Zoller, Bob Bulmer, Lisa Picarazzi, Bill Mulholland, Gary Goeschel, Paul Formica, Mark Christiansen and Drew Kenny.**

**Mr. Bowers seconded the motion.**

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

Ms. Picarazzi said that for the next meeting that she would like to have a draft of what has been done at the Steering Committee meeting for the Commission to review. She also asked Mr. Goeschel to see if Jane Dauphinais could come and speak to them on Affordable Housing at their next meeting of the Commission as the presentation that she gave to the Steering Committee was very informative.

Mr. Dagle said that they have workshops scheduled and that he feels that they should be seeing what is going on at the Steering Committee meetings as they are the people who have the final say on the POCD document and they do not want to find themselves trying to do everything in the final months.

Mr. Goeschel said that UCONN finishes their work for the end of June and that they have the time to work on the document and to review it in sections. He noted that they are not rewriting the entire document but updating and working on sections for rewriting.

**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 they had not had a meeting.

**4. Rte. 11 Greenway**

There was no report.

**5. Subcommittees**

There was no discussion.

**6. Ex-Officio – Jack Hogan**

Mr. Hogan said that he would keep them apprised of the process that the Scenic Roads Designation Draft Ordinance takes once it gets to the Board of Selectmen.

**7. Staff/Communications**

**◆ Commission Expenditures/Planning Budget**

Mr. Goeschel noted that he had passed out copies of the budget and they have been requested to not increase their budget and to try to hold off on spending 1.5% of the current budget for this year.

Mr. Dagle said that they would be doing the POCD update and that they would be holding extra workshop meetings so that they can get it done and therefore, it would mean more recording secretary time. He suggested that they add \$1000 to that line item for the purposes of the POCD update as the previous years' actual expenditure was very close to the request for this year and that was without the extra meetings that they would be having this year.

**\*\*MOTION (9)**

**Mr. Dagle moved to approve the Planning Commission budget request for FY 09/10 with an increase of \$1000 to the Personnel Services Item #412 line due to the POCD update. (Total request of \$4,650)**

**Mr. Sanford seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

◆ **Niantic River Watershed Protection Plan**

Mr. Goeschel said that Patricia Young had provided this document and that at the end of it there is a comment sheet. He asked that they read it at their leisure and fill out the comments sheet if they should desire. He noted that they could also email it to Ms. Young.

**ADJOURNMENT**

**\*\*MOTION (10)**

**Mr. Dagle moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:57 PM.**

**Mr. Bowers seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary